

**SENATE JOURNAL**  
**SIXTIETH LEGISLATURE**  
**STATE OF WASHINGTON**

**AT**

**OLYMPIA, THE STATE CAPITOL**

*2007 First Special Session Convened November 29, 2007*

*Adjourned Sine Die November 29, 2007*

*2008 Regular Session Convened January 14, 2008*

*Adjourned Sine Die March 13, 2008*

Official Record of All Senate Actions Compiled, Edited and Indexed  
Pursuant to Article II, Section 11 of the Constitution of the State of  
Washington, by Thomas Hoemann, Secretary of the Senate

**Volume 1**



Linda Jansson,  
Minute and Journal Clerk

---

Lieutenant Governor Brad Owen, *President of the Senate*  
Senator Rosa Franklin, *President Pro Tempore*  
Senator Paull Shin, *Vice President Pro Tempore*

# TABLE OF CONTENTS

## VOLUME 1

First Special Session, First Day, November 29, 2007 Adjourned Sine Die November 29, 2007 .....	1-13
Regular Session, First Day, January 14, 2008 through Fifty-Fourth Day, March 7, 2008 .....	14-1014

## VOLUME 2

Regular Session, (continued) Fifty-Fifth Day, March 8, 2008 through Sixtieth Day March 13, 2008 .....	1015-1537
Roster of Members and Committee Assignments .....	1538-1545
Governor's Messages	
Senate Bills Signed After Adjournment .....	1546-1556
Veto and Partial Veto on Senate Bills .....	1557-1562
Gubernatorial Appointments .....	1563-1565
Bills, Memorials and Resolutions	
Passed by Both Houses .....	1566-1573
History of Bills .....	1574-1605
Other Senate Actions .....	1606-1609
General Index .....	1610-1742

**SENATE CAUCUS OFFICERS**

**2008**

**DEMOCRATIC CAUCUS**

*Majority Leader*..... Lisa Brown  
*Majority Caucus Chair* .....Harriet A. Spanel  
*Majority Floor Leader* ..... Tracey J. Eide  
*Majority Whip* .....Debbie Regala  
*Majority Assistant Floor Leader*.....Chris Marr  
*Majority Caucus Vice Chair* .....Ed Murray  
*Majority Assistant Whip* .....Steve Hobbs

**REPUBLICAN CAUCUS**

*Republican Leader* .....Mike Hewitt  
*Republican Caucus Chair* .....Linda Evans Parlette  
*Republican Floor Leader* .....Mark Schoesler  
*Republican Whip* .....Dale Brandland  
*Republican Deputy Leader* .....Cheryl Pflug  
*Republican Caucus Vice Chair* .....Dan Swecker  
*Republican Deputy Floor Leader* .....Mike Carrell  
*Republican Deputy Whip* .....Jerome Delvin



*Secretary of the Senate* ..... Thomas Hoemann  
*Deputy Secretary* ..... Brad Hendrickson  
*Sergeant at Arms* ..... Jim Ruble  
*Minute and Journal Clerk* ..... Linda Jansson  
*Readers* ..... Joe Anderson and Kenneth Edmonds

FIRST DAY, FIRST SPECIAL SESSION, NOVEMBER 29, 2007

2007 1ST SPECIAL SESSION

**FIRST DAY, FIRST SPECIAL SESSION****MORNING SESSION**

Senate Chamber, Olympia, Thursday, November 29, 2007

The Senate of the 2007 First Special Session of the Sixtieth Legislature of the state of Washington was called to order at 8:00 a.m. by Lieutenant Governor Brad Owen, President of the Senate. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Regala.

The Sergeant at Arms Color Guard consisting of Pages Mara Machulsky and Judi Orr, presented the Colors. Pastor Betty Hatter of City of Truth Ministries offered the prayer.

**PROCLAMATION BY THE GOVERNOR**

**WHEREAS**, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2007 regular session April 22, 2007, the 105<sup>th</sup> day of the session; and

**WHEREAS**, Initiative 747, relating to limitations on property taxes was ruled unconstitutional by the Washington State Supreme Court on November 8, 2007; and

**WHEREAS**, local taxing districts, cities, counties and the state are in the process of adopting budgets and establishing property tax levies for the residents of our state; and

**WHEREAS**, property taxpayers deserve consistency in the administration and collection of taxes by all levels of government in the State of Washington;

**NOW, THEREFORE, I**, Christine O. Gregoire, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article II, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Thursday, November 29, 2007, at 8:00 a.m., for a period of not more than one day for the sole purpose of enacting legislation regarding limitations on and the administration of property taxes in the State of Washington.

Signed and sealed with the official seal of the state of Washington this 20<sup>th</sup> day of November, A. D., Two Thousand and Seven at Olympia, Washington.

(Seal)

CHRISTINE GREGOIRE  
Governor of Washington

BY THE GOVERNOR:  
SAM REED  
Secretary of State

MESSAGE FROM GOVERNOR  
PARTIAL VETO ON SENATE BILL NO. 5313

April 18, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning without my approval as to Section 2, Senate Bill No. 5313 entitled:

"AN ACT Relating to establishing the retirement age for members of the Washington state patrol retirement system."

This bill will help the Washington State Patrol retain its experienced troopers. When the bill was moving through the legislature, they were concerned that a trooper may turn 60 years old between July 1, 2007 the first day this bill could be

effective, and the standard effective date, which is 90 days after a bill is signed into law. The Washington State Patrol has since determined that no troopers will turn 60 years old during this period of time, and that no trooper will face the mandatory retirement age prior to the effective date of this bill. The emergency clause is therefore unnecessary.

For these reasons, I have vetoed Section 2 of Senate Bill No. 5313.

With the exception of Sections 2, Senate Bill No. 5313 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE  
SENATE BILL NO. 5930

May 2, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 59 and 74, Engrossed Second Substitute Senate Bill No. 5930 entitled:

"AN ACT Relating to providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access."

I am pleased to support Engrossed Second Substitute Senate Bill No. 5930, an act relating to providing high quality, affordable health care to Washingtonians based on the recommendations of the Blue Ribbon Commission on Health Care Costs and Access.

Section 59 of the bill establishes a nine-member board charged with designing and managing the Washington Health Insurance Partnership (WHP). This section duplicates a comparable board established under Engrossed Second Substitute House Bill No. 1569, which passed during the 2007 legislative session. Section 74 of this bill is an emergency clause, and would allow certain sections of the bill to become effective on July 1. Section 74 is not essential to the proper and timely implementation of the bill.

For these reasons, I have vetoed Sections 59 and 74 of Engrossed Second Substitute Senate Bill No. 5930.

With the exception of Sections 59 and 74, Engrossed Second Substitute Senate Bill No. 5930 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE  
BILL NO. 6001

May 3, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 6, Engrossed Substitute Senate Bill No. 6001 entitled:

"AN ACT Relating to mitigating the impacts of climate change."

FIRST DAY, FIRST SPECIAL SESSION, NOVEMBER 29, 2007

2007 1ST SPECIAL SESSION

Section 6 of this bill is unnecessary. It was inserted when the bill contemplated minor adjustments to the Energy Facility Site Evaluation Council's permit process. But those adjustments were ultimately removed from the bill. The Governor currently has ample existing authority without Section 6.

For these reasons, I have vetoed Section 6 of Engrossed Substitute Senate Bill No. 6001.

With the exception of Section 6, Engrossed Substitute Senate Bill No. 6001 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE  
SENATE BILL NO. 5923

May 7, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 11, Engrossed Second Substitute Senate Bill No. 5923 entitled:

"AN ACT Relating to aquatic invasive species enforcement and control."

Aquatic invasive species pose significant risks to the marine and fresh waters of the state. It is imperative that we continue to prevent their introduction, as they are extremely difficult and costly to eradicate once established. This bill provides the clear policy, the compliance programs and the necessary funding to ensure our success in this effort.

However, I am vetoing Section 11 of Engrossed Second Substitute Senate Bill No. 5923 which would permanently establish the Ballast Water Work Group and significantly expand its duties. The Work Group has been an excellent source of expertise and advice but it is not currently in the position to take on all of the responsibilities outlined in the bill. In addition, we have in place the Washington Invasive Species Council to provide policy direction, planning and coordination for addressing invasive species in the state.

I appreciate the need for cooperation and support from many stakeholders and agencies in order to succeed with this program. I understand that Director Koenings will establish advisory and technical groups, as needed, to implement this bill and will work closely with the Invasive Species Council to coordinate our state response to the threat of invasive species.

For these reasons, I have vetoed Section 11 of Engrossed Second Substitute Senate Bill No. 5923.

With the exception of Section 11, Engrossed Second Substitute Senate Bill No. 5923 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 5108

May 8, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 6 and 7, Substitute Senate Bill No. 5108 entitled:

"AN ACT Relating to farmland preservation."

This bill creates the Office of Farmland Preservation. Sections 6 and 7 are overly broad and do not appear to be related to the underlying bill, as it prohibits the use of eminent domain by governmental entities for wetland mitigation purposes on agricultural land. Furthermore, if enacted, Section 6 and 7 create unintended and undesirable consequences to numerous transportation and development projects across the state, including the ability to meet state and federal permit requirements to continue dredging of the lower Columbia River.

I understand that the Army Corp of Engineers, state agencies, Port officials, local legislators and Southwest Washington families are meeting to explore alternative to condemnation for mitigation related to the Columbia Deepening Project. This is a much more productive avenue than the provisions Sections 6 and 7 provide.

For these reasons, I have vetoed Sections 6 and 7 of Substitute Senate Bill No. 5108.

With the exception of Sections 6 and 7, Substitute Senate Bill No. 5108 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 5320

May 8, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 5, Substitute Senate Bill No. 5320 entitled:

"AN ACT Relating to creating an office of public guardianship as an independent agency of the judiciary."

I am a strong proponent of government management accountability and performance. To this extent, I believe we must be judicious in the creation of new boards and commissions. This bill calls for the creation of a 17 member advisory committee to the new Office of Public Guardianship.

The creation of the Office of Public Guardianship does not necessitate creating a 17 member Advisory Committee. The Office is created within the Administrative Offices of the Courts and the director is selected by, and serves at the pleasure of, the Supreme Court. These entities are capable of providing adequate oversight of the Office and performing the duties outlined in the bill for the advisory committee.

For these reasons, I have vetoed Section 5 of Substitute Senate Bill No. 5320.

With the exception of Section 5, Substitute Senate Bill No. 5320 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 5718

May 8, 2007

To the Honorable President and Members,

FIRST DAY, FIRST SPECIAL SESSION, NOVEMBER 29, 2007  
The Senate of the State of Washington

2007 1ST SPECIAL SESSION  
BILL NO. 6023

Ladies and Gentlemen:

May 8, 2007

I am returning, without my approval as to Sections 15 and 16, Substitute Senate Bill No. 5718 entitled:

"AN ACT Relating to penalties for engaging in the commercial sexual abuse of minors."

The language establishing funding priorities for the Prostitution Prevention and Intervention Account (Account) in sections 15 and 16 could present technical challenges if funding is ever appropriated for the specific purposes. The Account was created in 1995 and has had very little historical activity. Funding is not provided in either this legislation or in the legislative budget. The Legislature could provide specific direction when or if specific funding is ever provided.

For these reasons, I have vetoed Sections 15 and 16 of Substitute Senate Bill No. 5718.

With the exception of Sections 15 and 16, Substitute Senate Bill No. 5718 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE  
BILL NO. 5774

May 8, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 6 and 7, Engrossed Substitute Senate Bill No. 5774 entitled:

"AN ACT Relating to revising background check processes."

Sections 6 and 7 of this bill establishes a work group, to be convened by the Department of Social and Health Services. The work group's responsibilities include reviewing current laws, rules and practices with respect to sharing confidential information, analyzing how state agencies use background check information to make employment decisions, and examining the need for and feasibility of verifying citizenship or immigration status of persons for whom background checks are required. The work group is to complete an interim report by December 1, 2007, and provide a final report to the Legislature and the Governor by July 1, 2008. The duties of this work group would be redundant with the work completed by the Joint Task Force on Criminal Background Check Processes, which ended two and a half years of work last December.

Furthermore, the 2007-2009 operating budget as passed by the Legislature does not contain funding to support the operations of the contemplated work group.

For these reasons, I have vetoed Sections 6 and 7 of Engrossed Substitute Senate Bill No. 5774.

With the exception of Sections 6 and 7, Engrossed Substitute Senate Bill No. 5774 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE

To the Honorable President and Members  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 9, 10, 11 and 13, Engrossed Substitute Senate Bill No. 6023 entitled:

"AN ACT Relating to the Washington assessment of student learning."

Sections 1 through 7 of this bill provide for the adjustment of high school assessment provisions related to state high school graduation requirements. These include specific changes related to mathematics and science, as well as the addition of several alternative assessments and modifications of two other alternative assessments. Section 8 expands the provision of diagnostic assessments to assist students in developing the skills required to be demonstrated on state assessments. Section 12 creates an advisory committee to identify curricula that will assist in preparing students for the state assessment system.

Section 9 of this bill directs the State Board of Education, in consultation with the Superintendent of Public Instruction, to study, examine and recommend changes to the high school assessments in mathematics and science, focusing on replacement of the current assessments with specifically identified end-of-course assessments. The study's recommendation topics and timelines are structured to point to implementing end-of-course assessments as the predetermined outcome. For this reason, I am vetoing Section 9.

However, I am well aware of the strong legislative interest in this subject, specifically related to mathematics and science assessments. I have asked the State Board of Education to conduct a broad, objective study of end-of-course assessments. In the course of this study they will examine the various end-of-course assessment systems used by other states; their purposes; the subjects assessed and how they align with state standards, curriculum, and instruction; whether the exams are used singly or in combination with other assessments for graduation decision purposes; how the exams integrate with an entire assessment system (all grades and subject); implementation issues; costs and lessons learned. Additionally, OSPI will ask potential test vendors to provide information regarding cost and technical aspects of implementing end-of-course assessments and that information will be shared with the State Board. The State Board of Education will provide recommendations based upon their study and present the study information and recommendations by January 15, 2008.

Section 10 of this bill provides for the implementation of appeals panels in each education service district for students who have not been successful in meeting state standards through the high school assessment system. The appeals criteria specified in the legislation does not relate to the student's knowledge and skill of the state standards. Therefore, I do not support this activity. Additionally, I am concerned that such a system will not yield consistent results from appeals board to appeals board.

Section 11 of this bill sets forth the threshold for student English skills required for participation in the state assessment system, with the exception that meeting standards through the state assessment system remains a requirement for high school graduation. However, in practice, the provision of excusing students from the assessments has no effect since the federal statute sets requirements for student participation for federal accountability purposes. When the federal statutes are changed,

FIRST DAY, FIRST SPECIAL SESSION, NOVEMBER 29, 2007

state participation requirements will be adjusted. While this provision is well-meaning, having it in statute will be confusing to students and parents.

Section 13 of this bill is an emergency clause. I am vetoing Section 13, as the issues in this legislation do not rise to the level of an emergency that requires the immediate revision of state laws.

For these reasons, I have vetoed Sections 9, 10, 11 and 13 of Engrossed Substitute Senate Bill No. 6023.

With the exception of Sections 9, 10, 11 and 13, Engrossed Substitute Senate Bill No. 6023 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE  
SENATE BILL NO. 5841

May 9, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 6 and 7, Engrossed Second Substitute Senate Bill No. 5841 entitled:

"AN ACT Relating to enhancing student learning opportunities and student achievement."

Sections 1 through 5 of this bill addresses changes to the basic education act goals and authorizes new programs to further student learning opportunities. Specifically, all day kindergarten, primary grade foundational programs, English language learners, and community learning opportunities are addressed. Each of the new programs are provided with implementing resources in the biennial operating budget.

Sections 6 and 7 of the bill, however, cannot be implemented. Those sections create a new career pathways program and a world languages supervisor within the Office of the Superintendent of Public Instruction (OSPI). Neither the program nor the OSPI supervisor were provided with financial support in the biennial operating budget. Additionally, a proposed duty supervisor to implement memoranda of understanding with ministries of education in other countries and conduct other related activities raises concerns about proper international relations protocol.

For these reasons, I have vetoed Sections 6 and 7 of Engrossed Second Substitute Senate Bill No. 5841.

With the exception of Section 6 and 7, Engrossed Second Substitute Senate Bill No. 5841 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL  
NO. 5955

May 9, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

2007 1ST SPECIAL SESSION

I am returning, without my approval as to Sections 3 through 6, Second Substitute Senate Bill No. 5955 entitled:

"AN ACT Relating to educator preparation, professional development, and compensation."

Sections 3 through 6 of this bill provide for the creation of a math, science and targeted secondary reading initiative. Section 3 describes the initiative's tiered support system that provides resources and intervention to schools and districts on a grant basis depending on levels of need. Section 4 outlines specific activities. Section 5 addresses distribution of targeted assistance funds. And, Section 6 identifies certain duties of participating Education School Districts. While provisions of the initiative are well-meaning, no funding was provided for their implementation.

For these reasons, I have vetoed Sections 3 through 6 of Second Substitute Senate Bill No. 5955.

With the exception of Sections 3 through 6, Second Substitute Senate Bill No. 5955 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE  
SENATE BILL NO. 6117

May 11, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 4, Engrossed Second Substitute Senate Bill No. 6117 entitled:

"AN ACT Relating to reclaimed water."

Section 4 of this bill would establish procedures for determining when a water reuse project would impair existing water rights, and would change the standard for mitigating any such impairment. Based on legal advice, I believe this section could have unintended consequences to existing water rights. The remainder of Section 4 of the bill would also create a new task force to address the state's water reuse program including water right impairment issues.

I have vetoed Section 4 of Engrossed Second Substitute Senate Bill No. 6117 because of that portion of it that changes the standard for mitigating impairment of existing water rights.

Section 3 of the bill establishes new requirements for considering reclaimed water during watershed planning and land use decisions, which will eventually need to be harmonized with other statutes in order to ensure effective implementation. I believe this work is still needed and important to accomplish. Accordingly, I am directing the Department of Ecology to work with legislative leadership to address water right impairment from water reuse projects, reclaimed water planning and other issues raised in Sections 3 and 4 of the bill and to provide a report and recommendations to the Governor and appropriate standing committees of the legislature by December 31, 2007.

With the exception of Section 4, Engrossed Second Substitute Senate Bill No. 6117 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

FIRST DAY, FIRST SPECIAL SESSION, NOVEMBER 29, 2007  
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL  
NO. 5790

2007 1ST SPECIAL SESSION

May 14, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 8, Second Substitute Senate Bill No. 5790 entitled:

"AN ACT Relating to skill centers."

Sections 1 through 7 of this bill provide for further development of skill center programs, program access for additional students, state level coordination of the skill center program, and a funding formula for the programs.

Section 8 of this bill amends RCW 84.52.068, which specifies the amount of property tax revenues deposited into the Student Achievement Account. The Superintendent of Public Instruction is directed to ensure that skill centers receive moneys generated by skill center students.

The Student Achievement Fund was created by Initiative 728 in 2000. School districts receive allocations from this fund based on the number of students enrolled in the district. The amount to be allocated per student is specified in RCW 28A.505.220. One source of funding for this allocation is a deposit of state property tax revenues. RCW 84.52.068 specifies the amount of property tax revenues per student to deposit into the Student Achievement Fund. Because the property tax deposit is less than the total per student allocation from the Student Achievement Fund, other sources of revenue are also used to ensure full funding for the allocations.

Although the intent of Section 8 is to ensure that skill centers receive their share of the total Student Achievement Fund allocation, the provision relates to the property tax deposit only. The language of the section therefore fails to accomplish its intended goal.

For this reason, I have vetoed Section 8 of Second Substitute Senate Bill No. 5790.

With the exception of Section 8, Second Substitute Senate Bill No. 5790 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SENATE BILL NO. 5272

May 15, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 7, Senate Bill No. 5272 entitled:

"AN ACT Relating to the administration of fuel taxes."

This bill eliminates current statutory language from state motor vehicle and special fuel tax statutes declaring that motor vehicle and special fuel taxes are imposed on the end user. It also authorizes the Governor, or the gubernatorial designee, to enter into fuel tax compact agreements with federally recognized

tribes operating or licensing retail stations on reservations or trust lands.

Section 7 of the bill limits the handling loss for fuel to licensed suppliers and licensed importers. Without Section 7, fuel distributors retain the handling loss that had been available to them prior to the passage of this legislation. The handling loss allowance is provided as an offset for evaporation and shrinkage that occurs in the transfer of fuel from the terminal racks to fuel tank trucks.

For these reasons, I have vetoed Section 7 of Senate Bill No. 5272.

With the exception of Section 7, Senate Bill No. 5272 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE  
BILL NO. 6099

May 15, 2007

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning, without my approval as to Sections 4 and 5, Engrossed Substitute Senate Bill No. 6099 entitled:

"AN ACT Relating to the state route number 520 bridge replacement and HOV project."

This bill is an important step in making progress on the replacement of the State Route 520 bridge. The bill declares that the bridge should be replaced with four general purpose lanes and two high occupancy vehicle lanes. It also creates a mediation process for resolving concerns regarding community impact caused by the bridge replacement.

Section 4 of this bill permits the project's mediator to ask an engineering firm to conduct an independent review of tubes and tunnels under Lake Washington, a partial tunnel from Interstate 5 to the west end of the SR 520 bridge, and a proposal to move SR 520 from its current alignment through the Arboretum. The bill requires that the mediator submit a report to the Joint Transportation Committee and the Governor regarding the results of the independent review by September 1, 2007.

I have decided to veto Section 4 due to the permissive nature of the bill language and the insufficient amount of time available to conduct the independent design review. Instead, the contract for the mediator will require the mediator to ask an engineering firm to conduct an independent review of the three alternative designs for the project, rather than simply permitting the mediator to conduct the review. Additionally, the contract will require completing of the independent review by December 1, 2007. Mandating the review while providing additional time for the work will provide sufficient time for an engineering firm to perform a thorough review of the proposed alternative designs.

Section 5 of the legislation prohibits any on-site construction of the SR520 project. This section has good intentions, but could inadvertently prevent the Department of Transportation (Department) from moving forward on projects outside of the actual bridge replacement. While I have vetoed Section 5, I am directing the Department not to commence any bridge construction until the mitigation and finance plans are submitted to the Governor and Legislature by 2008.

For these reasons, I have vetoed Sections 4 and 5 of Engrossed Substitute Senate Bill No. 6099.

With the exception of Sections 4 and 5, Engrossed Substitute Senate Bill No. 6099 is approved.

Respectfully,  
ERIK POULSEN, 34<sup>th</sup> Legislative District

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

KING COUNTY  
METROPOLITAN KING COUNTY COUNCIL

MESSAGE FROM THE GOVERNOR  
SUBSTITUTE SENATE BILL NO. 6156

October 16, 2007

May 15, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Tom Hoemann  
Secretary of the Senate  
Legislative Building Room 309  
416 Sid Snyder Avenue SW  
Olympia, WA 98504

Ladies and Gentlemen:

Dear Mr. Hoemann:

I am returning, without my approval as to Sections 1 and 2, Substitute Senate Bill No. 6156 entitled:

On October 15, 2007, the King County Council appointed Joe McDermott to the vacancy in the 34<sup>th</sup> District of the State Senate created by the resignation of Erik Poulsen. A copy of the motion appointing Senator McDermott and the Oath of Office are attached for your convenience.

"AN ACT Relating to State Government."

Sincerely yours,  
Anne Noris  
Clerk of the Council

This bill allows for the creation of Community Preservation and Development Authorities, specifically creates a Pioneer Square-International District Community Preservation and Development Authority within the city of Seattle, and establishes a method for creating additional such authorities. I strongly support the efforts of local communities to influence development of their own areas and believe this is one good way to accomplish that.

KING COUNTY COUNCIL SIGNATURE REPORT  
KING COUNTY, WASHINGTON

Motion 12609

Sections 1 and 2 provide the legislative intent and findings in addition to the definitions for this act. I am concerned that these sections of the bill are overly broad and may lead to unintended consequences regarding public projects across our state. I do not believe that vetoing these sections will in any way hinder the creation of the Pioneer Square-International District Community Preservation and Development Authority provided for in Section 8. If the Legislature chooses to revisit this legislation with an eye toward expanding it beyond the Pioneer Square-International District Community Preservation and Development Authority, then I will work with interested members of the Legislature to improve this act.

**Proposed No. 2007-0540.2**  
**Sponsors** Constantine

A motion making an appointment to fill the vacancy in the 34<sup>th</sup> legislative district of the Washington state Senate.

For these reasons, I have vetoed Sections 1 and 2 of Substitute Senate Bill No. 6156.

WHEREAS, a vacancy exists in the position of state senator for the 34<sup>th</sup> legislative district, due to the resignation of Erik Poulsen, and

WHEREAS, the 34<sup>th</sup> legislative district Democrats have met to consider possible replacements for this position, and

WHEREAS, the King County Democratic Central Committee has submitted the names of three nominees to fill the vacancy;

With the exception of Sections 1 and 2, Substitute Senate Bill No. 6156 is approved.

NOW, THEREFORE, BE IT MOVED by the Council of King County:

Joe McDermott is hereby appointed to the position of state senator from the 34<sup>th</sup> legislative district.

Motion 12609 was introduced on 10/15/2007 and passed as amended by the Metropolitan King County Council on 10/15/2007, by the following vote:

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MOTION

Senator Eide moved that the partial vetoes be held at the desk.

Yes: 8 – Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. Von Reichbauer, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. Constantine.

No: - 0  
Excused: 1 – Mr. Dunn

LETTERS OF RESIGNATION

WASHINGTON STATE SENATE  
Senator Erik Poulsen  
34<sup>th</sup> Legislative District

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON  
Larry Gossett, Chair

September 28, 2007

ATTEST:  
Anne Noris, Clerk of the Council

The Honorable Christine Gregoire  
Governor of the State of Washington  
Third Floor, Legislative Building  
Olympia, WA 98504

OATH OF OFFICE

Dear Governor Gregoire:

Pursuant to RCW 42.12.020, I hereby submit my resignation from the office of State Senator, effective October 1, 2007.

I, Joe McDermott, do solemnly swear that I will uphold the Constitution and laws of the United States of America, the Constitution and laws of the State of Washington, and the rules of the Washington State Senate, and that I will faithfully perform the duties of State Senator to the best of my ability, so help me God.

FIRST DAY, FIRST SPECIAL SESSION, NOVEMBER 29, 2007

2007 1ST SPECIAL SESSION

JOE MCDERMOTT

Subscribed and sworn to before this 15<sup>th</sup> day of October, 2007

MIKE HEAVEY

Judge

MESSAGE FROM YAKIMA COUNTY AUDITOR  
CUMULATIVE REPORT ----- OFFICIAL  
GENERAL ELECTION --- YAKIMA COUNTY,  
WASHINGTON --- NOVEMBER 6, 2007

14<sup>th</sup> Legislative District, Senator, Vote for 1

Candidate	Party	Total Ballots Cast	Total
Curtis King – R		21,211 78.74%	21,211 78.74%

OATH OF OFFICE

I, Curtis King, do solemnly swear that I will uphold the Constitution and laws of the United States of America, the Constitution and laws of the State of Washington, and the rules of the Washington State Senate, and that I will faithfully perform the duties of State Senator to the best of my ability, so help me God.

CURTIS KING

Subscribed and sworn to before me this 29<sup>th</sup> day of November, 2007.

GERRY L. ALEXANDER

Chief Justice

MOTION

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

INTRODUCTION AND FIRST READING

SB 6175 by Senators Benton, Roach, McCaslin, Holmquist, Stevens and Sheldon

AN ACT Relating to limiting taxing districts' regular property tax levy increases; reenacting and amending RCW 84.55.005 and 84.55.0101; creating a new section; repealing RCW 84.55.092; and declaring an emergency.,

Referred to Committee on Ways & Means.

SB 6176 by Senators Pflug, Swecker, Delvin, Parlette, Schoesler, Brandland, King, Hewitt, Carrell and Stevens

AN ACT Relating to state transportation system policy goals; and amending RCW 47.04.280.,

Referred to Committee on Transportation.

SB 6177 by Senators Kilmer, Zarelli, Rasmussen, Franklin, Marr, Eide, Roach, Hewitt, Parlette, Brandland, McCaslin, Delvin, Benton, Carrell, Pflug, Holmquist, Honeyford, Swecker, Stevens, King, Hobbs, Prentice, Kauffman, Shin, Berkey, Schoesler and Sheldon

AN ACT Relating to reinstating the one percent property tax limit factor adopted by the voters under Initiative Measure No. 747; amending RCW 84.55.0101; reenacting and amending RCW 84.55.005; creating a new section; and declaring an emergency.,

Referred to Committee on Ways & Means.

SB 6178 by Senators Kauffman, Haugen, Rasmussen, Franklin, Brown, Eide, Rockefeller, Kline, Kilmer, Prentice, Hargrove, Shin, Berkey, Oemig and McAuliffe

AN ACT Relating to providing a fifty percent property tax deferral for households with income of fifty-seven thousand dollars or less; adding a new chapter to Title 84 RCW; creating new sections; providing an expiration date; and declaring an emergency.,

Referred to Committee on Ways & Means.

SB 6179 by Senators Roach, McCaslin, Holmquist, Stevens, Sheldon and Benton

AN ACT Relating to reinstating property tax limits adopted by the voters under prior statewide initiatives; reenacting and amending RCW 84.55.005 and 84.55.0101; creating new sections; repealing RCW 84.55.092; and declaring an emergency.,

Referred to Committee on Ways & Means.

SJR 8222 by Senators Sheldon, McCaslin, Holmquist and Benton

Setting base years for property tax valuation.

Referred to Committee on Ways & Means.

SCR 8410 by Senators Brown and Parlette

Adjourning SINE DIE..

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Concurrent Resolution No. 8410 which the rules were suspended and placed on the second reading calendar.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced newly elected Senator Joe McDermott to the Washington State Senate.

MOTION

At 8:11 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 2:10 p.m. by President Owen.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Chairwomen of the Muckleshoot Tribe, Charlotte Williams and guests Marty Mark???? And Don Daniels who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President introduced, welcome and congratulated the newly elected Senator Curtis King.

MOTION

At 2:12 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 2:58 p.m. by President Owen.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

November 29, 2007

SB 6177 Prime Sponsor, Kilmer: Reinstating the one percent property tax limit factor adopted by the voters under Initiative Measure No. 747. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Pridemore, Vice Chair, Operating Budget; Fairley and Kohl-Welles

November 29, 2007

SB 6178 Prime Sponsor, Kauffman: Providing a fifty percent property tax deferral for households with income of fifty-seven thousand dollars or less. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6178 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Keiser, Kohl-Welles, Oemig, Rasmussen, Rockefeller and Tom

MINORITY recommendation: Do not pass. Signed by Senators Parlette, Schoesler and Zarelli. Without recommendation. Signed by Senators Carrell and Hobbs

#### MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6177 and Senate Bill No. 6178 which the rules were suspended and they were placed on the second reading calendar.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

November 29, 2007

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 2416,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

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

#### SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2416 by Representatives Hurst, Orcutt, Barlow, Roach, Seaquist, Condotta, Kelley, McCune, Goodman, Strow, VanDeWege, Bailey, Wallace, Ahern, Green, Schmick, Lantz, Ross, Springer, Rodne, Morrell, Anderson, Rolfes, Hailey, P. Sullivan, Haler, McCoy, Hankins, Eddy, Priest, Takko, Kristiansen, Blake, Pearson, Ericks, Ericksen, Kessler, DeBolt, Appleton, Skinner, Clibborn, Hinkle, Fromhold, Warnick, O'Brien, Alexander, Campbell, Armstrong, Lovick, Newhouse, Morris, Chandler, B. Sullivan, Schindler, Eickmeyer, Crouse, Jarrett, Dunn, Kretz, Sump, McDonald, Walsh and Linville

AN ACT Relating to reinstating the one percent property tax limit factor adopted by the voters under Initiative Measure No. 747; amending RCW 84.55.0101; reenacting and amending RCW 84.55.005; creating a new section; and declaring an emergency.,

#### MOTION

On motion of Senator Eide, the measure listed on the Supplemental Introduction and First Reading report, the rules be suspended and House Bill No. 2416 was placed on the second reading calendar.

#### MOTION

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

#### MOTION

Senator Benton moved that the Senate advance to the ninth order of business for the purpose of relieving the Ways & Means Committee Senate Bill 6175 and that the rules be suspended and place on the third reading calendar.

#### POINT OF ORDER

Senator Eide: "Thank you Mr. President. I believe that we are currently in the sixth order of business and policy and rules right now shows that the bill that the good Senator is talking about is in committee and the point is out of order."

#### REMARKS BY THE PRESIDENT

President Owen: "Senator Eide, that is the point of the motion is to relieve the committee by going to the ninth order."

Senator Eide objects to the motion.

#### MOTION

Senator Schoesler demanded a roll call on the motion by Senator Benton to advance to the ninth order of business.

Senator Benton spoke in favor of the motion.  
Senator Prentice spoke against the motion.

#### MOTION

FIRST DAY, FIRST SPECIAL SESSION, NOVEMBER 29, 2007

2007 1ST SPECIAL SESSION

On motion of Senator Marr, Senator Regala was excused.

The President declared the question before the Senate to be the motion by Senator Benton to advance to the ninth order of business and the motion failed the Senate by the following vote: Yeas, 16; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Stevens, Swecker and Zarelli - 16.

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridmore, Rasmussen, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32.

Excused: Senator Regala - 1.

## SECOND READING

SENATE BILL NO. 6178, by Senators Kauffman, Haugen, Rasmussen, Franklin, Brown, Eide, Rockefeller, Kline, Kilmer, Prentice, Hargrove, Shin, Berkey, Oemig and McAuliffe

Providing a fifty percent property tax deferral for households with income of fifty-seven thousand dollars or less.

## MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 6178 was substituted for Senate Bill No. 6178 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 3, line 5, after "thereof." insert the following:

"The form shall include a disclosure statement in fourteen-point type placed at the top of the document. The statement shall advise the homeowner that the interest rate charged for the tax deferral may be higher than the market rate and that the deferral will result in the state obtaining a financial interest in the property."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Pflug spoke in favor of adoption of the amendment.

Senator Tom spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 3, line 5 to Substitute Senate Bill No. 6178.

The motion by Senator Pflug failed and the amendment was not adopted by voice vote.

## MOTION

Senator Benton moved that the following amendment by Senators Benton, McCaslin, Roach, Schoesler and Stevens be adopted.

- On page 4 after line 35, insert the following:

**Sec. 9.** RCW 84.36.383 and 2006 c 62 s 1 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" means a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre, except that a residence includes any additional property up to a total of five acres that comprises the residential parcel if this larger parcel size is required under land use

regulations. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities. A mobile home located on land leased by the owner of the mobile home is subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) "Department" means the state department of revenue.

(4) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the assessment year, less amounts paid by the person claiming the exemption or his or her spouse during the assessment year for:

(a) Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions;

(b) The treatment or care of either person received in the home or in a nursing home, boarding home, or adult family home; and

(c) Health care insurance premiums for medicare under Title XVIII of the social security act;

(d) Durable medical equipment and mobility enhancing equipment, as defined in RCW 82.08.0283; and

(e) Long-term care insurance, as defined in RCW 48.84.020.

(5) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(6) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

(7) "Disability" has the same meaning as provided in 42 U.S.C. Sec. 423(d)(1)(A) as amended prior to January 1, 2004, or such subsequent date as the director may provide by rule consistent with the purpose of this section. levied for collection in 2007 and thereafter."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "Title 84 RCW;", insert "amending RCW 84.36.383;"

Senator Benton spoke in favor of adoption of the amendment.

#### POINT OF ORDER

Senator Eide: "Mr. President, I request that the rule that you rule rather than amendment number 2 is beyond scope and object."

Senator Eide spoke in favor of the point of order.  
Senator Benton spoke against the point of order.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Eide that Amendment 2 is beyond the scope and object of Substitute Senate Bill No. 6178, the President finds and rules as follows:

Substitute Senate Bill 6178 relates to providing a property tax deferral for low-income families. In so doing, the bill utilizes, among other provisions, definitions in RCW 84.36.383 to determine eligibility.

Amendment 2 changes this same RCW to add additional categories relating to medical costs in determining eligibility. While it may be permissible to change the low-income definitions or eligibility found in the substitute bill, the amendment goes beyond the object of the underlying measure by changing this definition not only for this particular measure, but also for other programs. In so doing, the amendment would impermissibly expand the coverage of the underlying bill to include programs not otherwise affected by the substitute bill.

The President therefore finds that the amendment does change the scope and object of the bill, and the point of order is well-taken."

#### MOTION

Senator Parlette moved that the following striking amendment by Senators Carrell, Parlette, Roach, Stevens and Swecker be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 82.32 RCW to read as follows:

(1) The department of revenue shall conduct an analysis of property tax deferral programs in other states. The department shall submit a report to the legislature by January 20, 2008, identifying the results of their findings.

(2) The report shall not be limited to, but must contain the following:

(a) A description of each deferral program that other states have;

(b) A description of the property tax system for each state that has a deferral program;

(c) How each deferral program would affect Washington's budget;

(d) Estimates of how many people would use each program if it was implemented in Washington;

(e) How each deferral program would affect Washington's current property tax system."

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

On page 1, line 1 of the title, after "Relating to", strike the remainder of the title and insert "conducting an analysis of property tax deferral programs; and adding a new section to chapter 83.32 RCW."

Senator Parlette spoke in favor of adoption of the striking amendment.

Senator Prentice spoke against adoption of the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Carrell, Parlette, Roach, Stevens and Swecker to Substitute Senate Bill No. 6178.

#### ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senators Parlette, Carrell, Roach, Stevens and Swecker and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rockefeller, Shin, Spanel, Tom and Weinstein - 26

Excused: Senator Regala - 1

#### MOTION

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6178 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Kauffman, Fraser, Hargrove, Haugen and Kastama spoke in favor of passage of the bill.

Senators Zarelli, Schoesler, Hobbs, and Benton spoke against the passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6178.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6178 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Rockefeller, Shin, Spanel, Tom and Weinstein - 27

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Excused: Senator Regala - 1

SUBSTITUTE SENATE BILL NO. 6178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Substitute Senate Bill No. 6178 was immediately transmitted to the House of Representatives.

#### SECOND READING

FIRST DAY, FIRST SPECIAL SESSION, NOVEMBER 29, 2007

2007 1ST SPECIAL SESSION

HOUSE BILL NO. 2416, by Representatives Hurst, Orcutt, Barlow, Roach, Seaquist, Condotta, Kelley, McCune, Goodman, Strow, VanDeWege, Bailey, Wallace, Ahern, Green, Schmick, Lantz, Ross, Springer, Rodne, Morrell, Anderson, Rolfes, Hailey, P. Sullivan, Haler, McCoy, Hankins, Eddy, Priest, Takko, Kristiansen, Blake, Pearson, Ericks, Ericksen, Kessler, DeBolt, Appleton, Skinner, Clibborn, Hinkle, Fromhold, Warnick, O'Brien, Alexander, Campbell, Armstrong, Lovick, Newhouse, Morris, Chandler, B. Sullivan, Schindler, Eickmeyer, Crouse, Jarrett, Dunn, Kretz, Sump, McDonald, Walsh and Linville

Reinstating the one percent property tax limit factor adopted by the voters under Initiative Measure No. 747.

The measure was read the second time.

## MOTION

Senator Oemig moved that the following amendment by Senators Fairley, Kastama, Oemig, Pridemore and Weinstein be adopted.

- On page 2, after line 6, insert the following:

"**Sec. 2** RCW 84.55.010 and 2006 c 184 s 1 are each amended to read as follows:

Except as provided in this chapter, the levy for a taxing district in any year shall be set so that the regular property taxes payable in the following year shall not exceed the limit factor multiplied by the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction, increases in assessed value due to construction of electric generation wind turbine facilities classified as personal property, improvements to property, and any increase in the assessed value of state-assessed property by the regular property tax levy rate of that district for the preceding year. The limit factor or an alternative property tax proposal that is enacted by the legislature shall be referred to the voters at the next general election."

Renumber the remaining sections consecutively.

On page 2, line 7, after "each" insert "reenacted and"

On page 2, line 18, after "**Sec. 3.**" strike "This act applies" and insert "Sections 1 through 3 of this act apply"

On page 2, after line 19, insert the following:

"**NEW SECTION. Sec. 5** The following acts or parts of acts are each repealed:

- (1) 2007 1st sp.s. c -- s 1 (section 1 of this act);
- (2) 2007 1st sp.s. c -- s 3 (section 3 of this act); and
- (3) 2007 1st sp.s. c -- s 4 (section 4 of this act).

**NEW SECTION. Sec. 6** The secretary of state shall submit section 5 of this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation, unless by July 1, 2008, the legislature enacts a measure designated as an alternative property tax proposal to refer to the voters at the 2008 general election.

**NEW SECTION. Sec. 7** The legislature finds that there are increasing demands upon local governments to provide public services. At the same time, the legislature intends to protect homeowners, who are experiencing a number of economic and financial challenges, from overly burdensome property tax increases. Therefore, during the 2008 regular legislative session, the legislature shall consider the impacts of the property tax revenue limits on local taxing districts. Further, the legislature shall take action during the 2008 regular legislative session to propose an alternative property tax proposal to be referred to voters at the 2008 general election."

Renumber the remaining section consecutively.

On page 2, line 20, after "**Sec. 4.**" strike "This act is" and insert "Sections 1 through 4 of this act are"

On page 2, line 22, strike "takes" and insert "take"

On page 1, line 2 of the title, after "747" strike the remainder of the title and insert "and referring the one percent property tax limit to voters at the 2008 general election or an alternative property tax proposal by the legislature during the 2008 regular legislative session; amending RCW 84.55.010; reenacting and amending RCW 84.55.005 and 84.55.0101; creating new sections; repealing 2007 1st sp.s. c -- s 1; repealing 2007 1st sp.s. c -- s 3; repealing 2007 1st sp.s. c -- s 4; providing for submission of certain sections of this act to a vote of the people; and declaring an emergency."

Senators Oemig and Kastama spoke in favor of adoption of the amendment.

Senator Prentice spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fairley, Kastama, Oemig, Pridemore and Weinstein on page 2, after line 6 to House Bill No. 2416.

Senator Kastama demanded a roll call and the demand was not sustained.

The motion by Senator Oemig failed and the amendment was not adopted by voice vote.

## MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted.

- On page 2 after line 17, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 84.52 RCW to read as follows:

Each county assessor, before March 1st each year, shall prepare and submit to the department of revenue a detailed report on property taxes levied within the county. The report must include assessed valuation, levy rate, and levy amount for each type of levy by each taxing district authorized to levy property taxes within the county. The report must also include information necessary to calculate the property tax limit contained in chapter 84.55 RCW for each taxing district, including the regular property tax lawfully levied in the three most recent years; the amount of new construction, improvements to property, and increase in assessed value of state-assessed property; the tax rate for the preceding year; the levy amount requested by the taxing district; copies of ordinances adopted under RCW 84.55.0101 and 84.55.120; copies of ballot propositions authorizing increases in the limit under RCW 84.55.050; the amount of levy capacity available under RCW 84.55.092; and other information the department of revenue may request."

On page 2, line 18, at the beginning of section 3, strike "This act applies" and insert "Sections 1 and 2 of this act apply"

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, following "No. 747", strike the remainder of the title and insert, "and requiring annual property tax reports; amending RCW 84.55.0101; reenacting and amending RCW 84.55.005; adding a new section to chapter 84.52 RCW; creating a new section; and declaring an emergency."

Senator Carrell spoke in favor of adoption of the amendment.

Senator Prentice spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 2, after line 17 to House Bill No. 2416.

The motion by Senator Carrell failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Benton moved that the following amendment by Senator Benton and others be adopted.

On page 2, after line 17, insert the following:

"**Sec. 3.** RCW 84.55.092 and 1998 c 16 s 3 are each amended to read as follows:

The regular property tax levy for each taxing district other than the state may be set at the amount which would be allowed otherwise under this chapter if the regular property tax levy for the district for taxes due in prior years beginning with 1986 had been set at the full amount allowed under this chapter including any levy authorized under RCW 52.16.160 that would have been imposed but for the limitation in RCW 52.18.065, applicable upon imposition of the benefit charge under chapter 52.18 RCW. To set a regular property tax levy at the increased amount authorized under this section, a taxing district must submit an authorizing proposition to the voters for approval by a majority of the voters of the taxing district voting on the proposition. The proposition shall be voted on at an election held not more than twelve months prior to the date in which the proposed regular property tax is to be levied.

The purpose of this section is to remove the incentive for a taxing district to maintain its tax levy at the maximum level permitted under this chapter, and to protect the future levy capacity of a taxing district that reduces its tax levy below the level that it otherwise could impose under this chapter, by removing the adverse consequences to future levy capacities resulting from such levy reductions."

On page 2, line 18, at the beginning of section 3, strike "This act applies" and insert "Sections 1 and 2 of this act apply"

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "No. 747", strike the remainder of the title and insert "and requiring voter approval for the use of banked levy capacity; amending RCW 84.55.0101 and 84.55.092; reenacting and amending RCW 84.55.005; creating a new section; and declaring an emergency."

#### POINT OF ORDER

Senator Eide: "I believe this amendment is outside the scope and object."

Senator Eide spoke in favor of the point of order.  
Senator Benton spoke against the point of order.

#### MOTION

At 4:36 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 5:34 p.m. by President Owen.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Eide that Amendment 6 is beyond the scope and object of House Bill 2416, the President finds and rules as follows:

House Bill 2416 relates to providing a one percent annual limit on property tax increases. Amendment 6 would require voter approval for use of what is commonly known as banked levy capacity.

The President reminds the body that it is the text and subject matter of the bill before us which is controlling for a scope and

object analysis, not the subjective intent of the various drafters. With this in mind, the President concedes that the two issues may be arguably related as a matter of policy analysis, but the bill before us enacts no law with respect to banked levy capacity.

The President therefore finds that the amendment does change the scope and object of the bill, and the point of order is well-taken.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Benton, Carrell and Kilmer spoke in favor of passage of the bill.

Senator Hargrove spoke on final passage of the bill.

Senators Kohl-Welles and Kline spoke against passage of the bill.

Senator Prentice again spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2416.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2416 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Pflug, Prentice, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli - 39

Voting nay: Senators Fairley, Jacobsen, Kline, Kohl-Welles, McDermott, Murray, Pridemore, Spanel and Weinstein - 9

Excused: Senator Regala - 1

HOUSE BILL NO. 2416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, House Bill No. 2416 was immediately transmitted to the House of Representatives.

#### SECOND READING

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

Adjourning SINE DIE.

The measure was read the second time.

#### MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8410.

SENATE CONCURRENT RESOLUTION NO. 8410 was adopted.

FIRST DAY, FIRST SPECIAL SESSION, NOVEMBER 29, 2007  
MOTION

2007 1ST SPECIAL SESSION  
MESSAGE FROM THE HOUSE

On motion of Senator Eide and without objections, the following measures on the second and third reading calendars were returned to the Committee on Rules.

November 29, 2007

MOTION

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

MR. PRESIDENT:  
The Speaker has signed the following bills:  
SENATE CONCURRENT RESOLUTION NO. 8410,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MOTION

November 29, 2007

On motion of Senator Eide, the Senate Journal for the First Day of the First Special Session of the Sixtieth Legislature was approved.

MR. PRESIDENT:  
The House has passed the following bills:  
SUBSTITUTE SENATE BILL NO. 6178,  
and the same is herewith transmitted.

MOTION

BARBARA BAKER, Chief Clerk

At 7:33 p.m., on motion of Senator Eide, the First Special Session of the Sixtieth Legislature adjourned SINE DIE.

SIGNED BY THE PRESIDENT

BRAD OWEN, President of the Senate

The President signed  
SUBSTITUTE SENATE BILL NO. 6178,

THOMAS HOEMANN, Secretary of the Senate

MESSAGE FROM THE HOUSE

November 29, 2007

MR. PRESIDENT:  
The Speaker has signed the following bills:  
HOUSE BILL NO. 2416,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 2416,

MESSAGE FROM THE HOUSE

November 29, 2007

MR. PRESIDENT:  
The Speaker has signed the following bills:  
SUBSTITUTE SENATE BILL NO. 6178,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

November 29, 2007

MR. PRESIDENT:  
The House has adopted:  
SENATE CONCURRENT RESOLUTION NO. 8410,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:  
SENATE CONCURRENT RESOLUTION NO. 8410,

FIRST DAY, JANUARY 14, 2008

2008 REGULAR SESSION

**FIRST DAY****NOON SESSION**

Senate Chamber, Olympia, Monday, January 14, 2008

At 12:00 noon, pursuant to law, the Senate of the 2008 Regular Session of the Sixtieth Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Holmquist, Jacobsen and Kastama.

The Washington State Patrol Honor Guard consisting of Commander John Sager, Retired Trooper Craig Anders, Trooper Rachel Gardner, Trooper Tim Knopp, Sergeant John Lizama, Trooper Pete Stock and Trooper Christian Wilson presented the colors.

The thirty-nine county flags were presented in a parade by the Senate's high school student pages and college interns. [Listed in Index.]

The President led the Senate in the Pledge of Allegiance.

The National Anthem was sung by Mr. Derrick Keys, Supervisor with the Department of Corrections.

Reverend David T. Alger, Executive Director of Associated Ministries offered the prayer.

The county flags were retired from the chamber.

The Washington State Patrol Honor Guard retired from the chamber.

**REMARKS BY THE PRESIDENT**

President Owen: "Ladies and Gentlemen of the Senate, every year at the beginning of the session we are privileged to have with us to give a welcome from this community, the Lakefair Queen. This year's Lakefair Queen is Maria Anne Noonan and she is accompanied by the 2008 Lakefair President Bob Barnes and First Vice President Jan Meyers. Also with her today we'd like to welcome in our gallery Pat Noonan, her father; Kelly Noonan, her mother; Brenna Noonan, her sister; Mariann Noonan, her grandmother; Julee Durham, a friend; and Verna Munroe a friend. Welcome to all of you. Ladies and Gentlemen please help me welcome the Lakefair Queen, Maria Noonan."

With permission of the Senate, business was suspended to allow Lake Fair Queen, Maria Anne Noonan to address the Senate.

**REMARKS BY MARIA ANNE NOONAN**

Maria Anne Noonan: "Good afternoon ladies and gentlemen. My name is Maria Anne Noonan and I'm honored to be this year's Capital Lakefair Queen. I'd like to welcome you all and thank you. I also want to thank you for providing me with the opportunity to speak to you on such a great occasion. It is a true honor and privilege. Recently Washington State was struck with a devastating weather disaster causing a state of emergency to be declared. I've seen first hand the loss and devastation to properties, communities and families. This disaster hit me at a very personal level. Sandbagging to protect houses in my own community during the hours of the storm. Going to every store, shop, restaurant and deli noticing the

donation boxes and I along with others put food and money in those at every opportunity. Later going to Rochester and cleaning up and rebuilding homes and giving a hope to the flood families was nothing less than inspirational. These experiences and opportunities made me realize how important flood control and disaster relief programs are especially to our state. During Hurricane Katrina and 9-11, we all made statements that it would be more helpful if the crisis were closer. We can not get much closer to crisis than right in your own backyard. Our state holds true to that promise by family, friends, neighbors and complete strangers rising to the occasion in reaching out. For without that more lives would have been lost. When I had the chance to help in my fire cadet program driving utility rig from scene to scene sandbagging and making sure homes were ok, I realized how important it is to help those who help us. Even as a little girl I always wanted to be a firefighter like my dad. Serving others is what my future career field is all about. Now being the age I am and having the chance to actually be involved I realize more than ever how much we're able to deal and how often we are called upon to assist others. I'm not talking about only firefighters, I'm speaking all public service groups such as the police, EMS, teachers, doctors and even senators. I believe it is important for everyone to take a moment to help their community in any way possible. We need to show our appreciation for the beautiful city that we reside in. Consequently, I want to thank you all for reaching out and making our cities even better while extending and improving our wonderful state of Washington. We're all in this together and I believe every citizen in our community can learn a lesson from you. 'Never doubt that a small group of thoughtful citizens can change the world. Indeed, it's the only thing that ever has.' This quote is stated by renowned anthropologist Margaret Mead. My hope is not only for you but for everyone else as well. Remember, dreams really do come true. Thank you again for the opportunity to present my speech. I hope you all have a wonderful year."

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced Mr. Samuel Green, Washington State's Poet Laureate, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Washington State Poet Laureate Samuel Green to address the Senate.

**INTRODUCTION OF SPECIAL GUESTS**

The President introduced Samuel Green's wife Sally who was seated at the rostrum and Kris Tucker, the Executive Director of the Washington States Arts Commission.

**REMARKS BY SAMUEL GREEN**

Samuel Green: "Mr. President, members of the Senate, guests. It's such an honor to be here. I spend a great deal of my time traveling from place to place teaching poetry. You spend your's moving among your constituents keeping in touch. No doubt many of you have stopped to get a bite to eat before moving on to another meeting at some fast food place. I was doing just that once, eating Chinese food in a supermarket on the Kitsap Peninsula hoping for enough strength to get me through two classes of seventh graders when I noticed an elderly man come to the door in the arm of a much younger woman, his daughter I thought. She patted him, excuse me, she led him to a table and helped him sit down, patted him fondly on the shoulder and went off. He was wearing a tweed jacket with a handkerchief in the breast pocket and I wrote this poem of a record of what happened next.

FIRST DAY, JANUARY 14, 2008

2008 REGULAR SESSION

“Old man folding a kerchief in the supermarket. He has used it to wipe the filth from the table where his daughter has left him to do her shopping. Spilling it from the pocket of his jacket like a small blue lake, the color of an old house dress. Now, he is folding it back into shape with blunt fingers watching intently his hands as though they might betray him. For ten minutes this has been his work and he has gathered all the deliberate threads of his attention into this single act oblivious to the fact that anyone might be watching, that he might be teaching us all how to live. You and I share a job in common, we have to take the apparently disparate and put it together so that it’s useful to as many people as possible. All my life I trusted poetry to do this for me, the making of it, the careful reading of it, the unexpected encounter with it in odd places. The old man in this poem reminds us I think how important it is to pay attention, that excellence is adequate, that even the smallest jobs are worthy of our best work. At the beginning a new year with so much labor ahead of us he’s a good companion for us all I think. Thank you for your kind attention.”

**PERSONAL PRIVILEGE**

Senator Brown: “Thank you Mr. President. Well, I wanted to say a big welcome to everyone. To you Mr. President, thank you for being back with again this session and to all the Senate staff both those at the rostrum and those who have been working behind the scenes to prepare the chamber for our arrival. We’re back, for better or worse. To all my forty-eight colleagues as well, welcome back. In particular to the Senators who are new with us this session, Senator King and Senator McDermott, welcome to both of you. This session will not be quite as short as the special session that you experienced with us but we hope it will be a very productive session. I just want to say on behalf of those Senators who are grappling right now in their districts with the aftermath of the storm and flood damage that our hearts go out to you and to your constituents and that we do plan to announce very soon a process, a Senate work group that all Senators will be invited to participate in. It will be headed by Senator Fraser in which we can bring our concerns and ideas forward so that we can get on top of being able to provide some assistance in this very short session. Again, welcome to all and hopes for a very productive session.”

**MOTION**

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

**MESSAGE FROM SECRETARY OF STATE**

The Honorable  
President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.260, I have canvassed the returns of the 1,645,652 votes cast by the 3,288,642 registered voters of the state for and against the initiative, referendum and resolutions which were submitted to the vote of the people at the state general election held on the 6<sup>th</sup> day of November, 2007, as received from the County Auditors.

**Initiative Measure No. 960**

”Initiative Measure No. 960 concerns tax and fee increases imposed by state government. This measure would require two-thirds legislative approval or voter approval for tax increases, legislative approval of fee increases, certain published information on tax-increasing bills, and advisory votes on taxes

enacted without voter approval.”

Yes	816,792
No	777,125

**Referendum Measure No. 67**

”The legislature passed Engrossed Substitute Senate Bill 5726 (ESSB 5726) concerning insurance fair conduct related to claims for coverage or benefits and voters have filed a sufficient referendum petition on this bill. This bill would make it unlawful for insurers to unreasonably deny certain coverage claims, and permit treble damages plus attorney fees for that and other violations. Some health insurance carriers would be exempt.”

Approved	910,598
Rejected	695,326

**Engrossed Substitute Senate Joint Resolution 8206**

”The legislature has proposed a constitutional amendment on establishment of a budget stabilization account. This amendment would require the legislature to transfer 1% of general state revenues to a budget stabilization account each year and prohibit expenditures from the account except as set forth in the amendment.”

Approved	1,048,562
Rejected	499,292

**Senate Joint Resolution 8212**

“The legislature has proposed a constitutional amendment on inmate labor. This amendment would authorize state-operated inmate labor programs and programs in which inmate labor is used by private entities through state contracts, and prohibit privately operated programs from unfairly competing with Washington businesses.”

Approved	937,557
Rejected	606,863

**Engrossed House Joint Resolution 4204**

”The legislature has proposed a constitutional amendment on school district tax levies. This amendment would provide for approval of school district excess property tax levies by simple majority vote of participating voters, and would eliminate supermajority approval requirements based on voter turnout in previous elections.”

Approved	811,507
Rejected	792,010

**Substitute House Joint Resolution 4215**

”The legislature has proposed a constitutional amendment on investment of higher education permanent funds. This amendment would authorize the investment of money in higher education permanent funds as permitted by law, and would permit investment in stocks or bonds issued by any company, if authorized by law.”

Approved	831,699
Rejected	695,663

I further certify that, according to the provisions of RCW 42.07.030, I have canvassed the returns of the votes cast at the state general election held on the 6<sup>th</sup> day of November, 2007, for all legislative and joint judicial offices, and that the votes cast for candidates for these offices are as follows:

**State Senator District #19**

Brian Hatfield	Democrat	23,415
Jesse Ashe	Republican	8,273

**Court of Appeals Division III**  
**District #1 Position #2**

Debra L. Stephens	Nonpartisan	107,690
-------------------	-------------	---------

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 6<sup>th</sup> day of December, 2007.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM SECRETARY OF STATE

The Honorable  
President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington

Mr. President:

I, Sam Reed, Secretary of State of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Senator at the State General Election held in the State of Washington on the sixth day of November, 2007, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of "holdover" Senators:

**SENATORS ELECTED NOVEMBER 6, 2007**

DISTRICT	COUNTIES REPRESENTED	NAME
No. 14	Yakima*	King (R)
No. 19	Cowlitz*, Grays Harbor*, Pacific, Wahkiakum	Hatfield (D)

**HOLDOVERS**

No. 01	King*, Snohomish*	McAuliffe (D)
No. 02	Pierce*, Thurston*	Rasmussen (D)
No. 03	Spokane*	Brown (D)
No. 04	Spokane*	McCaslin (R)
No. 05	King*	Pflug (R)
No. 06	Spokane*	Marr (D)
No. 07	Ferry, Lincoln, Okanogan*, Pend Oreille, Spokane*, Stevens	Morton (R)
No. 08	Benton*	Delvin (R)
No. 09	Adams, Asotin, Franklin, Garfield, Spokane, Whitman	Schoesler (R)
No. 10	Island, Skagit*, Snohomish*	Haugen (D)
No. 11	King*	Prentice (D)
No. 12	Chelan, Douglas, Grant*, Okanogan*	Parlette (R)
No. 13	Benton*, Grant*, Kittitas, Yakima*	Holmquist (R)
No. 15	Clark*, Klickitat, Skamania*, Honeyford	(R)
No. 16	Yakima* Benton*, Columbia, Franklin*, Walla Walla*	Hewitt (R)
No. 17	Clark*	Benton (R)

No. 18	Clark*, Cowlitz*	Zarelli (R)
No. 20	Lewis*, Thurston*	Swecker (R)
No. 21	Snohomish*	Shin (D)
No. 22	Thurston*	Fraser (D)
No. 23	Kitsap*	Rockefeller (D)
No. 24	Clallam, Grays Harbor*, Jefferson	Hargrove (D)
No. 25	Pierce*	Kastama (D)
No. 26	Kitsap*, Pierce*	Kilmer (D)
No. 27	Pierce*	Regala (D)
No. 28	Pierce*	Carrell (R)
No. 29	Pierce*	Franklin (D)
No. 30	King*	Eide (D)
No. 31	King*, Pierce*	Roach (R)
No. 32	King*, Snohomish*	Fairley (D)
No. 33	King*	Keiser (D)
No. 34	King*	Poulsen (D)
No. 35	Grays Harbor*, Kitsap*, Mason, Thurston*	Sheldon (D)
No. 36	King*	Kohl-Welles (D)
No. 37	King*	Kline (D)
No. 38	Snohomish*	Berkey (D)
No. 39	King*, Skagit*, Snohomish*, Whatcom*	Stevens (R)
No. 40	San Juan, Skagit*, Whatcom*	Spanel (D)
No. 41	King*	Weinstein (D)
No. 42	Whatcom*	Brandland (R)
No. 43	King*	Murray (D)
No. 44	Snohomish*	Hobbs (D)
No. 45	King*	Oemig (D)
No. 46	King*	Jacobsen (D)
No. 47	King*	Kauffman (D)
No. 48	King*	Tom (D)
No. 49	Clark*	Pridemore (D)

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the State of Washington at Olympia this eighth day of January, 2008.

SAM REED, Secretary of State

(Seal)

**APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a committee of honor consisting of Senators Kline and McCaslin to escort the Honorable Charles Johnson to the rostrum.

FIRST DAY, JANUARY 14, 2008

2008 REGULAR SESSION

The President welcomed and introduced the Honorable Charles Johnson, Justice of the Supreme Court of the state of Washington, to administer the oath of office to the newly elected Senators.

The Secretary called the roll of the following newly elected members of the Senate and all were present: Senators Brian Hatfield and Curtis King.

The Sergeant at Arms escorted each of the newly elected members of the Senate to the rostrum of the Senate to receive the oath of office.

Justice Charles Johnson thereupon administered the oath of office to each of the newly elected members.

The President presented each of the newly elected Senators a certificate of appointment.

The Sergeant at Arms escorted each of the newly elected members to their seats in the Senate Chamber.

The Secretary called the roll of the following appointed member of the Senate and all was present: Senator Joe McDermott.

The Sergeant at Arms escorted the newly appointed member of the Senate to the rostrum of the Senate to receive the oath of office.

Justice Charles Johnson thereupon administered the oath of office to the newly appointed member.

The President presented the newly appointed Senator a certificate of election.

The Sergeant at Arms escorted each of the newly appointed member to his seat in the Senate Chamber.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Tom and Carrell to escort Justice Charles Johnson from the Senate Chamber.

#### MOTION

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

#### MOTION

Senator Eide moved adoption of the following resolution:

#### SENATE RESOLUTION 8692

By Senators Spanel and Parlette

BE IT RESOLVED, That a committee of four be appointed to notify the House of Representatives that the Senate is now organized and ready to transact business.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8692.

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

#### APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution No. 8692, the President appointed Senators Holmquist, Kauffman, King and McDermott to notify the House of Representatives that the Senate is organized and ready to conduct business.

#### MOTION

On motion of Senator Eide, the appointments were confirmed.

The Sergeant at Arms announced the delegation from the House of Representatives and escorted the delegation to the bar of the Senate.

#### COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Hunter and Priest appeared before the bar of the Senate and notified the Senate that the House was organized and ready to conduct business.

The President received the report of the committee and the committee returned to the House of Representatives.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6180 by Senators Oemig, Fairley, McDermott and Kline

AN ACT Relating to postelection audits; and amending RCW 29A.48.060, 29A.60.110, and 29A.60.170.

Referred to Committee on Government Operations & Elections.

SB 6181 by Senators McDermott, Oemig, Fairley and Kohl-Welles

AN ACT Relating to county canvassing board membership; and amending RCW 29A.60.140.

Referred to Committee on Government Operations & Elections.

SB 6182 by Senators Fraser, Brandland, Kilmer, Shin and Murray

AN ACT Relating to authorization for projects recommended by the public works board; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6183 by Senators Parlette, McAuliffe, Brandland, Tom, King, Hobbs, Holmquist, Kauffman, Weinstein, Eide, Zarelli, Rasmussen, Hewitt, Oemig and Shin

AN ACT Relating to dissolution of school directors' districts in first-class school districts; and reenacting and amending RCW 28A.343.050.

Referred to Committee on Early Learning & K-12 Education.

SB 6184 by Senators Benton, Eide, Weinstein, McCaslin, Hargrove, Regala, Hatfield, Carrell, Tom, Franklin, Zarelli, Kline, Haugen, Keiser, Fairley, Hobbs, Marr, Kastama, Berkey, Delvin, Brandland, Spanel, Murray, Prentice, Holmquist, Hewitt, Rasmussen, Jacobsen, Sheldon, Oemig, Morton, Pflug, Roach, Pridemore, McAuliffe, Rockefeller, Parlette, Kauffman, Shin, Kohl-Welles, Stevens, Kilmer, Swecker, Honeyford, Schoesler, King and McDermott

AN ACT Relating to most serious offenses; reenacting and amending RCW 9.94A.030; and creating a new section.

FIRST DAY, JANUARY 14, 2008

2008 REGULAR SESSION

Referred to Committee on Judiciary.

SB 6185 by Senators Fairley and Hatfield

AN ACT Relating to allowing a treasurer discretion to schedule four property tax payments; and amending RCW 84.56.020.

Referred to Committee on Government Operations & Elections.

SB 6186 by Senators Fairley, Roach, Swecker, Oemig, Kline, Shin and McDermott

AN ACT Relating to the time frame covered by the twenty-one day preelection campaign finance reports; and amending RCW 42.17.080.

Referred to Committee on Government Operations & Elections.

SB 6187 by Senators Shin, Rasmussen, Schoesler, Morton, Murray and Kohl-Welles

AN ACT Relating to conditional scholarships for food animal veterinarians; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 6188 by Senators Stevens, Swecker, Sheldon and Hobbs

AN ACT Relating to highway emergency projects; and adding a new section to chapter 47.20 RCW.

Referred to Committee on Transportation.

SB 6189 by Senators Keiser, Kohl-Welles, Tom, Fraser, Fairley, Kastama, Franklin, Marr, Haugen, Murray, Kline and McDermott

AN ACT Relating to pharmacies' declaration of compliance with obligation to timely dispense pharmaceuticals; amending RCW 18.64.043; and adding new sections to chapter 18.64 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6190 by Senators Honeyford, Kohl-Welles, Murray and Rasmussen

AN ACT Relating to electrical equipment used in the production of wine; and amending RCW 19.28.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6191 by Senators Keiser, Kohl-Welles and Kline

AN ACT Relating to health care information maintained by a quality improvement committee; amending RCW 42.56.360; reenacting and amending RCW 42.56.360; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6192 by Senators Hobbs, McAuliffe, Shin and Stevens

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

Referred to Committee on Ways & Means.

SB 6193 by Senators Hargrove and Brandland

AN ACT Relating to collection of legal financial obligations by county clerks; and amending RCW 9.94A.7606, 9.94A.7607, 9.94A.7608, and 9.94A.7609.

Referred to Committee on Human Services & Corrections.

SB 6194 by Senators Rasmussen, Jacobsen, Schoesler, Morton, Hatfield and Shin

AN ACT Relating to the registration and administration of fertilizers; amending RCW 15.54.340, 15.54.362, and 15.54.433; and reenacting and amending RCW 15.54.325.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6195 by Senators Haugen and Rasmussen

AN ACT Relating to the definition of rural county for economic development purposes; and amending RCW 43.160.020, 43.168.020, and 43.330.086.

Referred to Committee on Economic Development, Trade & Management.

SB 6196 by Senators Pridemore, Zarelli and Kastama

AN ACT Relating to definitions applicable to local infrastructure financing tool program demonstration projects; amending RCW 39.102.020; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6197 by Senator Morton

AN ACT Relating to children working for their parents; and amending RCW 26.28.060.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6198 by Senators Morton and Rasmussen

AN ACT Relating to improving landowners' ability to prevent and fight fire using groundwater; amending RCW 90.44.050; and adding a new section to chapter 90.44 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SB 6199 by Senator Morton

AN ACT Relating to postage on absentee ballot return envelopes; and amending RCW 29A.40.091.

Referred to Committee on Government Operations & Elections.

FIRST DAY, JANUARY 14, 2008

2008 REGULAR SESSION

SB 6200 by Senators Keiser, Kohl-Welles and Murray

AN ACT Relating to prescription drug marketing; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6201 by Senators Oemig, Swecker and McDermott

AN ACT Relating to candidate filing; amending RCW 29A.24.031, 29A.24.070, and 29A.24.091; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6202 by Senators Sheldon and Rasmussen

AN ACT Relating to false and defamatory statements about candidates for public office; and amending RCW 42.17.530.

Referred to Committee on Government Operations & Elections.

SB 6203 by Senators Sheldon and Shin

AN ACT Relating to authorizing a local sales tax deducted from the state portion of the sales tax for purposes of implementing water quality projects; adding a new section to chapter 82.14 RCW; and providing an effective date.

Referred to Committee on Water, Energy & Telecommunications.

SB 6204 by Senator Sheldon

AN ACT Relating to water resource inventory area 14; and amending RCW 90.82.060.

Referred to Committee on Water, Energy & Telecommunications.

SB 6205 by Senators Franklin, Pflug, Keiser, Kastama, Regala, Kohl-Welles, Prentice, Murray and Kline

AN ACT Relating to the joint select committee on sickle cell disease; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 6206 by Senators Zarelli, Pflug, Hargrove and Stevens

AN ACT Relating to child fatality and near fatality reviews; amending RCW 74.13.640 and 74.13.505; adding a new chapter to Title 74 RCW; creating a new section; and recodifying RCW 74.13.640.

Referred to Committee on Human Services & Corrections.

SB 6207 by Senators Zarelli, Prentice, Hargrove and Stevens

AN ACT Relating to requiring guardian ad litem notification of allegations of child abuse or neglect; amending RCW 26.44.030; reenacting and amending RCW 26.44.030; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6208 by Senators Zarelli, Pflug and Prentice

AN ACT Relating to child abuse or neglect reports made by mandatory reporters; amending RCW 26.44.030; reenacting and amending RCW 26.44.030; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6209 by Senators Zarelli, Pflug, Prentice, Hargrove and Stevens

AN ACT Relating to multiple reports of child abuse or neglect; amending RCW 26.44.030; reenacting and amending RCW 26.44.030; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6210 by Senator Benton

AN ACT Relating to the registration of sex offender e-mail addresses or other internet communication names or identities; amending RCW 43.43.540; and reenacting and amending RCW 9A.44.130.

Referred to Committee on Human Services & Corrections.

SB 6211 by Senators Morton, Jacobsen, Rockefeller, Swecker and Shin

AN ACT Relating to the Washington geological survey; and amending RCW 43.92.010, 43.92.020, and 43.92.040.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6212 by Senators Jacobsen, Morton, Fraser, Rockefeller, Hatfield, Swecker, Parlette, Shin, Rasmussen, Spanel and Kohl-Welles

AN ACT Relating to establishing a work group to make recommendations for improving recreation on state trust lands, aquatic lands, and other state-owned lands managed by the department of natural resources; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6213 by Senators Jacobsen, Morton, Rockefeller and Swecker

AN ACT Relating to authorizing structures in waterways; and amending RCW 79.120.040.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6214 by Senators Jacobsen, Swecker, Rockefeller and Kohl-Welles

AN ACT Relating to clarifying the authority of the department of natural resources to issue lesser contractual agreements within existing authorities for state-owned

FIRST DAY, JANUARY 14, 2008

2008 REGULAR SESSION

aquatic lands; amending RCW 79.105.210; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6215 by Senators Tom, Honeyford and McCaslin

AN ACT Relating to reserve accounts and studies for condominium associations; amending RCW 64.34.020, 64.34.304, 64.34.410, and 64.34.425; adding new sections to chapter 64.34 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Housing.

SB 6216 by Senators Prentice, Sheldon and Kohl-Welles

AN ACT Relating to authorizing the governor to enter into a cigarette tax contract with the Shoalwater Bay Tribe; and amending RCW 43.06.460.

Referred to Committee on Ways & Means.

SB 6217 by Senator Hatfield

AN ACT Relating to district court clerk fees; and amending RCW 3.62.060.

Referred to Committee on Judiciary.

SB 6218 by Senators Hatfield and Murray

AN ACT Relating to historic vessels; amending RCW 88.02.010, 88.02.050, 88.02.050, and 82.49.010; adding a new section to chapter 88.02 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SB 6219 by Senator Prentice

AN ACT Relating to the business and occupation taxation of newspaper-labeled supplements; and amending RCW 82.04.214.

Referred to Committee on Ways & Means.

SB 6220 by Senators Keiser, Parlette, Pflug, Prentice and Kohl-Welles

AN ACT Relating to delegation of nursing tasks to care for persons with diabetes; amending RCW 18.79.260 and 18.88A.210; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6221 by Senators Keiser and Kohl-Welles

AN ACT Relating to creating the Washington health partnership; adding new sections to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.370 RCW; adding a new section to chapter 74.38 RCW; adding a new section to chapter 48.02 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6222 by Senators Keiser, Kohl-Welles and Franklin

AN ACT Relating to long-term care; amending RCW 74.41.040, 74.41.050, and 74.38.040; adding a new section to chapter 43.70 RCW; adding a new section to chapter 74.39A RCW; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 6223 by Senators Keiser, Pflug, Parlette, Kohl-Welles and Franklin

AN ACT Relating to authorizing emergency medical technicians to administer glucagon in emergency situations; adding a new section to chapter 18.73 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6224 by Senator Keiser

AN ACT Relating to vendor overpayments; and amending RCW 43.20B.695.

Referred to Committee on Ways & Means.

SB 6225 by Senators Keiser, Rasmussen, Kohl-Welles and Oemig

AN ACT Relating to multidrug resistant organisms; adding a new section to chapter 43.20 RCW; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6226 by Senators Jacobsen, Shin, Kohl-Welles and Kline

AN ACT Relating to enhancing the natural resource collections at the Washington park arboretum; adding new sections to chapter 28B.20 RCW; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6227 by Senator Jacobsen

AN ACT Relating to strengthening Washington's outer coast marine resources committees; amending RCW 36.125.020; adding a new section to chapter 36.125 RCW; creating a new section; and making an appropriation.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6228 by Senators Jacobsen and Kline

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

Referred to Committee on Water, Energy & Telecommunications.

SB 6229 by Senators Jacobsen, Kline and Franklin

AN ACT Relating to freshwater lakes management;

FIRST DAY, JANUARY 14, 2008

2008 REGULAR SESSION

amending RCW 43.21A.662; adding a new section to chapter 43.21A RCW; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6230 by Senators Jacobsen and Murray

AN ACT Relating to watchable wildlife; amending RCW 77.32.560; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6231 by Senators Jacobsen and Shin

AN ACT Relating to improving the coordination of marine protected areas in Washington; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6232 by Senator Jacobsen

AN ACT Relating to the sale of wild huckleberries; amending RCW 76.48.050, 76.48.060, 76.48.085, 76.48.086, 76.48.110, 76.48.120, 76.48.200, and 76.48.020; and adding a new section to chapter 76.48 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6233 by Senator Jacobsen

AN ACT Relating to maintaining Washington's working forest land base; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 76 RCW; and making an appropriation.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6234 by Senators Zarelli, Hatfield and Oemig

AN ACT Relating to authorizing periodic property tax payments by electronic funds transfer; amending RCW 84.56.020; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Government Operations & Elections.

SB 6235 by Senators Haugen and Keiser

AN ACT Relating to public works procurement; amending RCW 39.04.010, 39.04.190, 39.30.020, 53.08.120, 53.12.130, and 53.12.172; reenacting and amending RCW 39.04.155; adding a new section to chapter 53.12 RCW; and repealing RCW 53.12.175.

Referred to Committee on Government Operations & Elections.

SB 6236 by Senator Carrell

AN ACT Relating to mandatory reporting of child abuse or neglect by supervised persons; reenacting and amending RCW 26.44.030; adding a new section to chapter 26.44 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6237 by Senators Kilmer, Haugen, Shin, McCaslin, Rasmussen, Hobbs and Marr

AN ACT Relating to armed forces and veterans license plates; and amending RCW 46.16.30920, 46.16.30921, 43.60A.140, and 73.04.110.

Referred to Committee on Government Operations & Elections.

SB 6238 by Senator Fairley

AN ACT Relating to assessed valuation requirements for the direct petition method of annexation; and amending RCW 35.13.130.

Referred to Committee on Government Operations & Elections.

SB 6239 by Senator Fairley

AN ACT Relating to ad hoc review board processes for annexation proposals; amending RCW 35.13.165 and 35.13.176; and repealing RCW 35.13.171, 35.13.172, 35.13.173, and 35.13.174.

Referred to Committee on Government Operations & Elections.

SB 6240 by Senator Fairley

AN ACT Relating to the signature validation process for petitions that seek annexation; and amending RCW 35.21.005 and 35A.01.040.

Referred to Committee on Government Operations & Elections.

SB 6241 by Senators Fairley, Pflug, Kohl-Welles, Kline and Franklin

AN ACT Relating to prohibiting the sale and use of prescriber-identifiable prescription data for marketing or promotional purposes absent affirmative authorization by the prescriber; amending RCW 42.56.350; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 6242 by Senator Spanel

AN ACT Relating to pesticide registration and license fees; amending RCW 15.58.070, 15.58.180, 15.58.200, 15.58.205, 15.58.210, 15.58.220, 17.21.070, 17.21.110, 17.21.122, 17.21.126, 17.21.129, and 17.21.220; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6243 by Senator Carrell

AN ACT Relating to court discretion to order community custody; and amending RCW 9.94A.545.

Referred to Committee on Human Services & Corrections.

FIRST DAY, JANUARY 14, 2008

2008 REGULAR SESSION

SB 6244 by Senator Carrell

AN ACT Relating to the conversion of existing facilities to house offenders violating community supervision; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6245 by Senator Carrell

AN ACT Relating to providing a sales and use tax exemption for horticultural plants native to Washington state; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6246 by Senator Honeyford

AN ACT Relating to industrial insurance medical aid claims; and amending RCW 51.36.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6247 by Senators Benton, Sheldon and Franklin

AN ACT Relating to voter approval for use of banked levy capacity; and reenacting and amending RCW 84.55.092.

Referred to Committee on Government Operations & Elections.

SB 6248 by Senator Benton

AN ACT Relating to eliminating banked levy capacity provisions; and repealing RCW 84.55.092.

Referred to Committee on Government Operations & Elections.

SB 6249 by Senators Fraser, Morton, Jacobsen, Swecker, Rockefeller, Rasmussen, Kline and Kohl-Welles

AN ACT Relating to improving community and urban forest conditions in Washington state; and amending RCW 76.15.005, 76.15.010, and 76.15.020.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6250 by Senators Haugen and Kline

AN ACT Relating to the confidentiality of personal information collected and maintained in connection with applications for drivers' licenses and identicards; and amending RCW 42.56.230 and 42.56.330.

Referred to Committee on Transportation.

SB 6251 by Senators Regala, Carrell and Kastama

AN ACT Relating to conserving forest lands; and amending RCW 84.33.140 and 84.33.145.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6252 by Senators Hatfield and Zarelli

AN ACT Relating to changing the number of district court judges; and amending RCW 3.34.010.

Referred to Committee on Judiciary.

SB 6253 by Senators Sheldon and Shin

AN ACT Relating to metal detectors in state parks; adding new sections to chapter 79A.05 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6254 by Senators Hobbs, Swecker, Roach, Kilmer, Pridemore, McCaslin and Rasmussen

AN ACT Relating to creating the Washington state flag account; amending RCW 43.07.370; adding a new section to chapter 43.07 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Government Operations & Elections.

SB 6255 by Senators Keiser, Rockefeller, Regala, Murray, Kline and Oemig

AN ACT Relating to providing incentives for solar electric power; amending RCW 82.16.110 and 82.16.120; amending 2007 c 522 s 732 (uncodified); adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.04 RCW; creating a new section; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SB 6256 by Senators Jacobsen and Rasmussen

AN ACT Relating to heritage livestock and poultry breeds; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6257 by Senators Jacobsen and Rasmussen

AN ACT Relating to the reporting requirements for the Washington assessment of student learning; amending RCW 28A.655.090; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6258 by Senators Jacobsen, Murray, Rasmussen and McDermott

AN ACT Relating to adulterated pet food; adding a new section to chapter 15.53 RCW; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6259 by Senator Jacobsen

FIRST DAY, JANUARY 14, 2008

2008 REGULAR SESSION

AN ACT Relating to forest land management information; and amending RCW 64.06.005 and 64.06.015.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6260 by Senators Kilmer, Swecker, Jacobsen, Morton, Schoesler, Sheldon, Murray and Rasmussen

AN ACT Relating to enhancing the department of fish and wildlife's ability to facilitate outdoor recreation opportunities for seriously ill children; adding a new section to chapter 77.32 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6261 by Senators Kilmer, Rockefeller, Schoesler, Shin, Fraser and Rasmussen

AN ACT Relating to adult youth programs; amending RCW 28C.18.060; and creating a new section.

Referred to Committee on Higher Education.

SB 6262 by Senators Kilmer, Schoesler, Rockefeller, Shin and Rasmussen

AN ACT Relating to a higher education tuition incentive program; adding a new section to chapter 28B.15 RCW; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Higher Education.

SB 6263 by Senator Zarelli

AN ACT Relating to property tax value changes as a result of government intervention; and amending RCW 84.40.030.

Referred to Committee on Government Operations & Elections.

SB 6264 by Senator Shin

AN ACT Relating to clarifying terms for workforce and economic development; amending RCW 28B.50.030, 28B.50.273, 43.330.090, 51.32.099, and 74.08A.250; and providing an expiration date.

Referred to Committee on Higher Education.

SB 6265 by Senators Marr, Schoesler, Sheldon and Roach

AN ACT Relating to clarifying the business and occupation taxation of property management companies in regards to on-site property managers' wages and benefits; and amending RCW 82.04.394.

Referred to Committee on Ways & Means.

SB 6266 by Senators Eide, Zarelli, Schoesler, Shin, Stevens and Roach

AN ACT Relating to the excise taxation of the sale of metals for investment purposes; amending RCW 82.04.062; and creating new sections.

Referred to Committee on Ways & Means.

SB 6267 by Senators Keiser, Kastama, Franklin, Pflug and Kohl-Welles

AN ACT Relating to the prescriptive authority of advanced registered nurse practitioners; and repealing RCW 18.79.255.

Referred to Committee on Health & Long-Term Care.

SB 6268 by Senators Haugen, Pridemore, Jacobsen and Marr

AN ACT Relating to historical parks and historic reserves tax incentive program; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 6269 by Senator Jacobsen

AN ACT Relating to the rights of airline passengers; amending RCW 47.68.020; adding new sections to chapter 47.68 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 6270 by Senators Prentice and Honeyford

AN ACT Relating to enforcement of cigarette taxes through regulation of stamped and unstamped cigarettes; amending RCW 82.24.080, 82.24.020, 82.24.110, and 82.24.250; creating a new section; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 6271 by Senators Hatfield, Fairley and Sheldon

AN ACT Relating to compensation of special purpose district commissioners; and amending RCW 57.12.010 and 70.44.050.

Referred to Committee on Government Operations & Elections.

SB 6272 by Senators Berkey, Hobbs, Fairley, Keiser, Kilmer, McDermott, Kauffman, Kohl-Welles, Murray, Shin, Regala, Kline, Spanel, Rasmussen and Franklin

AN ACT Relating to expanding financial literacy through education and counseling to promote greater homeownership security; adding new sections to chapter 43.320 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6273 by Senators Haugen and Rasmussen

AN ACT Relating to the nondivisible gross weight limit of farm implements on public highways; and amending RCW 46.44.130 and 46.44.140.

Referred to Committee on Transportation.

FIRST DAY, JANUARY 14, 2008

SB 6274 by Senators Rockefeller, Haugen, Kohl-Welles and McDermott

AN ACT Relating to covering vehicular loads of dirt, sand, and gravel; amending RCW 46.61.655; and providing an effective date.

Referred to Committee on Transportation.

SB 6275 by Senators Haugen and Rasmussen

AN ACT Relating to drainage district commissioners' authority; and amending RCW 85.06.640.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6276 by Senators Kohl-Welles, Swecker, McAuliffe, Regala, Schoesler, Murray, Shin, Eide, Kauffman, Sheldon, Rasmussen, Kline and McDermott

AN ACT Relating to creating a domestic violence pilot program to colocate a domestic violence advocate in department of social and health services offices; adding a new section to chapter 74.13 RCW; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6277 by Senators Haugen and Spanel

AN ACT Relating to accommodating certain private transit providers at park and ride lots; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 6278 by Senator Haugen

AN ACT Relating to clarification of pilot rule making; and amending RCW 34.05.310, 34.05.313, 34.05.315, and 34.05.335.

Referred to Committee on Government Operations & Elections.

SB 6279 by Senators Keiser, Haugen and McAuliffe

AN ACT Relating to the cosmetology apprenticeships; amending RCW 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.100, 18.16.180, and 18.16.280; and reenacting and amending RCW 18.16.175.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6280 by Senators Keiser, Kohl-Welles and Kline

AN ACT Relating to implementing the recommendations of the joint legislative task force on family leave insurance; amending RCW 49.86.010, 49.86.020, 49.86.030, 49.86.050, 49.86.060, 49.86.070, 49.86.090, 49.86.110, 49.86.120, 49.86.160, 49.86.170, 49.86.190, 49.86.210, 49.86.080, and 50.29.021; adding a new section to chapter 49.86 RCW; creating new sections; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6281 by Senators Keiser, Eide, Kauffman, McDermott, Kline and Roach

AN ACT Relating to limiting property tax levies for ports in counties with large populations; and amending RCW 53.36.020, 53.36.080, 53.36.100, and 84.55.005.

Referred to Committee on Government Operations & Elections.

SB 6282 by Senators Keiser, Franklin, Kohl-Welles and Marr

AN ACT Relating to establishing patient-centered primary care pilot projects; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6283 by Senators Rasmussen and King

AN ACT Relating to membership on the apple commission; amending RCW 15.24.035 and 15.24.040; and adding a new section to chapter 15.24 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6284 by Senators Schoesler and Rasmussen

AN ACT Relating to the dairy products commission; amending RCW 15.44.020, 15.44.021, 15.44.030, and 15.44.032; and adding a new section to chapter 15.44 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6285 by Senator Morton

AN ACT Relating to clarifying the authority of educational service districts to provide cooperative and informational services to local school districts; and amending RCW 28A.310.200.

Referred to Committee on Early Learning & K-12 Education.

SB 6286 by Senators Kauffman, Shin and Rasmussen

AN ACT Relating to providing an equal opportunity to learn by holding school systems accountable for students missing school; amending RCW 28A.175.010 and 28A.225.151; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6287 by Senators Marr, Franklin, Fraser, Rockefeller, Oemig, Shin and Kohl-Welles

AN ACT Relating to children's health; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6288 by Senators Marr and Shin

FIRST DAY, JANUARY 14, 2008

2008 REGULAR SESSION

AN ACT Relating to funding certain transportation benefit district highway projects; amending RCW 82.14.0455; and adding a new section to chapter 82.32 RCW.

RCW; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

Referred to Committee on Higher Education.

SB 6289 by Senators Spanel, Swecker, Jacobsen, Morton and Shin

SB 6296 by Senators Kilmer, Hobbs, Shin, Franklin, Marr, Sheldon, Kastama, Rasmussen, Kauffman, Keiser, Haugen and Hatfield

AN ACT Relating to Puget Sound Dungeness crab catch record cards; amending RCW 77.32.070 and 77.15.280; and prescribing penalties.

AN ACT Relating to increasing job creation and encouraging self-employment in the state; amending RCW 28B.30.530; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

Referred to Committee on Economic Development, Trade & Management.

SB 6290 by Senators Oemig and Roach

AN ACT Relating to phasing out property tax levies for ports in counties with large populations; and amending RCW 53.36.020, 53.36.100, and 84.55.005.

SB 6297 by Senators Prentice, Brandland and Sheldon

AN ACT Relating to prosecuting attorney salaries; amending RCW 36.17.020; creating a new section; and providing an effective date.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Ways & Means.

SB 6291 by Senators Oemig, Kline and Kohl-Welles

AN ACT Relating to requiring voter authorization of government welfare tax payments to cities and counties; amending RCW 43.08.290; and creating a new section.

SB 6298 by Senator Haugen

AN ACT Relating to transportation funding and appropriations; amending 2007 c 518 ss 101, 103, 104, 105, 106, 201, 202, 203, 204, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 501, 502, and 503 (uncodified); adding a new section to 2007 c 518 (uncodified); repealing 2007 c 518 s 713 (uncodified); making appropriations and authorizing capital improvements; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Transportation.

SB 6292 by Senators Marr, Honeyford, Haugen, Kohl-Welles and Hewitt

AN ACT Relating to craft distilleries; amending RCW 66.04.010, 66.24.150, 66.24.310, 66.24.520, 66.28.040, 66.28.060, 66.28.150, 66.28.155, 66.40.140, and 66.24.481; reenacting and amending RCW 66.04.010, 66.28.010, and 66.24.210; adding a new section to chapter 66.24 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6299 by Senators Rasmussen, Haugen and Hatfield

AN ACT Relating to the taxation of beekeepers; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6293 by Senator Fairley

AN ACT Relating to ethics board penalties and costs; and amending RCW 42.52.500.

Referred to Committee on Government Operations & Elections.

SB 6300 by Senators Oemig, Rasmussen, Fairley, Regala and Roach

AN ACT Relating to vaccines; amending RCW 70.95M.115; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6294 by Senators Hargrove, Regala and Carrell

AN ACT Relating to public records; and reenacting and amending RCW 42.56.550.

Referred to Committee on Human Services & Corrections.

SB 6301 by Senators Oemig, Marr, Kauffman and Rasmussen

AN ACT Relating to preventing conduct that is intended to provide a person the information necessary to commit a pedophilic act; adding a new section to chapter 9A.44 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6295 by Senators Kilmer, Rockefeller, Hobbs, Shin, Franklin, Marr, Rasmussen, Kastama, Kauffman, Keiser, Kohl-Welles, Hatfield, Berkey and Regala

AN ACT Relating to workplace-based electronically distributed learning; adding new sections to chapter 28C.18

FIRST DAY, JANUARY 14, 2008

2008 REGULAR SESSION

SB 6302 by Senators Kohl-Welles, Keiser, Fairley, Kline, Franklin and Regala

SENATE CONCURRENT RESOLUTION NO. 8411 was adopted by voice vote.

AN ACT Relating to prescription drug marketing and disclosure; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SCR 8411 by Senators Brown and Hewitt

Establishing cutoff dates for the 2008 regular session.

SCR 8412 by Senators Kilmer, Schoesler, Rockefeller and Shin

Requesting approval of the statewide strategic mater plan for higher education.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 6192 which was referred to the Committee on Ways & Means; Senate Bill No. 6275 which was referred to the Committee on Agriculture & Rural Economic Development; and Senate Bill No. 6296 which was referred to the Committee on Economic Development, Trade & Management.

MOTION

On motion of Senator Eide, the rules were suspended and Senate Concurrent Resolution No. 8411 was placed on the second reading calendar.

REPORT OF COMMITTEE

The Sergeant at Arms announced the return of the delegation from the House of Representatives reporting that the House of Representatives had been notified that the Senate was organized and ready to conduct business.

The President received the report and the committee was discharged.

MOTION

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

SECOND READING

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

Establishing cutoff dates for the 2008 regular session.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8411 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8411.

MOTION

On motion of Senator Eide, Senate Concurrent Resolution No. 8411 was immediately transmitted to the House of Representatives.

MOTION

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

MESSAGE FROM THE HOUSE

January 14, 2008

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4405, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 14, 2008

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4406, HOUSE CONCURRENT RESOLUTION NO. 4407, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HCR 4405 by Representatives Kessler and Ericksen

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

HCR 4406 by Representatives Kessler, Ericksen and Hasegawa

Providing for reintroduction of bills from last session.

HCR 4407 by Representatives Kessler and Ericksen

Calling for a joint session.

MOTION

On motion of Senator Eide, the rules were suspended and that House Concurrent Resolution No. 4405, House Concurrent Resolution No. 4406 and House Concurrent Resolution No. 4407 were placed on the second reading calendar.

MOTION

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

FIRST DAY, JANUARY 14, 2008  
SECOND READING

2008 REGULAR SESSION

HOUSE CONCURRENT RESOLUTION NO. 4405, by Representatives Kessler and Ericksen

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

The measure was read the second time.

## MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4405 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4405.

HOUSE CONCURRENT RESOLUTION NO. 4405 was adopted by voice vote.

## APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 4405, the President appointed Senators Benton and Regala to notify the Governor that the Legislature is ready to conduct business.

## MOTION

On motion of Senator Eide, the appointments were confirmed.

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Kessler, Ericksen and Hasegawa

Providing for reintroduction of bills from last session.

The measure was read the second time.

## MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4406.

HOUSE CONCURRENT RESOLUTION NO. 4406 was adopted by voice vote.

## SECOND READING

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

Calling for a joint session.

The measure was read the second time.

## MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4407 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4407.

HOUSE CONCURRENT RESOLUTION NO. 4407 was adopted by voice vote.

## MOTION

There being no objection on motion of Senator Eide, the following measures reintroduced by House Concurrent Resolution No. 4406 were referred to the Rules White Sheet.

Senate Bill No. 5015  
Senate Bill No. 5064  
Senate Bill No. 5067  
Senate Bill No. 5075  
Senate Bill No. 5151  
Senate Bill No. 5152  
Senate Bill No. 5167  
Senate Bill No. 5254  
Senate Bill No. 5271  
Senate Bill No. 5275  
Senate Bill No. 5276  
Senate Bill No. 5279  
Senate Bill No. 5285  
Senate Bill No. 5319  
Senate Bill No. 5343  
Senate Bill No. 5345  
Senate Bill No. 5352  
Senate Bill No. 5353  
Senate Bill No. 5363  
Senate Bill No. 5374  
Senate Bill No. 5378  
Senate Bill No. 5392  
Senate Bill No. 5420  
Senate Bill No. 5425  
Senate Bill No. 5432  
Senate Bill No. 5441  
Senate Bill No. 5457  
Senate Bill No. 5465  
Senate Bill No. 5524  
Senate Bill No. 5531  
Senate Bill No. 5587  
Senate Bill No. 5599  
Senate Bill No. 5603  
Senate Bill No. 5615  
Senate Bill No. 5628  
Senate Bill No. 5650  
Senate Bill No. 5657  
Senate Bill No. 5682  
Senate Bill No. 5698  
Senate Bill No. 5706  
Senate Bill No. 5730  
Senate Bill No. 5742  
Senate Bill No. 5746  
Senate Bill No. 5751  
Senate Bill No. 5772  
Senate Bill No. 5823  
Senate Bill No. 5854  
Senate Bill No. 5900  
Senate Bill No. 5916  
Senate Bill No. 5917  
Senate Bill No. 5929  
Senate Bill No. 6024  
Senate Bill No. 6030  
Senate Bill No. 6068  
Senate Bill No. 6083  
Senate Joint Resolution No. 8210

## MOTION

There being no objection on motion of Senator Eide, the following measures reintroduced by House Concurrent Resolution No. 4406 were referred to the Committees so

FIRST DAY, JANUARY 14, 2008  
designated.

Senate Bill No. 5106  
Senate Bill No. 5109  
Engrossed Senate Bill No. 5261  
Substitute Senate Bill No. 5278  
Senate Bill No. 5329  
Senate Bill No. 5406  
Senate Bill No. 5507  
Substitute Senate Bill No. 5733  
Second Substitute Senate Bill No. 5743

#### MOTION

There being no objection on motion of Senator Eide, the following measures reintroduced by House Concurrent Resolution No. 4406 were referred to the Rules X Files.

Senate Bill No. 5058  
Engrossed Second Substitute Senate Bill No. 5070  
Senate Bill No. 5149  
Substitute Senate Bill No. 5183  
Substitute Senate Bill No. 5221  
Senate Bill NO. 5260  
Engrossed Substitute Senate Bill No. 5267  
Substitute Senate Bill No. 5358  
Senate Bill No. 5383  
Senate Bill No. 5407  
Senate Bill No. 5440  
Engrossed Substitute Senate Bill No. 5452  
Senate Bill No. 5469  
Engrossed Substitute Senate Bill No. 5497  
Substitute Senate Bill No. 5745  
Engrossed Second Substitute Senate Bill No. 5813  
Substitute Senate Bill No. 5844  
Substitute Senate Bill No. 5855  
Substitute Senate Bill No. 5869  
Senate Bill No. 5969  
Engrossed Senate Bill No. 5983  
Senate Bill No. 6107

#### MOTION

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

#### MOTION

Senator Eide moved adoption of the following resolution:

#### SENATE RESOLUTION 8694

By Senators Eide and Schoesler

WHEREAS, The Senate adopted permanent rules for the 2007-09 biennium under Senate Floor Resolution No. 8601 in 2007; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied; and

WHEREAS, The Senate desires to clarify the application of scope and object standards to title-only bills;

NOW, THEREFORE, BE IT RESOLVED, That Rule 66 of the Permanent Rules of the Senate is amended as follows:

**"Rule 66.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.) Substitute bills shall be considered amendments for the purposes of this rule. A point of order raising the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment. A proposed amendment to an unamended title-

only bill shall be within the scope and object of the bill if the subject of the amendment fits within the language in the title."

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8694.

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

#### STANDING COMMITTEE ASSIGNMENTS

The President announced the following 2008 Standing Committee assignments.

#### 2008 PROPOSED SENATE STANDING COMMITTEE ASSIGNMENTS

Agriculture & Rural Economic Development (6) -- Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton; Shin

Consumer Protection & Housing (9) -- Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin; Tom

Early Learning & K-12 Education (14) -- McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hewitt; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein; Zarelli

Economic Development, Trade & Management (6) -- Kastama, Chair; Kilmer, Vice Chair; Schoesler; Zarelli; Kauffman; King; Shin

Financial Institutions & Insurance (7) -- Berkey, Chair; Hobbs, Vice Chair; \*Benton; Franklin; Parlette; Prentice; Schoesler

Government Operations & Elections (8) -- Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott; Pridemore; Swecker

Health & Long-Term Care (9) -- Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr; Parlette

Higher Education (6) -- Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Sheldon

Human Services & Corrections (7) -- Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr; McAuliffe

Judiciary (8) -- Kline, Chair; Tom, Vice Chair; \*McCaslin; Carrell; Hargrove; McDermott; Roach; Weinstein

Labor, Commerce, Research & Development (8) -- Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray; Prentice

Natural Resources, Ocean & Recreation (9) -- Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens; Swecker

Rules (19) -- Chair; Franklin, Vice Chair; Hewitt; Brown; Eide; Fraser; Haugen; Keiser; Kline; Kohl-Welles; McAuliffe; Murray; Parlette; Pflug; Regala; Schoesler; Spanel; Stevens; Zarelli

Transportation (17) -- Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide;

FIRST DAY, JANUARY 14, 2008

Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon; Spanel

Water, Energy & Telecommunications (11) -- Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore; Regala

Ways & Means (21) -- Prentice, Chair; Fraser, Vice Chair Capital Budget; Pridemore, Vice Chair Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler; Tom

MOTION

On motion of Senator Eide, the committee assignments were confirmed.

MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

April 27, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRANK E. FENNERTY, JR., reappointed June 18, 2007, for the term ending June 17, 2013, as Member of the Board of Industrial Insurance Appeals.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

April 18, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TONY HEY, appointed January 24, 2007, for the term ending October 1, 2009, as Member, Board of Trustees, The Life Sciences Discovery Fund Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

April 12, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GREG BEVER, appointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

May 14, 2007

2008 REGULAR SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELSIE HULSIZER, appointed September 1, 2007, for the term ending December 26, 2010, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

April 26, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

THOMAS W. MALONE, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

April 11, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAREN SEINFELD, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Bates Technical College District No. 28.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

March 15, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN ELLIS, reappointed July 1, 2007, for the term ending June 30, 2013, as Member of the Gambling Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

May 24, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES CUNNINGHAM, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

May 22, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

FIRST DAY, JANUARY 14, 2008

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

DAVE SEABROOK, appointed May 22, 2007, for the term ending December 31, 2011, as Member of the Public Disclosure Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

May 21, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DR. JOYCE WESTGARD, appointed July 1, 2007, for the term ending June 30, 2011, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning & K-12 Education.

May 24, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RHONA SEN HOSS, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Clark Community College District No. 14.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 16, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HAROLD COCHRAN, appointed February 15, 2007, for the term ending September 30, 2009, as Member, Board of Regents, Washington State University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

June 5, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JESUS HERNANDEZ, reappointed July 1, 2007, for the term ending June 30, 2011, as Member of the Higher Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

June 5, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

2008 REGULAR SESSION

SASHA SLEIMAN, appointed July 1, 2007, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

June 5, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SAM SMITH, reappointed July 1, 2007, for the term ending June 30, 2011, as Member of the Higher Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

June 25, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BILLY FRANK, JR., appointed June 26, 2007, for the term ending June 25, 2011, as Member of the Puget Sound Partnership.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Telecommunications.

June 25, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAN O'NEAL, appointed June 26, 2007, for the term ending June 25, 2009, as Member of the Puget Sound Partnership.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Telecommunications.

June 25, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVE SAKUMA, appointed June 26, 2007, for the term ending June 25, 2009, as Member of the Puget Sound Partnership.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Telecommunications.

July 10, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FIRST DAY, JANUARY 14, 2008

WILLIAM D. RUCKELSHAUS, appointed June 26, 2007, for the term ending June 25, 2011, as a Chair of the Puget Sound Partnership.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Telecommunications.

July 18, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRANCOIS FORGETTE, reappointed October 1, 2007, for the term ending September 30, 2013, as Member, Board of Regents, Washington State University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

June 25, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DIANA GALE, appointed June 26, 2007, for the term ending June 25, 2009, as Member of the Puget Sound Partnership.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Telecommunications.

August 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT HOLLOWAY, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Big Bend Community College District No. 18.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 18, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SALLY JEWELL, reappointed October 1, 2007, for the term ending September 30, 2013, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 30, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

2008 REGULAR SESSION  
ERIN LENNON, appointed June 30, 2007, for the term ending May 31, 2008, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 18, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DENNIS MADSEN, reappointed October 1, 2007, for the term ending September 30, 2013, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 30, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

REBECCA NEIGHBORS, appointed July 1, 2007, for the term ending June 30, 2008, as Member, Board of Trustees, Central Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 31, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TOM SAHLBERG, appointed August 1, 2007, for the term ending April 15, 2012, as Member of the Indeterminate Sentence Review Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

August 17, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RICHARD N. WADLEY, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, South Puget Sound Community College District No. 24.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 8, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GEORGE ORR, appointed August 8, 2007, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission.

FIRST DAY, JANUARY 14, 2008

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Natural Resources, Ocean & Recreation.

July 30, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

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

RAYMOND C. RIECKERS, reappointed July 19, 2007, for the term ending June 30, 2011, as Member of the Housing Finance Commission.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Consumer Protection & Housing.

July 30, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT M. SEGURA, appointed July 1, 2007, for the term ending June 30, 2008, as Member, Board of Trustees, The Evergreen State College.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

August 3, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KEITH THOMPSON, appointed October 1, 2007, for the term ending September 30, 2013, as Member, Board of Trustees, Central Washington University.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

September 19, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ISAURA GALLEGOS, reappointed July 19, 2007, for the term ending June 30, 2008, as Member, Board of Trustees, Eastern Washington University.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

August 3, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHERRY GATES, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Green River Community College District No. 10.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

August 20, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LAURIE A. JINKINS, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Tacoma Community College District No. 22 .

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

September 19, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DONALD MEYER, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Pierce Community College District No. 11.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

September 19, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

VICKI ORRICO, appointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Bellevue Community College District No. 8.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

July 18, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BERTHA ORTEGA, reappointed October 1, 2007, for the term ending September 30, 2013, as Member, Board of Trustees, Eastern Washington University.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

July 30, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANTASIA PARKER, appointed July 1, 2007, for the term ending June 30, 2008, as Member, Board of Trustees, Western Washington University.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

September 24, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

FIRST DAY, JANUARY 14, 2008

Ladies and Gentlemen:

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

JOSEPH DOLEZAL, appointed September 4, 2007, for the term ending September 30, 2011, as Member, Board of Trustees, Centralia Community College District No. 12.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 24, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRANK IRIGON, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Renton Technical College District No. 27.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 24, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JERRY SMITH, appointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Shoreline Community College District No. 7.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

REBECCA CHAFFEE, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 18, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CRAIG W. COLE, reappointed October 1, 2007, for the term ending September 30, 2013, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

June 21, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

2008 REGULAR SESSION

EDWARD DELMORE, reappointed August 3, 2007, for the term ending August 2, 2010, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

June 11, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANNABELLE FITTS, reappointed July 2, 2007, for the term ending July 1, 2011, as Member, Board of Trustees, State School for the Blind.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning & K-12 Education.

June 18, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLAIRE GRACE, reappointed July 1, 2007, for the term ending June 30, 2011, as Member of the Housing Finance Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Consumer Protection & Housing.

April 23, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL R. KAWAMURA, appointed April 9, 2007, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

June 11, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES L. KEMP, reappointed July 2, 2007, for the term ending July 1, 2012, as Member, Board of Trustees, State School for the Blind.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning & K-12 Education.

January 15, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FIRST DAY, JANUARY 14, 2008

MARTHA KONGSGAARD, appointed June 26, 2007, for the term ending June 25, 2010, as Member of the Puget Sound Partnership.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Telecommunications.

April 23, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

M.A. LEONARD, appointed July 1, 2007, for the term ending June 30, 2011, as Member of the Housing Finance Commission.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Consumer Protection & Housing.

April 23, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLOTTE PARSLEY, appointed March 16, 2007, for the term ending July 1, 2011, as Member, Board of Trustees, State School for the Deaf.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning & K-12 Education.

April 12, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBYN TODD, appointed April 12, 2007, for the term ending October 1, 2010, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Economic Development, Trade & Management.

September 24, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LORI BLANCHARD, appointed September 24, 2007, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning & K-12 Education.

September 12, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

2008 REGULAR SESSION

SCOTT CARSON, appointed October 1, 2007, for the term ending September 30, 2013, as Member, Board of Regents, Washington State University.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 1, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN STEPHENS, appointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Skagit Valley Community College District No. 4.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 8, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DARLENE WILDER, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DONALD HOVER, appointed October 3, 2007, for the term ending July 15, 2011, as Member of the Salmon Recovery Funding Board.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

August 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEAN MAGLADRY, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Cascadia Community College District No. 30.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 1, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANN C. HEATH, appointed October 1, 2007, for the term ending August 2, 2008, as Member of the Sentencing Guidelines Commission.

FIRST DAY, JANUARY 14, 2008

2008 REGULAR SESSION

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Judiciary.

Referred to Committee on Higher Education.

June 12, 2007

January 25, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

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

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

W. RON ALLEN, appointed October 2, 2006, for the term  
ending September 30, 2012, as Member, Board of Trustees,  
Western Washington University.

KAY SLONIM, appointed July 1, 2007, for the term ending  
March 1, 2013, as Member of the Board of Tax Appeals.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Ways & Means.

October 22, 2007

October 6, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

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

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

RICK S. BENDER, reappointed October 26, 2007, for the  
term ending June 30, 2010, as Member of the Work Force  
Training and Education Coordinating Board.

JULIE MCCULLOCH, appointed October 22, 2007, for the  
term ending September 30, 2010, as Member, Board of Trustees,  
Peninsula Community College District No. 1.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

February 15, 2007

October 21, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

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

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

JOHN MILLER, appointed October 22, 2007, for the term  
ending September 30, 2012, as Member, Board of Trustees,  
Peninsula Community College District No. 1.

MYRA JOHNSON, appointed February 15, 2007, for the  
term ending June 30, 2010, as Member of the Professional  
Educator Standards Board.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Higher Education.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Early Learning & K-12  
Education.

November 1, 2007

October 26, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

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

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

BOB NICHOLS, appointed October 25, 2007, for the term  
ending July 15, 2011, as Member of the Salmon Recovery  
Funding Board.

PHILIP A. PARKER, appointed November 1, 2007, for the  
term ending June 30, 2013, as Member of the Transportation  
Commission.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Natural Resources, Ocean &  
Recreation.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Transportation.

February 16, 2007

October 22, 2007  
TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

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

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

BARBARA ROFKAR, reappointed October 22, 2007, for  
the term ending September 30, 2012, as Member, Board of  
Trustees, Community College District No. 21 (Whatcom  
Community College).

STEPHANIE SALZMAN, appointed February 15, 2007, for  
the term ending June 30, 2008, as Member of the Professional  
Educator Standards Board.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Sincerely,  
CHRISTINE O. GREGOIRE, Governor  
Referred to Committee on Early Learning & K-12  
Education.

October 21, 2007

FIRST DAY, JANUARY 14, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CAROL SEXTON, appointed October 22, 2007, for the term ending October 1, 2010, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Economic Development, Trade & Management.

November 27, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GEORGE MASTEN, reappointed January 1, 2008, for the term ending December 31, 2010, as Member of the Investment Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions & Insurance.

November 21, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RENEE FINKE, appointed November 21, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Columbia Basin Community College District No. 19.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 22, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EDWARD DAVILA, reappointed October 22, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Highline Community College District No. 9.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

December 26, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM J. GORDON, appointed June 30, 2007, for the term ending May 31, 2008, as Member, Board of Regents, Washington State University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 22, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL G. HEUER, reappointed October 22, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Lower Columbia Community College District No. 13.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

December 26, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM SNYDER, reappointed December 27, 2007, for the term ending December 26, 2011, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

July 31, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BETSY HOLLINGSWORTH, appointed September 1, 2007, for the term ending April 15, 2012, as Member of the Indeterminate Sentence Review Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

December 20, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DR. KEITH HUNZIKER, appointed December 20, 2007, for the term ending June 30, 2011, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning & K-12 Education.

January 4, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

REBECCA HILLE, reappointed January 20, 2008, for the term ending January 19, 2012, as a Chair of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

December 17, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FIRST DAY, JANUARY 14, 2008

EMILY YIM, appointed December 17, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Edmonds Community College District No. 23.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHERYL A. LAMBERTON, reappointed January 2, 2008, for the term ending December 5, 2011, as Member of the Western State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

January 4, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAULA HAMMOND, appointed October 15, 2007, for the term ending at the governor's pleasure, as Secretary of the Department of Transportation.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

August 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GENE L. CHASE, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Everett Community College District No. 5.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

December 26, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CAPTAIN CRAIG LEE, reappointed December 27, 2007, for the term ending December 26, 2011, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

#### MOTION

On motion of Senator Eide, the measures listed on the Gubernatorial Appointment Report were referred to the committees as designated.

#### REPORT OF COMMITTEE

The Senate Committee composed of Senators Benton and Regala appeared before the bar of the Senate and reported that the Governor had been notified under the provisions of House

2008 REGULAR SESSION

Concurrent Resolution No. 4405 that the Senate is organized and ready to conduct business.

The President received the report of the committee and the committee was discharged.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

January 14, 2008

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8411, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

At 1:37 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:23 p.m. by President Owen.

#### MOTION

At 3:24 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Tuesday, January 15, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SECOND DAY, JANUARY 15, 2008  
**SECOND DAY**

2008 REGULAR SESSION

---

NOON SESSION

---

Senate Chamber, Olympia, Tuesday, January 15, 2008

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

January 15, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4405,

HOUSE CONCURRENT RESOLUTION NO. 4406,

HOUSE CONCURRENT RESOLUTION NO. 4407,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8411,

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4405,

HOUSE CONCURRENT RESOLUTION NO. 4406,

HOUSE CONCURRENT RESOLUTION NO. 4407,

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6303 by Senators Pflug, Prentice, Shin and Rasmussen

AN ACT Relating to coordination of benefit plans that allow state and public employees to pay on a pretax basis to participate in benefits offered under sections 125 and 129 of the internal revenue code, including transfer of the dependent care assistance program to the health care authority; amending RCW 41.05.300, 41.05.310, 41.05.320, 41.05.123, 41.05.330, 41.05.340, 41.05.350, 41.05.360, 28B.50.874, and 41.50.780; reenacting and amending RCW 41.05.011; adding a new section to chapter 41.05 RCW; creating a new section; repealing RCW 41.04.600, 41.04.605, 41.04.610, 41.04.615, 41.04.620, 41.04.625, 41.04.630, 41.04.635, 41.04.640, and 41.04.645; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6304 by Senators Kohl-Welles, Shin, McAuliffe, Fairley and McDermott

AN ACT Relating to allowing institutions of higher education to adopt rules regulating firearms on campus; reenacting and amending RCW 9.41.300; and creating a new section.

Referred to Committee on Higher Education.

SB 6305 by Senators Kohl-Welles, Keiser, Fairley, Regala, Kline, McDermott, Murray and Tom

AN ACT Relating to providing discretion to the department of health with respect to federal funding for the prevention of teen pregnancy under Title V of the federal social security act; and amending RCW 74.12.410.

Referred to Committee on Health & Long-Term Care.

SB 6306 by Senators Rockefeller, Fairley, Kline and Shin

AN ACT Relating to visitation rights for relatives of dependent children; amending RCW 26.09.405; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Human Services & Corrections.

SB 6307 by Senators Rockefeller, Kilmer, Jacobsen and Kohl-Welles

AN ACT Relating to Puget Sound marine managed areas; amending RCW 90.71.010, 79.105.210, and 90.71.300; adding a new section to chapter 90.71 RCW; adding a new section to chapter 79.105 RCW; adding a new section to chapter 77.12 RCW; and creating new sections.

Referred to Committee on Water, Energy & Telecommunications.

SB 6308 by Senators Rockefeller, Regala, Murray, Kohl-Welles, Marr, Pridemore, Oemig, Kilmer, Jacobsen, Kline, Shin and McAuliffe

AN ACT Relating to climate change research, preparation, and adaptation; and adding a new chapter to Title 43 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SB 6309 by Senators Rockefeller, Kohl-Welles, Jacobsen, Regala, Oemig, Pridemore, Murray, Marr, Hatfield, Kline and Tom

AN ACT Relating to presale and ongoing disclosure of greenhouse gas tailpipe emissions from new motor vehicles; adding a new section to chapter 70.120A RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

SB 6310 by Senator Hargrove

AN ACT Relating to correcting obsolete references concerning chapter 10.77 RCW; amending RCW 10.77.010, 10.77.065, 10.77.092, 10.77.097, 10.77.163, 71.05.235,

SECOND DAY, JANUARY 15, 2008

2008 REGULAR SESSION

71.05.280, 71.05.290, 71.05.300, 71.05.320, 71.05.425, 71.09.025, 71.09.030, and 71.09.060; repealing RCW 10.77.260 and 10.77.800; and declaring an emergency.

Referred to Committee on Human Services.

SB 6311 by Senator Hargrove

AN ACT Relating to reform of competency evaluation and competency restoration procedures; amending RCW 10.77.060, 10.77.065, 10.77.084, 10.77.086, 10.77.088, 10.77.010, 10.77.092, 10.77.097, 10.77.163, 71.05.235, 71.05.280, 71.05.290, 71.05.300, 71.05.320, 71.05.425, 71.09.025, 71.09.030, and 71.09.060; adding new sections to chapter 10.77 RCW; creating a new section; and repealing RCW 10.77.260 and 10.77.800.

Referred to Committee on Human Services & Corrections.

SB 6312 by Senators Roach, Pridemore, Oemig and Benton

AN ACT Relating to identifying marks on ballots; and amending RCW 29A.36.111 and 29A.60.040.

Referred to Committee on Government Operations & Elections.

SB 6313 by Senators McAuliffe, Rasmussen, Tom, Delvin, Shin, Kohl-Welles, Fairley and Fraser

AN ACT Relating to disability history month; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SB 6314 by Senators McAuliffe, Kline, Fairley, Franklin, Kohl-Welles, McDermott, Weinstein and Rasmussen

AN ACT Relating to providing funds to establish and sustain public school arts programs; amending RCW 67.70.240; adding a new section to chapter 43.46 RCW; adding a new section to chapter 43.79 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6315 by Senator Morton

AN ACT Relating to wolf-hybrids; and amending RCW 16.30.010.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6316 by Senators Prentice, Delvin and Kohl-Welles

AN ACT Relating to investment earnings of the gambling revolving fund; and reenacting and amending RCW 43.79A.040.

Referred to Committee on Ways & Means.

SB 6317 by Senators Berkey and Kline

AN ACT Relating to the payment of interest upon failure to pay death benefits that are payable under the terms of a group life insurance policy; and adding a new section to chapter 48.24 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6318 by Senators Berkey and Shin

AN ACT Relating to reporting insurance premiums for tax purposes; and amending RCW 48.14.020 and 48.14.090.

Referred to Committee on Financial Institutions & Insurance.

SB 6319 by Senators Kilmer, King, Kastama, McAuliffe and Rasmussen

AN ACT Relating to extending the application deadlines for sales and use tax deferral programs; amending RCW 82.60.030, 82.63.020, 82.74.020, and 82.75.020; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Management.

SB 6320 by Senators Haugen, Swecker, Hatfield, Sheldon, Fraser, Shin, Roach, Kilmer, Kohl-Welles, McAuliffe and Rasmussen

AN ACT Relating to a deduction from the combined disposable income calculation for the senior property tax exemption for repairs to property required because of acts of nature; and amending RCW 84.36.383.

Referred to Committee on Ways & Means.

SB 6321 by Senators Marr, Swecker and Haugen

AN ACT Relating to jurisdictional route transfers; amending RCW 47.26.167; adding a new section to chapter 47.01 RCW; and recodifying RCW 47.26.167.

Referred to Committee on Transportation.

SB 6322 by Senators Kohl-Welles, Fairley and Kline

AN ACT Relating to revising the definition of a weapon; and reenacting and amending RCW 9.41.300.

Referred to Committee on Judiciary.

SB 6323 by Senators Kilmer, King, Kastama, Shin and Rasmussen

AN ACT Relating to improving the effectiveness of tax incentives for eligible business projects in rural counties and community empowerment zones; amending RCW 82.62.030 and 82.60.049; and providing an effective date.

Referred to Committee on Economic Development, Trade & Management.

SB 6324 by Senators Sheldon, Haugen and Shin

AN ACT Relating to liability immunity for aerial search and rescue activities managed by the department of transportation; and amending RCW 47.68.380.

SECOND DAY, JANUARY 15, 2008

2008 REGULAR SESSION

Referred to Committee on Transportation.

SB 6325 by Senator Hargrove

AN ACT Relating to juvenile offender suspended disposition alternatives; and amending RCW 13.40.0357.

Referred to Committee on Human Services &amp; Corrections.

SB 6326 by Senator Hargrove

AN ACT Relating to restoring the preferential timber industry business and occupation tax rate to the manufacture of environmentally responsible surface material products from recycled paper; reenacting and amending RCW 82.04.260; and creating a new section.

Referred to Committee on Ways &amp; Means.

SB 6327 by Senators Keiser, Kline and Kohl-Welles

AN ACT Relating to unemployment compensation during labor disputes; and amending RCW 50.20.090.

Referred to Committee on Labor, Commerce, Research &amp; Development.

SB 6328 by Senators Kohl-Welles, Shin, Schoesler, Kilmer, Delvin, McAuliffe and Rasmussen

AN ACT Relating to campus safety and security; amending RCW 28B.10.569; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 6329 by Senator McCaslin

AN ACT Relating to jury selection; and amending RCW 2.36.065 and 2.36.093.

Referred to Committee on Judiciary.

SB 6330 by Senators McCaslin and Kohl-Welles

AN ACT Relating to juror compensation; and amending RCW 2.36.150, 3.50.135, and 35.20.090.

Referred to Committee on Judiciary.

SB 6331 by Senator McCaslin

AN ACT Relating to the modification of parenting plans based on the military service of a parent; and amending RCW 26.09.260.

Referred to Committee on Human Services &amp; Corrections.

SB 6332 by Senators Kauffman, Kilmer, Shin, Murray, Sheldon, Marr, Rasmussen, Franklin, Berkey, Haugen, Kohl-Welles, Regala, Keiser, Spanel, McDermott, Rockefeller, Kline, Tom and McAuliffe

AN ACT Relating to increasing the debt limit of the housing finance commission; and amending RCW 43.180.160.

Referred to Committee on Consumer Protection &amp; Housing.

SB 6333  
McAuliffe

by Senators Keiser, Kohl-Welles, Marr and

AN ACT Relating to the creation of a citizens' work group on health care reform; creating new sections; and providing an expiration date.

Referred to Committee on Health &amp; Long-Term Care.

SB 6334 by Senators Franklin, Regala, Fairley, Keiser and Kohl-Welles

AN ACT Relating to the practice of health care assistants; amending RCW 18.135.010, 18.135.020, and 18.135.065; and adding a new section to chapter 18.135 RCW.

Referred to Committee on Health &amp; Long-Term Care.

SB 6335 by Senators Prentice, Shin, Kohl-Welles and McAuliffe

AN ACT Relating to the homeless families services fund; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

SB 6336 by Senators Delvin, Prentice, Hewitt, Kauffman and Shin

AN ACT Relating to the business and occupation tax classification for cleaning up radioactive waste and other byproducts of weapons production and nuclear research and development; amending RCW 82.04.263; creating a new section; and providing an effective date.

Referred to Committee on Ways &amp; Means.

SB 6337 by Senator Jacobsen

AN ACT Relating to the state's management of the Puget Sound commercial salmon fishery; amending RCW 77.50.010 and 77.50.120; reenacting and amending RCW 77.08.010; adding new sections to chapter 77.50 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean &amp; Recreation.

SB 6338 by Senators Jacobsen and Franklin

AN ACT Relating to labeling the country of origin of meat; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Agriculture &amp; Rural Economic Development.

SB 6339 by Senators Kohl-Welles, Swecker, Hargrove, Regala, Fraser, Marr and Kauffman

AN ACT Relating to address confidentiality of victims of trafficking; and amending RCW 40.24.010, 40.24.020, 40.24.030, and 40.24.080.

Referred to Committee on Human Services &amp; Corrections.

SB 6340 by Senators Rockefeller, Morton, Sheldon, Swecker, Hobbs, Berkey and Kilmer

SECOND DAY, JANUARY 15, 2008

2008 REGULAR SESSION

AN ACT Relating to water system acquisition and rehabilitation; adding a new section to chapter 70.119A RCW; and creating new sections.

AN ACT Relating to the watershed transfer of water rights; amending RCW 90.03.380; and creating new sections.

Referred to Committee on Ways & Means.

Referred to Committee on Water, Energy & Telecommunications.

SB 6341 by Senators Kauffman, Delvin and Marr

SB 6349 by Senators Schoesler, Sheldon, Hewitt and Hargrove

AN ACT Relating to electronic data recorders in motor vehicles; reenacting and amending RCW 46.63.020; adding a new section to chapter 48.30 RCW; adding a new chapter to Title 46 RCW; and prescribing penalties.

AN ACT Relating to mitigating the local government and community impacts of state correctional institutions in counties with a population of less than one hundred thousand persons and with a state correctional institution with a population of more than eight hundred offenders with a custody level designation of medium or higher; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Housing.

Referred to Committee on Government Operations & Elections.

SB 6342 by Senators Rasmussen, Swecker, Kastama, Haugen, Pridemore, Franklin, Hobbs, Kline, Shin, Roach, Kilmer and McAuliffe

AN ACT Relating to military department claims and accounts; amending RCW 38.24.010; and adding a new section to chapter 38.40 RCW.

Referred to Committee on Ways & Means.

SB 6350 by Senators Prentice, Keiser and Kohl-Welles

AN ACT Relating to adult family home caregivers; amending RCW 74.39A.240, 74.39A.280, 41.56.113, 41.56.029, 41.04.810, 43.01.047, 74.39A.009, 74.39A.350, and 74.39A.360; reenacting and amending RCW 43.79A.040; adding new sections to chapter 74.39A RCW; creating new sections; and providing an effective date.

SB 6343 by Senators Morton, Carrell and Roach

AN ACT Relating to small scale prospecting and mining; and amending RCW 79A.05.625, 79A.05.630, 79A.05.165, and 77.55.091.

Referred to Committee on Natural Resources, Ocean & Recreation.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6344 by Senator Morton

SB 6351 by Senators Prentice, Jacobsen and Roach

AN ACT Relating to driver's license examinations; amending RCW 46.20.130 and 46.20.305; and reenacting and amending RCW 46.20.120.

AN ACT Relating to providing that certain popcorn mixtures are not prepared food for sales and use tax purposes; and amending RCW 82.08.0293.

Referred to Committee on Transportation.

Referred to Committee on Ways & Means.

SB 6345 by Senator Morton

SB 6352 by Senators Haugen, Stevens, Rasmussen, Swecker, Murray, Marr and Spanel

AN ACT Relating to the alternative bid procedure for public utility districts; and amending RCW 54.04.082.

AN ACT Relating to criteria for siting a future institution of higher education; creating new sections; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Higher Education.

SB 6346 by Senator Morton

SB 6353 by Senator Haugen

AN ACT Relating to the worth of materials utilized for work performed under prudent utility management; and amending RCW 54.04.070.

AN ACT Relating to public transportation fares; amending RCW 35.58.020 and 36.57A.010; adding new sections to chapter 35.58 RCW; adding new sections to chapter 36.57A RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Telecommunications.

Referred to Committee on Transportation.

SB 6347 by Senator Morton

SB 6354 by Senators Haugen and McAuliffe

AN ACT Relating to day labor projects for small counties; and amending RCW 36.77.065 and 36.77.070.

AN ACT Relating to identity crimes; and amending RCW 9.35.005.

Referred to Committee on Transportation.

Referred to Committee on Financial Institutions & Insurance.

SB 6348 by Senator Morton

SB 6355 by Senator Haugen

SECOND DAY, JANUARY 15, 2008

2008 REGULAR SESSION

AN ACT Relating to the imposition of tolls; amending RCW 47.56.030, 47.56.040, 47.56.070, 47.56.076, 47.56.078, 47.56.120, 47.56.240, 35.74.050, 36.120.050, 36.73.040, 47.29.060, 47.58.030, 47.60.010, and 53.34.010 adding new sections to chapter 47.56 RCW; and repealing RCW 47.56.0761 and 47.56.080.

Referred to Committee on Transportation.

SB 6356 by Senators Kohl-Welles, Jacobsen, Kline, McDermott, Prentice, Murray, Shin, McAuliffe and Rasmussen

AN ACT Relating to a leasehold excise tax exemption for nonprofit folk, ethnic, and traditional arts festivals; and adding a new section to chapter 82.29A RCW.

Referred to Committee on Ways & Means.

SB 6357 by Senators Kohl-Welles, Keiser, Regala, Kline, Murray, Fairley, McDermott, Hargrove, McCaslin, Tom, Marr and Rasmussen

AN ACT Relating to service of process in domestic violence cases; amending RCW 26.50.050 and 26.50.130; and creating a new section.

Referred to Committee on Judiciary.

SB 6358 by Senators Regala, Stevens, Hargrove, Marr, Roach, Kohl-Welles and Kilmer

AN ACT Relating to adding child care providers, volunteers, and employees to the definition of "predatory" perpetrators for the purposes of filing a special allegation; and reenacting and amending RCW 9.94A.030.

Referred to Committee on Human Services & Corrections.

SB 6359 by Senators Pflug, Keiser, Fairley and Kohl-Welles

AN ACT Relating to dental care delivery; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6360 by Senators Pflug, Keiser, Swecker, Fairley, Hewitt, Schoesler and Kohl-Welles

AN ACT Relating to establishing a task force on primary care medical practice; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6361 by Senators Pflug, Carrell, Stevens, Swecker, Delvin and Schoesler

AN ACT Relating to exercise of religious beliefs and conscience in the practice of pharmacy; amending RCW 18.64.005, 18.64.160, and 18.130.180; adding a new section to chapter 18.64 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SJM 8022 by Senators Fairley, Swecker, Pridemore, Roach, McDermott, Kline and Kohl-Welles

Proposing a regional presidential primary.

Referred to Committee on Government Operations & Elections.

SJM 8023 by Senator Morton

Requesting resources to manage gray wolf depredation in Washington.

Referred to Committee on Natural Resources, Ocean & Recreation.

SJR 8223 by Senators Carrell, Oemig, Swecker, Roach and McDermott

Repealing a conflicting residency requirement for voting in a presidential election.

Referred to Committee on Government Operations & Elections.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6341 which was referred to the Committee on Consumer Protection & Housing and Senate Bill No. 6347 which was referred to the Committee on Transportation.

#### MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate was at recess until 4:15 p.m.

The Senate was called to order at 4:15 p.m. by President Owen.

The Senate appeared at the Chamber doors of the House and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen, President Pro Tempore Rosa Franklin, Senate Majority Floor Leader Tracey Eide and Senate Republican Caucus Chair Linda Evans Parlette to seats on the Rostrum. The Senators were invited to sit within the Chamber.

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

#### JOINT SESSION

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

#### REMARKS BY THE PRESIDENT

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

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Ahern, Hasegawa, Roberts and Rodne, and Senators Carrell, Kline, Rasmussen and Roach.

#### APPOINTMENT OF SPECIAL COMMITTEE

SECOND DAY, JANUARY 15, 2008

2008 REGULAR SESSION

The President appointed a special committee to escort the State elected officials to the House Chamber: Representatives Liias, Loomis, Schmick and Smith, and Senators Fraser, Hatfield, Pflug and Stevens.

rest of the nation and the world what deliberate bodies can do and be when they come together on one accord with the cause of humanity.

Now grant us wisdom, grant us courage that we fail not man nor Thee. For we pray this prayer in Your Name.  
Amen."

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to advise Her Excellency, Governor Christine Gregoire, that the joint session had assembled and to escort her to the House Chamber: Representatives Herrera and Sommers, and Senator King and Marr.

The President introduced Governor Christine Gregoire.

#### STATE OF THE STATE

Governor Gregoire: "Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished justices of the court, honored officials, members of the Washington State Legislature, Former Governors, Tribal leaders, Local Government officials, members of the Consular Association of Washington, my fellow citizens:

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

Good evening. It is an honor once again to stand before you and talk about the state of this great state. In the past three years, we have tackled tough problems and made great progress to improve the lives of Washingtonians, and we are not done.

The State elected officials arrived, were escorted to the floor of the House and were introduced: Secretary of State Sam Reed, State Treasurer Mike Murphy, State Auditor Brian Sonntag, Attorney General Rob McKenna, Superintendent of Public Instruction Terry Bergeson, Commissioner of Public Lands Doug Sutherland and Insurance Commissioner Mike Kreidler.

I'm mindful tonight that our greatest civil rights leader -- Dr. Martin Luther King Jr. -- was born 79 years ago today. This is an especially auspicious day for me to share with you the hope and optimism I feel for Washington. A state where we know we are better because of diversity and where we value equality in the same spirit as Dr. King.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced special guests present in the galleries: Former Governor Mike Lowry; Brian Cladoosby, chairman of the Swinomish Tribe; Mel Sheldon, chairman of the Tulalip Tribes; Gregory Abrahamson, vice chair of the Spokane Tribe; Pearl Capoeman-Baller, former President of the Quinault Indian National; John Landenburg, Pierce County Executive; and former Representative John Lovick, Snohomish County Sheriff.

Thank you, Reverend McKinney, for starting us off this evening with the opening prayer. We are honored to have you here.

And thank you Sarah (Samuelson) for the outstanding national anthem. I've known Sarah since she was a little girl. I'm proud of you, Sarah.

My husband Mike is with me tonight. Mike's not only a great husband, my best friend, and a great dad, he's been a great partner in the progress we have made. I'd also like to introduce Mike's mother, Mary Gregoire, his brother Denny, Denny's wife, Barb, and their family.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Consular Corps: Shauna MacNeil, Consul of Canada; Jorge Gilbert, Consul of Chile; Frank Brozovich, Consul of Croatia; Petra Walker, Consul of Germany; Helen Szablya, Consul of Hungary and Vice President of the Consular Association of Washington; Mitsunori Namba, Consul General of Japan; Chanh Kwon, Consul General of the Republic of Korea; Stephen Zirschky, Consul of Latvia; Victor Lapatinskas, Consul of Lithuania; Roberto Caldera, Acting Consul of Mexico; Kim Nesselquist, Consul of Norway; Miguel Angel Velasquez, Consul of Peru; Vladimir Volnov, Consul General of the Russian Federation; Philippe Goetschel, Consul of Switzerland; Robert Goff, Consul of Uganda; Gary Furlong, Consul General of Uzbekistan; Robert Chen, Director General, Taipei Economic and Cultural Office.

Mike has promoted children's and family literacy by visiting each of our 39 counties to read to third graders in more than 60 schools. The kids enjoy the book Mike reads -- The True Story of the Three Little Pigs. In the book, the Big Bad Wolf puts such a spin on things to defend himself. He explains that all he was doing was trying to borrow a cup of sugar for his dear old Granny's birthday cake. But the media blew everything out of proportion with all that huff, and puff, and big bad wolf stuff. Next thing you know -- the wolf will be opposed to pork barrel politics.

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

Mike's other passion is helping veterans. His focus is contagious, and I believe we've passed more legislation to assist veterans than at any time in state history. Please give a hand to Mike and yourselves for all we've done to serve those who served us so bravely and so well. I've also been proud to hear Mike, a Vietnam combat veteran, remind people that it is very important to welcome home our troops, thank them, and show our respect for them. We all know the sacrifices they have made.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard commanded by Sergeant John Sager. The National Anthem was sung by Sarah Samuelson. The President led the Chamber in the Pledge of Allegiance. The prayer was given by Reverend Samuel B. McKinney.

Thank you Mike. But most of all, thank you servicemen and women.

Right now, our other job is preparing for Courtney's August wedding. 'Preparing for' doesn't quite capture it. Did you know, for example, that if you go to a wedding store in Seattle, you will find 70 thick binders to leaf through just to choose the absolutely perfect wedding invitations? I looked at these binders and thought, 'couldn't we just have her text-message her friends instead?'

Reverend McKinney: "Let us pray. On this special day, O God, when we gather to hear the state address by our governor, remembering that this is also the 79th birthday of Dr. Martin Luther King Jr., we ask you blessings upon all that shall be said and done here this day and that will take place within life of this body. We pray that we will be concerned not only about the haves but the have nots in society. May we show equal concern for the least and the last and the lost and the left out and the left behind and the led down and the locked in and the locked up and the locked out in society. May this be a productive session of our legislature. May the State of Washington signal to the

Being the mother of the bride is hard work, but don't get me wrong -- it's also fun.

And lest I forget, we don't have to worry about daughter Michelle during all this. She graduated last spring and is fulfilling every parent's dream. She has a job!

In the last year, 50,000 Washington men and women served our nation in Afghanistan, Iraq, and other parts of the world. To those who returned home, we welcome you back and we thank you for your service. For those now serving, we pray for your safety and wish you God speed on your return home.

SECOND DAY, JANUARY 15, 2008

2008 REGULAR SESSION

Sadly, 95 Washington men and women have died in combat in Afghanistan and Iraq. In the last year, Mike and I attended 16 funerals for our fallen heroes. We share the grief of their families. Please join me in a moment of silence for our servicemen and women who have died or were wounded, and for their families.

Now I would like to introduce you to some very special guests.

In the first dark days of December, the lives and livelihoods of thousands of our Southwest Washington friends and neighbors were literally washed or blown away by floods and hurricane force winds. Sadly, some lost their lives, despite the best efforts of the first responders, who were nothing short of heroic.

Amid all the pain and suffering, something remarkable happened – something that will forever touch me deeply.

In an outpouring of compassion that amazed even the most experienced emergency workers, people around Washington donated time, money, equipment, and labor to storm stricken families. To give you an idea of the kindness and generosity in our state, I invited 12 individuals tonight, who represent thousands of our friends and neighbors who responded so well in those dark and troubled times.

Elaine Lawler -- a tireless volunteer from Adna;

Lieutenant Scott Barton -- the United States Coast Guard from Port Angeles;

Debbie Campbell – executive director of the United Way of Lewis County;

Doug Jackson -- President of TransAlta in Centralia;

Specialist Erik Tollestrup -- Army National Guard from Bremerton;

Grays Harbor County Sheriff Mike Whelan;

Kim Michel – Washington Emergency Management;

Major Chris Panush -- Air National Guard from Boistfort;

Will Keepers -- Department of Transportation in Chehalis;

Sergeant Jeffery Speer -- Washington State Patrol in Chehalis;

Steve Sheary -- Line Foreman from Pacific PUD in Raymond;

Pastor Bob Rorabaugh -- Northshore Baptist Church in Bothell.

Let me also thank all the legislators in this chamber who worked so hard to help the people of their districts through this tragedy. Please join me in a heartfelt round of applause for all these Washingtonians, and the thousands just like them, who reached out to help storm victims begin to repair their shattered lives. These special people represent the compassion as well as the special spirit of Washingtonians.

Our communities in Southwest Washington have suffered a tragedy, so I'm asking this Legislature to reach out to them with some much needed help on their road to recovery. And I'm asking all Washingtonians to keep them in their thoughts and prayers, and keep up the help and support.

Of all the wonderful things I've learned as Governor, the most important is that you – the people of Washington – make our state what it is today. You have this spirit – this knack for problem solving and innovation. You don't just talk about problems; you get things done to build a better future for our families. I see it everywhere. I see it now in the rain and mud of Lewis County and the wind-ravaged landscapes of Grays Harbor.

You know, our work here in Olympia isn't nearly as hard as the work of our families at home. Raising a family. Running a business. Protecting the environment. Farming the land. Keeping loved ones safe. Getting a good job. Providing health care to the family and helping a neighbor. Those are the tough jobs. Our job here in Olympia is to offer help where needed to allow the spirit of our people to flourish.

And we are doing our job! We have rejected politics as usual, we have knocked down government barriers, and we have provided real change to help people. As a result, the state of our state is strong. By unleashing the strength of our people and staying true to our values, we will make Washington even stronger in 2008. Tonight I want to share with you and the

people of Washington the successes we've had, the doors we have opened, and the work still to be done.

Just three years ago, when I came to office, Washington was struggling with \$2.2 billion shortfall that threatened to halt any progress on needs from education to health care. Those were tough times, indeed. But we have met the challenges head on, made the tough decisions, and adopted fiscally prudent and economically sound policies for our families, our communities, and our future. Today, I am proud to stand before you and report that we have turned things around and made real progress.

In the past three years, we have spent wisely and carefully to give our kids a better education, make families healthier and safer, and helped bring family-wage jobs to this state. And we have done all that while turning a huge budget deficit into a huge surplus. Here in Washington, I'm proud to say our state has taken steps to equip our economy to face whatever the future holds.

The collapse of the housing market in other states is affecting the market here too. But I'd say to those folks wanting to buy a house -- our economy is strong. For those Washingtonians who are in fear of losing their homes, I'd say, let's do something about it now, and come up with ways to help keep you in your homes! And watch out for the flim-flam artists. I know of a Federal Way family who recently learned the hard way. They were approached by a so-called "mortgage rescue" company, and wound up with even higher payments and eventually lost their home. The couple was suddenly homeless, living in their car, and they had to send their three kids to relatives in another state because they couldn't care for them. Let's not leave this session without helping them and others like them.

I'll say it again. Our families have a tough job, and I am proud of the fact that we have forced government to behave just as families must do to manage their households. We have recorded a very important first – the first constitutionally protected Rainy Day Fund in Washington history. And in 2006, we set aside one of the largest budget reserves in state history. Speaking of the Rainy Day Fund – partly because of it, our bond rating was just raised. Our higher rating can lower borrowing costs for such things as schools and prisons. National rating agencies are seeing what we already know. We are making progress by spending wisely and prudently.

Speaking of our hard working families, after the Supreme Court overturned the one percent cap on annual property tax increases, I asked you to come back in special session to reinstate the cap. Thank you for your prompt action. We helped preserve the American Dream of home ownership for families all across this state!

Washington's good business climate is one of the main reasons that Fortune magazine just recently declared Washington the fourth best state in the nation to start a small business. The fact is, we have made the changes needed to dramatically turn our state's economy around and make it one of the strongest in the nation. My supplemental budget takes care to maintain our solid financial condition. I propose to spend \$266 million to make people safer, protect our most vulnerable, help people pull their lives back together after the December storms, and preserve the dream of home ownership for more families. At the same time, I ask you to leave \$1.2 billion in savings. Media across the state have called my budget frugal. It is. Just like families, we are making wise investments for the future and saving for less prosperous times. For too long, state government spent in the good times, and then made painful cuts when the economy slowed. We are getting off that roller coaster, and we're making progress!

I know first hand what Washington families want. When I was growing up, the restaurant where my Mom worked was going through hard times. The owner said he couldn't pay Mom – but said if she would just keep working, things would turn around and he would pay her. After a few weeks, Mom showed up for work and found the front door padlocked. The restaurant was out of business and she was out two-weeks pay and unemployed. That was a hard time for us because we were living paycheck to paycheck.

SECOND DAY, JANUARY 15, 2008

2008 REGULAR SESSION

So I understand! I know what a steady paycheck means for Washington's hardworking families. Here in Olympia, we have helped working families by making sure government is a partner, not a barrier, to creating more good jobs in this state. Forbes magazine, the flagship of American business media, recently highlighted how we are breaking down barriers by cutting red tape and paperwork, starting one-stop licensing, and providing small business help. That's just one of the reasons Forbes now ranks us among the five best states to do business in the country!

You know, sometimes that means something as simple as talking to people in Plain English. Let me give you an example. Imagine you're sitting at your kitchen table reading the following letter from the Department of Labor and Industries. "We have been notified that you did not receive the State of Washington warrant listed on the attached Affidavit of Lost or Destroyed Warrant Request for Replacement form F242." Does anyone know what that means? Today that letter has been rewritten, and here's what it says: "Have you cashed your L&I check yet?" That's an example of our Plain Talk program where we are making government communicate in a way you and I can understand. What a concept!

Sometimes Washington businesses need a helping hand with foreign trade. I have traveled thousands of miles on trade missions to help open up markets for our products and recruit new businesses. I've put on aprons in stores from Mexico to South Korea to sell Washington cherries, French fries, and apples, and I've hoisted a glass of Washington wine to promote tourism in our wine country. Working together, we've increased exports from Washington by 50 percent. In the past 12 months, we have exported \$47 billion worth of great Washington products. Here at home, I not only see our creative spirit, but we are busy nurturing it, from green industries to global health. We have thrown out the old economic-development model and moved it into communities where the next big thing just might be born tomorrow. We are seeing exciting new growth in innovative businesses -- from solar energy components in Moses Lake to medical technology in Seattle and Spokane, to carbon dioxide-free motors made in Kennewick. In Grays Harbor, local people are writing a story of innovation and regeneration with the birth of new industries. Tell me this -- back in the 1980s when the timber industry faced multiple challenges -- who would have imagined Grays Harbor County would pick itself up and make itself a center for clean energy solutions that will transform our world?

Now that's the special spirit of Washington! Washington entrepreneurs also need skilled workers. We're providing those workers through greater training and education opportunities. The bottom line: we've created 218,000 new jobs in the last three years. That, my friends, is the population of Tacoma and Moses Lake combined. The unemployment rate this year was the lowest in Washington state history. That's right -- we've gone from one of the highest unemployment rates to the lowest in just three years.

How's that for progress? To continue our progress, we must never accept the status quo. That's why I appreciated your bipartisan support in breaking a 30-year stalemate to supply water to farms, fish and communities in Eastern Washington. Thank you, folks, on both sides of the aisle. A new solution to protect the Odessa aquifer is the first major result of our work. Water tables have been dropping seven feet a year -- putting at dire risk \$600 million a year in revenue and 7,500 jobs. A month ago, I reached an agreement that will provide the first significant delivery of new water in the Columbia Basin in 30 years. That's progress, and we did it together through bipartisan cooperation for the sake of Washingtonians!

I hear from working moms and dads all the time that without health care, they fear their families are just one serious injury or illness away from bankruptcy. And they're right! The wealthiest nation in the world must relieve some of this fear and suffering. But since we aren't getting the help we need from Washington, D.C., we are doing what we can ourselves -- the Washington Way.

Like providing health insurance to kids. Three years ago we were cutting health insurance for kids. We now cover 84,000

more kids and are on our way to covering all children by 2010. Thank you for your continued support to provide health insurance to kids.

Why is this so important? Because as any mom or dad knows, healthy kids do better in school and in life. And health insurance helps keep kids out of emergency rooms where costs are much higher to taxpayers. Fundamentally, it's our moral obligation to provide health care to the children of our state when their families can't provide it! Last session you approved a package of health care bills I sent to you. I am pleased to say we are seeing real results. The state's new, free drug discount card has saved more than 70,000 people an average of \$33 per prescription, and an overall savings for them of more than \$2 million. I hear from people all around the state about what a difference this discount card makes. People like Valerie Questad of Wenatchee are benefiting. Here is what Valerie wrote:

"Thank you, Thank you, Thank you. I got the card quickly and had to use it for another round of antibiotics today. It would have cost me \$92.08 -- more than I had. But with the card I paid \$13.72! I feel better already!"

When our loved ones are sick and vulnerable, we need to know they are in good hands. I am asking you to provide funding and legislation to protect our loved ones and ensure competent, qualified health care professionals are serving them. We need national criminal background checks for all out-of-state applicants who want to be licensed health care providers in Washington. We need more timely investigations of complaints against health care providers to make sure our loved ones are in safe hands. Almost 30 percent of hospitalizations among senior citizens could be prevented if you approve a new, on-line data base so doctors and pharmacists know all prescription drugs the patient is receiving. And we can address the nursing shortage in our state this year by training more nurses in hospitals to help patients and create more good, skilled nursing jobs.

Indeed, one of our biggest jobs is to make our people safe, and we're making real progress.

All of us were deeply saddened by the murder of 12 year old Zena Linnik from Tacoma last summer. I promised her parents we would act to prevent future tragedies. And act I did, in several ways.

I launched Operation Crackdown. For the first time, the state provided funding so that local law enforcement can partner with the Department of Corrections and track down and arrest sex offenders in violation of their parole. In the first two weeks alone, we arrested 50 sex offenders. I used my emergency fund to implement electronic monitoring for Level 3 sex offenders because I believe strongly that law enforcement must know where high-risk offenders are at all times. And by next year, we will have built nearly 4,000 prison beds, which represent the biggest prison expansion in state history.

At the same time, we are working very hard to keep former inmates from returning to prison through our Offender Re-entry Initiative of last year. We need to better inform Washington families about where sex offenders are living, and automatically e-mail families if a sex offender moves into their neighborhood.

We also need to expand and continue Operation Crackdown and require DNA samples from every single sex offender in our state. As Kitsap County Prosecutor Russ Hauge said, we will never be entirely free from the scourge of sexual predators. But we must -- and we will -- do everything in our power to provide law enforcement and prosecutors the support they need to protect children like 12-year-old Zena Linnik and their families.

I'm counting on approval of my proposal to improve safety on our college campuses. If we need more convincing, it came with the severe beating of a young woman on the University of Washington's Greek Row last week.

I also urge you to approve my proposal authorizing law enforcement to set up court-approved checkpoints to prevent fatalities like the 251 lives lost in 2006 to drunk driving. That's 251 preventable deaths. We can protect privacy rights and prevent drunk driving. We can join 39 other states, some of which have seen as much as a 24 percent decline in drunken driving deaths with sobriety checkpoints.

SECOND DAY, JANUARY 15, 2008

2008 REGULAR SESSION

Wouldn't it be great if we could build more schools, not prisons?

Every child in Washington should have a chance at a good, rewarding life. And that has to start with a good education. Talk about progress! We are creating a world-class, learner-focused, seamless education system that gives our kids a chance to get a good job. Three years ago, voter-approved initiatives to cut class sizes and increase teacher pay were shelved. But when I took office, we took them off the shelf, and we're investing in smaller classes, paying more to keep and attract our great teachers, and setting high standards for our schools. The chance of a better life shouldn't be limited to those lucky or rich enough to have early learning opportunities. We've helped thousands more children attend preschool and all-day kindergarten so they get the foundation needed to succeed in school, the job, their community, and life. As parents, we already know that the most important influence on student learning is the quality of the teacher. We've invested in teacher-excellence and it's working. More than 1,800 Washington teachers now have national certification, which is recognized as the best measure of teacher effectiveness. Only four other states had more new certified teachers than Washington last year. A record number will go through the certification process this year, and next year we expect a near doubling of national certified teachers. Speaking of excellence, did you know the 2007 National Teacher of the Year is Andrea Peterson, a music teacher at Monte Cristo Elementary in Granite Falls? Andrea's success isn't only about making great music. She uses music to help kids learn English, math and other skills. She uses rap music to help students learn about the Constitution. Now, there's a teacher! And there's a woman who has Washington's special spirit of innovation!

Not everyone wants to go to college, and we are providing the opportunity for these students to flourish. Our Running Start for the Trades Program is working. By connecting motivated high-school kids to the trades, we are increasing graduation rates, preparing kids for a good career, and meeting the need for these high-demand, good-paying jobs. Kids like Ricardo Rodriguez. During high school he started attending the New Market Skills Center in Tumwater with an eye toward an apprenticeship in the building trades. Ricardo says he hated high school, but all he knew how to do was flip burgers. Now he's learning to be a builder to earn a family wage! We are helping thousands more kids succeed and making our workforce strong. In the last three years we have nearly doubled the number of apprenticeships to 14,500.

Now, that's progress!

For college-bound kids, we're opening the doors wider. We're making room. And we are making college more affordable by increasing the number of scholarships, and offering financial aid to more students. Let's make sure every young person in Washington knows that if they work hard, they will have the chance to compete with anyone, anywhere in the world, for jobs in the new global economy found right here in Washington.

As we commute to those jobs, we know our highways have big challenges. But we are making progress. At the end of 2004, just 12 highway construction projects were completed. Three years later, we have completed 128 highway construction projects – from the Tacoma Narrows Bridge to the widening project on I-405, and from a new State Route 17 Interchange in Moses Lake to new lanes to speed up traffic on State Route 543 at the Canadian Border in Bellingham. Ninety one percent of them were on time and nearly as many on budget.

It might not get the ink, but that's real progress!

The tragic bridge collapse in Minneapolis was a wake-up call to this nation. Prime exhibits in Washington are the viaduct in Seattle and the 520 bridge. We need to take them down, not leave it to Mother Nature! We have begun construction on the most vulnerable portion of the viaduct and we expect removal of the south structure within three years. I announced our plan last week to build a new 520 Bridge. It's time. There is nothing to it but to do it. And do it we will. In Spokane, people have been waiting for a new North-South Corridor. With the people of Spokane, I'm committed to finding a new way to fund that project and make it happen. And I'm working closely with

Oregon Governor Ted Kulongoski to jointly build a new Columbia River Crossing between Vancouver and Portland. And we are on our way to building new ferries to ensure the safety of our ferry passengers. With our robust growth and employment, we won't solve our transportation problems overnight. Sometimes we forget that in the old days the federal government paid for 90 percent of our roads and bridges. Those days are gone.

But we're making progress to address congestion, to maintain the roads we have, and to do it all with safety utmost in mind. As we witnessed with the flooding and recent closure of I-5, we know about the dire threats posed by global warming. I believe we have a moral responsibility to protect our planet, and provide a cleaner, more sustainable world. The federal government continues to drag its feet, but we will lead. We're already driving private investment in renewable energy, energy efficiency, alternative fuels, and green buildings. We're among the fastest growing wind-power generators in the country, behind only California and Texas, and we have the largest biofuels plant in the country in Hoquiam. We are witnessing significant investments in solar manufacturing – particularly in our rural communities. Renewable Energy Corporation in Moses Lake makes a component of solar technology and employs 250 people! We're saving our planet and creating green-collar jobs. Now that's progress in a state and world that needs to reduce greenhouse gases and save our planet for our children and grandchildren.

Each of us can do our part. Small steps by a lot of people mean big change. To many of us, Puget Sound is quality of life. It's why we live here. It's also a \$20 billion economic engine for our state. But toxic hot spots, storm water, leaking septic tanks, and other pollution sources are threatening it. Today we have something we didn't have three years ago -- a results-driven effort already working on the ground, and now the federal government as a new partner to begin the clean up of Puget Sound. Thank you to our delegation, especially Congressman Norm Dicks for securing \$20 million in federal funding to help restore the Sound.

As I look back, and more importantly, as I look forward – I know we are making tremendous progress to keep Washington the place to thrive and raise a family. Jack Farris, President of the Washington Biomedical and Biotechnical Association, once said, "I'm working on the most exciting issues, in the most exciting place in the world, at the best time in history." I share Jack's optimism and enthusiasm, but I'd change his quote just a bit. Washington has the most remarkable people, ready for the most exciting opportunities, at any time in state history. We're come a long way, from tough times and dour prophecies, to put our state back on track toward a safe, prosperous, healthy future.

But believe me, we're not done yet! Claiming victory now would diminish the challenges ahead, and we are not going to turn back. Let's continue to work as partners with and for the great people of this state. Let's give a well-deserved rest to partisanship and politics and replace them with progress and prosperity. Let's build on the spirit of Washington's people.

God Bless you all, and God Bless the Great State of Washington."

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

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

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

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

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Owen, President Pro Tempore Franklin, Senate Majority Floor Leader Tracey Eide and Senate Republican Caucus Chair Linda Evans

SECOND DAY, JANUARY 15, 2008

Parlette, and members of the Washington State Senate from the House Chamber.

2008 REGULAR SESSION

MOTION

At 6:02 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 16, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRD DAY, JANUARY 16, 2008

2008 REGULAR SESSION

**THIRD DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, January 16, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Berkey, Fraser, Oemig, Prentice, Schoesler and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Sam Flor and Susie Hughes, presented the Colors. Member David Lynch of the local Spiritual Assembly of the Baha's offered the prayer.

**MOTION**

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

**MOTION**

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

**MESSAGES FROM STATE OFFICES**

September 30, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the State of Washington Department of Corrections, Facility Report Offender Characteristics Population Movement and Custody. If you have any questions about the report, please call 360-725-8810.

Sincerely,  
Harold Clarke, Secretary

The State of Washington Department of Corrections, Facility Report Offender Characteristics Population Movement and Custody is on file in the Office of the Secretary of the Senate.

**MESSAGES FROM STATE OFFICES**

September 30, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the Department of Corrections, Client Characteristics. If you have any questions about the report, please call 360-725-8810.

Sincerely,  
Harold Clarke, Secretary

The Department of Corrections, Client Characteristics is on file in the Office of the Secretary of the Senate.

**MESSAGES FROM STATE OFFICES**

January 15, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the Department of Corrections, implementing the extraordinary medical placement program Report. This report is mandated under .RCW 72.09.260.

If you have any questions about the report, please call 360-725-8810.

Sincerely,

Harold Clarke, Secretary

The Department of Corrections, implementing the extraordinary medical placement program Report is on file in the Office of the Secretary of the Senate.

**MESSAGES FROM STATE OFFICES**

January 15, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the Department of Corrections, copayments assessed for specific health care services Report. This report is mandated under RCW 72.10.020.

If you have any questions about the report, please call 360-725-8810.

Sincerely,

Harold Clarke, Secretary

The Department of Corrections, copayments assessed for specific health care services Report is on file in the Office of the Secretary of the Senate.

**MOTION**

There being no objection, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

January 16, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
SENATE CONCURRENT RESOLUTION NO. 8411,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

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

THIRD DAY, JANUARY 16, 2008

2008 REGULAR SESSION

## INTRODUCTION AND FIRST READING

SB 6362 by Senators Marr, Brandland, Hargrove, Weinstein, Kauffman, McCaslin, Carrell, Hobbs, Benton, Prentice, Swecker, Berkey, Haugen, Morton, Kilmer, Stevens, Honeyford, Sheldon, Delvin, Shin, Oemig, Kohl-Welles and Rasmussen

AN ACT Relating to the sentencing guidelines commission review of statutes of limitation regarding sex offenses in the Revised Code of Washington; and amending RCW 9.94A.850.

Referred to Committee on Human Services & Corrections.

SB 6363 by Senators Marr, Hargrove, Stevens, Kilmer, Oemig, Franklin, Berkey, Fairley, Brandland, Kastama, Rockefeller, Carrell, Regala, Haugen, Benton, Fraser, Morton, Rasmussen, Swecker, Murray, Honeyford, Kauffman, Hewitt, McCaslin, Delvin, Sheldon, Schoesler, Pflug, Roach, Tom, Shin and Holmquist

AN ACT Relating to admissibility of evidence in sex offense cases; amending RCW 2.04.200; adding a new section to chapter 10.58 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 6364 by Senators Marr, Parlette, Franklin, Keiser, Murray, Weinstein, Hobbs, Prentice, Berkey, Pridemore, Haugen, Kilmer, Rasmussen, McCaslin and Shin

AN ACT Relating to long-term care insurance; amending RCW 48.84.010; reenacting and amending RCW 48.43.005; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6365 by Senators Marr, Keiser, Weinstein, Kauffman, Pridemore, Kohl-Welles, Rasmussen and Rockefeller

AN ACT Relating to the collection and analysis of data concerning association health plans; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6366 by Senators McAuliffe, Fairley, Rasmussen and Murray

AN ACT Relating to the future of the seminary building at Saint Edward state park; creating a new section; and making an appropriation.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6367 by Senators Eide, Stevens, Keiser, Hargrove, Franklin, Carrell, Regala, Shin, Kohl-Welles and Rasmussen

AN ACT Relating to child protective services investigations; amending RCW 26.44.030; reenacting and amending RCW 26.44.030; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6368 by Senators Eide and Prentice

AN ACT Relating to extending the date to finance public facilities district regional centers in cities with a population between eighty thousand and one hundred fifteen thousand; and amending RCW 35.57.010.

Referred to Committee on Ways & Means.

SB 6369 by Senators Eide, McAuliffe, Keiser, Franklin and Rasmussen

AN ACT Relating to the Washington community learning center program; and amending RCW 28A.215.060.

Referred to Committee on Early Learning & K-12 Education.

SB 6370 by Senators Delvin, Kohl-Welles, Hewitt, Kauffman and Shin

AN ACT Relating to alarm system companies; amending RCW 18.170.020, 18.170.070, 18.170.080, 18.170.110, 18.170.120, 18.170.130, 18.170.160, and 18.170.300; reenacting and amending RCW 18.170.010; adding a new section to chapter 9.96A RCW; adding new sections to chapter 18.170 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6371 by Senators Hewitt, Hobbs, Shin, Parlette, King, Rockefeller, Swecker, Brandland, McCaslin, Haugen, Kohl-Welles, Rasmussen, Kilmer and Sheldon

AN ACT Relating to tuition and fee waivers for veterans' families; amending RCW 28B.15.621 and 28B.15.385; and reenacting and amending RCW 28B.15.910.

Referred to Committee on Higher Education.

SB 6372 by Senators Eide, Stevens and Shin

AN ACT Relating to including defendants who are persons specifically authorized to assist and act at the direction of law enforcement officers for the purpose of affirmative defenses; and amending RCW 9.68A.110.

Referred to Committee on Judiciary.

SB 6373 by Senators Eide, Stevens, Shin and Sheldon

AN ACT Relating to creating the crime of viewing depictions of minors engaged in sexually explicit conduct; amending RCW 9.68A.110; adding a new section to chapter 9.68A RCW; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 6374 by Senators Oemig, Stevens, Kohl-Welles, Rasmussen and Sheldon

AN ACT Relating to disclosure of personal wireless numbers; and amending RCW 19.250.010.

Referred to Committee on Water, Energy & Telecommunications.

THIRD DAY, JANUARY 16, 2008

2008 REGULAR SESSION

SB 6375 by Senators Hatfield, Schoesler, Carrell, Holmquist, Parlette and Rasmussen

AN ACT Relating to providing a sales tax exemption for trail grooming on private and state-owned land; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6376 by Senators McAuliffe, Tom, Weinstein, Rasmussen, Fairley, Eide, Kilmer, Oemig, Kohl-Welles, Pridemore, Hobbs, Franklin, Fraser, Kauffman and Keiser

AN ACT Relating to the basic education kindergarten through grade three certificated instructional staff allocation; amending RCW 28A.150.260; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6377 by Senators Hobbs, Fairley, Rockefeller, McAuliffe, Kohl-Welles, Berkey, Shin, Regala, Oemig, Kilmer, Eide, Fraser, Franklin and Rasmussen

AN ACT Relating to secondary career and technical education; amending RCW 28C.04.100, 28C.04.110, 28A.230.097, 28A.655.065, 28A.600.045, 28B.102.020, 28B.102.040, and 28A.505.220; adding new sections to chapter 28B.50 RCW; adding new sections to chapter 28A.245 RCW; adding a new chapter to Title 28A RCW; creating new sections; recodifying RCW 28C.04.100, 28C.04.110, and 28C.22.020; repealing RCW 28C.22.005 and 28C.22.010; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SB 6378 by Senators Prentice and Zarelli

AN ACT Relating to fiscal matters; amending RCW 28B.105.110, 38.52.106, 41.45.230, 43.08.190, 43.08.250, and 77.32.010; amending 2007 c 522 ss 101, 102, 106, 109, 110, 111, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 513, 514, 515, 516, 517, 519, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 701, 702, 703, 704, 705, 706, 713, 716, 718, 719, 722, 1621, 801, 805, 910, 911, 912, and 913 (uncodified); adding new sections to 2007 c 522 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6379 by Senators Pridemore, Swecker, Rockefeller, Hobbs, Fairley, Marr, McDermott, Hewitt, Berkey, Hatfield, Rasmussen, Shin, Brandland, Kilmer, Regala, Kauffman, Kohl-Welles, Eide, Hargrove, Murray, Oemig, Kline, Haugen, Tom, Delvin, Sheldon, McAuliffe and Keiser

AN ACT Relating to sales tax incentives for highly energy efficient appliances and equipment; adding new sections to

chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6380 by Senators Eide, Brown, McAuliffe, Marr, Shin, Kohl-Welles and Weinstein

AN ACT Relating to enhancing school library programs; adding a new section to chapter 28A.150 RCW; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

SB 6381 by Senators Weinstein, Kauffman, Tom, Fairley, McAuliffe, Kohl-Welles, Kline and Murray

AN ACT Relating to fiduciary duties of mortgage brokers; and adding a new section to chapter 19.146 RCW.

Referred to Committee on Consumer Protection & Housing.

SB 6382 by Senators Weinstein, Kauffman, Fairley, Kohl-Welles and Kline

AN ACT Relating to modifying provisions relating to consumer protection act violations; and amending RCW 19.86.090.

Referred to Committee on Consumer Protection & Housing.

SB 6383 by Senators Weinstein, Kauffman, Tom, McAuliffe and Kline

AN ACT Relating to unlawful detainer actions involving distressed properties under the residential landlord-tenant act; amending RCW 59.18.030; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Consumer Protection & Housing.

SB 6384 by Senators Weinstein, Kohl-Welles and McAuliffe

AN ACT Relating to allowing out-of-state online wine retailers to ship to consumers in the state; amending RCW 66.20.370; and adding a new section to chapter 66.20 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6385 by Senators Weinstein, Kauffman, Fraser, Marr, Pridemore, Fairley, Brown, McAuliffe and Kohl-Welles

AN ACT Relating to real property; and adding a new section to chapter 64.50 RCW.

Referred to Committee on Consumer Protection & Housing.

SB 6386 by Senators Stevens, Hargrove, Morton, Delvin, McCaslin and Rasmussen

AN ACT Relating to publishing the personal information of a minor or information describing the locations where minors may be found; adding a new section to chapter 9.68A RCW; adding new sections to chapter 4.24 RCW; and prescribing penalties.

THIRD DAY, JANUARY 16, 2008

2008 REGULAR SESSION

Referred to Committee on Human Services & Corrections.

SB 6387 by Senators Stevens, Morton, Sheldon, Hewitt, Carrell, Pflug, Swecker, Schoesler, Roach and Benton

AN ACT Relating to creating a searchable budget database for state spending; adding new sections to chapter 43.88 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SB 6388 by Senators Rasmussen, Roach, McAuliffe, King, Kauffman, Hobbs, Benton, Zarelli, Oemig, Stevens, Kohl-Welles, Kilmer, Sheldon and Carrell

AN ACT Relating to learning disabilities screening, identification, and diagnosis; adding a new section to chapter 28A.630 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6389 by Senators Brown, Schoesler, Hobbs, Rasmussen, Marr, Franklin and Kilmer

AN ACT Relating to exempting certain military housing from property and leasehold excise taxes; amending RCW 84.36.010; and adding a new section to chapter 82.29A RCW.

Referred to Committee on Ways & Means.

SB 6390 by Senators Shin, Delvin, Kilmer, Swecker, Fairley, Sheldon, Haugen, Hobbs, Pridemore, Franklin, Rasmussen and Eide

AN ACT Relating to the modification of the governing boards of state colleges and universities; amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100; and creating a new section.

Referred to Committee on Higher Education.

SB 6391 by Senators Shin, Berkey, Delvin, Franklin, Sheldon, Swecker and Rasmussen

AN ACT Relating to creating a University of Washington branch campus; and amending RCW 28B.45.020.

Referred to Committee on Higher Education.

SB 6392 by Senators Shin, Swecker, Jacobsen, Berkey, Pridemore, Prentice, Franklin, Schoesler, Sheldon, Rasmussen, Eide and Kilmer

AN ACT Relating to high-demand fields and degrees; creating a new section; and making an appropriation.

Referred to Committee on Higher Education.

SB 6393 by Senators Shin, Delvin, Murray, Sheldon, Fairley, Swecker, Jacobsen, Schoesler, Franklin, Rasmussen, Eide, Kohl-Welles and McAuliffe

AN ACT Relating to faculty employment opportunities at community and technical colleges; and adding a new section to chapter 28B.52 RCW.

Referred to Committee on Higher Education.

SB 6394 by Senators Shin, Rasmussen, Berkey, Kilmer, Oemig, Hobbs, Pridemore, Franklin and Eide

AN ACT Relating to tuition and fee exemptions; amending RCW 28B.15.100; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SB 6395 by Senators Spanel, Swecker, Jacobsen, Morton, Hargrove, Brandland, Fraser, Shin, Kohl-Welles, Rasmussen, Sheldon and Rockefeller

AN ACT Relating to protecting southern resident orca whales from disturbances by vessels; adding a new section to chapter 77.15 RCW; adding a new section to chapter 77.12 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6396 by Senators Carrell and Kilmer

AN ACT Relating to the use of toll charges and revenue from a certain toll facility; and amending RCW 47.46.100, 47.46.110, and 47.56.165.

Referred to Committee on Transportation.

SB 6397 by Senator Carrell

AN ACT Relating to earmarking sales taxes collected by park vendors; adding a new section to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6398 by Senators Stevens and Hargrove

AN ACT Relating to fines levied in truancy court actions; and amending RCW 28A.225.090.

Referred to Committee on Human Services & Corrections.

SB 6399 by Senators Carrell and Marr

AN ACT Relating to less restrictive alternatives; and amending RCW 71.09.092.

Referred to Committee on Human Services & Corrections.

SB 6400 by Senator Carrell

AN ACT Relating to moral guidance of incarcerated persons; amending RCW 72.01.210, 4.92.060, 4.92.070, and 4.92.075; adding new sections to chapter 72.10 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 6401 by Senator Carrell

AN ACT Relating to civil liability in community supervision settings; adding new sections to chapter 4.24 RCW; and creating a new section.

THIRD DAY, JANUARY 16, 2008

2008 REGULAR SESSION

Referred to Committee on Human Services & Corrections.

SB 6402 by Senators Carrell and Sheldon

AN ACT Relating to the issuance and installation of fluorescent yellow license plates for persons convicted of certain DUI-related offenses; amending RCW 46.20.391; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.16 RCW; adding new sections to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6403 by Senator Carrell

AN ACT Relating to the effect of zoning ordinances on motor vehicle collection and restoration; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SB 6404 by Senators Hargrove and Pridemore

AN ACT Relating to community-based behavioral health services; amending RCW 71.24.025, 71.24.300, 71.24.320, and 71.24.330; reenacting and amending RCW 71.24.035; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Human Services & Corrections.

SB 6405 by Senators Swecker and Rasmussen

AN ACT Relating to the liability of persons rescued from flood waters on roadways; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SB 6406 by Senators Franklin, Hargrove, Kohl-Welles, Weinstein, Carrell, Marr, Fairley, Shin, Kauffman, Fraser, Pridemore, Rasmussen, Sheldon, Murray, McAuliffe, McDermott and Kline

AN ACT Relating to offender education; and adding new sections to chapter 72.09 RCW.

Referred to Committee on Human Services & Corrections.

SB 6407 by Senators Franklin, Eide, Benton, Kline, Hobbs, Honeyford, Marr, Weinstein, Kilmer, Fairley, Tom, Berkey, Swecker, Rasmussen, Shin, Sheldon, Keiser, Pridemore, Hargrove, Regala, Haugen, Murray, McDermott, McAuliffe and King

AN ACT Relating to increasing the small business credit for the business and occupation tax; amending RCW 82.04.4451 and 82.32.045; and providing an effective date.

Referred to Committee on Economic Development, Trade & Management.

SB 6408 by Senators Kohl-Welles, Kline and Weinstein

AN ACT Relating to pet dealers; and adding a new chapter to Title 18 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6409 by Senators Prentice and King

AN ACT Relating to the imposition of delinquency tax rates for qualified employers; amending RCW 50.29.010; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6410 by Senators Prentice and King

AN ACT Relating to correcting statutory references in the calculation of predecessor and successor employer contribution rates; amending RCW 50.29.062 and 50.29.063; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6411 by Senators Kohl-Welles, Jacobsen, Kline, Pridemore, Murray, McDermott, Fairley and Keiser

AN ACT Relating to the regulation of conversion condominiums; amending RCW 64.34.440, 82.02.020, and 64.34.050; creating a new section; and providing an effective date.

Referred to Committee on Consumer Protection & Housing.

SB 6412 by Senators Kohl-Welles, Keiser, Murray, Prentice, Parlette, King and Honeyford

AN ACT Relating to identification cards for purchasing liquor; and reenacting and amending RCW 66.16.040.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6413 by Senators Kohl-Welles, Keiser, Franklin, Murray, King and Parlette

AN ACT Relating to making technical corrections to gender-based terms; amending RCW 4.24.040, 9A.08.010, 9A.76.010, 11.28.090, 11.28.140, 14.12.010, 15.65.020, 18.64.011, 19.06.010, 19.210.010, 38.04.020, 38.16.030, 49.24.140, 49.24.150, 49.24.220, 62A.7-204, 62A.7-309, 69.04.009, 69.04.010, 69.04.024, 69.04.394, 69.04.396, 69.04.480, 69.41.010, 70.87.200, 70.104.020, 70.105.010, 77.55.011, 79A.05.600, 81.40.080, 81.48.050, 81.64.090, 82.75.010, 84.36.260, 85.08.310, 35.07.090, 35.07.120, 35.07.130, 35.07.140, 35.07.150, 35.07.170, 35.07.190, 35.07.200, 35.07.220, 35.13.171, 35.13A.090, 35.14.030, 35.14.060, 35.17.060, 35.17.070, 35.17.080, 35.17.150, 35.17.280, 35.18.010, 35.18.040, 35.18.050, 35.18.060, 35.18.070, 35.18.090, 35.18.110, 35.18.120, 35.18.130, 35.18.150, 35.18.170, 35.18.180, 35.18.190, 35.18.200, 35.18.280, 35.20.105, 35.20.131, 35.20.150, 35.20.170, 35.20.180, 35.20.190, 35.20.220, 35.20.240, 35.21.260, 35.21.850, 35.22.130, 35.22.210, 35.22.280, 35.22.610, 35.23.010, 35.23.111, 35.23.131, 35.23.144, 35.23.410, 35.23.440, 35.27.030, 35.27.050, 35.27.090, 35.27.120, 35.27.170, 35.27.190, 35.27.230, 35.27.280, 35.27.310, 35.27.330, 35.27.340, 35.32A.020, 35.32A.060, 35.33.011,

THIRD DAY, JANUARY 16, 2008

2008 REGULAR SESSION

35.33.055, 35.33.135, 35.33.170, 35.36.010, 35.36.050,  
 35.36.060, 35.37.120, 35.38.050, 35.39.060, 35.44.190,  
 35.44.220, 35.44.230, 35.44.270, 35.45.080, 35.45.090,  
 35.45.130, 35.45.150, 35.49.010, 35.49.040, 35.49.090,  
 35.49.100, 35.50.005, 35.50.225, 35.53.070, 35.54.100,  
 35.55.070, 35.56.040, 35.56.080, 35.56.140, 35.58.070,  
 35.58.100, 35.58.130, 35.58.140, 35.58.150, 35.58.160,  
 35.58.210, 35.58.230, 35.58.265, 35.58.270, 35.58.370,  
 35.58.390, 35.58.400, 35.58.460, 35.58.530, 35.61.230,  
 35.63.020, 35.63.030, 35.63.040, 35.63.100, 35.68.020,  
 35.69.030, 35.70.030, 35.70.040, 35.70.060, 35.71.050,  
 35.77.030, 35.82.050, 35.82.060, 35.82.180, 35.84.050,  
 35.86A.060, 35.88.050, 35.88.060, 35.88.090, 35.92.260,  
 35.94.020, 35.94.030, 35.96.050, 35A.02.055, 35A.08.020,  
 35A.08.040, 35A.08.050, 35A.12.010, 35A.12.030,  
 35A.12.065, 35A.12.070, 35A.12.080, 35A.12.100,  
 35A.12.110, 35A.12.120, 35A.12.130, 35A.12.150,  
 35A.12.170, 35A.13.010, 35A.13.020, 35A.13.030,  
 35A.13.033, 35A.13.035, 35A.13.040, 35A.13.050,  
 35A.13.060, 35A.13.070, 35A.13.080, 35A.13.100,  
 35A.13.120, 35A.13.130, 35A.13.140, 35A.14.190,  
 35A.21.030, 35A.33.010, 35A.33.052, 35A.33.135,  
 35A.33.160, 35A.36.010, 35A.36.050, 35A.36.060,  
 35A.42.010, 35A.42.030, 35A.63.020, 35A.63.110,  
 36.08.020, 36.08.070, 36.08.090, 36.09.020, 36.09.040,  
 36.13.040, 36.16.040, 36.16.060, 36.16.070, 36.16.087,  
 36.16.120, 36.17.045, 36.17.050, 36.18.030, 36.18.050,  
 36.18.060, 36.18.070, 36.18.080, 36.18.090, 36.18.130,  
 36.18.160, 36.18.180, 36.22.030, 36.22.040, 36.22.050,  
 36.22.120, 36.22.150, 36.23.020, 36.23.040, 36.23.080,  
 36.24.010, 36.24.020, 36.24.040, 36.24.070, 36.24.080,  
 36.24.090, 36.24.110, 36.24.155, 36.24.170, 36.24.180,  
 36.26.050, 36.26.060, 36.26.070, 36.26.080, 36.27.010,  
 36.27.030, 36.27.040, 36.27.050, 36.27.070, 36.28.010,  
 36.28.020, 36.28.030, 36.28.040, 36.28.050, 36.28.090,  
 36.28.130, 36.28.150, 36.28.160, 36.28.170, 36.28.180,  
 36.29.025, 36.29.130, 36.32.050, 36.32.060, 36.32.100,  
 36.32.135, 36.32.310, 36.32.330, 36.33.070, 36.33.080,  
 36.33.190, 36.34.070, 36.34.150, 36.34.200, 36.35.180,  
 36.35.190, 36.35.220, 36.35.230, 36.35.240, 36.38.020,  
 36.40.010, 36.40.130, 36.40.210, 36.48.040, 36.48.050,  
 36.53.030, 36.53.040, 36.53.060, 36.53.100, 36.53.120,  
 36.53.130, 36.54.040, 36.54.060, 36.55.050, 36.57.050,  
 36.57.090, 36.57A.050, 36.57A.120, 36.63.255, 36.64.090,  
 36.67.530, 36.68.060, 36.69.120, 36.69.230, 36.69.370,  
 36.70.020, 36.70.080, 36.70.090, 36.70.110, 36.70.120,  
 36.70.150, 36.70.160, 36.70.170, 36.70.180, 36.70.250,  
 36.70.260, 36.70.400, 36.70.600, 36.70.850, 36.70.880,  
 36.71.020, 36.71.040, 36.71.050, 36.71.070, 36.76.120,  
 36.77.070, 36.78.090, 36.78.110, 36.79.160, 36.79.170,  
 36.80.015, 36.80.020, 36.80.030, 36.80.050, 36.80.060,  
 36.81.050, 36.81.060, 36.82.100, 36.87.040, 36.88.040,  
 36.88.130, 36.88.150, 36.88.200, 36.88.250, 36.88.270,  
 36.88.300, 36.88.330, 36.88.450, 36.90.030, 36.92.030,  
 36.93.070, 36.93.110, 36.93.160, 36.94.060, 36.94.290,  
 36.94.340, 36.95.060, 36.95.100, 36.95.110, 36.95.150,  
 36.95.160, 43.01.040, 43.01.050, 43.01.070, 43.03.011,  
 43.03.015, 43.03.020, 43.03.030, 43.03.110, 43.03.120,  
 43.03.170, 43.03.180, 43.03.200, 43.06.020, 43.06.040,  
 43.06.050, 43.06.055, 43.06.070, 43.06.080, 43.06.090,  
 43.06.110, 43.06.120, 43.06.200, 43.06.270, 43.07.010,  
 43.07.020, 43.07.030, 43.07.040, 43.07.050, 43.07.090,  
 43.07.110, 43.08.010, 43.08.020, 43.08.030, 43.08.040,  
 43.08.050, 43.08.062, 43.08.066, 43.08.068, 43.08.070,  
 43.08.080, 43.08.100, 43.08.120, 43.08.130, 43.08.135,  
 43.08.150, 43.10.010, 43.10.020, 43.10.030, 43.10.060,  
 43.10.080, 43.10.090, 43.10.110, 43.10.115, 43.10.120,  
 43.10.130, 43.10.160, 43.10.170, 43.17.030, 43.17.040,  
 43.17.050, 43.17.060, 43.17.100, 43.19.180, 43.19.1915,

43.19.1937, 43.19.200, 43.19.595, 43.19.600, 43.19.620,  
 43.19.630, 43.19.635, 43.20.030, 43.20A.040, 43.20A.110,  
 43.20A.310, 43.20A.320, 43.20A.415, 43.20A.605,  
 43.20A.635, 43.20A.660, 43.21A.050, 43.21A.067,  
 43.21A.090, 43.21A.100, 43.21A.140, 43.21A.600,  
 43.21A.605, 43.21A.610, 43.21A.620, 43.21A.630,  
 43.21B.020, 43.21B.050, 43.21B.060, 43.21B.080,  
 43.21C.010, 43.21C.020, 43.21E.010, 43.21F.405,  
 43.21G.080, 43.22.310, 43.22.400, 43.22.485, 43.23.015,  
 43.23.090, 43.23.110, 43.23.120, 43.23.130, 43.23.160,  
 43.24.090, 43.24.115, 43.27A.190, 43.33.040, 43.37.050,  
 43.37.120, 43.37.150, 43.37.160, 43.37.170, 43.41.060,  
 43.41.100, 43.41.106, 43.41.360, 43.43.040, 43.43.110,  
 43.43.120, 43.43.130, 43.43.135, 43.43.330, 43.43.350,  
 43.43.370, 43.43.735, 43.43.750, 43.43.815, 43.43.860,  
 43.46.090, 43.52.290, 43.52.374, 43.52.375, 43.52.378,  
 43.52A.050, 43.56.040, 43.59.010, 43.59.030, 43.59.060,  
 43.59.080, 43.70.210, 43.78.010, 43.78.020, 43.78.070,  
 43.79.074, 43.79.280, 43.79.303, 43.79.313, 43.79.323,  
 43.79.343, 43.79.393, 43.79A.020, 43.80.130, 43.82.140,  
 43.83B.220, 43.84.041, 43.84.120, 43.85.070, 43.85.190,  
 43.86A.020, 43.88.100, 43.89.040, 43.101.040, 43.101.050,  
 43.101.070, 43.115.040, 43.117.040, 43.117.050,  
 43.117.090, 43.126.025, 43.126.065, 43.130.040,  
 43.130.050, 43.336.020, 44.04.100, 44.04.120, 44.16.010,  
 44.16.030, 44.16.040, 44.16.070, 44.16.080, 44.16.090,  
 44.16.100, 44.16.120, 44.16.140, 44.16.160, 44.16.170,  
 44.20.060, 44.39.050, 44.39.060, 44.48.050, 44.48.060,  
 44.48.110, 48.02.010, 48.02.020, 48.02.030, 48.02.060,  
 48.02.080, 48.02.090, 48.02.100, 48.02.110, 48.02.130,  
 48.02.140, 48.02.150, 48.02.170, 48.03.020, 48.03.030,  
 48.04.030, 48.05.110, 48.05.150, 48.05.160, 48.05.210,  
 48.05.290, 48.05.370, 48.06.050, 48.06.070, 48.06.100,  
 48.06.110, 48.06.180, 48.07.080, 48.07.150, 48.08.020,  
 48.08.090, 48.08.100, 48.08.110, 48.08.120, 48.08.130,  
 48.08.140, 48.08.170, 48.09.130, 48.09.160, 48.09.220,  
 48.09.230, 48.09.270, 48.10.140, 48.10.170, 48.10.200,  
 48.10.250, 48.10.260, 48.10.270, 48.10.280, 48.10.300,  
 48.10.330, 48.10.340, 48.11.080, 48.12.010, 48.12.080,  
 48.12.140, 48.13.220, 48.13.350, 48.14.070, 48.15.100,  
 48.15.110, 48.15.120, 48.15.140, 48.15.170, 48.16.080,  
 48.16.100, 48.17.430, 48.18.020, 48.18.050, 48.18.070,  
 48.18.090, 48.18.120, 48.18.130, 48.18.240, 48.18.292,  
 48.18.293, 48.18.340, 48.18.375, 48.18.400, 48.18.410,  
 48.18.420, 48.18.440, 48.18.450, 48.18A.020, 48.18A.060,  
 48.19.080, 48.19.090, 48.19.100, 48.19.110, 48.19.120,  
 48.19.180, 48.19.190, 48.19.220, 48.19.250, 48.19.290,  
 48.19.310,

Referred to Committee on Labor, Commerce, Research & Development.

SB 6414 by Senators Prentice, Honeyford, Rasmussen and Sheldon

AN ACT Relating to authorizing a cigarette tax agreement between the state of Washington and the Yakama Nation; amending RCW 82.08.0316 and 82.12.0316; adding a new section to chapter 43.06 RCW; adding a new section to chapter 82.24 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6415 by Senators Regala and McAuliffe

AN ACT Relating to renaming the children's trust of Washington as the council for children and families; and

THIRD DAY, JANUARY 16, 2008

amending RCW 43.121.185, 43.121.180, 43.121.020, 43.121.015, and 43.15.020.

Referred to Committee on Human Services & Corrections.

SB 6416 by Senator Zarelli

AN ACT Relating to verifying the legal residency of driver's license, instruction permit, and identicard applicants; amending RCW 46.20.091 and 46.20.117; adding a new section to chapter 46.20 RCW; and creating new sections.

Referred to Committee on Transportation.

SB 6417 by Senator Regala

AN ACT Relating to allowing a six percent property tax limit for emergency medical care and service levies; amending RCW 84.55.0101; and providing for submission of this act to a vote of the people.

Referred to Committee on Government Operations & Elections.

SB 6418 by Senators Kauffman, Kohl-Welles, Rasmussen, Delvin, Marr, Fairley, Pflug, Eide, Pridemore, Fraser, Kline, Rockefeller, Regala and Franklin

AN ACT Relating to student discipline policies; amending RCW 28A.400.110; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6419 by Senators Hatfield, Roach, Jacobsen, Hargrove, Morton, Swecker and Rasmussen

AN ACT Relating to purchasing fishing vessels and licenses; and amending RCW 77.80.010 and 77.80.020.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6420 by Senators Jacobsen, Kohl-Welles, Kilmer, McDermott, Brown, Murray, Kline and Rockefeller

AN ACT Relating to adding bicyclist and pedestrian safety information to drivers' education curriculum; amending RCW 46.82.420; adding a new section to chapter 28A.220 RCW; and creating new sections.

Referred to Committee on Transportation.

SB 6421 by Senators Pridemore, Keiser, McDermott, Hatfield, Kohl-Welles and Pflug

AN ACT Relating to providing medical coverage for smoking cessation programs; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6422 by Senators Hargrove, Regala, Brandland, Shin, Kohl-Welles and Rasmussen

AN ACT Relating to adding domestic violence court order violation to the list of offenses eligible for notification; and amending RCW 9.94A.612 and 9.94A.614.

Referred to Committee on Human Services & Corrections.

SB 6423 by Senators Brown, Hewitt, Kohl-Welles and McAuliffe

AN ACT Relating to strengthening the tax credit and modifying the governing board of a Washington motion picture competitiveness program; and amending RCW 43.365.020, 43.365.030, and 82.04.4489.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6424 by Senators Franklin, Jacobsen, Rasmussen, Hobbs, Weinstein, Marr, Shin, Kilmer, Fairley, Hargrove, Sheldon, Hatfield and McAuliffe

AN ACT Relating to small game hunting license fees; amending RCW 77.32.460; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6425 by Senators Franklin, Benton, Prentice and Rasmussen

AN ACT Relating to personal information associated with debit and credit cards issued by financial institutions; amending RCW 19.255.010; adding new sections to chapter 19.255 RCW; creating new sections; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 6426 by Senators Hobbs, Shin, Swecker, Rasmussen, Fairley, Berkey, Rockefeller, Eide, Schoesler, Fraser, Kauffman, Kohl-Welles and McAuliffe

AN ACT Relating to an interstate compact on educational opportunity for military children; amending RCW 28A.210.080, 28A.210.320, 28A.225.015, 28A.225.160, 28A.225.210, 28A.225.225, 28A.225.280, 28A.225.330, 28A.230.040, 28A.230.050, 28A.230.060, and 28A.230.090; reenacting and amending RCW 28A.655.061; and adding a new chapter to Title 28A RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6427 by Senators Hobbs, Roach, Pridemore, Haugen, Marr, Rasmussen, Rockefeller, Sheldon and Zarelli

AN ACT Relating to competitive solicitation requirements for public facilities districts; amending RCW 36.100.030; and reenacting and amending RCW 35.57.020.

Referred to Committee on Government Operations & Elections.

SB 6428 by Senators Hobbs, Roach, Kilmer, Hatfield, Marr, Eide, King and Rasmussen

AN ACT Relating to the "chief for a day" program; amending RCW 43.101.010 and 43.101.080; and creating a new section.

Referred to Committee on Judiciary.

THIRD DAY, JANUARY 16, 2008

2008 REGULAR SESSION

SB 6429 by Senators Hargrove, Stevens, McAuliffe and Carrell

AN ACT Relating to analyzing school attendance and truancy; creating a new section; and making an appropriation.

Referred to Committee on Human Services & Corrections.

SB 6430 by Senators Hargrove, Stevens, Regala, Shin and Carrell

AN ACT Relating to a pilot program to increase family participation in juvenile offender programs; adding a new section to chapter 13.40 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6431 by Senators Tom, Hobbs and Delvin

AN ACT Relating to distressed property conveyances; adding a new chapter to Title 64 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 6432 by Senators Marr, Schoesler, Rasmussen, Delvin, Hatfield, Shin and Kohl-Welles

AN ACT Relating to expenditures from the Washington State University building account; and amending RCW 28B.15.310.

Referred to Committee on Ways & Means.

SB 6433 by Senators Murray, Kohl-Welles, Keiser, Franklin and King

AN ACT Relating to making technical changes to laws relating to labor regulations; amending RCW 49.04.040, 49.04.110, 49.04.120, 49.04.130, 49.08.010, 49.08.020, 49.08.030, 49.08.040, 49.08.050, 49.12.005, 49.12.041, 49.12.050, 49.12.091, 49.12.101, 49.12.105, 49.12.110, 49.12.121, 49.12.123, 49.12.130, 49.12.150, 49.12.170, 49.12.175, 49.12.185, 49.12.200, 49.12.240, 49.12.250, 49.12.275, 49.12.290, 49.12.380, 49.12.450, 49.17.020, 49.17.030, 49.17.040, 49.17.041, 49.17.050, 49.17.055, 49.17.060, 49.17.070, 49.17.080, 49.17.090, 49.17.100, 49.17.110, 49.17.120, 49.17.130, 49.17.140, 49.17.150, 49.17.160, 49.17.170, 49.17.180, 49.17.190, 49.17.200, 49.17.210, 49.17.220, 49.17.230, 49.17.240, 49.17.250, 49.17.260, 49.17.270, 49.17.280, 49.17.285, 49.17.300, 49.17.320, 49.17.350, 49.19.020, 49.19.030, 49.19.040, 49.22.010, 49.22.020, 49.24.010, 49.24.020, 49.24.040, 49.24.060, 49.24.070, 49.24.080, 49.24.150, 49.24.170, 49.24.180, 49.24.190, 49.24.220, 49.24.230, 49.24.250, 49.24.260, 49.24.290, 49.24.310, 49.24.320, 49.24.330, 49.24.340, 49.24.370, 49.26.010, 49.26.013, 49.26.016, 49.26.020, 49.26.030, 49.26.040, 49.26.110, 49.26.115, 49.26.125, 49.26.130, 49.28.010, 49.28.040, 49.28.060, 49.28.065, 49.28.100, 49.28.120, 49.32.020, 49.32.030, 49.32.050, 49.32.090, 49.32.110, 49.36.015, 49.38.010, 49.40.010, 49.40.030, 49.40.040, 49.40.050, 49.40.060, 49.44.010, 49.44.020, 49.44.030, 49.44.040, 49.44.050, 49.44.060, 49.44.080, 49.44.090, 49.44.100, 49.44.140, 49.46.020, 49.46.040, 49.46.060, 49.46.070, 49.46.080, 49.46.090, 49.46.100, 49.46.110, 49.46.130, 49.48.010,

49.48.030, 49.48.060, 49.48.070, 49.48.150, 49.48.210, 49.52.010, 49.52.020, 49.52.030, 49.52.040, 49.52.050, 49.52.060, 49.52.070, 49.52.080, 49.52.090, 49.56.010, 49.56.020, 49.56.030, 49.56.040, 49.60.174, 49.60.178, 49.60.310, 49.60.360, 49.60.380, 49.64.030, 49.64.040, 49.66.020, 49.66.030, 49.66.040, 49.66.050, 49.66.060, 49.66.070, 49.66.080, 49.66.090, 49.66.100, 49.66.120, 49.66.900, 49.70.170, 49.70.210, and 49.74.005; reenacting and amending RCW 49.12.187 and 49.60.250; and repealing RCW 49.04.141, 49.08.060, 49.17.288, 49.32.072, 49.32.073, 49.32.074, and 49.32.910.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6434 by Senator Berkey

AN ACT Relating to distributing the insurance commissioner's examination reports; and amending RCW 48.03.040 and 48.37.060.

Referred to Committee on Financial Institutions & Insurance.

SB 6435 by Senators Franklin, Hargrove, Stevens and Shin

AN ACT Relating to modifying a foster parent license due to a change of residence; and amending RCW 74.15.100.

Referred to Committee on Human Services & Corrections.

SB 6436 by Senators Hargrove, Stevens, Shin, Kohl-Welles and Rockefeller

AN ACT Relating to requiring federal name-based criminal history record checks when a child is placed in out-of-home care in an emergency situation; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Human Services & Corrections.

SB 6437 by Senators Carrell, Hargrove and Kline

AN ACT Relating to bail bond agents and bail bond recovery agents; and amending RCW 18.185.030, 18.185.060, 18.185.090, 18.185.110, 18.185.250, 18.185.260, 18.185.280, and 18.185.300.

Referred to Committee on Judiciary.

SB 6438 by Senators Kohl-Welles, Rockefeller, Oemig, Honeyford, Murray, Delvin and Pridemore

AN ACT Relating to a statewide high-speed internet deployment and adoption effort; and adding a new section to chapter 43.105 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SB 6439 by Senators Spanel and Berkey

AN ACT Relating to radiologist assistants; amending RCW 18.84.010, 18.84.020, 18.84.030, 18.84.040, and 18.84.080; and adding new sections to chapter 18.84 RCW.

Referred to Committee on Health & Long-Term Care.

THIRD DAY, JANUARY 16, 2008

2008 REGULAR SESSION

SB 6440 by Senators Oemig, Kohl-Welles and Fairley

AN ACT Relating to providing tax information to the legislature; amending RCW 82.32.330; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6441 by Senator Prentice

AN ACT Relating to fees for gambling activities regulated by the Washington state gambling commission; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6442 by Senators Regala, Stevens, Kline, Zarelli, Tom, Parlette, Hargrove, Swecker, Fraser, Pridemore, McDermott and Kohl-Welles

AN ACT Relating to the office of public defense; amending RCW 2.70.005, 2.70.010, 2.70.020, and 2.70.030; creating a new section; and repealing RCW 43.131.389, 43.131.390, and 2.70.050.

Referred to Committee on Judiciary.

SB 6443 by Senators Kohl-Welles, McAuliffe, Weinstein, Kauffman, Brandland, McDermott, Shin, Rasmussen and Carrell

AN ACT Relating to disciplinary actions for education employees committing sexual offenses; and amending RCW 28A.400.320, 28A.400.330, 28A.405.470, 28A.410.090, and 28A.410.110.

Referred to Committee on Early Learning & K-12 Education.

SB 6444 by Senators Kohl-Welles, Keiser, Oemig, Franklin, Delvin, Fairley, Weinstein and Rasmussen

AN ACT Relating to creating the children's product safety act; amending RCW 70.111.010, 70.111.020, 70.111.030, 70.111.060, 70.111.900, and 43.70.660; adding new sections to chapter 70.111 RCW; adding a new section to chapter 43.215 RCW; repealing RCW 70.111.040; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6445 by Senator Pridemore

AN ACT Relating to cost recovery for fire protection and public safety services rendered on navigable waters of the state to commercial vessels by fire protection agencies; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Government Operations & Elections.

SB 6446 by Senators Eide, Kilmer and Rockefeller

AN ACT Relating to allowing medicare only health insurance benefits for certain employees of political subdivisions under a divided referendum process; and amending RCW 41.48.030.

Referred to Committee on Ways & Means.

SB 6447 by Senators Hobbs, Jacobsen, Shin and Rasmussen

AN ACT Relating to allowing unpaid leaves of absence for military personnel needs; and adding a new chapter to Title 49 RCW.

Referred to Committee on Government Operations & Elections.

SB 6448 by Senators Marr, Zarelli, Keiser, Delvin, Kline, Brown, Brandland, Kohl-Welles, Fairley, Shin, Pflug, McAuliffe, Rasmussen and Kilmer

AN ACT Relating to intensive behavior support services for children with developmental disabilities; adding a new chapter to Title 71A RCW; and making an appropriation.

Referred to Committee on Health & Long-Term Care.

SB 6449 by Senators McDermott, Weinstein, Kline, Murray, Kohl-Welles, McAuliffe and Keiser

AN ACT Relating to freedom of student press and speech; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 6450 by Senators Tom, McAuliffe, Jacobsen, Kauffman, Kilmer, McDermott and Rasmussen

AN ACT Relating to costs of school district and educational service district performance audits; and amending RCW 43.09.470.

Referred to Committee on Early Learning & K-12 Education.

SB 6451 by Senators Tom, McAuliffe, Jacobsen, Kauffman, Kilmer, McDermott and Rasmussen

AN ACT Relating to costs of school district performance audits; and amending RCW 43.09.470.

Referred to Committee on Early Learning & K-12 Education.

SB 6452 by Senators Tom, Weinstein, Oemig and Keiser

AN ACT Relating to requiring certain borrower disclosures of yield spread premiums; amending RCW 19.146.030, 19.146.070, and 19.146.010; and creating a new section.

Referred to Committee on Consumer Protection & Housing.

SB 6453 by Senators Tom, McAuliffe, Rasmussen, Oemig, Kline and Shin

AN ACT Relating to the release of education records to the department of social and health services; and amending RCW 28A.150.510.

Referred to Committee on Early Learning & K-12 Education.

THIRD DAY, JANUARY 16, 2008

2008 REGULAR SESSION

SB 6454 by Senators Tom, McAuliffe, Rasmussen, Kline, Shin, Kohl-Welles and Rockefeller

AN ACT Relating to improving educational outcomes for students in foster care; amending RCW 28A.150.510; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 74.13 RCW; and making appropriations.

Referred to Committee on Early Learning & K-12 Education.

SB 6455 by Senators Haugen, Swecker, Murray, Schoesler, Kauffman, Marr, Shin, McAuliffe and Rasmussen

AN ACT Relating to the Washington state patrol retirement system; amending RCW 41.45.050, 41.45.060, 41.45.030, 41.45.070, 41.04.281, and 41.04.278; reenacting and amending RCW 44.44.040; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6456 by Senators Keiser, Kohl-Welles and McAuliffe

AN ACT Relating to modifying credentialing standards for counselors; amending RCW 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.090, 18.19.100, 18.225.010, 18.225.020, 18.225.150, 18.205.020, 18.205.030, and 18.205.040; adding new sections to chapter 18.19 RCW; adding a new section to chapter 18.225 RCW; adding a new section to chapter 18.205 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6457 by Senators Keiser and Kohl-Welles

AN ACT Relating to the adverse health events and incident reporting system; amending RCW 70.56.010, 70.56.010, 70.56.020, 70.56.030, 70.56.040, and 70.56.050; reenacting and amending RCW 42.56.360 and 42.56.360; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6458 by Senators Keiser, Shin and Kohl-Welles

AN ACT Relating to regulation of health professionals; amending RCW 18.130.050, 18.130.080, 18.130.140, 18.130.150, 18.130.165, 18.130.170, 18.130.172, 18.130.180, 9.96A.020, 9.95.240, and 43.43.825; reenacting and amending RCW 18.130.040, 18.130.040, and 18.130.160; adding new sections to chapter 18.130 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6459 by Senator Tom

AN ACT Relating to directing the state lottery commission to implement a raffle that awards scholarships as prizes; amending RCW 67.70.100 and 67.70.240; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6460 by Senators Fraser, Swecker, Rasmussen and Sheldon

AN ACT Relating to authorizing state general obligation bonds for the state's share of the Centralia-Chehalis flood control project; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6461 by Senators Fraser, Brandland, Shin and Sheldon

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending 2007 c 520 ss 1020, 1030, 1031, 1035, 1041, 1050, 1066, 1073, 1075, 2007, 2029, 2042, 2045, 2054, 2056, 2058, 2075, 3001, 3019, 3036, 3037, 3043, 3045, 3046, 3048, 3050, 3060, 3072, 3087, 3102, 3155, 3179, 3187, 3211, 4004, 5008, 5010, 5086, 5100, 5128, 5255, 6013, and 6032 (uncodified); adding new sections to 2007 c 520 (uncodified); creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6462 by Senators Fraser and Kline

AN ACT Relating to state general obligation bonds for affordable housing programs; and amending RCW 43.99T.020.

Referred to Committee on Ways & Means.

SB 6463 by Senators Roach and Prentice

AN ACT Relating to limiting mandatory overtime for corrections officers employed by a city or county jail; and amending RCW 49.28.130 and 49.28.140.

Referred to Committee on Government Operations & Elections.

SB 6464 by Senator Fairley

AN ACT Relating to judicial district population estimates; and amending RCW 3.30.010.

Referred to Committee on Government Operations & Elections.

SB 6465 by Senators Roach, Benton, Rasmussen, Hargrove, King, Hobbs, Hatfield, Delvin, McCaslin, Kilmer, Rockefeller and Carrell

AN ACT Relating to temporary fishing license fees; and amending RCW 77.32.470.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6466 by Senators Roach, Tom, Rasmussen, McAuliffe, Hobbs, Stevens, Delvin, Shin and Carrell

AN ACT Relating to instruction in Spanish and Chinese languages; and creating new sections.

THIRD DAY, JANUARY 16, 2008

2008 REGULAR SESSION

Referred to Committee on Early Learning & K-12 Education.

SB 6467 by Senators Roach, Kline, Rasmussen, Hobbs, Benton, Delvin, McCaslin and Carrell

AN ACT Relating to crimes related to mail; amending RCW 13.40.0357; reenacting and amending RCW 9.94A.515; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6468 by Senators King, Rasmussen, Roach, Hobbs, Honeyford, Hewitt and Sheldon

AN ACT Relating to the taxation of honey beekeepers; amending RCW 82.04.330, 82.08.865, and 82.12.865; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6469 by Senators Murray, Swecker, Jacobsen, Pridemore, McDermott, Fraser, McAuliffe, Kohl-Welles and Rockefeller

AN ACT Relating to preventing air and water pollution through urban forestry partnerships; amending RCW 76.15.020, 35.92.390, 35A.80.040, 80.28.300, 36.70A.280, 76.15.010, 89.08.520, and 79.105.150; reenacting and amending RCW 43.155.070, 70.146.070, and 79A.15.040; adding a new section to chapter 76.15 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 80.28 RCW; adding a new chapter to Title 35 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SJM 8024 by Senators Hargrove, Haugen, Benton, Franklin, Spanel, Marr, Sheldon, Roach, Hobbs, Kilmer, Shin, McAuliffe, Rasmussen and Carrell

Requesting that Highway 112 be named the "Vietnam War Veterans' Memorial Highway."

Referred to Committee on Transportation.

SJM 8025 by Senators Stevens, Hargrove, Parlette and Shin

Requesting that Congress reform current federal financial structure for foster care.

Referred to Committee on Human Services & Corrections.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 6431 and Senate Bill No. 6452 which were referred to the Committee on Consumer Protection & Housing; and Senate Bill

No. 6469 which was referred to the Committee on Natural Resources, Ocean & Recreation.

#### MOTION

On motion of Senator Eide, the following measures were removed from the Committee on Rules and referred them to the committees so designated.

SSB 5271 Special elections SRules2 Pridemore GO  
SSB 5353 Municipal courts SRules2 Kline JUD

#### STANDING COMMITTEE ASSIGNMENT

The President announced the appointment of Senator Hewitt to the Committee on Labor, Commerce, Research & Development.

#### MOTION

On motion of Senator Eide, the committee assignment was confirmed.

#### MOTION

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

#### MOTION

Senator Marr moved adoption of the following resolution:

#### SENATE RESOLUTION 8693

By Senators Marr, Brown, and Kohl-Welles

WHEREAS, Citizens of character, intelligence, creativity, initiative, compassion, and collaborative spirit have made significant contributions to the growth and development of the State of Washington; and

WHEREAS, Bruce Eldredge is representative of these qualities and contributions; and

WHEREAS, Bruce Eldredge, of Spokane has served as the CEO of the Eastern Washington State Historical Society from September 1, 2001, until January 15, 2008; and

WHEREAS, The Eastern Washington State Historical Society serves over one hundred twenty thousand annual visitors, and over fourteen thousand K-12 teachers and students, and is recognized as one of only seven hundred accredited museums in the country by the American Association of Museums affirming that Eastern Washington State Historical Society meets the highest standards in collections and exhibits management, education, and visitor services; and

WHEREAS, Bruce Eldredge is President of Washington Arts Consortium which is the oldest collection sharing art consortium in the United States and is made up of the seven largest accredited art museums in the state, a board member of Group Health Cooperative and served as Chairman of the Cooperative Development Committee and as a member of the Strategic Planning and Finance Committee and the Audit Committee, a board member of the Western Association of Museums, the regional organization representing museums in the nine western states, a board member of the Spokane Regional Convention and Visitors Bureau, and an Accreditation Reviewer and Museum Assessment Program Reviewer for the American Association of Museums; and

WHEREAS, Bruce Eldredge served the State of Washington in an exemplary manner as a major contributor to the community, cultural, and political life of the Northwest Region; and

THIRD DAY, JANUARY 16, 2008

WHEREAS, Now is an appropriate time to recognize the contributions of Bruce Eldredge and the trustees and staff of the Eastern Washington State Historical Society;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Bruce Eldredge and the Eastern Washington State Historical Society's contributions to Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to Bruce Eldredge and the Eastern Washington State Historical Society.

Senators Marr and Brown spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8693.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Bruce Eldredge who was seated in the gallery.

#### MOTION

On motion of Senator Eide, Substitute Senate Bill No. 6030 was removed from the Rules Committee and referred to the Committee on Health & Long-Term Care.

#### MOTION

At 10:22 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 17, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FOURTH DAY, JANUARY 17, 2008

2008 REGULAR SESSION

**FOURTH DAY****NOON SESSION**

Senate Chamber, Olympia, Thursday, January 17, 2008

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

January 16, 2008

**SB 5043** Prime Sponsor, Senator Haugen: Dedicating a portion of the state property tax levy to state parks. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Natural Resources, Ocean & Recreation.

January 16, 2008

**SB 5213** Prime Sponsor, Senator Jacobsen: Promoting coordinated ocean management policies. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Natural Resources, Ocean & Recreation.

January 16, 2008

**SB 5295** Prime Sponsor, Senator Kastama: Creating an office of corrections ombudsman. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Human Services & Corrections.

January 16, 2008

**SB 5762** Prime Sponsor, Senator Kilmer: Concerning funding for jobs, economic development, and local capital projects. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Economic Development, Trade & Management.

January 16, 2008

**SB 5959** Prime Sponsor, Senator Hargrove: Providing assistance to homeless individuals and families. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5959 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 16, 2008

**SB 5989** Prime Sponsor, Senator Kastama: Providing a property tax exemption for property owned or used by nonprofit organizations for small startup businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Economic Development, Trade & Management.

January 16, 2008

**SB 6088** Prime Sponsor, Senator Jacobsen: Revising state trust land management policies. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Natural Resources, Ocean & Recreation.

January 16, 2008

**SB 6204** Prime Sponsor, Senator Sheldon: Dividing water resource inventory area 14 into WRIA 14a and WRIA 14b. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Hatfield; Holmquist; Morton and Regala.

Passed to Committee on Rules for second reading.

FOURTH DAY, JANUARY 17, 2008

2008 REGULAR SESSION

January 16, 2008

SB 6269 Prime Sponsor, Senator Jacobsen: Concerning the rights of airline passengers. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Consumer Protection & Housing.

January 17, 2008

SB 6272 Prime Sponsor, Senator Berkey: Expanding financial literacy through education and counseling to promote greater homeownership security. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Parlette, Prentice and Schoesler.

Passed to Committee on Ways & Means.

January 16, 2008

SB 6278 Prime Sponsor, Senator Haugen: Clarifying the pilot rule-making process. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Government Operations & Elections.

January 15, 2008

SB 6310 Prime Sponsor, Senator Hargrove: Correcting obsolete references concerning chapter 10.77 RCW. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

January 16, 2008

SB 6335 Prime Sponsor, Senator Prentice: Concerning the homeless families services fund. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

## MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

## MOTION

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

## MESSAGE FROM THE HOUSE

January 16, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SUBSTITUTE HOUSE BILL NO. 1102,  
HOUSE BILL NO. 1127,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

There being no objection, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 6470 by Senators Kauffman, Schoesler, Marr, Prentice, Tom, Rasmussen, Kline, Kohl-Welles, Kilmer and Roach

AN ACT Relating to training medical students, nurses, and medical technicians and assistants to work with patients with developmental disabilities; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 6471 by Senators Weinstein, Kauffman, Tom, Fairley, McAuliffe, Kohl-Welles, Keiser and Kline

AN ACT Relating to protecting consumers by regulating loans under the consumer loan act and mortgage broker practices act; amending RCW 31.04.025, 31.04.035, and 19.146.010; and repealing RCW 31.04.005.

Referred to Committee on Consumer Protection & Housing.

SB 6472 by Senators Oemig, Weinstein and Kline

AN ACT Relating to commercial parking businesses; and adding a new chapter to Title 19 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6473 by Senators Carrell, McDermott, McCaslin, Benton, Stevens, Marr, Schoesler, Shin, Rasmussen, Hewitt, Haugen and Kilmer

AN ACT Relating to the property tax exemption income eligibility requirements for senior citizens and veterans with service-connected disabilities; amending RCW 84.36.381, 84.36.383, and 84.38.030; and creating a new section.

Referred to Committee on Ways & Means.

SB 6474 by Senators Carrell, Stevens, Schoesler and Holmquist

AN ACT Relating to voter registration; amending RCW 29A.04.103, 29A.04.109, 29A.04.163, 29A.08.010,

FOURTH DAY, JANUARY 17, 2008

2008 REGULAR SESSION

29A.08.110, 46.20.155, 29A.08.140, 29A.08.210, 29A.08.220, 29A.08.520, 29A.08.651, and 29A.84.110; reenacting and amending RCW 9.94A.515; adding new sections to chapter 29A.08 RCW; adding new sections to chapter 29A.84 RCW; repealing RCW 29A.08.145 and 29A.84.670; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 6475 by Senators Oemig, Delvin, Rockefeller, Honeyford, Regala, Tom, Rasmussen and Roach

AN ACT Relating to allowing joint use dock appeals before the shorelines hearings board to be heard by a short board; and amending RCW 90.58.185.

Referred to Committee on Water, Energy & Telecommunications.

SB 6476 by Senators Hatfield, Morton, Haugen, McCaslin, Hargrove, Kastama, Zarelli, Delvin and Rasmussen

AN ACT Relating to the sales and use tax rate for public facilities in rural counties; reenacting and amending RCW 82.14.370; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6477 by Senators Hobbs, Pridemore, Roach, Rasmussen, Hatfield, Stevens, Berkey, Eide, Sheldon, Honeyford, Shin, Keiser, Hewitt, Kline, McAuliffe, Zarelli, Benton and Kilmer

AN ACT Relating to providing state assistance to low-income homeowners; adding a new section to chapter 82.32 RCW; creating a new section; and making an appropriation.

Referred to Committee on Ways & Means.

SB 6478 by Senators Oemig, Swecker, Pridemore, Kline, Spanel and Kohl-Welles

AN ACT Relating to ballot identification; and amending RCW 29A.36.111.

Referred to Committee on Government Operations & Elections.

SB 6479 by Senators Zarelli, Prentice, Rasmussen and Roach

AN ACT Relating to screening and treating children with attachment disorders; creating new sections; making appropriations; and providing expiration dates.

Referred to Committee on Human Services & Corrections.

SB 6480 by Senators Benton, Stevens, Delvin and Roach

AN ACT Relating to requiring assessors to provide information on the basis of valuation when providing taxpayers notice of change in valuation of real property; and amending RCW 84.40.045.

Referred to Committee on Government Operations & Elections.

SB 6481 by Senators Benton, Schoesler, Hewitt, McCaslin, Delvin, Morton, Stevens, Swecker, Pflug and Roach

AN ACT Relating to excluding the value of rebates from sales and use taxation; amending RCW 82.08.010 and 82.08.010; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

SB 6482 by Senators Prentice, Schoesler, Rasmussen and Holmquist

AN ACT Relating to providing a state public utility tax exemption for the transportation of grain by motor vehicle; adding a new section to chapter 82.16 RCW; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6483 by Senators Hatfield, Honeyford, Rasmussen, Haugen, Swecker, Tom, Morton, Rockefeller, Fraser, Hargrove, Keiser, Kohl-Welles, Brandland, Kilmer, Shin, McDermott, Kauffman, Murray, Hobbs, Kastama, Fairley, Pridemore, Regala, McAuliffe, Jacobsen, Kline, Brown, Franklin, Hewitt, Spanel, Parlette, Oemig and Roach

AN ACT Relating to local food production; amending RCW 43.19.1906, 43.19.1911, 43.19.706, and 28B.10.029; reenacting and amending RCW 43.19.1905 and 28A.335.190; adding a new section to chapter 15.64 RCW; adding a new section to chapter 28A.235 RCW; adding new sections to chapter 15.04 RCW; adding a new section to chapter 43.41 RCW; creating new sections; and making appropriations.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6484 by Senators Kohl-Welles, Swecker, Murray, Brandland, Spanel, Tom and Kline

AN ACT Relating to excluding car-sharing activities from the rental car tax; amending RCW 82.08.011; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 6485 by Senators Hobbs and Roach

AN ACT Relating to requiring a percent of the mathematics portion of the Washington assessment of student learning be short answer or multiple choice questions; and adding a new section to chapter 28A.655 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6486 by Senators McAuliffe, Hobbs and Rasmussen

AN ACT Relating to the advisory committee identifying career and technical education curricula to help students obtain a certificate of academic achievement; and amending 2007 c 354 s 12 (uncodified).

FOURTH DAY, JANUARY 17, 2008

2008 REGULAR SESSION

Referred to Committee on Early Learning & K-12 Education.

SB 6494 by Senators Hobbs, McAuliffe, Hargrove, Swecker, Pridemore, Rasmussen and Marr

SB 6487 by Senators Pridemore, Hargrove, Schoesler and Carrell

AN ACT Relating to establishing standards for emergency preparedness kits; and adding a new section to chapter 43.19 RCW.

AN ACT Relating to using multiple measures to meet high school graduation requirements; amending RCW 28A.655.0611, 28A.155.045, and 28A.230.090; reenacting and amending RCW 28A.655.061; adding a new section to chapter 28A.655 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Early Learning & K-12 Education.

SB 6488 by Senators Regala, Hargrove, Brandland, Stevens, Rasmussen, Delvin, Benton and Kilmer

AN ACT Relating to DNA identification of convicted sex offenders and other persons; and amending RCW 43.43.753, 43.43.754, 43.43.7541, and 43.43.756.

SB 6495 by Senators McDermott, Marr, Fairley, Pridemore and Kline

AN ACT Relating to requiring the appointment of nonvoting labor members to public transportation governing bodies; amending RCW 35.58.270, 36.57.030, and 36.57A.050; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Transportation.

SB 6489 by Senators Hargrove, Regala, Brandland, Stevens, Carrell, Shin, Rasmussen, Delvin, Benton and Kilmer

AN ACT Relating to including level I offenders who fail to maintain registration as required by RCW 9A.44.130 to the statewide notification web site; and reenacting and amending RCW 4.24.550.

SB 6496 by Senators Marr, Honeyford, Kohl-Welles, Hewitt and Haugen

AN ACT Relating to craft distilleries; amending RCW 66.24.140, 66.04.010, 66.24.150, 66.24.310, 66.24.520, 66.28.040, 66.28.060, 66.28.150, 66.28.155, 66.40.140, and 66.24.481; reenacting and amending RCW 66.04.010, 66.28.010, and 66.24.210; adding a new section to chapter 66.24 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6490 by Senator Hobbs

AN ACT Relating to a University of Washington branch campus at Lake Stevens; and amending RCW 28B.45.010, 28B.45.012, and 28B.45.020.

Referred to Committee on Higher Education.

SB 6497 by Senators Delvin and Hewitt

AN ACT Relating to financing regional centers in counties with a population of less than two hundred thousand persons that are acquired, constructed, financed, or owned by an existing city public facilities district with a population of at least forty-five thousand persons; adding a new section to chapter 82.14 RCW; and providing an effective date.

SB 6491 by Senators Brandland, McAuliffe, Regala, Delvin, Carrell and Rasmussen

AN ACT Relating to vulnerable adult fatality review; and adding a new section to chapter 74.34 RCW.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Ways & Means.

SB 6492 by Senators McAuliffe, Stevens, Brandland, Carrell, Regala and Delvin

AN ACT Relating to the public disclosure of information regarding civil confinement facilities; and amending RCW 42.56.420.

Referred to Committee on Human Services & Corrections.

SB 6498 by Senator Tom

AN ACT Relating to real estate licensure law; amending RCW 18.85.010, 18.85.030, 18.85.040, 18.85.050, 18.85.055, 18.85.060, 18.85.071, 18.85.080, 18.85.085, 18.85.090, 18.85.097, 18.85.100, 18.85.110, 18.85.120, 18.85.130, 18.85.140, 18.85.155, 18.85.165, 18.85.170, 18.85.180, 18.85.190, 18.85.200, 18.85.210, 18.85.215, 18.85.220, 18.85.225, 18.85.227, 18.85.230, 18.85.240, 18.85.261, 18.85.271, 18.85.281, 18.85.310, 18.85.315, 18.85.317, 18.85.320, 18.85.330, 18.85.340, 18.85.345, 18.85.350, 18.85.520, 18.85.530, and 18.85.560; adding new sections to chapter 18.85 RCW; recodifying RCW 18.85.010, 18.85.071, 18.85.080, 18.85.085, 18.85.040, 18.85.060, 18.85.210, 18.85.220, 18.85.030, 18.85.050, 18.85.055, 18.85.090, 18.85.560, 18.85.097, 18.85.110, 18.85.120, 18.85.130, 18.85.140, 18.85.155, 18.85.165, 18.85.170, 18.85.180, 18.85.190, 18.85.200, 18.85.215, 18.85.310, 18.85.320, 18.85.330, 18.85.315, 18.85.317, 18.85.100, 18.85.225, 18.85.227, 18.85.230, 18.85.240,

SB 6493 by Senators Hobbs, Fairley, Swecker, Pridemore, Shin, Hatfield, Rasmussen and Kline

AN ACT Relating to appeals under the growth management act; amending RCW 36.70A.290; adding new sections to chapter 43.330 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

FOURTH DAY, JANUARY 17, 2008

2008 REGULAR SESSION

18.85.261, 18.85.271, 18.85.281, 18.85.340, 18.85.345, 18.85.350, 18.85.550, 18.85.520, 18.85.530, and 18.85.540; repealing RCW 18.85.095, 18.85.150, 18.85.400, 18.85.450, 18.85.460, 18.85.470, and 18.85.480; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6499 by Senators Weinstein, Delvin, Honeyford, Benton and Kline

AN ACT Relating to spyware; amending RCW 19.270.010, 19.270.020, 19.270.040, 19.270.050, and 19.270.060; and repealing RCW 19.270.030.

Referred to Committee on Water, Energy & Telecommunications.

SB 6500 by Senators Eide, Kohl-Welles, Stevens, Shin, Rasmussen, Kline, Spanel, Holmquist and Haugen

AN ACT Relating to leave sharing for victims of domestic violence, sexual assault, and stalking; amending RCW 41.04.655 and 41.04.660; and reenacting and amending RCW 41.04.665.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6501 by Senators Hargrove, Swecker, Morton, Hatfield and Rasmussen

AN ACT Relating to forest practices regulations applicable to small forest landowners; amending RCW 76.13.120 and 76.13.140; creating new sections; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6502 by Senators Oemig, Rasmussen and Kline

AN ACT Relating to mercury reduction; amending RCW 70.95M.010, 70.95M.020, 70.95M.050, and 70.95M.080; adding new sections to chapter 70.95M RCW; and repealing RCW 70.95M.090.

Referred to Committee on Water, Energy & Telecommunications.

SB 6503 by Senators McDermott, Brandland, McAuliffe and Rasmussen

AN ACT Relating to approving the segmented mathematics assessment as an alternative assessment; and reenacting and amending RCW 28A.655.061.

Referred to Committee on Early Learning & K-12 Education.

SB 6504 by Senators Hatfield, Swecker, Delvin, Regala, Schoesler, Morton, Pridemore and Rasmussen

AN ACT Relating to exempting certain minor new construction associated with construction storm water general permits from the state environmental policy act; amending RCW 43.21C.0383; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

SB 6505 by Senator Tom

AN ACT Relating to nutrition labeling of food; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6506 by Senators Marr, Carrell, Kastama and Parlette

AN ACT Relating to the medical disciplinary act; amending RCW 18.71.002, 18.71.003, 18.71.010, 18.71.015, 18.71.017, 18.71.017, 18.71.019, 18.71.0191, 18.71.0195, 18.71.0195, 18.71.030, 18.71.040, 18.71.050, 18.71.051, 18.71.055, 18.71.060, 18.71.070, 18.71.080, 18.71.085, 18.71.090, 18.71.095, 18.71.230, 18.71.300, 18.71.310, 18.71.315, 18.71.320, 18.71.330, 18.71.350, 18.71A.010, 18.71A.020, 18.71A.025, 18.71A.030, 18.71A.050, 18.71A.085, 18.50.115, 69.45.010, 69.50.402, 69.51A.010, 69.51A.070, 70.41.200, 70.41.230, 74.09.290, and 74.42.230; reenacting and amending RCW 18.71.205, 18.71A.040, 18.130.040, 18.130.040, 69.41.030, and 70.41.200; adding new sections to chapter 18.71 RCW; adding a new chapter to Title 18 RCW; creating new sections; repealing RCW 18.71.401 and 18.71.420; prescribing penalties; providing effective dates; providing expiration dates.

Referred to Committee on Health & Long-Term Care.

SB 6507 by Senator McCaslin

AN ACT Relating to gifts to municipal officers; and amending RCW 42.23.070.

Referred to Committee on Government Operations & Elections.

SB 6508 by Senators Eide, Fraser, Murray, McDermott and Morton

AN ACT Relating to beach management districts; amending RCW 36.61.010, 36.61.020, 36.61.025, 36.61.030, 36.61.040, 36.61.050, 36.61.060, 36.61.070, 36.61.080, 36.61.090, 36.61.100, 36.61.110, 36.61.115, 36.61.120, 36.61.140, 36.61.160, 36.61.170, 36.61.190, 36.61.200, 36.61.220, 36.61.230, 36.61.260, 36.61.270, 36.94.020, 39.34.190, 86.09.151, and 35.21.403; adding a new section to chapter 36.61 RCW; and adding a new section to chapter 43.21A RCW.

Referred to Committee on Water, Energy & Telecommunications.

SB 6509 by Senators Carrell and Morton

AN ACT Relating to intertidal commercial geoduck aquaculture on state-owned aquatic lands; amending RCW 79.135.100; adding new sections to chapter 79.135 RCW; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6510 by Senators Kastama, King, Shin and Rasmussen

FOURTH DAY, JANUARY 17, 2008

2008 REGULAR SESSION

AN ACT Relating to providing a source of funding to assist small manufacturers in obtaining innovation and modernization services; reenacting and amending RCW 82.32.590; adding new sections to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Management.

SB 6511 by Senators Kastama, McAuliffe, Franklin, Rasmussen and Oemig

AN ACT Relating to quality public schools; and amending RCW 28A.305.130.

Referred to Committee on Economic Development, Trade & Management.

SB 6512 by Senators Haugen, Swecker, Jacobsen, Hobbs, Kohl-Welles, Hatfield, Spanel, Shin and Tom

AN ACT Relating to renaming Livingston bay; adding a new section to chapter 43.126 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6513 by Senator Kohl-Welles

AN ACT Relating to identifying specific programs that are able to have access to criminal history record information; amending RCW 50.12.010 and 43.101.095; adding a new section to chapter 51.04 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 46.01 RCW; adding a new section to chapter 19.86 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6514 by Senators Tom, McCaslin and Kline

AN ACT Relating to identification of real property; amending RCW 64.04.010; and creating a new section.

Referred to Committee on Judiciary.

SB 6515 by Senators Pridemore, Murray, Kohl-Welles, Kastama, Kilmer, Rasmussen, Kline and Tom

AN ACT Relating to the taxation of energy savings performance contracts; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6516 by Senators Pridemore, Rockefeller, Swecker, Oemig, Murray, Hobbs, Fairley, Kohl-Welles, McDermott, Weinstein, Regala, Kilmer, Jacobsen, Hargrove, Prentice, McAuliffe, Kastama, Rasmussen, Franklin, Keiser, Kauffman, Fraser, Shin, Kline and Brandland

AN ACT Relating to creating a framework for reducing greenhouse gases emissions in the Washington economy;

amending RCW 70.94.151 and 70.94.161; adding a new section to chapter 43.330 RCW; adding a new chapter to Title 70 RCW; and repealing RCW 80.80.020.

Referred to Committee on Water, Energy & Telecommunications.

SB 6517 by Senators Schoesler, McCaslin, Sheldon, Carrell, Morton, Hewitt, Stevens, King, Benton and Roach

AN ACT Relating to the burden of proof for corrections to property tax valuations made by public officials; and amending RCW 84.40.0301.

Referred to Committee on Government Operations & Elections.

SB 6518 by Senators Schoesler, Carrell, Sheldon, Morton, Hewitt, Stevens, King, Benton and Roach

AN ACT Relating to reducing business and occupation tax categories and rates; amending RCW 82.04.285, 82.04.350, 67.16.105, 82.32.045, and 82.04.4451; reenacting and amending RCW 82.04.261; repealing RCW 82.04.286; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6519 by Senators Parlette, Delvin, Hewitt, Stevens and McCaslin

AN ACT Relating to the duty of pharmacies to facilitate the delivery of lawfully prescribed drugs and devices to patients; adding a new section to chapter 18.64 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6520 by Senators Tom, Oemig, McDermott and Kline

AN ACT Relating to requiring additional information on property tax statements and notices of assessed value; amending RCW 84.56.020; adding a new section to chapter 84.40 RCW; adding a new section to chapter 84.56 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6521 by Senators McDermott, Fairley, Swecker, Kline and Oemig

AN ACT Relating to human remains; amending RCW 68.50.020 and 27.53.030; adding a new section to chapter 27.44 RCW; adding a new section to chapter 68.60 RCW; adding a new section to chapter 43.334 RCW; adding a new section to chapter 27.34 RCW; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 6522 by Senators Kohl-Welles, Zarelli, Hargrove, Benton, Kauffman, Murray, Kline, Kilmer, Keiser, Tom, Shin, Delvin, Marr, Prentice, McAuliffe, Roach, Pridemore, Franklin, Rockefeller, Weinstein, Rasmussen and Eide

AN ACT Relating to improving quality, access, and stability of child care through providing collective bargaining for

FOURTH DAY, JANUARY 17, 2008

2008 REGULAR SESSION

child care center directors and workers; amending RCW 41.56.028, 41.56.030, 41.56.113, 41.04.810, 43.01.047, 43.215.500, and 43.215.505; adding a new section to chapter 43.215 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6523 by Senators Kline, McCaslin, Benton, Tom, Swecker, Pridemore, Kauffman, Carrell, Rasmussen and McAuliffe

AN ACT Relating to establishment of a Washington identity theft analysis center; adding a new section to chapter 36.28A RCW; creating a new section; and making an appropriation.

Referred to Committee on Judiciary.

SB 6524 by Senators Kline, Sheldon, Hobbs, Kauffman, Rasmussen and McAuliffe

AN ACT Relating to authorizing tribal police officers to act as general authority Washington state peace officers; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

SB 6525 by Senators Kline, McCaslin, Tom, Weinstein and Swecker

AN ACT Relating to the drug offender sentencing alternative; and reenacting and amending RCW 9.94A.660.

Referred to Committee on Judiciary.

SB 6526 by Senators Kline, Tom, Pridemore, Swecker and Kohl-Welles

AN ACT Relating to firearms possession by persons who are involuntarily committed; and amending RCW 9.41.040 and 9.41.047.

Referred to Committee on Judiciary.

SB 6527 by Senators Kastama and Kline

AN ACT Relating to the transfer of motor vehicle certificate of ownership and license registration; amending RCW 46.12.101; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6528 by Senators Kastama and Kauffman

AN ACT Relating to staffing and operational costs of the economic development commission; and amending RCW 43.330.250.

Referred to Committee on Economic Development, Trade & Management.

SB 6529 by Senators Kastama, Pridemore, Shin and Rasmussen

AN ACT Relating to creating incentives for economic development infrastructure projects; amending RCW 47.26.160, 43.160.060, and 39.102.040; reenacting and

amending RCW 43.155.070; and adding a new chapter to Title 35 RCW.

Referred to Committee on Economic Development, Trade & Management.

SB 6530 by Senators Regala, Oemig, Tom, Eide, Rockefeller, Kauffman, Keiser, Fraser, McDermott, Jacobsen, Shin, Fairley, Weinstein, Rasmussen, Kline, McAuliffe, Franklin, Kastama, Kohl-Welles and Kilmer

AN ACT Relating to the children's safe products act; amending RCW 43.70.660; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Telecommunications.

SB 6531 by Senator Haugen

AN ACT Relating to environmental mitigation in highway construction; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

SB 6532 by Senators Haugen and Keiser

AN ACT Relating to the management of state-owned aquatic lands by cities for the purposes of operating a publicly owned marina; amending RCW 79.105.060, 79.105.320, 79.105.360, and 79.120.040; and adding a new section to chapter 79.105 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6533 by Senators Kline, Fairley, Kohl-Welles, Weinstein, Kauffman and McDermott

AN ACT Relating to discrimination based on lawful source of income; reenacting and amending RCW 49.60.250; adding a new section to chapter 49.60 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6534 by Senators McAuliffe and Tom

AN ACT Relating to the revision of the mathematics standards; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6535 by Senators McAuliffe, Tom, Hobbs, Rasmussen and Kohl-Welles

AN ACT Relating to teachers of visually impaired and blind birth to age twenty-one public school students; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SB 6536 by Senators McAuliffe, King, Kauffman, Parlette, Franklin, Brandland, Murray, Rasmussen, Rockefeller, Shin and Kohl-Welles

FOURTH DAY, JANUARY 17, 2008

2008 REGULAR SESSION

AN ACT Relating to best practices for students at risk; adding a new section to chapter 28A.310 RCW; creating a new section; and making appropriations.

Referred to Committee on Early Learning & K-12 Education.

SB 6537 by Senator McAuliffe

AN ACT Relating to imposing an admissions surcharge to fund extracurricular activities for middle and high schools; adding a new section to chapter 28A.300 RCW; adding a new chapter to Title 82 RCW; creating new sections; providing a contingent effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Early Learning & K-12 Education.

SB 6538 by Senators McAuliffe, Tom, Hobbs, Rasmussen, Kauffman, Kastama, Murray and Shin

AN ACT Relating to improving reading instruction; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6539 by Senators McAuliffe, Shin, Jacobsen, Rasmussen, Tom, Murray, Hobbs, Pridemore, Regala, Kastama, Fraser, Fairley, Hatfield and Eide

AN ACT Relating to polytechnic colleges; and amending RCW 28B.10.056.

Referred to Committee on Higher Education.

SB 6540 by Senators Rasmussen, Swecker, Pridemore, McAuliffe, Jacobsen, Hargrove and Fairley

AN ACT Relating to the reading and writing content areas of the Washington assessment of student learning; reenacting and amending RCW 28A.655.061; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

SB 6541 by Senators Rasmussen, Roach, Franklin, Hobbs, Kastama, Swecker, Regala, McAuliffe and Jacobsen

AN ACT Relating to allowing unpaid leaves of absence for military personnel needs; and adding a new chapter to Title 49 RCW.

Referred to Committee on Government Operations & Elections.

SB 6542 by Senators Rasmussen, Honeyford, Roach, Franklin, Marr, Shin, Kastama, Hatfield, Pflug, Jacobsen, McAuliffe and Hargrove

AN ACT Relating to sales and use tax exemptions of heating oil; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6543 by Senators Murray and Kohl-Welles

AN ACT Relating to creating a central Puget Sound regional transit authority; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SB 6544 by Senators Stevens, Honeyford, Pflug, Delvin, Holmquist, McCaslin, Swecker and Roach

AN ACT Relating to the seriousness level of criminal mistreatment; and reenacting and amending RCW 9.94A.515.

Referred to Committee on Judiciary.

SB 6545 by Senators Pflug, Carrell and Hewitt

AN ACT Relating to traffic reports during session meetings of the house and senate transportation committees; and adding a new section to chapter 44.04 RCW.

Referred to Committee on Transportation.

SB 6546 by Senators Brandland, Tom and Rasmussen

AN ACT Relating to licensing provisions concerning driving under the influence of intoxicating liquor or drugs; amending RCW 46.20.342, 46.20.380, 46.20.391, 46.20.400, 46.20.410, 46.20.720, 46.20.740, and 46.61.5055; reenacting and amending RCW 46.20.308 and 46.63.020; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.68 RCW; adding new sections to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 6547 by Senators Kohl-Welles, Benton, Fairley, Delvin, Murray, Kastama, McDermott, Swecker, Keiser, Jacobsen, Regala, Franklin, McAuliffe, Fraser, Prentice, Shin, Rasmussen, Kline and Spanel

AN ACT Relating to prohibiting discrimination on the basis of sex in public community athletics programs; adding a new section to chapter 49.60 RCW; adding a new section to chapter 43.110 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; creating a new section; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 6548 by Senator Carrell

AN ACT Relating to prohibiting patients at the special commitment center and less restrictive alternatives from having computer access; and amending RCW 71.09.080 and 71.09.092.

Referred to Committee on Human Services & Corrections.

SB 6549 by Senators McAuliffe, Hobbs, Tom, Weinstein, Franklin, Zarelli, Parlette, Jacobsen and Kohl-Welles

FOURTH DAY, JANUARY 17, 2008

2008 REGULAR SESSION

AN ACT Relating to culminating projects in the area of environmental education; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SJM 8026 by Senators Jacobsen, Swecker, Kilmer, Hobbs, McCaslin, Morton, Rockefeller, Delvin, Kastama, King, Hatfield, Zarelli, Prentice, Fairley, Weinstein, Schoesler, Spanel, Eide, Tom, Brandland, Kauffman, Parlette, Regala, Hewitt, Oemig, Hargrove, Rasmussen, Haugen, McAuliffe, Shin, Kohl-Welles, McDermott, Marr, Keiser, Pridemore, Sheldon, Kline and Franklin

Requesting that the new Tacoma Narrow bridge be named the Bob Oke bridge.

Referred to Committee on Transportation.

SJM 8027 by Senators Kohl-Welles, Franklin, Kauffman, Keiser, Shin, Murray, Pridemore, Spanel, Prentice, McAuliffe, Fairley, Fraser, Brown, Eide, Oemig, McDermott, Regala, Jacobsen, Kline and Haugen

Acknowledging and reaffirming the federal Equal Rights Amendment.

Referred to Committee on Government Operations & Elections.

SJR 8224 by Senators Benton, Stevens, Carrell and Holmquist

Providing a constitutional amendment to limit growth of assessed valuation of real property.

Referred to Committee on Government Operations & Elections.

SJR 8225 by Senators Stevens, Benton, Honeyford, Morton, Delvin, Swecker, Holmquist, McCaslin, Roach and Carrell

Requiring a sixty percent vote for emergency clauses.

Referred to Committee on Government Operations & Elections.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1102 by House Committee on Finance (originally sponsored by Representatives Campbell, Green, McCune, Conway, Kirby, Appleton, McCoy, Ormsby, B. Sullivan, Hurst, Linville, O'Brien, Sullivan, Sells, Springer, Rolfes, Moeller, Wallace and Morrell)

AN ACT Relating to property tax exemptions for persons with disabilities related to the performance of military duties; amending RCW 84.36.381 and 84.36.383; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 1127 by Representatives Morrell, Campbell, Green, VanDeWege, Sells, Takko, McDonald, Blake, Moeller, Kenney, Appleton, Flannigan, Hunt, Conway, Lantz, Kagi, Linville,

Chase, Wallace, Ormsby, Haigh, Simpson, Hurst, Sullivan, Kelley, Rolfes, McCune, Haler and Santos

AN ACT Relating to military leave of absence; and amending RCW 38.40.060.

Referred to Committee on Government Operations & Elections.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 6499 which was referred to the Committee on Water, Energy & Telecommunications; Senate Bill No. 6513 which was referred to the Committee on Labor, Commerce, Research & Development; and Senate Bill No. 6521 which was referred to the Committee on Government Operations & Elections.

#### MOTION

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

#### MOTION

Senator Rasmussen moved adoption of the following resolution:

#### SENATE RESOLUTION 8699

By Senators Rasmussen, Schoesler, Delvin, Honeyford, Jacobsen, Keiser, Haugen, Spanel, Pridemore, Shin, Hargrove, Murray, Kohl-Welles, and Sheldon

WHEREAS, One-third of the nation's potato exports are produced in the state of Washington; and

WHEREAS, Washington ranks second in the nation in the total production of potatoes and first in per acre yield of potatoes; and

WHEREAS, The economic impact of potato production, processing, and packing is estimated to be 3.4 billion dollars annually; and

WHEREAS, Washington potatoes have a farm gate value (price farmers are paid) of over 550 million dollars; and

WHEREAS, Washington potato growers have won national awards for sustainable agricultural practices for the use of water and fertilizers

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the men and women in the state of Washington who work to make the Washington potato industry successful; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize the contribution that this valuable industry makes to the strength and vitality of the state's economy and wishes to thank the Washington State Potato Commission for sponsoring Potato Day on the Capitol Campus on January 23, 2008.

Senator Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8699.

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

#### MOTION

At 12:05 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 18, 2008.

FOURTH DAY, JANUARY 17, 2008

BRAD OWEN, President of the Senate

2008 REGULAR SESSION

THOMAS HOEMANN, Secretary of the Senate

FIFTH DAY, JANUARY 18, 2008

2008 REGULAR SESSION

**FIFTH DAY**

January 17, 2008

**MORNING SESSION**

Senate Chamber, Olympia, Friday, January 18, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Stevens.

The Washington Army National Guard Color Guard, consisting of Captain Stohl, Sergeant Bunch, Sergeant Dueck and Sergeant Jugo presented the Colors.

Sergeant Smelcer, Sergeant Einarson, Sergeant Jennings and Sergeant Scott played the National Anthem.

Colonel Kenneth Hegvedt, Chaplain of the Joint Force of the Washington National Guard, offered the prayer.

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced members of the Washington National Guard who were seated in the gallery.

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced Brigadier General Gordon Toney, Assistant Adjutant General, Army National Guard, who was seated at the rostrum.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

January 17, 2008

**SB 6144** Prime Sponsor, Senator Jacobsen: Assessing the feasibility of a Pacific Northwest maritime national heritage area. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6144 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Spanel; Stevens and Swecker.

Passed to Committee on Ways & Means.

January 17, 2008

**SB 6211** Prime Sponsor, Senator Morton: Modifying the responsibilities of the Washington geological survey. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Spanel and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Stevens.

Passed to Committee on Ways & Means.

**SB 6213** Prime Sponsor, Senator Jacobsen: Eliminating references to pierhead lines and regarding authorizing structures within waterways. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 17, 2008

**SB 6214** Prime Sponsor, Senator Jacobsen: Clarifying the authority of the department of natural resources to issue lesser contractual agreements within existing authorities for state-owned aquatic lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 17, 2008

**SB 6272** Prime Sponsor, Senator Berkey: Expanding financial literacy through education and counseling to promote greater homeownership security. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 17, 2008

**SB 6449** Prime Sponsor, Senator McDermott: Protecting freedom of student press and speech. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Judiciary.

January 17, 2008

**SB 6460** Prime Sponsor, Senator Fraser: Authorizing state general obligation bonds for the state's share of the Centralia-Chehalis flood control project. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Ways & Means.

January 17, 2008

FIFTH DAY, JANUARY 18, 2008

2008 REGULAR SESSION

SB 6514 Prime Sponsor, Senator Tom: Regarding identifying real property. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

January 16, 2008

SGA 9332 GEORGE MASTEN, reappointed on January 1, 2008, for the term ending December 31, 2010, as Member of the Investment Board. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Berkey, Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

December 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

OSPI APPT GLENN GORTON, reappointed December 3, 2007, for the term ending at the governor's pleasure, as Member of the Investment Board.

Sincerely,

DR. TERRY BERGESON, Superintendent of Public Instruction

Referred to Committee on Financial Institutions & Insurance.

January 18, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

OSPI APPT MIKE RAGAN, appointed December 3, 2007, for the term ending at the governor's pleasure, as Member of the Investment Board.

Sincerely,

DR. TERRY BERGESON, Superintendent of Public Instruction

Referred to Committee on Financial Institutions & Insurance.

January 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAREN DAUBERT, reappointed January 7, 2008, for the term ending December 31, 2010, as Member of the Recreation and Conservation Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

August 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CELESTE STRAHL, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRUCE MONTGOMERY, reappointed January 7, 2008, for the term ending October 1, 2011, as Member of the The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

October 23, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DR. MARTINA WHELSHULA, appointed October 23, 2007, for the term ending September 30, 2009, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 16, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSAN WILDER CRANE, reappointed February 22, 2007, for the term ending February 21, 2010, as Member of the Washington State Apprenticeship and Training Council.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

FIFTH DAY, JANUARY 18, 2008

2008 REGULAR SESSION

## MOTION

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

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 6550 by Senator Roach

AN ACT Relating to repealing the special sex offender sentencing alternative; amending RCW 9.94A.505, 9.94A.575, and 18.155.030; reenacting and amending RCW 9.94A.715 and 18.155.010; and repealing RCW 9.94A.670.

Referred to Committee on Human Services & Corrections.

SB 6551 by Senator Roach

AN ACT Relating to the special sex offender sentencing alternative; and amending RCW 9.94A.670.

Referred to Committee on Human Services & Corrections.

SB 6552 by Senators Roach and Benton

AN ACT Relating to repealing the statute authorizing use of banked levy capacity; creating a new section; and repealing RCW 84.55.092.

Referred to Committee on Ways & Means.

SB 6553 by Senators Roach and Benton

AN ACT Relating to requiring voter approval for setting regular property tax levies at increased amounts by using banked levy capacity; and reenacting and amending RCW 84.55.092.

Referred to Committee on Ways & Means.

SB 6554 by Senators Roach, Rockefeller, Rasmussen, Kline, Stevens, Delvin, McCaslin, Shin and Holmquist

AN ACT Relating to waste vegetable oil; and amending RCW 82.38.020.

Referred to Committee on Water, Energy & Telecommunications.

SB 6555 by Senators Roach, Pflug, Delvin, Pridemore, Stevens, Parlette, Shin and Benton

AN ACT Relating to notifying the secretary of state when a person summoned for jury service does not meet the qualifications of a juror; and amending RCW 2.36.072.

Referred to Committee on Government Operations & Elections.

SB 6556 by Senators Honeyford, Pflug, Morton, Stevens and Swecker

AN ACT Relating to school anaphylactic policy guidelines; and adding a new section to chapter 28A.210 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6557 by Senators Honeyford, Benton, Hobbs, Morton, King, Holmquist, McCaslin, Pflug, Swecker, Stevens, Delvin, Shin, Carrell, Roach, Sheldon and Kilmer

AN ACT Relating to property valuation freezes for senior citizens and persons retired due to physical disability; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Ways & Means.

SB 6558 by Senators Honeyford, Benton, McCaslin, Holmquist, Morton, Delvin, Pflug, Stevens, Swecker, Roach and Hatfield

AN ACT Relating to exempting heating oil, propane, and natural gas used to heat qualifying residences from the retail sales and use tax; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6559 by Senators Honeyford, McCaslin, King, Morton, Delvin, Swecker, Holmquist and Stevens

AN ACT Relating to the noncommercial dock construction exemption contained in the shoreline management act; and amending RCW 90.58.030.

Referred to Committee on Water, Energy & Telecommunications.

SB 6560 by Senators Honeyford, Morton, Delvin and Swecker

AN ACT Relating to public utility district contracts; and amending RCW 54.04.070 and 54.04.082.

Referred to Committee on Water, Energy & Telecommunications.

SB 6561 by Senators Honeyford, Swecker, Holmquist, Stevens and McCaslin

AN ACT Relating to registration of drug offenders; amending RCW 69.50.101, 10.01.200, 70.48.470, and 72.09.330; reenacting and amending RCW 9.94A.515; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 4.24 RCW; prescribing penalties; and making appropriations.

Referred to Committee on Judiciary.

SB 6562 by Senators Honeyford and Marr

AN ACT Relating to traffic violations; amending RCW 46.16.216, 46.55.120, and 46.55.130; and reenacting and amending RCW 46.55.113.

Referred to Committee on Judiciary.

FIFTH DAY, JANUARY 18, 2008

2008 REGULAR SESSION

SB 6563 by Senators Honeyford, Swecker, Delvin and Stevens

AN ACT Relating to a grant program for neighborhood organizations to support community safety activities; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Judiciary.

SB 6564 by Senators Honeyford, Morton, Holmquist, Delvin, Parlette, Stevens and McCaslin

AN ACT Relating to overtime compensation in agriculture, forestry, and fisheries; and amending RCW 49.46.130.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6565 by Senators Zarelli, Hobbs, Benton, Pflug, Stevens, Honeyford, Morton, Holmquist, McCaslin, Delvin, Parlette, Brandland, Hewitt and Sheldon

AN ACT Relating to exempting a portion of the valuation of residential property from property taxation; amending RCW 84.48.010; adding new sections to chapter 84.36 RCW; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 6566 by Senator Swecker

AN ACT Relating to concurrency and impact fees for transportation purposes; and amending RCW 36.70A.070.

Referred to Committee on Transportation.

SB 6567 by Senators Keiser and Kohl-Welles

AN ACT Relating to the nursing facility medicaid payment system; adding a new section to chapter 74.46 RCW; creating new sections; repealing RCW 74.46.421, 74.46.431, 74.46.433, 74.46.441, 74.46.445, 74.46.475, 74.46.485, 74.46.496, 74.46.501, 74.46.506, 74.46.508, 74.46.511, 74.46.521, 74.46.531, 74.46.533, 74.46.435, 74.46.437, and 74.46.439; and providing effective dates.

Referred to Committee on Ways & Means.

SB 6568 by Senators Delvin, Pridemore, Morton, Hatfield, Honeyford, Hobbs, Tom, Shin, Roach and Sheldon

AN ACT Relating to nuclear energy; creating a new section; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SB 6569 by Senators Haugen, Swecker, Hatfield and Holmquist

AN ACT Relating to public transit vehicle stops at unmarked stop zones; and amending RCW 46.61.560.

Referred to Committee on Transportation.

SB 6570 by Senators Fairley, Roach, Benton and Oemig

AN ACT Relating to private businesses in state-owned housing provided under Title 77 RCW or chapter 79A.05 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Government Operations & Elections.

SB 6571 by Senator Honeyford

AN ACT Relating to purchasing an increased benefit multiplier for past judicial service for judges in the public employees' retirement system and the teachers' retirement system; and amending RCW 41.40.124, 41.40.127, 41.40.870, 41.40.873, and 41.32.584.

Referred to Committee on Ways & Means.

SB 6572 by Senators Spanel, Jacobsen, Kohl-Welles and McDermott

AN ACT Relating to off-premises microbrewery warehouses; reenacting and amending RCW 66.24.244 and 66.24.244; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6573 by Senators Kilmer, Brandland, Kauffman, Delvin, Benton, Roach, McAuliffe and Rasmussen

AN ACT Relating to providing additional revenues for public safety, including law enforcement officers and firefighters plan 2 pension plan benefits; adding new sections to chapter 41.26 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6574 by Senator Pflug

AN ACT Relating to reforming the health care system in Washington state; amending RCW 41.05.021, 48.43.012, 48.43.015, 48.43.025, and 48.43.035; reenacting and amending RCW 41.05.021, 48.43.005, and 48.43.018; adding new sections to chapter 48.43 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 48.01.260, 48.20.025, 48.20.028, 48.20.029, 48.21.045, 48.21.047, 48.43.038, 48.43.041, 48.44.017, 48.44.021, 48.44.022, 48.44.023, 48.44.024, 48.46.062, 48.46.063, 48.46.064, 48.46.066, 48.46.068, 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, 70.47A.100, 70.47A.110, and 70.47A.900; providing effective dates; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6575 by Senator Pflug

AN ACT Relating to creating a health care work group; adding a new section to chapter 70.38 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6576 by Senators Swecker, Jacobsen, Pflug, Haugen and Marr

FIFTH DAY, JANUARY 18, 2008

2008 REGULAR SESSION

AN ACT Relating to improving traffic flagger safety; adding a new section to chapter 47.36 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Transportation.

SB 6577 by Senators Weinstein, Hatfield, Rockefeller and Kohl-Welles

AN ACT Relating to truth in music advertising; adding a new section to chapter 19.25 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 6578 by Senators Roach and Keiser

AN ACT Relating to annexations by hospital districts; and amending RCW 70.44.210, 70.44.220, and 70.44.230.

Referred to Committee on Government Operations & Elections.

SB 6579 by Senators Jacobsen and Brandland

AN ACT Relating to driver's license restrictions for alcohol violators; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Judiciary.

SB 6580 by Senators Marr, Weinstein, Pridemore, Kauffman, Keiser, McAuliffe, Hobbs, Regala, Kline, Kohl-Welles, Fairley, Oemig, Rockefeller, Prentice and McDermott

AN ACT Relating to mitigating the impacts of climate change through the growth management act; amending RCW 36.70A.020, 36.70A.070, 36.70A.110, 36.70A.210, 36.70A.350, and 36.70A.360; adding new sections to chapter 36.70A RCW; creating new sections; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 6581 by Senators Kastama and Jacobsen

AN ACT Relating to qualifications for public school principals and vice principals; and amending RCW 28A.400.100.

Referred to Committee on Early Learning & K-12 Education.

SB 6582 by Senators Roach, Oemig and King

AN ACT Relating to inactive voters; and amending RCW 29A.48.010.

Referred to Committee on Government Operations & Elections.

SB 6583 by Senators Brandland and Hargrove

AN ACT Relating to eligibility for medical assistance; and amending RCW 74.09.510 and 74.09.530.

Referred to Committee on Human Services & Corrections.

SB 6584 by Senators Brandland and Hargrove

AN ACT Relating to facilitating continuity of medical assistance for persons confined in correctional institutions and institutions for mental diseases; amending RCW 74.08.025, 74.08.060, 74.09.010, and 74.09.555; adding a new section to chapter 74.09 RCW; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6585 by Senators Murray, Delvin, Kilmer and McCaslin

AN ACT Relating to attachments to utility poles of locally regulated utilities; and amending RCW 23.86.400, 24.06.600, 35.21.455, 35A.21.125, and 54.04.045.

Referred to Committee on Water, Energy & Telecommunications.

SB 6586 by Senators Sheldon and Stevens

AN ACT Relating to property taxes; adding new sections to chapter 84.36 RCW; adding a new section to chapter 84.40 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 6587 by Senators Fraser and Swecker

AN ACT Relating to property tax collection and assessment; and amending RCW 58.08.040, 84.40.042, 84.56.070, 86.09.490, 84.60.050, 87.03.265, 87.03.270, 85.08.480, 82.45.090, and 84.69.030.

Referred to Committee on Government Operations & Elections.

SB 6588 by Senators Kauffman, Prentice, Kastama, Hobbs, Sheldon, Delvin, Shin, McAuliffe and Rasmussen

AN ACT Relating to transfers of accumulated leave of common school and higher education employees; and amending RCW 28A.310.240 and 28A.400.300.

Referred to Committee on Early Learning & K-12 Education.

SB 6589 by Senators Spanel, Kohl-Welles, Brandland and Delvin

AN ACT Relating to master collective bargaining agreements; and amending RCW 41.80.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6590 by Senators Fairley, Brandland, McAuliffe, Delvin and Regala

AN ACT Relating to confidential information; and amending RCW 74.34.095.

Referred to Committee on Human Services & Corrections.

SB 6591 by Senators Benton and Berkey

FIFTH DAY, JANUARY 18, 2008

2008 REGULAR SESSION

AN ACT Relating to insurance producers; amending RCW 48.03.020, 48.05.140, 48.05.180, 48.05.465, 48.13.220, 48.14.020, 48.14.040, 48.14.095, 48.15.080, 48.15.140, 48.15.160, 48.18.100, 48.18.180, 48.18.220, 48.18.240, 48.18.289, 48.18.292, 48.18.543, 48.18A.035, 48.18A.060, 48.20.013, 48.20.042, 48.20.072, 48.21A.040, 48.23.380, 48.23.420, 48.23A.040, 48.23A.070, 48.23A.080, 48.24.080, 48.25.140, 48.30.100, 48.30.140, 48.30.150, 48.30.157, 48.30.170, 48.30.200, 48.30.240, 48.30.260, 48.30.270, 48.31.111, 48.31.141, 48.36A.310, 48.36A.330, 48.41.060, 48.43.105, 48.43.335, 48.44.011, 48.44.020, 48.44.164, 48.44.230, 48.46.023, 48.46.170, 48.46.243, 48.46.260, 48.46.340, 48.50.070, 48.56.020, 48.56.080, 48.62.121, 48.62.151, 48.66.055, 48.66.120, 48.76.090, 48.84.050, 48.84.060, 48.92.040, 48.92.090, 48.92.095, 48.92.120, 48.94.005, 48.94.040, 48.97.005, 48.97.015, 48.97.020, 48.97.025, 48.97.900, 48.98.010, 48.98.015, 48.98.020, 48.98.030, 48.99.030, 48.115.001, 48.115.005, 48.115.010, 48.115.015, 48.115.020, 48.115.025, 48.115.030, 48.115.035, 48.115.040, 48.120.005, 48.120.010, 48.125.030, 48.135.010, 51.12.020, and 70.47.015; reenacting and amending RCW 82.04.260; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.23A RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 6592 by Senators Morton, Jacobsen, Hatfield, Zarelli, Shin, Swecker and Rasmussen

AN ACT Relating to damage to livestock caused by wildlife; amending RCW 77.36.005, 77.36.010, 77.36.040, 77.36.050, 77.36.060, 77.36.070, and 77.36.080; and adding a new section to chapter 77.36 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6593 by Senators Kline, Oemig, Rockefeller, Swecker, Murray, Regala and Pridemore

AN ACT Relating to groundwater monitoring and assessment; amending RCW 43.27A.130; adding a new section to chapter 90.54 RCW; creating a new section; recodifying RCW 43.27A.130; and making an appropriation.

Referred to Committee on Water, Energy & Telecommunications.

SB 6594 by Senator Carrell

AN ACT Relating to an eminent domain information pamphlet; amending RCW 8.25.290; and adding a new section to chapter 8.25 RCW.

Referred to Committee on Judiciary.

SB 6595 by Senator Carrell

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

Referred to Committee on Judiciary.

SB 6596 by Senators Hargrove, Carrell, Regala, Stevens, Marr, Shin, McAuliffe, Brandland and Kilmer

AN ACT Relating to the creation of a sex offender policy board; adding new sections to chapter 9.94A RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 6597 by Senators Hargrove, Stevens, Regala and Kohl-Welles

AN ACT Relating to increasing the minimum age for gambling; amending RCW 9.46.0305, 9.46.110, 67.70.120, and 67.16.060; adding a new section to chapter 67.70 RCW; adding a new section to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6598 by Senators Regala and Kastama

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6599 by Senators Murray, Regala, Pridemore and Rockefeller

AN ACT Relating to clarifying the civil penalty provisions for on-site sewage disposal systems administered by local health jurisdictions; amending RCW 70.118.130; and prescribing penalties.

Referred to Committee on Water, Energy & Telecommunications.

SB 6600 by Senators Stevens, Hargrove, McAuliffe, Carrell, Brandland and Tom

AN ACT Relating to juvenile truancy civil contempt proceedings; and adding a new section to chapter 28A.225 RCW.

Referred to Committee on Human Services & Corrections.

SB 6601 by Senators Keiser, Zarelli, Kauffman and Shin

AN ACT Relating to home care agencies; and adding new sections to chapter 74.39A RCW.

Referred to Committee on Health & Long-Term Care.

SB 6602 by Senators Haugen and Swecker

AN ACT Relating to the pilotage act; amending RCW 88.16.010, 88.16.035, 88.16.070, 88.16.090, 88.16.100, 88.16.102, 88.16.103, 88.16.105, 88.16.107, 88.16.110, 88.16.135, 88.16.155, 88.16.200, and 34.05.514; reenacting and amending RCW 88.16.118; and adding a new section to chapter 88.16 RCW.

Referred to Committee on Transportation.

SB 6603 by Senators Fairley, Kohl-Welles and Fraser

## MOTION

AN ACT Relating to providing preventative and catastrophic health coverage through a guaranteed health benefit program for permanent residents of this state; amending RCW 70.47.020; reenacting and amending RCW 43.79A.040; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Health & Long-Term Care.

SB 6604 by Senators Murray, Holmquist, Kohl-Welles, Prentice, King and Marr

AN ACT Relating to enhancing the mobility of certified public accountants; amending RCW 18.04.025, 18.04.195, 18.04.205, 18.04.345, and 18.04.350; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6605 by Senators Franklin, Kastama, Kohl-Welles, Hobbs, Murray, Marr, Keiser, Kauffman, Shin, McAuliffe, Regala, Rasmussen, Brown, Pridemore, Kline, Eide, Fraser, Tom and Kilmer

AN ACT Relating to creating an energy efficiency worker training program; adding a new section to chapter 43.330 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6606 by Senators Spanel, Kohl-Welles, Honeyford, Prentice, Murray and Rasmussen

AN ACT Relating to the licensing of home inspectors; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6607 by Senators Spanel, Haugen and Rasmussen

AN ACT Relating to exempting certain dairy animal feeding operations from shellfish protection district wastewater discharge fees, rates, and charges; and amending RCW 90.72.070.

Referred to Committee on Water, Energy & Telecommunications.

SJR 8226 by Senators Zarelli, Hobbs, Benton, Pflug, Stevens, Honeyford, Holmquist, McCaslin, Parlette, Brandland, Hewitt, Delvin, Rasmussen and Sheldon

Providing a homestead exemption from property taxes levied for state purposes.

Referred to Committee on Ways & Means.

## MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Eide, the following measures listed were referred to the Rules X file.

Engrossed Substitute Senate Bill No. 5080  
 Second Substitute Senate Bill No. 5090  
 Engrossed Second Substitute Senate Bill No. 5115  
 Substitute Senate Bill No. 5116  
 Substitute Senate Bill No. 5137  
 Substitute Senate Bill No. 5171  
 Substitute Senate Bill No. 5184  
 Senate Bill No. 5304  
 Substitute Senate Bill No. 5366  
 Senate Bill No. 5384  
 Senate Bill No. 5399  
 Senate Bill No. 5444  
 Engrossed Substitute Senate Bill No. 5450  
 Senate Bill No. 5454  
 Senate Bill No. 5472  
 Engrossed Second Substitute Senate Bill No. 5528  
 Substitute Senate Bill No. 5542  
 Engrossed Substitute Senate Bill No. 5558  
 Substitute Senate Bill No. 5560  
 Substitute Senate Bill No. 5585  
 Substitute Senate Bill No. 5619  
 Engrossed Second Substitute Senate Bill No. 5712  
 Engrossed Substitute Senate Bill No. 5797  
 Engrossed Second Substitute Senate Bill No. 5799  
 Engrossed Substitute Senate Bill No. 5803  
 Senate Bill No. 5878  
 Senate Bill No. 5902  
 Substitute Senate Bill No. 5967  
 Senate Bill No. 5979  
 Substitute Senate Bill No. 6068  
 Engrossed Substitute Senate Bill No. 6127  
 Senate Bill No. 6172  
 Substitute Senate Joint Resolution No. 8211  
 Substitute Senate Concurrent Resolution No. 8405

## MOTION

At 10:19 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:41 a.m. by President Owen.

## MOTION

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

## SECOND READING

SENATE BILL NO. 5959, by Senators Hargrove, Kilmer, Shin, Sheldon, Kohl-Welles, Delvin and McAuliffe

Providing assistance to homeless individuals and families.

## MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5959 was substituted for Senate Bill No. 5959 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Carrell and Prentice be adopted:

FIFTH DAY, JANUARY 18, 2008

2008 REGULAR SESSION

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 43.185C RCW to read as follows:

(1) The transitional housing operating and rent program is created in the department to assist homeless individuals and families secure and retain safe, decent, and affordable housing. The department shall provide grants to eligible organizations, as described in RCW 43.185.060, to provide assistance to program participants. The eligible organizations must use grant moneys for:

(a) Rental assistance, which includes security or utility deposits, first and last month's rent assistance, and eligible moving expenses to be determined by the department;

(b) Case management services designed to assist program participants to secure and retain immediate housing and to transition into permanent housing and greater levels of self-sufficiency;

(c) Operating expenses of transitional housing facilities that serve homeless families with children; and

(d) Administrative costs of the eligible organization, which must not exceed limits prescribed by the department.

(2) Eligible to receive assistance through the transitional housing operating and rent program are:

(a) Families with children who are homeless or who are at risk of becoming homeless and who have household incomes at or below fifty percent of the median household income for their county;

(b) Individuals or families without children who are homeless or at risk of becoming homeless and who have household incomes at or below thirty percent of the median household income for their county;

(c) Individuals or families who are homeless or who are at risk of becoming homeless and who have a household with an adult member who has a mental health or chemical dependency disorder; and

(d) Individuals or families who are homeless or who are at risk of becoming homeless and who have a household with an adult member who is an offender released from confinement within the past eighteen months.

(3) All program participants must be willing to create and actively participate in a housing stability plan for achieving permanent housing and greater levels of self-sufficiency.

(4) Data on all program participants must be entered into and tracked through the Washington homeless client management information system as described in RCW 43.185C.180.

(5) The department encourages eligible organizations funded through the program to have a quality management system and to submit an application to the Washington state quality award program to evaluate that system.

(6) The department may develop rules, requirements, procedures, and guidelines as necessary to implement and operate the transitional housing operating and rent program.

(7) The department shall produce an annual transitional housing operating and rent program report that must be included in the department's homeless housing strategic plan as described in 43.185C.040. The report must include performance measures to be determined by the department that address, at a minimum, the following issue areas:

(a) The success of the program in helping program participants transition into permanent housing and increase their levels of self-sufficiency;

(b) The financial performance of the program related to efficient program administration by the department and program operation by selected eligible organizations, including an analysis of the costs per program participant served;

(c) The quality, completeness, and timeliness of the information on program participants provided to the Washington homeless client management information system database; and

(d) The satisfaction of program participants in the assistance provided through the program.

**NEW SECTION. Sec. 2** A new section is added to chapter 43.185C RCW to read as follows:

The transitional housing operating and rent account is created in the custody of the state treasurer. All receipts from sources directed to the transitional housing operating and rent program must be deposited into the account. Expenditures from the account may be used solely for the purpose of the transitional housing operating and rent program as described in section 1 of this act. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 3** RCW 59.18.600 (Rental to offenders--Limitation on liability) and 2007 c 483 s 602 are each repealed."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Carrell and Prentice to Substitute Senate Bill No. 5959.

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

#### MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "expanding availability of housing for individuals and families at risk of homelessness; adding new sections to chapter 43.185C RCW; and repealing RCW 59.18.600."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5959 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Brandland, Senator Stevens was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5959.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5959 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Stevens - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

FIFTH DAY, JANUARY 18, 2008

2008 REGULAR SESSION

SENATE BILL NO. 6272, by Senators Berkey, Hobbs, Fairley, Keiser, Kilmer, McDermott, Kauffman, Kohl-Welles, Murray, Shin, Regala, Kline, Spanel, Rasmussen and Franklin

Expanding financial literacy through education and counseling to promote greater homeownership security.

The measure was read the second time.

#### MOTION

On motion of Senator Berkey, the rules were suspended, Senate Bill No. 6272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey, Benton, Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6272.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6272 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Stevens - 1

SENATE BILL NO. 6272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Franklin: "Today is the approaching birthday holiday of Dr. Martin Luther King, Jr. and I would like to say a few words to the, my colleagues and the audience about this wonderful person. There is of course little doubt in my mind that I'm standing here today and so are many of you because of Dr. Martin Luther King, Jr. Unremitting determination, to see America live up to her full potential. As his birthday draws near I find myself reflecting on his legacy. A legacy not exclusive to any race, class, geographic region. Newsweek magazine called him and I quote 'a prophet, our own Gandhi who led the nation out of darkness of Jim Crow.' Mr. President, ladies and gentlemen of the Senate these students who are sitting here in our chambers today were not here in the sixties. They too must learn about what took place that changed our nation and this is history. To me, he was a bridge builder. A modern day Moses who believed democracy transformed from thin paper to thick action. It is the greatest form of government, our democracy the longest living democracy in the world. The Martin Luther King Jr. holiday, ladies and gentlemen, serves as a reminder that through acts of service, compassion and citizen involvement, the global community benefits not just us but the global community. Groups that were once unable to benefit from America prosperity were given the opportunity to assume the American dream. We of course must keep the doors of opportunity wide open for all. For these young people who sit up in the gallery to pursue but not only to pursue but to achieve that American dream and that American dream Mr. President, ladies and gentlemen is a good paying job, education, participation and the

electoral process and also home ownership, there's much, much more. It has been forty years. Forty years, it doesn't seem possible. Forty years coming this April since Dr. King left us suddenly but he left a mark on America. Dr. King even though his legacy lives on it certainly would be unwise for us to think that we have fulfilled his vision of a safe and inclusive America. We must continue to teach our children to denounce all forms of discrimination and not to be afraid to extend a hand of friendship to others who are different or perceived to be different. They must also know about the men, women and children regardless of race who sacrifice their lives during the civil rights movement in order that all of us and these young people sitting in the gallery and those of us who serve, our brave men and women, who can participate in the American dream. They must also know about all that has taken place. That is the great way to honor Dr. King not only today but everyday. As policymakers ladies and gentlemen, and my colleagues in this chamber as policy makers let us make sure the concerns of all of our citizens not just a few but all of our citizens are addressed. We must not forget service to community is a part of Dr. King's legacy. As public servants we must never forget that we are here to serve. That is what Dr. Martin Luther King was all about. It was service to the community. Together we can not only dream but we can work to accomplish our goals. We can see and participate in what Dr. King, a courageous, leader was really sacrificing his life and he did it for you and me and every day I think I'm standing on the shoulders of my forefathers, foremothers and Dr. King so let us pass it on. Let us pass it on to this generation who you look beautiful, this generation who will be tomorrow's leaders and too the brave men and women in the audience, let's pass it on. To Dr. King and the brave men and women who gave so much, who gave so much for all of us. We honor Dr. King today and we honor you for being here. Thank you."

#### PERSONAL PRIVILEGE

Senator Benton: "Thank you Mr. President. I'm always moved by Senator Franklin's oratory skills and it reminded me and I just wanted to share with you the many, many wonderful speeches that Dr. King gave during his life time. There is one piece or one sentence that I've tried very hard to live my life by and whether I'm hiring someone to work for me or whether I'm helping my children choose their friends and that's this, I hope that I get at least close to right and I think we've come a long way in America and we're achieving this, I still think we have a way to go but I think it's important to remember this and it's just a great legacy that Dr. King has left and that is that we hope to someday arrive at a point in this great nation where you can judge, man or woman, paraphrasing a little bit, not by the color of their skin but by the content of their character. I think that's something that we all should strive to do. Thank you Mr. President."

#### PERSONAL PRIVILEGE

Senator Prentice: "Thank you Mr. President. This is one of those times that I wish Reverend Martin Luther King were here because we are also still in some very troubled times. We need that kind of leadership, remember first of all the first message of his was a non violent message. It's so easy when you're lashed at to lash back and think of the courage that it took those people who were registering voters. He's not in the room but Senator from the thirty-seventh district was one of those, the risk of his life, he was part of the training group of those three that were buried. He drives me nuts at times but I always remember what the core of that young man is, is that, it was that early in his life he was part of that group when times were so dangerous but I think where we really would need Dr. King is now. Think about

FIFTH DAY, JANUARY 18, 2008

2008 REGULAR SESSION

the changes that have occurred since then because this country is also worked itself up into a frenzy because the inevitability of people of my skin color eventually becoming the majority. People are lashing out and my message has always been calm down, bless them that curse you. Remember that, a soft answer still turneth away wrath, but one of the things that those of us who are here who are darker skin color also know that, this in these halls, we have been regarded by the content of our character and that's what one of the things that make me so proud to be part of this group because this is how America should be. So, we have to take into mind never forget the message that he brought to us. Thank you. Now, you also don't know that the senator from the twenty-ninth have been friends for over forty years. I know it's hard to imagine that we've been around that long but and she has never changed, she's always had that strong core. It's been a privilege to know you, Senator."

## PERSONAL PRIVILEGE

Senator Shin: "Thank you Mr. President. I too rise in support of Senator Rosa Franklin in her speech. 1962 steps of the Capitol Building when he said 'I have a dream' that some day my four children will not be judged by the color of their faces but by their content of their character. From then civil rights movement started again as a result most of us today are being benefitted by. The reason I stand before you is not to thank Reverend Martin Luther King alone, I thank you very much and I remember that, but a really short announcement. As you perhaps know, last Saturday we had a, thanks to you we passed a Korean Americans American Day bill last year and first in celebration Korean Americans from all over our state from Spokane to the Vancouver to Bellingham to Seattle area all over. Three-thousand six hundred people came, assembled in the capitol rotunda. We started with honor guard, first laying of wreath to the Korean War Veterans Memorial there and we marched to the capitol building and we stood. This is what we expressed to veterans and military people, thank you for your contribution in preserving freedom for our mother land. To the legislators, thank you for allowing us to immigrate to this country, opportunity and enduring freedom. To an incredible teachers and professors, thank you for teaching our children. To business folks, thank you for giving us jobs. We came as a stranger but today we are part of a family and we want to join you serving together to pay back the blessings we have received. Was amazing celebration, the choir that was there echoed all throughout the capitol building and I want to thank those of you who participated in this ceremony also thank you especially for all of you that passed this legislation unanimously from the Senate and the House. Thus has become a law. Thank you Mr. President."

## SECOND READING

SENATE BILL NO. 6310, by Senator Hargrove

Correcting obsolete references concerning chapter 10.77 RCW.

The measure was read the second time.

## MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6310.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6310 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Benton - 1

Excused: Senator Stevens - 1

SENATE BILL NO. 6310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6335, by Senators Prentice, Shin, Kohl-Welles and McAuliffe

Concerning the homeless families services fund.

The measure was read the second time.

## MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6335 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6335.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6335 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Stevens - 1

SENATE BILL NO. 6335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MOTION

Senator Hobbs moved adoption of the following resolution:

## SENATE RESOLUTION

8697

FIFTH DAY, JANUARY 18, 2008

2008 REGULAR SESSION

By Senators Hobbs, Franklin, Kohl-Welles, Berkey, McDermott, Keiser, Shin, Kline, Regala, Brown, Sheldon, Rockefeller, Kastama, Rasmussen, Spanel, Kilmer, Marr, Fairley, Murray, Haugen, Fraser, Eide, Oemig, Kauffman, Roach, Hewitt, Delvin, Stevens, Swecker, McCaslin, McAuliffe, Morton, Honeyford, and Hatfield

## MOTION

At 11:28 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 21, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

WHEREAS, Nearly eighty-six hundred men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in every legislative district throughout Washington, volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Guard answered the state's call numerous times in response to firefighting and flood support efforts and to protect lives in both civil and natural emergencies and disasters; and

WHEREAS, The Washington Army and Air National Guard provided critical mission support in both personnel and equipment to Operation Iraqi Freedom and Operation Enduring Freedom in Iraq and Afghanistan, respectively, and Operation Noble Eagle here at home; and

WHEREAS, The Washington Army and Air National Guard answered the call in support of hurricane relief efforts on the Gulf Coast resulting from Hurricanes Katrina, Rita, and Wilma; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security; and

WHEREAS, The Guard continues to promote positive lifestyles and activities for Washington's youth through involvement in and support of highly effective drug prevention programs with school-aged children and community-based organizations; and

WHEREAS, The Guard continues to actively participate in the state's counterdrug efforts by providing soldiers, airmen, and specialized equipment to over thirty-five local, state, and federal law enforcement agencies; and

WHEREAS, The Guard adds value to communities by opening its readiness centers for public use, food banks, and other community and youth activities. The Guard continues to build upon these readiness centers and armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Senator Hobbs spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8697.

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

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Adjutant General Timothy Lowenberg who was seated at the rostrum.

EIGHTH DAY, JANUARY 21, 2008

2008 REGULAR SESSION

**EIGHTH DAY**

Reported by Committee on Water, Energy & Telecommunications

**NOON SESSION**

Senate Chamber, Olympia, Monday, January 21, 2008

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

January 17, 2008

SB 5106 Prime Sponsor, Senator Jacobsen: Requiring emergency preparedness planning for service animals and household pets. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5106 be substituted therefor, and the second substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Benton.

Passed to Committee on Rules for second reading.

January 17, 2008

SB 6194 Prime Sponsor, Senator Rasmussen: Regulating fertilizers. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

January 18, 2008

SB 6215 Prime Sponsor, Senator Tom: Concerning reserve accounts and studies for condominium associations. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

January 17, 2008

SB 6284 Prime Sponsor, Senator Schoesler: Modifying provisions relating to the dairy products commission. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

January 18, 2008

SB 6340 Prime Sponsor, Senator Rockefeller: Providing for a water system acquisition and rehabilitation program.

MAJORITY recommendation: That Substitute Senate Bill No. 6340 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig and Regala.

Passed to Committee on Ways & Means.

January 17, 2008

SB 6412 Prime Sponsor, Senator Kohl-Welles: Allowing permanent resident cards to be used when purchasing liquor. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

January 17, 2008

SB 6413 Prime Sponsor, Senator Kohl-Welles: Making technical corrections to gender-based terms. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

January 18, 2008

SB 6504 Prime Sponsor, Senator Hatfield: Exempting certain minor new construction associated with construction storm water general permits from SEPA. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig and Regala.

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

January 18, 2008

SGA 9301 BILLY FRANK, JR., appointed on June 26, 2007, for the term ending June 25, 2011, as Member of the Puget Sound Partnership. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig and Regala.

Passed to Committee on Rules for second reading.

January 18, 2008

SGA 9324 MARTHA KONGSGAARD, appointed on June 26, 2007, for the term ending June 25, 2009, as Member of the Puget Sound Partnership. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig and Regala.

Passed to Committee on Rules for second reading.

EIGHTH DAY, JANUARY 21, 2008

2008 REGULAR SESSION

January 18, 2008  
SGA 9338 DAN O'NEAL, appointed on June 26, 2007, for the term ending June 25, 2009, as Member of the Puget Sound Partnership. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig and Regala.

Passed to Committee on Rules for second reading.

January 18, 2008  
SGA 9347 WILLIAM D RUCKELSHAUS, appointed on June 26, 2007, for the term ending June 25, 2011, as Chair of the Puget Sound Partnership. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig and Regala.

Passed to Committee on Rules for second reading.

## MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

## MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 9, 2008  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
 Ladies and Gentlemen:

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

JIM CLEMENTS, appointed January 9, 2008, for the term ending December 31, 2012, as Member of the Public Disclosure Commission.

Sincerely,  
 CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

## MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

## MOTION

There being no objection, the Senate advanced to the fourth order of business.

## MESSAGE FROM THE HOUSE

January 18, 2008

MR. PRESIDENT:

The House has passed the following bills:  
 SUBSTITUTE HOUSE BILL NO. 1148,  
 HOUSE BILL NO. 1149,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727,  
 ENGROSSED HOUSE BILL NO. 1956,  
 SUBSTITUTE HOUSE BILL NO. 2014,  
 SUBSTITUTE HOUSE BILL NO. 2279,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

There being no objection, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 6608 by Senators Kline, Honeyford, Carrell, Brandland, Roach, Regala, Shin, King, Rasmussen and Holmquist

AN ACT Relating to criminal street gangs; amending RCW 9.94A.533, 9.94A.535, 9.94A.545, 9A.48.090, and 10.22.010; reenacting and amending RCW 9.94A.715 and 9.94A.030; adding a new section to chapter 43.20A RCW; adding new sections to chapter 36.28A RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 4.24 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 72.09 RCW; adding a new chapter to Title 7 RCW; creating a new section; prescribing penalties; and making appropriations.

Referred to Committee on Judiciary.

SB 6609 by Senators Fairley, Rasmussen, Haugen, Jacobsen, Marr, Shin and Roach

AN ACT Relating to specialty agricultural structures; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Government Operations & Elections.

SB 6610 by Senators Tom, McAuliffe, McDermott, Marr, Shin, Regala and Rasmussen

AN ACT Relating to bonuses for nationally certified teachers who become principals; and amending RCW 28A.405.415.

Referred to Committee on Early Learning & K-12 Education.

SB 6611 by Senators Pridemore, Kohl-Welles, Shin and Rasmussen

AN ACT Relating to enhancing Washington state history and government course requirements for high school graduation; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6612 by Senators Roach, Benton and Rasmussen

AN ACT Relating to protection and facilitation of the right to petition; amending RCW 29A.72.170 and 29A.72.140; adding a new section to chapter 29A.72 RCW; creating new

EIGHTH DAY, JANUARY 21, 2008

2008 REGULAR SESSION

sections; prescribing penalties; and providing effective dates.

Referred to Committee on Government Operations & Elections.

SB 6613 by Senators Kilmer, Pridemore, Marr and Shin

AN ACT Relating to a statewide infrastructure investment strategy; and creating new sections.

Referred to Committee on Economic Development, Trade & Management.

SB 6614 by Senators Weinstein, Kline and Fairley

AN ACT Relating to exemplary damages; and amending RCW 4.56.250.

Referred to Committee on Judiciary.

SB 6615 by Senators Tom, Prentice, McCaslin, Kline and Weinstein

AN ACT Relating to the authority of a watershed management partnership to exercise powers of its forming governments; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Judiciary.

SB 6616 by Senators Brandland, Kastama, Zarelli, Prentice, Shin, Hobbs, Carrell, Kilmer, Jacobsen, Roach, Regala, Haugen, Hewitt and Rasmussen

AN ACT Relating to encouraging private investment in port terminal facilities with tax incentives to local governments; adding a new section to chapter 82.32 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Management.

SB 6617 by Senators Murray, Kauffman, Schoesler, McAuliffe, Marr, Kohl-Welles and Kline

AN ACT Relating to intermediate care facilities for the mentally retarded; and amending RCW 70.129.005, 70.129.007, 70.129.010, 70.129.040, 70.129.090, 70.129.105, 70.129.110, 70.129.150, 70.129.160, and 70.129.170.

Referred to Committee on Health & Long-Term Care.

SB 6618 by Senators Keiser, Marr, Kauffman, McAuliffe and Kohl-Welles

AN ACT Relating to applying arbitration to bargaining by the state and the Washington state patrol; and amending RCW 41.56.475.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6619 by Senator Morton

AN ACT Relating to traffic safety camera images; amending RCW 46.63.170; and reenacting and amending RCW 46.63.160.

Referred to Committee on Judiciary.

SB 6620 by Senators Pridemore, Oemig, Hatfield, Fraser, Rasmussen and Shin

AN ACT Relating to an exemption for manufacturers of biological remediation technologies for use in on-site sewage disposal systems; amending RCW 70.118.020; adding a new section to chapter 70.118 RCW; creating new sections; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SB 6621 by Senators Hobbs, Holmquist, Marr and Hewitt

AN ACT Relating to the accountability of state property under the control of state employees; adding a new chapter to Title 43 RCW; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 6622 by Senators Franklin, Spanel, Keiser, Fairley, McAuliffe, Regala, Shin, Kohl-Welles and Kline

AN ACT Relating to providing legal redress for targets of workplace bullying, abuse, and harassment; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6623 by Senators Marr and Parlette

AN ACT Relating to tax exemptions for temporary medical housing provided by health or social welfare organizations, as defined in RCW 82.04.431; amending RCW 82.04.431 and 36.100.040; adding a new section to chapter 82.08 RCW; adding a new section to chapter 67.28 RCW; adding a new section to chapter 67.40 RCW; adding a new section to chapter 35.101 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6624 by Senators Kline, Keiser and Kohl-Welles

AN ACT Relating to prohibiting requests for waivers of rights of residents of long-term care facilities; and amending RCW 70.129.105.

Referred to Committee on Health & Long-Term Care.

SB 6625 by Senators Swecker, Kastama, Zarelli, Benton, Delvin, Honeyford, Rasmussen and Holmquist

AN ACT Relating to parent taught driver training education courses; amending RCW 28A.220.020, 46.82.280, 46.82.290, and 46.82.300; and adding a new section to chapter 46.82 RCW.

Referred to Committee on Transportation.

SB 6626 by Senators Kilmer, Kastama, Rasmussen, Regala, Franklin, Marr, Carrell and Shin

EIGHTH DAY, JANUARY 21, 2008

2008 REGULAR SESSION

AN ACT Relating to creating a sales and use tax deferral program for eligible investment projects in community empowerment zones; amending RCW 82.63.030; reenacting and amending RCW 82.32.590 and 82.32.600; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Economic Development, Trade & Management.

SB 6627 by Senators Kastama, Rasmussen, Kilmer, Franklin, Carrell, Marr, Regala and Shin

AN ACT Relating to the international services business and occupation tax credit; amending RCW 82.04.44525; and providing an effective date.

Referred to Committee on Economic Development, Trade & Management.

SB 6628 by Senators Prentice, Fairley and Rasmussen

AN ACT Relating to clarifying the state's ability to recover from defendants the cost of mental health treatment provided at state hospitals; amending RCW 10.01.160; creating a new section; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6629 by Senators Franklin and Prentice

AN ACT Relating to making clarifications to the nursing facility medicaid payment system in relation to the use of minimum occupancy in setting cost limits and application of the statewide average payment rate specified in the biennial appropriations act; amending RCW 74.46.421, 74.46.431, 74.46.511, and 74.46.515; and creating a new section.

Referred to Committee on Ways & Means.

SB 6630 by Senators Kastama, Rasmussen, Kilmer, Regala and Kohl-Welles

AN ACT Relating to extending the tax incentives provided for qualified research and development to persons performing both phase I and II clinical trials; amending RCW 82.04.4452 and 82.63.010; and creating a new section.

Referred to Committee on Ways & Means.

SB 6631 by Senators Berkey, Benton, Marr and Roach

AN ACT Relating to adopting the life settlements model act; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SB 6632 by Senators Roach and Jacobsen

AN ACT Relating to guardian appointments; and adding a new section to chapter 11.88 RCW.

Referred to Committee on Judiciary.

SB 6633 by Senator McCaslin

AN ACT Relating to siting new mobile home parks and manufactured housing communities; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Consumer Protection & Housing.

SB 6634 by Senators Benton and Carrell

AN ACT Relating to the taking of private property for a public use pertinent to public health, safety, and welfare; and adding a new chapter to Title 8 RCW.

Referred to Committee on Judiciary.

SB 6635 by Senators Hobbs, Roach, Keiser, Benton, McAuliffe and Shin

AN ACT Relating to employer contributions to an account formed under section 457 of the United States internal revenue code for the benefit of members of the law enforcement officers' and firefighters' retirement system plan 2; amending RCW 41.26.030; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6636 by Senators Fairley, Benton, McDermott and Kline

AN ACT Relating to increasing estimated cost minimums required on water-sewer district contracts for materials and work; and reenacting and amending RCW 57.08.050.

Referred to Committee on Government Operations & Elections.

SB 6637 by Senators Murray, Hewitt and Kohl-Welles

AN ACT Relating to medical, hospital, mechanical, manufacturing, or scientific entities or persons obtaining nonbeverage alcohol directly from suppliers; and adding a new section to chapter 66.12 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6638 by Senators Murray, Roach, McAuliffe, Kohl-Welles, Fairley, Kline, Kauffman, Jacobsen, Eide and Pflug

AN ACT Relating to reallocation of existing lodging taxes for support of heritage and arts programs in a county with a population of one million or more; amending RCW 67.28.180, 67.28.1815, and 82.14.049; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6639 by Senators Kauffman, Prentice, Shin, Marr, Kilmer, Schoesler and Roach

AN ACT Relating to bereavement leave at institutions of higher education; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 28B.35 RCW; and adding a new section to chapter 28B.40 RCW.

Referred to Committee on Higher Education.

EIGHTH DAY, JANUARY 21, 2008

2008 REGULAR SESSION

SB 6640 by Senators Rasmussen, King, Sheldon, McAuliffe, Rockefeller, Holmquist, Kauffman, Schoesler and Kohl-Welles

AN ACT Relating to professional development for instructional assistants; adding a new section to chapter 28A.415 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6641 by Senators Regala, Zarelli and Carrell

AN ACT Relating to providing that voter-approved increases in property tax levy limitations for a multiyear period of up to six years do not permanently increase a taxing district's levy base, unless otherwise provided in the ballot proposition; amending RCW 84.55.050; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6642 by Senators Jacobsen and Kline

AN ACT Relating to the issuance of certain special license plates to persons with disabilities; and reenacting and amending RCW 46.16.381.

Referred to Committee on Transportation.

SB 6643 by Senators Sheldon, Jacobsen, McAuliffe, Shin, Stevens, Hatfield, Roach, Benton, Kline, Rockefeller and Delvin

AN ACT Relating to motorcycles at traffic signals; adding a new section to chapter 46.61 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6644 by Senators Keiser, Franklin, Kastama, Fairley, Marr, Delvin, Kohl-Welles, Brandland, Schoesler and Rasmussen

AN ACT Relating to primary medical eye care; reenacting and amending RCW 48.43.005; adding new sections to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6645 by Senators Pridemore, Carrell, Murray, Schoesler, Holmquist, Stevens, Kohl-Welles, Roach and Rasmussen

AN ACT Relating to interruptive military service credit within plans 2 and 3 of the public employees' retirement system, plans 2 and 3 of the teachers' retirement system, plan 2 of the law enforcement officers' and firefighters' retirement system, plan 2 of the Washington state patrol retirement system, and the public safety employees' retirement system; and amending RCW 41.40.710, 41.40.805, 41.35.470, 41.35.650, 41.32.810, 41.32.865, 41.26.520, 43.43.260, and 41.37.260.

Referred to Committee on Ways & Means.

SB 6646 by Senators Pridemore, Carrell, Schoesler, Fraser, Holmquist, McAuliffe, Marr, Shin, Stevens, Kohl-Welles, Roach and Rasmussen

AN ACT Relating to the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war; and amending RCW 41.26.160, 41.26.510, 43.43.270, 43.43.295, 41.32.520, 41.32.805, 41.32.895, 41.35.460, 41.35.710, 41.37.250, 41.40.270, 41.40.700, and 41.40.835.

Referred to Committee on Ways & Means.

SB 6647 by Senators Schoesler, Holmquist, Murray, Fraser, Kohl-Welles and Rockefeller

AN ACT Relating to higher education employees' annuities and retirement income plans; and amending RCW 28B.10.400.

Referred to Committee on Ways & Means.

SB 6648 by Senators Keiser, Fraser and Kohl-Welles

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; reenacting and amending RCW 41.05.011; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6649 by Senators Keiser, Fraser, McAuliffe, Shin, Kohl-Welles and Rasmussen

AN ACT Relating to health care coverage for retired or disabled school employees and state employees; adding a new section to chapter 41.05 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6650 by Senators Murray, Holmquist, McAuliffe, Kohl-Welles, Parlette and Rasmussen

AN ACT Relating to benefits for the survivors of certain firefighters; amending RCW 41.18.080 and 41.18.100; and adding a new section to chapter 41.18 RCW.

Referred to Committee on Ways & Means.

SB 6651 by Senators Pridemore, Schoesler, Fraser, Holmquist, Shin and Rasmussen

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820.

Referred to Committee on Ways & Means.

SB 6652 by Senators Pridemore, Schoesler, Holmquist, Roach and Rasmussen

AN ACT Relating to extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service; amending RCW 41.40.270; and providing an effective date.

Referred to Committee on Ways & Means.

EIGHTH DAY, JANUARY 21, 2008

2008 REGULAR SESSION

SB 6653 by Senators Murray, Holmquist, Schoesler, Roach and Rasmussen

AN ACT Relating to allowing department of fish and wildlife enforcement officers to transfer service credit; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

SB 6654 by Senators Kilmer, Schoesler, Holmquist, Murray, Roach and Rasmussen

AN ACT Relating to service credit for members working a partial year in plans 2 and 3 of the teachers' retirement system and the school employees' retirement system; amending RCW 41.35.180; and reenacting and amending RCW 41.32.010.

Referred to Committee on Ways & Means.

SB 6655 by Senators Schoesler, Holmquist, Murray, Fraser and Rasmussen

AN ACT Relating to the transfer of public employees' retirement system plan 2 members to the school employees' retirement system plan 2; and amending RCW 41.40.750.

Referred to Committee on Ways & Means.

SB 6656 by Senators Schoesler, Murray, Holmquist, Fraser, Shin and Rasmussen

AN ACT Relating to purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government; and amending RCW 41.32.813 and 41.32.868.

Referred to Committee on Ways & Means.

SB 6657 by Senators Murray, Fraser and Rasmussen

AN ACT Relating to salary bonuses for individuals certified by the national board for professional teaching standards; amending RCW 28A.405.415; and reenacting and amending RCW 41.32.010.

Referred to Committee on Ways & Means.

SB 6658 by Senators Murray, Rockefeller, Honeyford, Morton and Kline

AN ACT Relating to procurement of renewable resources by public agencies; and amending RCW 39.34.030, 54.44.020, 25.15.005, 54.16.180, and 42.24.080.

Referred to Committee on Water, Energy & Telecommunications.

SB 6659 by Senators Prentice and Brandland

AN ACT Relating to the availability of nutrition information; adding a new chapter to Title 19 RCW; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6660 by Senators Pridemore, Pflug and Rasmussen

AN ACT Relating to area agencies; amending RCW 74.38.020 and 74.38.030; adding new sections to chapter 74.38 RCW; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6661 by Senators Franklin, Hargrove, Regala, Brandland, McDermott, Kohl-Welles, McAuliffe, Kline and Rasmussen

AN ACT Relating to child care licensing actions; and amending RCW 43.215.300.

Referred to Committee on Human Services & Corrections.

SB 6662 by Senators Kauffman, McAuliffe, Hobbs, Keiser, Tom, Marr, Kilmer, Rasmussen, Kohl-Welles, McDermott, Weinstein, Spanel and Shin

AN ACT Relating to school nurses; amending RCW 28A.150.260; adding new sections to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6663 by Senators Schoesler, Pridemore, Roach, Zarelli, Holmquist, Keiser and Kohl-Welles

AN ACT Relating to improving the administration of department of revenue tax programs by correcting and clarifying statutes; eliminating, repealing, and decodifying obsolete or otherwise unnecessary statutes and statutory language; amending RCW 82.14.030, 82.14.045, 82.14.048, 82.14.360, 82.19.010, 82.24.020, 82.24.026, 82.24.027, 82.24.028, 82.29A.080, 84.09.030, and 84.48.080; creating new sections; decodifying RCW 82.29A.900 and 82.29A.910; and repealing RCW 82.29A.150.

Referred to Committee on Ways & Means.

SB 6664 by Senators Carrell, Pridemore, Roach, Fraser, McCaslin, Pflug and Rasmussen

AN ACT Relating to indexing the one hundred fifty thousand dollar death benefit for public employees; amending RCW 41.04.017, 41.24.160, 41.26.048, 41.32.053, 41.35.115, 41.37.110, 41.40.0931, and 41.40.0932; reenacting and amending RCW 43.43.285; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6665 by Senators Hargrove, Stevens and Marr

AN ACT Relating to the intensive case management and integrated response pilot programs; amending RCW 70.96A.800, 70.96B.020, 70.96B.800, and 70.96B.900; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6666 by Senators Murray, Zarelli, Eide, Holmquist, Hobbs, Parlette and Shin

AN ACT Relating to providing partial state sales and use tax exemptions in respect to the purchase or use of server equipment comprising only the server chassis and all computer hardware and software contained within the server

EIGHTH DAY, JANUARY 21, 2008

2008 REGULAR SESSION

chassis, where the server equipment replaces existing server equipment in certain buildings constructed or refurbished to house servers and located in a rural county as defined in RCW 82.14.370(5); amending RCW 81.104.170; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6667 by Senators Haugen, Pridemore and Marr

AN ACT Relating to high-capacity transportation service; amending RCW 81.104.015, 81.104.150, 81.104.160, 81.104.170, 81.104.180, 81.104.190, and 81.104.030; and adding new sections to chapter 81.104 RCW.

Referred to Committee on Transportation.

SB 6668 by Senators Pflug and Fairley

AN ACT Relating to the annexation of territory within a code city; amending RCW 35A.14.295; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6669 by Senators Kline, Roach, Fairley, Benton, Rasmussen, Regala, McAuliffe and Kohl-Welles

AN ACT Relating to allowing clients receiving supported living services to have control over employment of independent supported living providers; adding a new section to chapter 71A.10 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6670 by Senators Carrell, McCaslin, Marr, Kohl-Welles, Roach and Kline

AN ACT Relating to identity theft; adding a new section to chapter 9.35 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 6671 by Senators Carrell, McCaslin and Marr

AN ACT Relating to records in a criminal case; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

SB 6672 by Senators Carrell, McCaslin, Marr and Roach

AN ACT Relating to identity theft; amending RCW 9.35.001, 9.35.020, and 46.20.0921; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6673 by Senators McAuliffe, Brandland, Hobbs, McDermott, Rasmussen, Weinstein, Oemig, Tom, Kauffman, Hargrove, Fairley, Franklin and Shin

AN ACT Relating to extended learning opportunities and instructional support for English language learners, low-income students, and students with learning disabilities; adding new sections to chapter 28A.320 RCW; adding new

sections to chapter 28A.630 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

SB 6674 by Senators McAuliffe and Tom

AN ACT Relating to authorizing certain school districts and educational service districts to designate a district treasurer; amending RCW 28A.320.300, 28A.320.310, 28A.320.320, 28A.510.270, 28A.310.370, 28A.310.410, 28A.160.130, 28A.220.040, 28A.320.080, 28A.323.100, 28A.325.030, 28A.330.080, 28A.350.010, 28A.350.050, 28A.410.060, 28A.530.030, 28A.530.050, and 28A.535.060; adding a new section to chapter 28A.320 RCW; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6675 by Senators McAuliffe, Shin, Pflug, Berkey, Fairley and Tom

AN ACT Relating to allowing public technical colleges to offer associate transfer degrees; amending RCW 28B.50.140; and creating a new section.

Referred to Committee on Higher Education.

SB 6676 by Senators Rasmussen, Schoesler, Jacobsen, Morton, Haugen, Shin, Swecker and Hatfield

AN ACT Relating to forage and mulches; amending RCW 17.10.070 and 17.10.201; adding new sections to chapter 17.10 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6677 by Senators Fraser, Roach, Fairley and McCaslin

AN ACT Relating to composition of the board of directors of the Washington materials management and financing authority; and amending RCW 70.95N.290.

Referred to Committee on Government Operations & Elections.

SB 6678 by Senators Haugen, Prentice, Hobbs, Swecker, McCaslin, Brandland, Spanel, Jacobsen, Oemig, Fairley, Franklin, Fraser, King, Eide, Marr, Brown, Carrell, Berkey, Hatfield, Rasmussen, Rockefeller, Regala, Pridemore, Tom, Sheldon, Hargrove, Weinstein, Shin, Parlette, Murray, McAuliffe, Stevens, Kohl-Welles, Roach and Holmquist

AN ACT Relating to special license plates for mothers of United States armed forces members killed in combat; amending RCW 46.16.725; reenacting and amending RCW 46.16.305; and creating a new section.

Referred to Committee on Transportation.

SB 6679 by Senators Hargrove, Jacobsen, Hatfield and Kohl-Welles

EIGHTH DAY, JANUARY 21, 2008

2008 REGULAR SESSION

AN ACT Relating to reducing greenhouse gases emissions; and adding a new chapter to Title 43 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6680 by Senators Regala, Kohl-Welles, Roach, Kline, McCaslin, McAuliffe and Shin

AN ACT Relating to exemptions from jury service based on age; and amending RCW 2.36.100.

Referred to Committee on Judiciary.

SB 6681 by Senators Regala, Benton, Fairley, Weinstein, Roach, Oemig, Kline, McCaslin and Kohl-Welles

AN ACT Relating to political signage in condominiums; adding a new section to chapter 64.32 RCW; and adding a new section to chapter 64.34 RCW.

Referred to Committee on Government Operations & Elections.

SB 6682 by Senators Kohl-Welles, Brandland, Keiser, Franklin, Hargrove, McAuliffe and Shin

AN ACT Relating to providing background checks to home care agencies; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Health & Long-Term Care.

SB 6683 by Senators Fraser, Kohl-Welles and Hargrove

AN ACT Relating to prostitution prevention and intervention services funded by the prostitution prevention and intervention account; and amending RCW 43.63A.720, 43.63A.730, and 43.63A.740.

Referred to Committee on Human Services & Corrections.

SB 6684 by Senators Shin, Berkey, Regala, Kohl-Welles and McAuliffe

AN ACT Relating to language access services in health care; amending RCW 41.05.017 and 70.47.060; adding new sections to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.20 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6685 by Senators Pflug, Tom, Roach, Fairley, Jacobsen, Marr, Hobbs, Kilmer, Rockefeller, Kohl-Welles, Delvin, Hewitt, Brown, Swecker, Weinstein, Morton, Kline, Parlette, Pridemore, McDermott, Benton, Brandland and Honeyford

AN ACT Relating to ethical restrictions on mailings by legislators; amending RCW 42.52.185; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6686 by Senators Roach, Rasmussen, Hargrove, Carrell, Benton and Kline

AN ACT Relating to concealed pistol license applicants who are active duty members of the United States armed forces; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

SJM 8028 by Senators Shin, Berkey, Honeyford, Hobbs, Swecker, Delvin, Roach, Rasmussen and Benton

Requesting that the President and Congress support the participation of Taiwan in the World Health Organization.

Referred to Committee on Health & Long-Term Care.

SJR 8227 by Senators Carrell, Benton, Stevens, Zarelli, Pflug, Honeyford, King, Roach, Sheldon, Swecker, Holmquist, Morton, Delvin, Hewitt, Schoesler, Kastama, Brandland, McCaslin and Parlette

Amending the constitution to provide standards of review for bills and laws passed by the people.

Referred to Committee on Judiciary.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1148 by House Committee on Housing (originally sponsored by Representatives Simpson, Dunn, Orcutt, McCune, Chase, Wallace, Ormsby and Springer)

AN ACT Relating to the restriction of mobile home or manufactured home locations in mobile home parks or manufactured housing communities; and amending RCW 35.21.684, 35A.21.312, and 36.01.225.

Referred to Committee on Consumer Protection & Housing.

HB 1149 by Representatives O'Brien, Dunn, McCune, Wallace and Simpson

AN ACT Relating to eliminating advance property tax payments for binding site plans; and amending RCW 84.40.042 and 58.08.040.

Referred to Committee on Government Operations & Elections.

ESHB 1727 by House Committee on Local Government (originally sponsored by Representatives Springer, Eddy, Dunn, Pettigrew, B. Sullivan, Buri, Strow, Ahern, Orcutt, Takko, Anderson, Haler, Upthegrove, Simpson, Jarrett, Rodne, Sells, O'Brien, Newhouse, Miloscia, Hinkle, Walsh, McCune, Kagi, Williams, Lovick, Linville, Quall, McDonald, Warnick, Kristiansen, Hurst, Seaquist, Kenney and Sullivan)

AN ACT Relating to growth management planning to ensure sufficient land and densities available to accommodate growth; amending RCW 36.70A.070, 36.70A.090, and 36.70A.110; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

EHB 1956 by Representatives Pettigrew, Miloscia, Santos, Sells, Ormsby and Hasegawa

EIGHTH DAY, JANUARY 21, 2008

2008 REGULAR SESSION

AN ACT Relating to discrimination based on lawful source of income; reenacting and amending RCW 49.60.250; adding a new section to chapter 49.60 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SHB 2014 by House Committee on Housing (originally sponsored by Representatives Chase, Santos, Kenney, Hasegawa, Miloscia, Simpson and Ormsby)

AN ACT Relating to the regulation of conversion condominiums; amending RCW 64.34.440 and 82.02.020; adding a new section to chapter 64.34 RCW; creating a new section; and providing an effective date.

Referred to Committee on Consumer Protection & Housing.

SHB 2279 by House Committee on Housing (originally sponsored by Representatives Darneille, Springer, Pettigrew, O'Brien, Hasegawa and Santos)

AN ACT Relating to prohibiting discrimination against affordable housing developments; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Housing.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 6619 which was referred to the Committee on Judiciary; Senate Bill No. 6630 which was referred to the Committee on Ways & Means; and Senate Bill No. 6660 which was referred to the Committee on Health & Long-Term Care.

#### MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Tuesday, January 22, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINTH DAY, JANUARY 22, 2008

2008 REGULAR SESSION

**NINTH DAY**

MINORITY recommendation: Do not pass. Signed by Senator and Roach.

**NOON SESSION**

Passed to Committee on Rules for second reading.

Senate Chamber, Olympia, Tuesday, January 22, 2008

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

January 21, 2008

SSB 5278 Prime Sponsor, Committee on : Concerning use of public funds to finance campaigns for local office. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5278 be substituted therefor, and the second substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senator and Roach.

Passed to Committee on Rules for second reading.

January 21, 2008

SB 6261 Prime Sponsor, Senator Kilmer: Requiring the workforce training and education coordinating board to research and evaluate work and learning programs for adult youth. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SB 6262 Prime Sponsor, Senator Kilmer: Creating an economic development and diversification tuition incentive program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Ways & Means.

January 21, 2008

SB 6271 Prime Sponsor, Senator Hatfield: Concerning the compensation of special purpose district commissioners. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

January 21, 2008

SB 6283 Prime Sponsor, Senator Rasmussen: Addressing membership on the apple commission. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

January 21, 2008

SB 6295 Prime Sponsor, Senator Kilmer: Creating workplace-based electronically distributed learning opportunities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Ways & Means.

January 21, 2008

SB 6391 Prime Sponsor, Senator Shin: Authorizing an additional University of Washington branch campus. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6391 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator and Sheldon.

Passed to Committee on Ways & Means.

January 21, 2008

SJM 8016 Prime Sponsor, Senator Oemig: Requesting an impeachment investigation into actions by President Bush and Vice President Cheney. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8016 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senator and Roach.

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

January 21, 2008

SGA 9092 KAREN BROWN, reappointed on February 10, 2005, for the term ending March 26, 2007, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education

NINTH DAY, JANUARY 22, 2008

2008 REGULAR SESSION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9109 PHILIP EATON, reappointed on February 10, 2005, for the term ending March 26, 2008, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9145 HOWARD LINCOLN, appointed on January 27, 2006, for the term ending September 30, 2010, as Member of the Board of Trustees, Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9149 MICHAEL MARTINO, reappointed on October 1, 2006, for the term ending September 30, 2011, as Member of the Board of Trustees, Cascadia Community College District No. 30. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9257 TOM KOENNINGER, reappointed on April 4, 2007, for the term ending April 3, 2011, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9263 JAMES GARRISON, reappointed on April 4, 2007, for the term ending April 3, 2011, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9264 JIM TSANG, reappointed on October 1, 2006, for the term ending September 30, 2011, as Member of the Board of Trustees, Pierce Community College District No. 11. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9288 REBECCA CHAFFEE, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9289 GENE L CHASE, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Everett Community College District No. 5. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9292 JAMES CUNNINGHAM, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9293 EDWARD DAVILA, reappointed on October 22, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Highline Community College District No. 9. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9300 FRANCOIS FORGETTE, reappointed on October 1, 2007, for the term ending September 30, 2013, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be

NINTH DAY, JANUARY 22, 2008

confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9303 ISAURA GALLEGOS, reappointed on July 19, 2007, for the term ending June 30, 2008, as Member of the Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9304 SHERRY GATES, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Green River Community College District No. 10. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9309 JESUS HERNANDEZ, reappointed on July 1, 2007, for the term ending June 30, 2011, as Member of the Higher Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9310 MICHAEL G HEUER, reappointed on October 22, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Lower Columbia Community College District No. 13. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9314 ROBERT HOLLOWAY, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Big Bend Community College District No. 18. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9318 FRANK IRIGON, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of

2008 REGULAR SESSION

the Board of Trustees, Renton Technical College District No. 27. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9319 SALLY JEWELL, reappointed on October 1, 2007, for the term ending September 30, 2013, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9320 LAURIE A JINKINS, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Tacoma Community College District No. 22. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9329 DENNIS MADSEN, appointed on October 1, 2007, for the term ending September 30, 2013, as Member of the Board of Trustees, Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9330 JEAN MAGLADRY, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Cascadia Community College District No. 30. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9331 THOMAS W MALONE, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

NINTH DAY, JANUARY 22, 2008

2008 REGULAR SESSION

January 21, 2008

SGA 9334 DONALD MEYER, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Pierce Community College District No. 11. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9341 BERTHA ORTEGA, reappointed on October 1, 2007, for the term ending September 30, 2013, as Member of the Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9342 ANTASIA PARKER, appointed on July 1, 2007, for the term ending June 30, 2008, as Member of the Board of Trustees, Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9346 BARBARA ROFKAR, reappointed on October 22, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey;; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9353 KAREN SEINFELD, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Bates Technical College District No. 28. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9354 RHONA SEN HOSS, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Clark Community College District No. 14. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9358 JERRY SMITH, appointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Shoreline Community College District No. 7. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9359 SAM SMITH, reappointed on July 1, 2007, for the term ending June 30, 2011, as Member of the Higher Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9364 RICHARD N WADLEY, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, South Puget Sound Community College District No. 24. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 21, 2008

SGA 9366 DARLENE WILDER, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Wenatchee Valley Community College District No. 15. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

## MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6262 which was referred to the Committee on Ways & Means.

## MOTION

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

MESSAGES FROM STATE OFFICES

NINTH DAY, JANUARY 22, 2008

2008 REGULAR SESSION

January 21, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Board of Education, High School Graduation & Career-Technical Education Program Completion Report. This report is mandated under RCW 28A.230.090.

If you have any questions about the report, please call 360-725-6025.

Sincerely,  
Mary Jean Ryan, Chair

The Washington State Board of Education, High School Graduation & Career-Technical Education Program Completion Report is on file in the Office of the Secretary of the Senate.

## MESSAGES FROM STATE OFFICES

January 21, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, Blended Funding Report. This report is mandated under RCW 219, Laws of 2000, Section 2.

If you have any questions about the report, please call 360-902-7977.

Sincerely,  
Robin Arnold-Williams, Secretary

The Department of Social & Health Services, Blended Funding Report is on file in the Office of the Secretary of the Senate.

## MESSAGES FROM STATE OFFICES

January 21, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, Employment Status of Medical Assistance Clients & Persons with Dependents with DSHS Medical Coverage Report. This report is mandated under ESHB 3079.

If you have any questions about the report, please call 360-902-0707.

Sincerely,  
Robin Arnold-Williams, Secretary

The Department of Social & Health Services, Employment Status of Medical Assistance Clients & Persons with Dependents with DSHS Medical Coverage Report is on file in the Office of the Secretary of the Senate.

## MESSAGES FROM STATE OFFICES

January 22, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, Older Children Who are victims of Abuse or Neglect Report. This report is mandated under Chapter 345, Section 2, Laws of 2005.

If you have any questions about the report, please call 360-902-7920.

Sincerely,  
Robin Arnold-Williams, Secretary  
The Department of Social & Health Services, Older Children Who are victims of Abuse or Neglect Report is on file in the Office of the Secretary of the Senate.

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 6687 by Senators Regala, Rasmussen, McAuliffe, Carrell, Keiser and Hobbs

AN ACT Relating to postretirement employment; and amending RCW 41.32.765, 41.32.875, 41.35.420, 41.35.680, 41.40.630, and 41.40.820.

Referred to Committee on Ways & Means.

SB 6688 by Senators Kilmer, Sheldon, Rockefeller and McDermott

AN ACT Relating to reasonable fares for frequent users of Washington state ferries; and amending RCW 47.60.290 and 47.60.315.

Referred to Committee on Transportation.

SB 6689 by Senators Kilmer, Rockefeller, Sheldon and Haugen

AN ACT Relating to the use of Washington state ferries' fare media by multiple drivers for multiple discounted trips; and amending RCW 47.60.315.

Referred to Committee on Transportation.

SB 6690 by Senators Kilmer, Kastama, Hobbs, Sheldon, Rockefeller and Shin

AN ACT Relating to the office of regulatory assistance; amending RCW 43.42.005, 43.42.020, 43.42.030, 43.42.050, 43.42.060, 43.42.070, 43.21A.690, 43.70.630,

NINTH DAY, JANUARY 22, 2008

2008 REGULAR SESSION

43.300.080, and 70.94.085; reenacting and amending RCW 43.42.010 and 43.30.490; and adding new sections to chapter 43.42 RCW.

Referred to Committee on Economic Development, Trade & Management.

SB 6691 by Senator Sheldon

AN ACT Relating to a pilot program establishing marine habitat mitigation banks in a certain area; adding a new chapter to Title 90 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SB 6692 by Senators Murray and Kohl-Welles

AN ACT Relating to concerning fees for explosives licenses; amending RCW 70.74.137, 70.74.140, 70.74.142, 70.74.144, 70.74.146, and 70.74.360; and adding a new section to chapter 70.74 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6693 by Senators Weinstein, Hargrove and Kohl-Welles

AN ACT Relating to making changes to the factory assembled structures laws administered and enforced by the department of labor and industries; and amending RCW 43.22.340, 43.22.434, and 43.22.480.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6694 by Senators Murray and Kohl-Welles

AN ACT Relating to adjusting the fee for approval of statements of intent to pay prevailing wages and certification of affidavits of wages paid to forty dollars; amending RCW 39.12.070; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6695 by Senators Weinstein and Kline

AN ACT Relating to distressed home transactions; amending RCW 61.34.020, 61.34.030, and 61.34.040; adding new sections to chapter 61.34 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 6696 by Senators Fairley, Prentice, Kohl-Welles, Tom, Weinstein, Kline, McDermott and Murray

AN ACT Relating to actions for wrongful injury or death; amending RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010; creating new sections; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 6697 by Senators Berkey and Benton

AN ACT Relating to refund anticipation loans; and amending RCW 19.265.010 and 19.265.020.

Referred to Committee on Financial Institutions & Insurance.

SB 6698 by Senators Shin, Delvin, Murray and Kohl-Welles

AN ACT Relating to voter registration and informational activities at institutions of higher education; amending RCW 29A.08.105 and 29A.08.260; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 6699 by Senators Shin, Delvin, Murray, Berkey, Weinstein and Tom

AN ACT Relating to establishing a student position on the Bellevue Community College board of trustees; and creating a new section.

Referred to Committee on Higher Education.

SB 6700 by Senators Tom, Hatfield, Kohl-Welles, Oemig, Fraser, Regala, Carrell, Haugen and Rasmussen

AN ACT Relating to the property taxation of organizations operated exclusively for art, scientific, or historical purposes or engaged in the production and performance of musical, dance, artistic, dramatic, or literary works; and amending RCW 84.36.060.

Referred to Committee on Ways & Means.

SB 6701 by Senators McDermott, Weinstein, Tom and Kline

AN ACT Relating to money laundering; amending RCW 9A.83.030; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6702 by Senators McDermott, Weinstein, Kline, Regala, Tom and Kohl-Welles

AN ACT Relating to treatment programs as an alternative to total confinement; and amending RCW 9.94A.680.

Referred to Committee on Judiciary.

SB 6703 by Senators Regala, Weinstein, Oemig, McDermott and Tom

AN ACT Relating to allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location; amending RCW 9.94A.637; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6704 by Senator Fairley

AN ACT Relating to special meetings; and amending RCW 42.30.080.

NINTH DAY, JANUARY 22, 2008

2008 REGULAR SESSION

Referred to Committee on Government Operations & Elections.

AN ACT Relating to affordable housing loan programs; amending RCW 43.185A.110; adding a new section to chapter 43.185A RCW; and creating a new section.

SB 6705 by Senator Morton

Referred to Committee on Consumer Protection & Housing.

AN ACT Relating to open public meetings; and amending RCW 42.30.210.

SB 6713 by Senators Kauffman, Brandland, McAuliffe, Tom, Keiser, Rasmussen, Hargrove, Kastama, McDermott, Kilmer, Kline, Oemig, Regala, Fairley, Franklin, Kohl-Welles, Delvin, Roach, Pridemore, Hewitt, Rockefeller, King, Shin, Fraser, Parlette and Haugen

Referred to Committee on Government Operations & Elections.

AN ACT Relating to early intervention services for children with disabilities; amending RCW 43.88C.010; adding a new section to chapter 71A.14 RCW; and creating new sections.

SB 6706 by Senators Oemig, Parlette, Fraser, Tom, Delvin, Schoesler, Fairley, Haugen, Rasmussen and Kilmer

Referred to Committee on Health & Long-Term Care.

AN ACT Relating to annual revaluations of property for property tax purposes; amending RCW 84.41.030 and 84.41.041; adding new sections to chapter 84.41 RCW; making appropriations; and providing expiration dates.

SB 6714 by Senators Kohl-Welles and Delvin

Referred to Committee on Ways & Means.

AN ACT Relating to the implementation of the national crime prevention and privacy compact; adding a new section to chapter 43.43 RCW; creating a new section; and providing an effective date.

SB 6707 by Senators Jacobsen, McAuliffe, Murray, Keiser, Fraser and McDermott

AN ACT Relating to the practice of interior design; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6715 by Senators Tom and McAuliffe

SB 6708 by Senators Morton, Honeyford and Parlette

AN ACT Relating to encouraging efficient use of water by eliminating the partial relinquishment of water rights; amending RCW 90.14.130, 90.14.160, 90.14.170, and 90.14.180; and creating a new section.

AN ACT Relating to the authority of the executive director of the state board of education; and amending RCW 28A.305.130.

Referred to Committee on Water, Energy & Telecommunications.

Referred to Committee on Early Learning & K-12 Education.

SB 6709 by Senator Morton

AN ACT Relating to an emergency appropriation to the department of fish and wildlife for the control of predators; making an appropriation; and declaring an emergency.

SB 6716 by Senators Murray, Fairley, McDermott, Rockefeller, Regala, Prentice, Marr, Keiser, Kohl-Welles, Kauffman, Tom, Fraser, Kline, Hobbs, Brown, Pridemore, McAuliffe, Oemig, Shin, Spanel, Berkey, Franklin, Jacobsen, Weinstein, Eide and Kilmer

Referred to Committee on Natural Resources, Ocean & Recreation.

AN ACT Relating to expanding rights and responsibilities of all couples recognized as domestic partners under chapter 26.60 RCW; amending RCW 42.17.241, 42.52.040, 43.03.305, 43.185A.010, 43.20B.080, 70.123.020, 70.129.140, 74.42.070, 4.22.020, 5.60.060, 5.66.010, 7.69.020, 7.69B.010, 26.50.010, 4.08.030, 4.08.040, 4.20.046, 28B.15.621, 73.08.005, 72.36.030, 72.36.040, 72.36.050, 72.36.070, 72.36.110, 73.04.120, 73.36.140, 73.04.010, 73.04.115, 26.16.010, 26.16.020, 26.16.030, 26.16.050, 26.16.060, 26.16.070, 26.16.080, 26.16.090, 26.16.095, 26.16.100, 26.16.120, 26.16.140, 26.16.150, 26.16.180, 26.16.190, 26.16.200, 26.16.205, 26.16.210, 26.16.220, 26.16.230, 26.16.240, 26.16.250, 11.84.030, 64.28.010, 64.28.020, 64.28.030, 64.28.040, 9.46.231, 9A.83.030, 69.50.505, 64.06.010, 6.13.020, 6.13.060, 6.13.080, 6.13.180, 6.13.210, 6.13.220, 6.13.230, 26.16.125, 60.04.211, 82.45.010, 84.38.030, 84.38.070, 84.38.130, 84.38.150, 84.36.381, 84.36.041, 84.36.120, 84.36.383, 84.37.080, 7.36.020, 11.88.010, 11.88.040, 11.88.090, 11.88.125, 11.76.080, 11.92.140, 11.94.090, 11.94.100, 11.94.140, 11.02.005, 11.02.070, 11.02.100, 11.02.120, 11.04.095, 11.08.300, 11.10.010, 11.11.010, 11.12.051, 11.12.095, 11.12.180, 11.28.030, 11.28.131, 11.28.185, 11.54.010, 11.54.020, 11.54.030, 11.54.040, 11.54.050, 11.54.070, 11.62.005, 11.62.010, 11.62.030, 11.68.011, 11.80.130, 11.96A.030, 11.96A.120, 11.100.025, 11.04.290, 11.10.030, 11.80.010, 11.80.050,

SB 6710 by Senators Keiser and Marr

AN ACT Relating to standards for fire protection of hospitals; and amending RCW 70.41.080 and 18.160.050.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6711 by Senators Kauffman, Kilmer, Kohl-Welles, Keiser and Kline

AN ACT Relating to preventing foreclosures by creating the smart homeownership choices program; adding new sections to chapter 43.320 RCW; and making an appropriation.

Referred to Committee on Consumer Protection & Housing.

SB 6712 by Senators Kauffman, Kilmer, Kohl-Welles and Keiser

NINTH DAY, JANUARY 22, 2008

2008 REGULAR SESSION

11.114.010, 26.60.050, 26.09.004, 26.09.010, 26.09.020, 26.09.030, 26.09.040, 26.09.050, 26.09.060, 26.09.070, 26.09.080, 26.09.090, 26.09.100, 26.09.110, 26.09.120, 26.09.170, 26.09.210, 26.09.255, 26.09.280, 26.09.290, 26.09.310, 26.10.050, 26.10.180, 26.12.190, 26.18.010, 26.18.020, 26.18.030, 26.18.040, 26.18.050, 26.18.070, 26.18.090, 26.18.100, 26.18.110, 26.18.120, 26.18.140, 26.18.150, 26.19.071, 26.19.075, 26.20.035, 26.20.071, 26.20.080, 26.21A.010, 26.21A.150, 26.21A.275, 26.09.015, 26.09.194, 26.12.172, and 26.12.260; reenacting and amending RCW 42.17.020, 11.07.010, 26.09.150, and 26.09.015; adding new sections to chapter 26.60 RCW; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 6717 by Senators Hatfield, Pridemore, Sheldon, Hobbs, Berkey, Fairley, McDermott and Delvin

AN ACT Relating to public utility district commissioner salaries; and amending RCW 54.12.080.

Referred to Committee on Government Operations & Elections.

SB 6718 by Senators Rockefeller and Parlette

AN ACT Relating to repealing chapter 385, Laws of 2005; creating a new section; and repealing RCW 43.09.430, 43.09.435, 43.09.440, 43.09.445, 43.88.162, 43.09.450, 43.09.455, 2.56.200, and 43.09.460.

Referred to Committee on Government Operations & Elections.

SB 6719 by Senators Keiser, Morton, Sheldon, Swecker, Hobbs and Pridemore

AN ACT Relating to increasing public utility district bid limits to address inflation and increased material costs; amending RCW 54.04.070 and 54.04.082; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6720 by Senators Eide, Zarelli, Rockefeller, Kohl-Welles, Shin and Rasmussen

AN ACT Relating to a school safety advisory committee; and adding a new chapter to Title 28A RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6721 by Senators Regala, Kohl-Welles and Rasmussen

AN ACT Relating to creating a task force on guardians ad litem representing the best interests of a child in cases under Titles 13 and 26 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6722 by Senators Regala, Delvin, Schoesler, Pridemore and Shin

AN ACT Relating to the creation and use of the cleanup settlement account; amending RCW 43.84.092; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 70.105D RCW; providing an effective date; providing a contingent effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6723 by Senators Rasmussen and Swecker

AN ACT Relating to authorizing fees to fund inspections for the protection of animal health; and adding a new section to chapter 16.36 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6724 by Senators Kilmer, Kastama, Kauffman, Roach and Delvin

AN ACT Relating to condominium liability insurance; creating new sections; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

SB 6725 by Senator Morton

AN ACT Relating to control of predatory animals; adding a new section to chapter 77.12 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6726 by Senators Tom, McAuliffe and Rasmussen

AN ACT Relating to the professional educator standards board establishing a professional-level certification assessment; and amending RCW 28A.410.210 and 28A.410.220.

Referred to Committee on Early Learning & K-12 Education.

SB 6727 by Senators Tom, Delvin, Kline and Kilmer

AN ACT Relating to growth management planning to ensure sufficient land and densities available to accommodate growth; amending RCW 36.70A.070, 36.70A.090, and 36.70A.110; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SB 6728 by Senators Berkey, Kohl-Welles, Franklin, Regala and Keiser

AN ACT Relating to homeownership security, responsible mortgage lending, and improving protections for residential mortgage loan consumers; amending RCW 19.146.005 and 61.24.030; reenacting and amending RCW 9.94A.515 and 9A.82.010; adding new sections to chapter 19.146 RCW; adding a new section to chapter 30.04 RCW; adding a new section to chapter 31.04 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 32.04

NINTH DAY, JANUARY 22, 2008

2008 REGULAR SESSION

RCW; adding a new section to chapter 33.04 RCW; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SB 6729 by Senators Murray, Holmquist, Kohl-Welles and Honeyford

AN ACT Relating to self-service storage facility late fees; amending RCW 19.150.010, 19.150.020, 19.150.901, and 19.150.902; and adding a new section to chapter 19.150 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6730 by Senators Kilmer, Delvin, Shin and Kohl-Welles

AN ACT Relating to child care at institutions of higher education; amending RCW 28B.135.010 and 28B.135.030; adding a new section to chapter 28B.135 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 6731 by Senators Kohl-Welles, Hobbs, Murray, Keiser, Marr, Fairley, Regala, Tom and Kline

AN ACT Relating to consolidating, aligning, and clarifying exception tests for determination of independent contractor status under unemployment compensation and workers' compensation laws; amending RCW 50.04.100, 50.04.140, 51.08.070, 51.08.180, and 51.08.195; creating a new section; and repealing RCW 50.04.145.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6732 by Senators Kohl-Welles, Kline, Keiser, Marr, Murray, Hobbs, Regala, Tom, Oemig and Fairley

AN ACT Relating to implementing the recommendations of the joint legislative task force on the underground economy in the construction industry; amending RCW 18.27.030, 18.27.100, 51.16.070, 50.13.060, 50.12.070, 51.48.103, and 51.48.020; amending 2007 c 288 s 2 (uncodified); adding a new section to chapter 39.12 RCW; adding new sections to chapter 18.27 RCW; adding new sections to chapter 43.22 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6733 by Senators Regala, Delvin, Prentice, Brandland, Pridemore, Rasmussen and Kilmer

AN ACT Relating to extending the sales and use tax exemptions related to machinery and equipment used in generating electricity to machinery and equipment used to produce electricity using certain organic materials and byproducts of pulping or wood manufacturing processes; amending RCW 82.08.02567 and 82.12.02567; providing an effective date; and providing expiration dates.

Referred to Committee on Water, Energy & Telecommunications.

SB 6734 by Senators Franklin, Keiser and Kohl-Welles

AN ACT Relating to establishing a process to promote evidence-based nurse staffing in hospitals; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6735 by Senators Fairley, Oemig and Kohl-Welles

AN ACT Relating to dog purchaser protection; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6736 by Senators Rasmussen, Fairley, Oemig, Delvin, Kohl-Welles, Marr, Roach, Parlette, Keiser, Kilmer and Kline

AN ACT Relating to lifelong learning services for individuals diagnosed with severe to profound intellectual developmental disabilities; adding a new chapter to Title 71A RCW; and making an appropriation.

Referred to Committee on Health & Long-Term Care.

SB 6737 by Senators Kohl-Welles, Kline, Prentice, Keiser, Shin, Hobbs, Murray, Pridemore, McDermott and Hatfield

AN ACT Relating to collective bargaining for Washington State University employees who are enrolled in academic programs; adding a new section to chapter 41.56 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6738 by Senators McDermott and Morton

AN ACT Relating to bid limits on purchases of public works materials; amending RCW 35.23.352, 36.32.245, and 52.14.110; and reenacting and amending RCW 57.08.050.

Referred to Committee on Government Operations & Elections.

SB 6739 by Senators Franklin, Prentice, Marr and Jacobsen

AN ACT Relating to psychiatric advanced registered nurse practitioners; amending RCW 71.05.215 and 71.05.217; and reenacting and amending RCW 71.05.020.

Referred to Committee on Health & Long-Term Care.

SB 6740 by Senators Regala, King, McAuliffe and Rasmussen

AN ACT Relating to the provision of teacher certification services; and amending RCW 28A.410.060.

Referred to Committee on Early Learning & K-12 Education.

SB 6741 by Senators Rasmussen, Roach, Regala and Kastama

NINTH DAY, JANUARY 22, 2008

2008 REGULAR SESSION

MOTION

AN ACT Relating to marketing controlled substances to minors; amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6742 by Senators Rasmussen, McAuliffe, Tom and Kline

AN ACT Relating to specialized individualized education programs for students with autism; adding a new section to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6743 by Senators Rasmussen, McAuliffe, Tom and Shin

AN ACT Relating to autism awareness instruction for teachers of students with autism; and adding a new section to chapter 28A.155 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6744 by Senators Fraser and Fairley

AN ACT Relating to homeowners' associations; amending RCW 64.38.010 and 64.38.035; adding a new section to chapter 64.38 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Consumer Protection & Housing.

SB 6745 by Senator Fraser

AN ACT Relating to homeowners' associations; amending RCW 64.38.005, 64.38.010, 64.38.015, 64.38.020, 64.38.025, 64.38.030, 64.38.035, and 64.38.040; adding new sections to chapter 64.38 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Housing.

SB 6746 by Senators Brown, Marr, Pridemore, Rasmussen and Kilmr

AN ACT Relating to the sales and use tax exemption of materials and services used in the weatherization assistance program; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6724 which was referred to the Committee on Financial Institutions & Insurance.

MOTION

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

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION  
8695

By Senators Jacobsen and Carrell

WHEREAS, Sarah Osborne of Tacoma, at age eighty-five, crafts lap quilts and donates them to the patients at the American Lake Veterans Hospital in Pierce County; and

WHEREAS, Ms. Osborne makes as many as a dozen or more quilts each month, and though no one has been able to count them all, she has made literally hundreds of quilts over many years; and

WHEREAS, Ms. Osborne has been widowed twice, and her first husband Wilburn Osborne served in the United States Army and her second husband Robert Nelson served in the United States Navy; and

WHEREAS, Ms. Osborne spends her own money for all materials for these quilts, and has never sought assistance nor recognition, but instead has quietly gone about this service on her own; and

WHEREAS, Ms. Osborne demonstrates great empathy for wounded veterans, in particular those in wheelchairs, for whom the lap quilts are specially made;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and thank Sarah Osborne for her service and caring for wounded veterans in our community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Sarah Osborne, the American Lake Veterans Hospital, and Paralyzed Veterans of America Northwest Chapter.

Senator Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8695.

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

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 23, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**TENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, January 23, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Jacobsen and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Sydney Connell and Alfred Lewis, presented the Colors. Pastor Lief Holmes of the Rochester Life Church offered the prayer.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

January 22, 2008

SB 6186 Prime Sponsor, Senator Fairley: Changing the time frame covered by the twenty-one day preelection campaign finance report. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 22, 2008

SB 6201 Prime Sponsor, Senator Oemig: Modifying candidate filing provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 22, 2008

SB 6354 Prime Sponsor, Senator Haugen: Defining the class of persons and organizations that might be criminally liable for identity crimes. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Judiciary.

January 22, 2008

SB 6362 Prime Sponsor, Senator Marr: Ordering a review of statutes of limitation for sex offenses. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and McAuliffe.

Passed to Committee on Judiciary.

January 22, 2008

SB 6363 Prime Sponsor, Senator Marr: Changing rules concerning admissibility of evidence in sex offense cases. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and McAuliffe.

Passed to Committee on Judiciary.

January 22, 2008

SB 6374 Prime Sponsor, Senator Oemig: Regarding disclosure of personal wireless numbers. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rockefeller, Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Pridemore and Regala.

Passed to Committee on Consumer Protection & Housing.

January 21, 2008

SB 6423 Prime Sponsor, Senator Brown: Strengthening the tax credit and modifying the governing board of a Washington motion picture competitiveness program. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Ways & Means.

January 22, 2008

SB 6491 Prime Sponsor, Senator Brandland: Providing for vulnerable adult fatality review. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and McAuliffe.

Passed to Committee on Health & Long-Term Care.

January 22, 2008

SB 6499 Prime Sponsor, Senator Weinstein: Modifying provisions regulating spyware. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rockefeller, Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Pridemore and Regala.

Passed to Committee on Consumer Protection & Housing.

January 21, 2008

SB 6513 Prime Sponsor, Senator Kohl-Welles: Ensuring access to criminal justice information. Reported by Committee on Labor, Commerce, Research & Development

TENTH DAY, JANUARY 23, 2008

2008 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Hewitt; King; Murray and Prentice.

HARTLY KRUGER, reappointed January 18, 2008, for the term ending January 17, 2014, as Member of the Horse Racing Commission.

Passed to Committee on Rules for second reading.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

## MOTION

January 16, 2008  
SGA 9294 EDWARD DELMORE, reappointed on August 3, 2007, for the term ending August 2, 2010, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; McDermott; Roach and Weinstein.

## MOTION

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

Passed to Committee on Rules for second reading.

## INTRODUCTION AND FIRST READING

January 18, 2008  
SGA 9308 ANN C HEATH, appointed on October 1, 2007, for the term ending August 2, 2008, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

SB 6747 by Senators Kastama and Franklin

AN ACT Relating to the designation of residential time in parenting plans; and amending RCW 26.09.187.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell; McDermott; Roach and Weinstein.

Referred to Committee on Human Services & Corrections.

Passed to Committee on Rules for second reading.

SB 6748 by Senator Kastama

AN ACT Relating to funding certain transportation benefit district highway projects; amending RCW 82.14.0455 and 82.80.120; and adding a new section to chapter 82.32 RCW.

January 16, 2008  
SGA 9322 MICHAEL R KAWAMURA, appointed on April 9, 2007, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

Referred to Committee on Transportation.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; McDermott; Roach and Weinstein.

SB 6749 by Senators Kauffman, Kohl-Welles and Keiser

AN ACT Relating to recodifying RCW 19.48.130 as a section in the Washington minimum wage act; adding a new section to chapter 49.46 RCW; and recodifying RCW 19.48.130.

Passed to Committee on Rules for second reading.

Referred to Committee on Labor, Commerce, Research & Development.

## MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

SB 6750 by Senators Kohl-Welles, Roach, Kline, Keiser, Pridemore, McDermott and Franklin

AN ACT Relating to industrial insurance benefits on appeal; and amending RCW 51.52.050.

## MOTION

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

Referred to Committee on Labor, Commerce, Research & Development.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 7, 2008  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

SB 6751 by Senators Kohl-Welles, Roach, Pridemore, McDermott, Keiser, Franklin and Kline

AN ACT Relating to allowing individuals who left work to enter certain apprenticeship programs to receive unemployment insurance benefits; amending RCW 50.20.050 and 50.29.021; and creating a new section.

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

Referred to Committee on Labor, Commerce, Research & Development.

SB 6752 by Senators Kastama, Shin and Hatfield

TENTH DAY, JANUARY 23, 2008

AN ACT Relating to providing new market development tax credits; amending RCW 82.32.010; reenacting and amending RCW 82.32.590 and 82.32.600; adding new sections to chapter 48.14 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Management.

SB 6753 by Senators Fraser, Swecker, Rockefeller and Pridemore

AN ACT Relating to changes in calling burn bans on solid fuel burning devices; and amending RCW 70.94.473.

Referred to Committee on Water, Energy & Telecommunications.

SB 6754 by Senators Haugen and Hatfield

AN ACT Relating to financing the state route number 520 bridge replacement project; adding new sections to chapter 47.56 RCW; adding a new section to chapter 47.01 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

SB 6755 by Senators Brown, Zarelli, Spanel, Berkey, Parlette, Pridemore, Eide, Hewitt and Shin

AN ACT Relating to compensation of state investment board personnel; and amending RCW 43.33A.100.

Referred to Committee on Ways & Means.

SB 6756 by Senators Jacobsen, Franklin and Kohl-Welles

AN ACT Relating to genetic counselors; reenacting and amending RCW 18.130.040; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6757 by Senators Murray, Hewitt and Kohl-Welles

AN ACT Relating to architects; and amending RCW 18.08.310, 18.08.320, 18.08.330, 18.08.350, 18.08.360, 18.08.370, 18.08.410, 18.08.420, and 18.08.430.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6758 by Senators Murray, Delvin, Honeyford, Rasmussen, Hewitt and Pridemore

AN ACT Relating to water resource management on the main stem of the Columbia and Lower Snake rivers; adding a new section to chapter 90.90 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

SB 6759 by Senator Morton

AN ACT Relating to application of the forest practices act; amending RCW 76.09.020; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6760 by Senators Regala, Zarelli, Rasmussen, Roach and Fairley

AN ACT Relating to residential habilitation centers; amending RCW 71A.20.170; and creating a new section.

Referred to Committee on Ways & Means.

SB 6761 by Senators Haugen, Swecker, Spanel and Rasmussen

AN ACT Relating to service areas for wetlands mitigation banks; and amending RCW 90.84.030 and 90.84.050.

Referred to Committee on Transportation.

SB 6762 by Senators Brown, Keiser, Kohl-Welles, Marr and Franklin

AN ACT Relating to a community impact study for hospital conversions; and amending RCW 70.45.080.

Referred to Committee on Health & Long-Term Care.

SB 6763 by Senators Tom, Kohl-Welles and Kline

AN ACT Relating to the National Instant Criminal Background Check System Improvement Amendments Act of 2007; and creating new sections.

Referred to Committee on Judiciary.

SB 6764 by Senators Rasmussen, Roach, Shin and Hewitt

AN ACT Relating to creating a business and occupation tax credit for enhancing educational opportunities for children with disabilities; reenacting and amending RCW 82.32.590 and 82.32.600; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6765 by Senators Parlette and Keiser

AN ACT Relating to the Washington state health insurance pool; amending RCW 48.41.100; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6766 by Senators Brandland and Rasmussen

AN ACT Relating to the accreditation of the department of social and health services children's administration offices; adding a new section to chapter 74.13 RCW; and repealing RCW 74.13.017.

Referred to Committee on Human Services & Corrections.

SB 6767 by Senator Prentice

TENTH DAY, JANUARY 23, 2008

2008 REGULAR SESSION

AN ACT Relating to financing regional special events centers promoting adult and youth-oriented sports activities; amending RCW 35.57.010; reenacting and amending RCW 82.14.390; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6768 by Senator Weinstein

AN ACT Relating to used vehicle purchases; amending RCW 46.70.011; adding new sections to chapter 46.70 RCW; and creating new sections.

Referred to Committee on Consumer Protection & Housing.

SB 6769 by Senators Schoesler and Fairley

AN ACT Relating to removing obsolete provisions of the Revised Code of Washington; amending RCW 36.70A.130, 46.68.290, 49.12.450, 51.48.100, 71A.16.030, 78.56.160, 81.112.050, and 28B.115.020; and repealing RCW 28B.115.060 and 77.65.230.

Referred to Committee on Government Operations & Elections.

SB 6770 by Senators Kohl-Welles, Holmquist, McAuliffe, Hewitt and Delvin

AN ACT Relating to alcoholic beverage regulation; amending RCW 66.24.185, 66.24.170, 66.24.240, 66.24.240, 66.24.590, and 66.28.040; reenacting and amending RCW 66.24.244, 66.24.244, and 66.24.400; providing effective dates; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6771 by Senators Haugen, Murray and Pflug

AN ACT Relating to eliminating regional transportation investment districts; amending RCW 82.80.010, 82.80.030, 81.100.030, 82.14.050, 82.80.080, 81.100.010, 81.100.080, 81.104.140, 29A.36.071, 47.56.075, 81.112.030, and 82.80.070; reenacting and amending RCW 81.100.060 and 43.79A.040; and repealing RCW 29A.36.230, 36.120.010, 36.120.020, 36.120.030, 36.120.040, 36.120.045, 36.120.050, 36.120.060, 36.120.070, 36.120.080, 36.120.090, 36.120.100, 36.120.110, 36.120.120, 36.120.130, 36.120.140, 36.120.150, 36.120.160, 36.120.170, 36.120.180, 36.120.190, 36.120.200, 36.120.210, 36.120.900, 36.120.901, 47.56.076, 47.56.0761, 82.14.430, 82.32.470, 82.80.005, 82.80.100, 82.80.110, and 82.80.120.

Referred to Committee on Transportation.

SB 6772 by Senators Haugen, Tom, Marr and Pridemore

AN ACT Relating to regional transportation governance; amending RCW 81.112.020, 81.112.050, 82.14.430, 82.80.010, 82.80.030, 82.80.100, 82.80.110, 82.80.120, 81.100.030, 82.32.470, 82.14.050, 82.80.080, 81.100.010, 81.100.080, 81.104.140, 29A.36.071, 47.56.075, 81.112.030, 82.80.070, 9.91.025, 35.58.2795, 35.95A.050, 39.50.010, 39.96.020, 46.04.355, 46.70.051, 47.12.063, 47.26.121, 47.80.060, 81.104.015, 81.104.040, 81.104.050, 81.104.120, 81.104.150, 81.104.170, 81.104.180,

81.112.086, 81.112.160, 81.112.170, 81.112.180, 81.112.210, 81.112.300, 81.112.310, 81.112.320, 81.112.330, 82.14.440, 82.14.495, 82.29A.134, 82.45.010, and 82.80.130; reenacting and amending RCW 81.100.060, 43.79A.040, 63.29.190, and 82.04.050; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.80 RCW; adding new sections to chapter 81.112 RCW; creating new sections; repealing RCW 29A.36.230, 36.120.010, 36.120.020, 36.120.030, 36.120.040, 36.120.045, 36.120.050, 36.120.060, 36.120.070, 36.120.080, 36.120.090, 36.120.100, 36.120.110, 36.120.120, 36.120.130, 36.120.140, 36.120.150, 36.120.160, 36.120.170, 36.120.180, 36.120.190, 36.120.200, 36.120.210, 36.120.900, 36.120.901, 47.56.076, 47.56.0761, 81.112.040, 82.44.135, and 82.80.005; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6773 by Senator Kastama

AN ACT Relating to a sales and use tax exemption for environmentally certified residential and commercial construction; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SB 6774 by Senators Kastama, Shin and Rockefeller

AN ACT Relating to industry clusters; and amending RCW 43.330.090.

Referred to Committee on Economic Development, Trade & Management.

SB 6775 by Senators Kauffman, Kilmer, Shin, Kastama, Franklin, Kohl-Welles and Rasmussen

AN ACT Relating to addressing the digital literacy and technology training needs of low-income and underserved areas through state support of community technology programs; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.29A RCW; adding a new chapter to Title 28B RCW; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Management.

SB 6776 by Senators Kline, Roach, Fraser, Fairley and Swecker

AN ACT Relating to state employee whistleblower protection; amending RCW 42.40.020, 42.40.040, 42.40.050, and 42.40.910; reenacting and amending RCW 49.60.230 and 49.60.250; adding a new section to chapter 42.40 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 6777 by Senators McDermott, Brown, Murray, Kohl-Welles and Pridemore

TENTH DAY, JANUARY 23, 2008

2008 REGULAR SESSION

AN ACT Relating to clarifying interests in certain state lands; adding a new section to chapter 79.105 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Water, Energy & Telecommunications.

SB 6778 by Senators McDermott, Fairley, Brown, Oemig, Kline, Shin and Kohl-Welles

AN ACT Relating to allowing voter registration up to and on election day; amending RCW 29A.08.145 and 29A.08.820; reenacting and amending RCW 29A.04.611; and adding a new section to chapter 29A.08 RCW.

Referred to Committee on Government Operations & Elections.

SB 6779 by Senators Marr, Weinstein, Kline and McDermott

AN ACT Relating to compensation of jurors; and amending RCW 2.36.150, 3.50.135, and 35.20.090.

Referred to Committee on Judiciary.

SB 6780 by Senators Hatfield, Holmquist, Rasmussen, Delvin, Morton, Sheldon, Schoesler, Hewitt, Honeyford and Shin

AN ACT Relating to a sales and use tax exemption for farm machinery and equipment sold at an auction; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6781 by Senators Tom and Weinstein

AN ACT Relating to mathematics and science teachers; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SB 6782 by Senators Kline, Weinstein, Rasmussen and Brandland

AN ACT Relating to violations of Washington's law against discrimination; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Judiciary.

SB 6783 by Senators Kline, McCaslin, Fairley, Kastama, Regala, McAuliffe, Sheldon, Shin, Marr and Rasmussen

AN ACT Relating to nonpartisan prosecuting attorneys; amending RCW 29A.52.111, 29A.52.231, 29A.36.121, and 29A.36.171; reenacting and amending RCW 29A.36.170; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 6784 by Senators Kline and Fairley

AN ACT Relating to Washington's vesting laws; amending RCW 36.70A.290, 36.70A.130, 58.17.033, and 19.27.095; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 6785 by Senators Fraser, Pridemore, Regala, Rockefeller and Kohl-Welles

AN ACT Relating to integrated pest management; and amending RCW 17.15.010, 17.15.020, and 17.15.040.

Referred to Committee on Water, Energy & Telecommunications.

SB 6786 by Senators Franklin, Holmquist, Kastama and Marr

AN ACT Relating to creating a task force on menu labeling; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6787 by Senators Marr, Schoesler and Morton

AN ACT Relating to authority of the board of directors of a public facilities district; and amending RCW 36.100.160, 35.57.060, and 36.100.170.

Referred to Committee on Government Operations & Elections.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### INTRODUCTION OF SPECIAL GUESTS

President Owen: "Before we move to the next order the President would like to introduce a good friend of his that is sitting up here with him today. He is Keith Renfrew. Mr. Renfrew is a community activist. He's treasurer of Washington State Mentors Board which are pioneers of mentoring in Washington State and the President happens to be the Chair or Co-Chair of the Washington State Mentors. Mr. Renfrew is also chair person of Communities of Schools program in Renton, did an incredible job there. He managed Renton Family Services which is a non-profit service organization and helped start a clothing bank in Renton. With him today is his wife Kristine Renfrew in the gallery and Tom Panella who's Deputy Director of Washington State Mentors. President is going to take kind of a little executive privilege here because tomorrow is Mentoring Day here at the capital and I would like ask my friend if he would just make a couple of comments for us with your indulgence. Mr. Renfrew."

#### REMARKS BY KEITH RENFREW

Keith Renfrew: "Good morning. It's really a privilege to be here this morning and I want to thank Lt. Governor, you Senators, Pages, the young students that are here, all of you, for giving me the opportunity to say a few words. I was in public education for about thirty-five years and during that time I had the opportunity to work with a number of different students. Some that were able to matriculate through the general education program with no problems, others had difficulties.

TENTH DAY, JANUARY 23, 2008

2008 REGULAR SESSION

During that time it was my responsibility to make sure that they had an appropriate programs. There seemed to be one thing missing though as we were moving along in that process and I never could figure out what it was until the latter part of my career and I think I found at least an answer and that is mentoring. That's a one-to-one relationship with a caring adult. The particular program that I've been in they've been school based and the person meets with the young person one hour a week. You think well, one hour a week, is that enough? It seems to be and it's amazing the changes I have seen in young people in that period of time. There's no stigma of a negative nature with mentoring as with some other kinds of programs. It is all positive. I've gone into buildings where mentors are and the young people will come up to me and say 'Do you have a mentor for me?' Which we do believe that all us at some time or other have had a mentor and it's been an important thing in our lives. I had the opportunity when I was with the Renton School District to meet a person that had an impact upon me about relationships and the interesting part about it is that person probably has no idea that they had impact on me that they did. They taught about a relationship and how to develop a relationship and one of the things I'd like to do this morning is I would like to honor that person who is one of your senators, Senator Margarita Prentice. Would you join me in giving her a hand please? She didn't know that was coming. She came out and talked to me for a few minutes and I told her 'I can't talk to you because what I'm going to say to you I'm going to say in there so but thank you Margarita.' That learning about relationships and I've carried that on through my career and it's been very important and she reiterated that again out there and shows us how dedicated she really is. As mentioned, tomorrow we're going to have recognition here in the rotunda and it's going to be at 9:00 and all of you that can actually make it in there, I know you're very, very busy but if you get an opportunity please do come there. We're going to be recognizing various programs that have done an excellent job in the whole mentoring area. With that I know that I was suppose to have two minutes and I've probably exhausted my two minutes but again thank you very much for your time and attention to this. One other thing is that when mentoring comes before you one thing I ask of you, please give it your careful attention. Thank you very much."

## MOTION

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

## MOTION

Senator Franklin moved adoption of the following resolution:

SENATE RESOLUTION  
8701

By Senators Franklin, Marr, Hobbs, Fairley, Berkey, Kohl-Welles, Oemig, McDermott, Fraser, Sheldon, Jacobsen, Spanel, Brown, Eide, Shin, Kilmer, McAuliffe, Prentice, Regala, Tom, Keiser, Haugen, Pridemore, Hatfield, Kastama, Rasmussen, Hargrove, and Murray

WHEREAS, Karen Marchioro began her distinguished political career more than 30 years ago when she campaigned for Senator George McGovern in 1972; and

WHEREAS, Karen became active with the 48th Legislative District Democrats, her trademark smarts, energy, and bluster even then in abundance; and

WHEREAS, Karen was elected to the chairmanship of the King County Democratic Party, a post she held proudly and fiercely; and

WHEREAS, Karen became the first woman to chair the state Democratic Party in 1981, an office she held with verve and

aplomb until 1992, having reinvigorated the party and infusing it with new spirit; and

WHEREAS, Karen and a number of allies sued the state party to try to overturn a state law that gave each county two members of the state Democratic Central Committee. The suit led to a United States Supreme Court ruling that gave the state party convention the power to ignore state law in choosing the composition of the Central Committee; and

WHEREAS, Karen was revered, and sometimes feared, for her passionate support of Democratic principles; and

WHEREAS, Karen, a nurse by profession, understood what caring about others truly meant; and

WHEREAS, Karen never aspired to office herself, instead devoting herself tirelessly to others who chose to run for election; and

WHEREAS, Karen advised governors, congressional members, and party members with equal measures of intelligence, wit, and bluntness; and

WHEREAS, Karen was taken from her family and friends far too soon after battling cancer for a number of years; and

WHEREAS, Karen leaves behind a loving husband, Jeff Smith, and children Tom Marchioro, Kevin Marchioro, Stephen Marchioro, Ann Ystad, Joan Marchioro, Karen Johnston, and Greg Marchioro;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the many achievements and brave spirit of Karen Marchioro, whose ceaseless efforts have made a lasting mark on Washington state politics; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Karen Marchioro with sincere respect and gratitude for her many contributions to the political landscape.

Senators Franklin, Prentice, Berkey, Jacobsen, Kohl-Welles, Spanel and Oemig spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8701.

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

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Karen Marchioro family, husband Jeff Smith, daughter Karen Johnston and son Greg Marchioro who were seated in the gallery.

## MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9196, Michael Worthy, as a member of the Board of Regents, Washington State University, be confirmed.

Senator Pridemore spoke in favor of the motion.

## MOTION

On motion of Senator Delvin, Senators Benton and McCaslin were excused.

## MOTION

On motion of Senator Keiser, Senators Jacobsen and Sheldon were excused.

## APPOINTMENT OF MICHAEL WORTHY

Senator McAuliffe spoke in favor of the motion.

#### APPOINTMENT OF KIRSTIN HAUGEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9262, Kirstin Haugen as a member of the Board of Trustees, Cascadia Community College District No. 30.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9262, Kirstin Haugen as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, Jacobsen and Sheldon - 3

Gubernatorial Appointment No. 9262, Kirstin Haugen, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

#### PERSONAL PRIVILEGE

Senator Rasmussen: "Thank you Mr. President. Today is Potato Day and out in the rotunda you'll enjoy Skagit Valley red potatoes. So go out and say thank you to the potato farmers and enjoy Skagit Valley red potatoes. First time we've ever done that and I think that's wonderful, so today's Potato Day in Olympia."

#### PERSONAL PRIVILEGE

Senator Haugen: "Thank you Mr. President. The part that grows the potatoes, there's also a few potato patches in the fortieth also but I want to share with you why these potatoes are so special. There are red potatoes growing in Eastern Washington and other areas of the state too. The ones that are grown in Skagit County have very red skins because of the condition of the soil, which is some of the best soil in the world. In fact, if you were to visit Skagit County you'd want to eat that soil because it's so good. But I will tell that one of the things that really heartening to us who have potatoes growing in our districts, is the fact that the Asian community has found that potatoes are also good for them so we're really delighted to see that potatoes are taking off across this world not only in Skagit Valley but also in other parts. We from the Norwegian country, from the Scandinavian countries and the Irish countries have always eaten potatoes and it is really good to see that others have become enlightened also."

#### PERSONAL PRIVILEGE

Senator Prentice: "Thank you Mr. President. I would just like to inform people that potatoes in American diets are a very good source of vitamin C. Ordinarily you don't think of that, you think of citrus or fruits but the quantities we eat potatoes in assures us that we have adequate vitamin C. In fact the absence of them often could lead to acacorabutic disease that means scurvy. Also, potatoes themselves are not fattening. It's the stuff that you put on them and French fries of course are heavily loaded with fat and salt and I will ignore the fact that you think we don't grow potatoes where I live, Mr. President."

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9196, Michael Worthy as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9196, Michael Worthy as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, Jacobsen and Sheldon - 3

Gubernatorial Appointment No. 9196, Michael Worthy, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Holmquist moved that Gubernatorial Appointment No. 9255, Sanford Kinzer, as a member of the Board of Trustees, Central Washington University, be confirmed.

Senator Holmquist spoke in favor of the motion.

#### APPOINTMENT OF SANFORD KINZER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9255, Sanford Kinzer as a member of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9255, Sanford Kinzer as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, Jacobsen and Sheldon - 3

Gubernatorial Appointment No. 9255, Sanford Kinzer, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Central Washington University.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9262, Kirstin Haugen, as a member of the Board of Trustees, Cascadia Community College District No. 30, be confirmed.

TENTH DAY, JANUARY 23, 2008

2008 REGULAR SESSION

MOTION

At 10:54 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 24, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**ELEVENTH DAY****NOON SESSION**

Senate Chamber, Olympia, Thursday, January 24, 2008

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

January 22, 2008  
SB 5500 Prime Sponsor, Senator Prentice: Removing essential government services as a condition to exempt from taxation property belonging to federally recognized Indian tribes. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Government Operations & Elections.

January 22, 2008  
SB 6180 Prime Sponsor, Senator Oemig: Regarding postelection audits. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6180 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 22, 2008  
SB 6181 Prime Sponsor, Senator McDermott: Providing an employee of the county legislative authority may be appointed to the county canvassing board. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6181 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Roach.

Passed to Committee on Rules for second reading.

January 22, 2008  
SB 6237 Prime Sponsor, Senator Kilmer: Modifying armed forces provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Transportation.

January 22, 2008  
SB 6312 Prime Sponsor, Senator Roach: Preventing rejection of ballots that have voter identifying marks. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6312 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 23, 2008  
SB 6318 Prime Sponsor, Senator Berkey: Reporting insurance premiums for tax purposes. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

January 22, 2008  
SB 6339 Prime Sponsor, Senator Kohl-Welles: Providing for address confidentiality of victims of trafficking. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6339 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and McAuliffe.

Passed to Committee on Rules for second reading.

January 23, 2008  
SB 6371 Prime Sponsor, Senator Hewitt: Regarding tuition and fee waivers for veterans' families. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6371 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Schoesler.

Passed to Committee on Rules for second reading.

January 23, 2008  
SB 6375 Prime Sponsor, Senator Hatfield: Providing a sales tax exemption for certain trail grooming services. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Rockefeller; Stevens and Swecker.

Passed to Committee on Ways & Means.

January 23, 2008  
SB 6397 Prime Sponsor, Senator Carrell: Earmarking sales taxes collected by park vendors. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Rockefeller; Stevens and Swecker.

Passed to Committee on Ways & Means.

ELEVENTH DAY, JANUARY 24, 2008

2008 REGULAR SESSION

January 23, 2008

SB 6434 Prime Sponsor, Senator Berkey: Distributing the insurance commissioner's examination reports. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

January 22, 2008

SB 6478 Prime Sponsor, Senator Oemig: Prohibiting bar codes or other unique identifying marks on ballots. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6478 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 23, 2008

SB 6511 Prime Sponsor, Senator Kastama: Implementing the Washington state quality award program and/or the Baldrige national quality program as the public school accountability system. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Early Learning & K-12 Education.

January 23, 2008

SB 6598 Prime Sponsor, Senator Regala: Authorizing a local sales and use tax for parks and recreation, trails, and open space allocation. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Rockefeller; Stevens and Swecker.

Passed to Committee on Ways & Means.

January 23, 2008

SB 6626 Prime Sponsor, Senator Kilmer: Creating a sales and use tax deferral program for eligible investment projects in community empowerment zones. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 6626 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

January 23, 2008

SB 6676 Prime Sponsor, Senator Rasmussen: Establishing a program for forage and mulches used in federal wilderness areas and on forest service lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Rockefeller; Stevens and Swecker.

Passed to Committee on Agriculture & Rural Economic Development.

## REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 23, 2008

SGA 9298 RENEE FINKE, appointed on November 21, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Columbia Basin Community College District No. 19. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Schoesler.

Passed to Committee on Rules for second reading.

January 23, 2008

SGA 9333 JULIE MCCULLOCH, appointed on October 22, 2007, for the term ending September 30, 2010, as Member of the Board of Trustees, Peninsula Community College District No. 1. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Schoesler.

Passed to Committee on Rules for second reading.

January 23, 2008

SGA 9335 JOHN MILLER, appointed on October 22, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Peninsula Community College District No. 1. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Schoesler.

Passed to Committee on Rules for second reading.

January 23, 2008

SGA 9361 JOHN STEPHENS, appointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Skagit Valley Community College District No. 4. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Schoesler.

Passed to Committee on Rules for second reading.

### MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

### MOTION

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

## MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 9, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELEVENTH DAY, JANUARY 24, 2008

2008 REGULAR SESSION

ELDON VAIL, appointed January 9, 2008, for the term ending at the governor's pleasure, as Secretary of the Department of Corrections.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services &amp; Corrections.

## MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

## MOTION

There being no objection, the Senate advanced to the fourth order of business.

## MESSAGE FROM THE HOUSE

January 23, 2008

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1345,  
HOUSE BILL NO. 1403,  
HOUSE BILL NO. 1404,  
SUBSTITUTE HOUSE BILL NO. 1879,  
HOUSE BILL NO. 1923,  
HOUSE BILL NO. 2017,  
HOUSE BILL NO. 2090,  
HOUSE BILL NO. 2137,  
HOUSE BILL NO. 2170,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

January 23, 2008

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED HOUSE BILL NO. 1057,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

January 23, 2008

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030,  
SUBSTITUTE HOUSE BILL NO. 1032,  
SUBSTITUTE HOUSE BILL NO. 1141,  
HOUSE BILL NO. 1142,  
HOUSE BILL NO. 1143,  
HOUSE BILL NO. 1230,  
ENGROSSED HOUSE BILL NO. 1283,  
HOUSE BILL NO. 2437,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

There being no objection, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 6788 by Senators Keiser, Brandland, Fairley and Honeyford

AN ACT Relating to extraordinary medical expenses of offenders; amending RCW 2.70.020 and 43.08.250; and creating a new section.

Referred to Committee on Ways &amp; Means.

SB 6789 by Senators Kilmer, Fairley, Rockefeller and Roach

AN ACT Relating to public notification of industrial development levies by port districts; and adding a new section to chapter 53.36 RCW.

Referred to Committee on Government Operations &amp; Elections.

SB 6790 by Senators Hargrove, Stevens, Regala, Shin, Kline and Kohl-Welles

AN ACT Relating to creating a pilot program for the education of inmates; amending RCW 72.09.465; adding new sections to chapter 72.09 RCW; and creating new sections.

Referred to Committee on Human Services &amp; Corrections.

SB 6791 by Senators Hargrove, Stevens and Marr

AN ACT Relating to clarifying permitted uses of moneys currently collected under the county legislative authority sales and use tax for chemical dependency or mental health treatment programs and services or therapeutic courts; amending RCW 82.14.460; and creating a new section.

Referred to Committee on Human Services &amp; Corrections.

SB 6792 by Senators Hargrove and Stevens

AN ACT Relating to dependency matters; and amending RCW 13.34.215, 13.34.065, 13.34.136, and 26.44.063.

Referred to Committee on Human Services &amp; Corrections.

SB 6793 by Senators Pflug and Parlette

AN ACT Relating to developing alternative benefits packages to medicaid beneficiaries; and creating new sections.

Referred to Committee on Health &amp; Long-Term Care.

SB 6794 by Senators Haugen, Spanel, Shin and Rockefeller

AN ACT Relating to the procurement of new ferry vessels that carry no more than one hundred motor vehicles; adding a new section to chapter 47.56 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

ELEVENTH DAY, JANUARY 24, 2008

2008 REGULAR SESSION

SB 6795 by Senators Kauffman and Prentice

AN ACT Relating to a state sales and use tax credit for public facilities districts located within two counties; amending RCW 35.57.010; reenacting and amending RCW 82.14.390; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6796 by Senators Fraser, Zarelli and Kastama

AN ACT Relating to the information required to be reported in the annual economic impact report on lodging tax revenues; and amending RCW 67.28.1816.

Referred to Committee on Ways & Means.

SB 6797 by Senators Kastama and Kilmer

AN ACT Relating to sales and use tax for public facilities in urban counties; adding a new section to chapter 82.14 RCW; and providing an effective date.

Referred to Committee on Economic Development, Trade & Management.

SB 6798 by Senators Hargrove, Morton, Pridemore, Delvin, Sheldon, Hatfield, Fairley and Shin

AN ACT Relating to increasing city-county assistance account funding and distributions; amending RCW 43.08.290; reenacting and amending RCW 43.135.035; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6799 by Senators Regala, Prentice and Fraser

AN ACT Relating to the sourcing, for sales and use tax purposes, of sales of tangible personal property by florists; amending RCW 82.32.730; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6800 by Senators Hobbs, Oemig and Haugen

AN ACT Relating to the disposition of publicly owned railroad infrastructure; amending RCW 36.60.040, 36.60.050, 46.68.090, 46.68.110, 46.68.120, 53.08.050, 53.36.020, 53.36.030, 53.36.070, and 53.36.100; adding a new chapter to Title 81 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 6801 by Senators Kastama, Prentice, Eide, Weinstein, Kauffman, Fraser, McAuliffe, Kline, Rasmussen and Spanel

AN ACT Relating to minimum terms for closure or conversion notices for mobile home parks and manufactured housing communities; amending RCW 59.20.060 and 59.20.080; creating a new section; and declaring an emergency.

Referred to Committee on Consumer Protection & Housing.

SB 6802 by Senators Carrell, Kilmer and Rasmussen

AN ACT Relating to military improvement zones; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.32 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 6803 by Senators McAuliffe, Hargrove and Rasmussen

AN ACT Relating to restricted licenses for persons who fail to comply with child support obligations; amending RCW 74.20A.320; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 6804 by Senators Kilmer, Carrell, Hobbs, Shin, Roach, Kohl-Welles, Marr, McAuliffe, Rasmussen and Benton

AN ACT Relating to capital grants for integrated long-term care worker training labs in the community and technical college system; creating a new section; and making appropriations.

Referred to Committee on Higher Education.

SB 6805 by Senators Haugen, Rasmussen, McAuliffe, Kline and Kohl-Welles

AN ACT Relating to promoting farmland preservation and environmental restoration through conservation markets; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6806 by Senators Haugen, Rasmussen and Shin

AN ACT Relating to property and leasehold excise tax exemptions for anaerobic digester production; amending RCW 84.36.635; reenacting and amending RCW 82.29A.135; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6807 by Senators Kastama, Keiser, Fairley and Kohl-Welles

AN ACT Relating to discharge of long-term care residents; amending RCW 74.42.450 and 70.129.110; and adding a new section to chapter 18.20 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6808 by Senator Prentice

AN ACT Relating to requiring local bridge owners to maintain, replace, or appropriate funds for bridges deemed to be especially deficient; amending RCW 36.78.090 and 46.68.110; adding a new section to chapter 47.58 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6809 by Senators Pridemore, McAuliffe, Rockefeller, Eide, Oemig, Hatfield, Regala, Fraser, Delvin,

ELEVENTH DAY, JANUARY 24, 2008

2008 REGULAR SESSION

Brown, Fairley, Tom, Kilmer, Keiser, Franklin, Kauffman, Kline, Rasmussen, Spanel, Jacobsen and Kohl-Welles

a new section to chapter 49.86 RCW; creating a new section; and providing an effective date.

AN ACT Relating to providing a tax exemption for working families measured by the federal earned income tax credit; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

Referred to Committee on Ways & Means.

SB 6816 by Senators Prentice, Pflug, Keiser, Rasmussen, Parlette, Fraser and Shin

SB 6810 by Senators Shin, Schoesler, Kline, Weinstein, Berkey, Franklin, McDermott, Delvin, Hargrove, Hewitt, Pridemore, Hobbs, Rasmussen, Fraser, Kastama, Fairley, Murray, Keiser, Kauffman, Kohl-Welles, Oemig, Kilmer and McAuliffe

AN ACT Relating to administering benefits under the public employees' benefits board; amending RCW 41.05.008; reenacting and amending RCW 41.05.065 and 41.05.021; and providing an effective date.

Referred to Committee on Ways & Means.

AN ACT Relating to programs to encourage the use of water-efficient products; amending RCW 35.92.017, 36.94.460, 54.16.032, and 57.08.160; adding a new section to chapter 43.63A RCW; creating a new section; and making an appropriation.

SB 6817 by Senator Swecker

AN ACT Relating to late reports and late unemployment insurance contributions; amending RCW 50.12.220; and prescribing penalties.

Referred to Committee on Water, Energy & Telecommunications.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6811 by Senators Hobbs, Delvin, Hatfield, Shin and McAuliffe

AN ACT Relating to tax incentives for businesses that use recycled material; reenacting and amending RCW 82.04.440; adding a new section to chapter 82.04 RCW; and providing an effective date.

SB 6818 by Senators Oemig, Brandland, Tom, Zarelli, Kastama, Weinstein, Kilmer, Keiser and Kohl-Welles

AN ACT Relating to transparency in state expenditures; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

SB 6812 by Senators Roach, Rasmussen, Shin and McAuliffe

AN ACT Relating to creating autism spectrum disorders diagnostic clinics in public hospital districts; and creating new sections.

SJM 8029 by Senators Weinstein, McCaslin, Roach, Tom, Kline, Hargrove, Carrell, McDermott, Hobbs, Marr, Shin, Rasmussen and Kohl-Welles

Requesting the Postal Service to issue a postage stamp commemorating Nisei veterans.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Government Operations & Elections.

SB 6813 by Senators Rasmussen, Roach, Kastama, Kilmer, Franklin, Regala and Kauffman

AN ACT Relating to the roving early intervention specialist pilot program; and adding a new section to chapter 43.215 RCW.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1030 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Takko, Lovick, Simpson, Haler, Blake, Campbell, Ross, Skinner, Newhouse, Conway, Morrell, Chandler, McDonald, Rodne, Kristiansen, Wallace, Moeller, VanDeWege, McCune, Williams, Bailey, Warnick, Uptegrove, Alexander and Pearson)

Referred to Committee on Early Learning & K-12 Education.

AN ACT Relating to the penalty for attempting to elude a police vehicle; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; creating a new section; and prescribing penalties.

SB 6814 by Senators Rasmussen, Kilmer, Brandland, Kauffman, Holmquist, Berkey, Eide, Hatfield and Hargrove

AN ACT Relating to paydates for employees participating in state active military duty; and amending RCW 42.16.010.

Referred to Committee on Judiciary.

Referred to Committee on Government Operations & Elections.

SHB 1032 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Anderson, Wallace, Moeller, B. Sullivan and Chase)

SB 6815 by Senators Rasmussen, Shin, Kastama and Regala

AN ACT Relating to authorizing paid leaves of absence for military personnel needs; amending RCW 49.86.050; adding

AN ACT Relating to creating a sustainable energy trust; and adding a new chapter to Title 80 RCW.

ELEVENTH DAY, JANUARY 24, 2008

2008 REGULAR SESSION

Referred to Committee on Water, Energy & Telecommunications.

Referred to Committee on Labor, Commerce, Research & Development.

EHB 1057 by Representatives Hudgins, Dunshee, Wood and Chase

AN ACT Relating to alternative fuels; and creating a new section.,

Referred to Committee on Water, Energy & Telecommunications.

ESHB 1394 by House Committee on Higher Education (originally sponsored by Representatives Williams, Roach, O'Brien, Hurst, Ormsby, Chase and Simpson)

AN ACT Relating to training medical students to work with patients with developmental disabilities; and creating new sections.,

Referred to Committee on Higher Education.

SHB 1141 by House Committee on Human Services (originally sponsored by Representatives Roberts, Haler, O'Brien, Green, Goodman, Kagi, Appleton, Walsh, Williams, Dickerson, Darneille, Flannigan, McCoy, Hinkle, Pettigrew and Hasegawa)

AN ACT Relating to destruction of diversion records; and amending RCW 13.50.050.

Referred to Committee on Human Services & Corrections.

HB 1403 by Representatives O'Brien, Hinkle, Condotta, Fromhold, Ahern, McCune and Warnick

AN ACT Relating to snowmobile registration; and amending RCW 46.10.020.

Referred to Committee on Transportation.

HB 1142 by Representatives Williams, Warnick, O'Brien, Rodne, Campbell, Lantz and Goodman

AN ACT Relating to statutory costs; and amending RCW 4.84.010 and 12.20.060.

Referred to Committee on Judiciary.

HB 1404 by Representatives Wallace, Hinkle, Condotta, O'Brien, Fromhold, Ahern, McCune and Warnick

AN ACT Relating to providing a sales tax exemption for trail grooming on private and state-owned land; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways & Means.

HB 1143 by Representatives Lantz, O'Brien, Williams, Campbell, Rodne, Goodman and Moeller

AN ACT Relating to notices of dishonor; and amending RCW 62A.3-540.

Referred to Committee on Judiciary.

SHB 1879 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, B. Sullivan, Moeller, Kretz, Morris, Strow, Pettigrew, Orcutt, Armstrong, McCoy, Linville, VanDeWege, Takko, Lovick, Williams, Haigh, Sullivan, Sump, Kenney and Ormsby)

AN ACT Relating to allowing the department of natural resources to provide nonprofit organizations with nominally valuable materials; and amending RCW 79.15.050.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1230 by Representatives Hurst, Roach, Sullivan and Simpson

AN ACT Relating to designating state route number 164 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

HB 1923 by Representatives Hunt and Condotta

AN ACT Relating to requirements for motor vehicle transporter license applications; and amending RCW 46.76.020.

Referred to Committee on Transportation.

EHB 1283 by Representatives Roach, McDonald, Morrell, Rolfes, Kelley, Skinner, Orcutt, Priest, Takko, Conway, Appleton, Newhouse, Haler, Moeller, VanDeWege, McCune, Roberts and Springer

AN ACT Relating to high school diplomas for persons who leave school before graduation to serve in the United States armed forces; and amending RCW 28A.230.120.

Referred to Committee on Early Learning & K-12 Education.

HB 2017 by Representatives Ericks, Lovick, O'Brien and Dunshee

AN ACT Relating to designating state route number 527 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

HB 1345 by Representatives Wood, Condotta, Kristiansen, Lantz, Dickerson, Morrell, McCune and Conway

AN ACT Relating to clarifying and prescribing penalties for gambling under the age of eighteen; amending RCW 9.46.0305; adding a new section to chapter 9.46 RCW; and prescribing penalties.

HB 2090 by Representatives Dickerson, Dunn and Kenney

AN ACT Relating to the Washington family policy council; and amending RCW 70.190.010.

Referred to Committee on Human Services & Corrections.

ELEVENTH DAY, JANUARY 24, 2008

2008 REGULAR SESSION

HB 2137 by Representatives Wallace, Skinner, Kagi, Hankins, Roberts, Chase, Kenney, Moeller, Simpson and Santos

AN ACT Relating to allowing certificated and classified school employees' children with disabilities to enroll in the district where the employee is assigned; and amending RCW 28A.225.225 and 28A.225.270.

Referred to Committee on Early Learning & K-12 Education.

HB 2170 by Representatives Ross, O'Brien, Pearson, Newhouse, Curtis, Rodne, McCune, Kelley, Eddy, Goodman, VanDeWege, Hurst, Simpson and Moeller

AN ACT Relating to protecting employees, contract staff, and volunteers of a law enforcement agency; amending RCW 9A.46.110; and prescribing penalties.

Referred to Committee on Judiciary.

ESHB 2191 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Warnick, Pedersen, Williams, Moeller, Seaquist, Morrell, Kelley, Simpson and Ormsby)

AN ACT Relating to limiting deferred prosecution in domestic violence cases; amending RCW 10.05.010, 10.05.020, and 10.05.030; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2437 by Representatives Seaquist, McDonald, Fromhold, Armstrong, Takko, Hankins, Blake, Lantz, Morrell, McCoy, McIntire, Kenney, Schual-Berke, Appleton, Kagi, Sullivan, Dunn, Chase, Upthegrove, Liias, Simpson, Barlow, Ericks, Green and Warnick

AN ACT Relating to authorization for projects recommended by the public works board; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### PERSONAL PRIVILEGE

Senator Eide: "Well, thank you Mr. President. I would like to announce it's a special day for a special senator who happens to have a special birthday and that's Senator Honeyford. We wish you a Happy Birthday Senator."

#### MOTION

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

#### MOTION

Senator Honeyford moved adoption of the following resolution:

#### SENATE RESOLUTION 8703

By Senator Honeyford

WHEREAS, The town of Wapato, located in the heart of Yakima Valley, was officially incorporated on September 16, 1908, and will be celebrating its centennial this year; and

WHEREAS, The name is of Yakama origin, "Wa pa too", which is an edible root of great value to Yakamas and settlers alike; and

WHEREAS, Settlers have been in the area since as early as 1885; and

WHEREAS, The city hall, police station, fire protection, and jail were established in 1909, and power came to the town in 1910; and

WHEREAS, The notice of election was published in the Wapato Independent and an election held to incorporate as a fourth-class town, with J.F. Douglass elected Mayor, Eugene Chrisler Treasurer, and A.J. Rohrer, J.H. Kline, W.N. Luby, A.C. Ness, and A.C. Barnes, Councilmembers, and with the election being certified on August 31, 1908; and

WHEREAS, The current elected officials for the city of Wapato are Mayor Jesse Farias and Councilmembers Arnulfo Valdez, Fancis Lame Bull, Refugio' Roa, Lloyd Benscoter, Tony Guzman, Frank Rodriguez, and Juan de la Torre; and

WHEREAS, The main industry of Wapato is farming and ranching; and

WHEREAS, Wapato's farming industry has given the town its diverse population that is celebrated throughout the year at different events; and

WHEREAS, The population of Wapato is four thousand five hundred; and

WHEREAS, Wapato is still renowned for its metal sculptures, fresh fruit and vegetable stands, and nearby wineries; and

WHEREAS, Wapato invites you to come celebrate their centennial throughout the year with a Sukiyaki dinner, Tamale festival, and Harvest festival;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate wish the town of Wapato a happy 100th birthday on Tuesday, September 16, 2008; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Mayor Jesse Farias.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8703.

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

#### MOTION

Senator Honeyford moved adoption of the following resolution:

#### SENATE RESOLUTION 8704

By Senator Honeyford

WHEREAS, The City of Stevenson is located along state highway 14, forty miles east of Vancouver, Washington. The town itself is nestled between the majestic Cascade Mountains and the rugged basalt cliffs of the Columbia Gorge to the north and the clear blue water of the Columbia River to the south; and

WHEREAS, The Town of Stevenson, Washington, was settled in 1880 by the Stevenson family of Missouri. Under the name of Stevenson Land Company, George Stevenson bought the original town site for \$24,000 in 1893, and began building the town along the lower flat near the river; and

WHEREAS, The town began to prosper and expanded due to the daily arrivals of sternwheelers unloading passengers and cargo and loading logs from the surrounding forest area. Therefore, by the early 1900s many businesses had been established in town serving locals and travelers; and

WHEREAS, The Commissioners Proceeding of December 2, 1907, meeting showed that Stevenson was hereby

ELEVENTH DAY, JANUARY 24, 2008

incorporated to be known as the Town of Stevenson as a City of the Fourth Class after the election held November 1, 1907, and on December 16, 1907, filed with Secretary of State, Sam H. Nichols. The following officers were recognized and declared duly elected, to wit: T.C. Avary as Mayor; J.P. Gillette, J.F. Sweeney, A. Fleischhauer, A.C. Sly, W.S. Young, Harry Hazard, and C.W. Udell as Councilmen; and H. Wetherell as Treasurer; and

WHEREAS, The current 2008 officials for the City of Stevenson declared duly elected are David McKenzie, Mayor; Jim Anderson, Chris Ford, Judith Lanz, Monica Masco, Tom McDonnell, Councilmembers; and Kenneth Woodrich, Attorney; and

WHEREAS, The events are being planned for the Stevenson Centennial Celebration throughout this year;

NOW, THEREFORE, BE IT RESOLVED, That the Senate officially recognize and congratulate the City of Stevenson and its citizens, past and present, on the 100th anniversary of the Town of Stevenson; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to David McKenzie, Mayor of the City of Stevenson and to Joanna Grammon, Editor of the Skamania County Pioneer.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8704.

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

#### MOTION

At 12:07 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 25, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**TWELFTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, January 25, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Hannah Besso and Adrian Rosales, presented the Colors. Pastor Sandra Kreis of St. Christopher's Community Church offered the prayer.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

January 24, 2008

ESB 5261 Prime Sponsor, Senator Keiser: Granting the insurance commissioner the authority to review individual health benefit plan rates. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5261 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Kastama; Kohl-Welles and Marr.

MINORITY recommendation: Do not pass. Signed by Senators Pflug; Carrell and Parlette.

Passed to Committee on Rules for second reading.

January 23, 2008

SB 6184 Prime Sponsor, Senator Benton: Addressing most serious offenses. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6184 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

January 23, 2008

SB 6217 Prime Sponsor, Senator Hatfield: Regarding fees allowed as court costs in district courts. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6217 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Hargrove; McDermott and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senator Carrell.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Roach.

Passed to Committee on Rules for second reading.

January 23, 2008

SB 6220 Prime Sponsor, Senator Keiser: Allowing the delegation of nursing tasks to care for persons with diabetes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6220 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

January 23, 2008

SB 6222 Prime Sponsor, Senator Keiser: Expanding programs for persons needing long-term care. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6222 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

January 23, 2008

SB 6223 Prime Sponsor, Senator Keiser: Authorizing emergency medical technicians to administer glucagon in emergency situations. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

January 24, 2008

SB 6230 Prime Sponsor, Senator Jacobsen: Regarding watchable wildlife. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6230 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 24, 2008

SB 6238 Prime Sponsor, Senator Fairley: Modifying assessed valuation requirements for the direct petition method of annexation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

TWELFTH DAY, JANUARY 25, 2008

2008 REGULAR SESSION

January 22, 2008  
SB 6252 Prime Sponsor, Senator Hatfield: Increasing the number of district court judges in Cowlitz county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

January 24, 2008  
SB 6260 Prime Sponsor, Senator Kilmer: Providing hunting and fishing opportunities to seriously ill children. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6260 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 24, 2008  
SB 6289 Prime Sponsor, Senator Spanel: Regarding Puget Sound Dungeness crab catch record cards. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Spanel; Stevens and Swecker.

Passed to Committee on Ways & Means.

January 24, 2008  
SB 6302 Prime Sponsor, Senator Kohl-Welles: Establishing standards for prescription drug marketing and disclosure. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6302 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Kastama and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senators Pflug; Carrell; Marr and Parlette.

Passed to Committee on Ways & Means.

January 22, 2008  
SB 6357 Prime Sponsor, Senator Kohl-Welles: Regarding service of process in domestic violence cases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

January 24, 2008  
SB 6364 Prime Sponsor, Senator Marr: Establishing standards for long-term care insurance. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

January 23, 2008  
SB 6442 Prime Sponsor, Senator Regala: Modifying provisions relating to the office of public defense. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6442 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

January 24, 2008  
SB 6465 Prime Sponsor, Senator Roach: Allowing active duty military personnel to purchase a temporary fishing license at the resident rate. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 22, 2008  
SB 6525 Prime Sponsor, Senator Kline: Concerning the drug offender sentencing alternative. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

January 24, 2008  
SJR 8223 Prime Sponsor, Senator Carrell: Repealing a conflicting residency requirement for voting in a presidential election. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 24, 2008  
SGA 9351 DAVE SEABROOK, appointed on May 22, 2007, for the term ending December 31, 2011, as Member of the Public Disclosure Commission. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott; Pridemore and Swecker.

TWELFTH DAY, JANUARY 25, 2008

2008 REGULAR SESSION

Passed to Committee on Rules for second reading.

January 24, 2008

January 24, 2008  
SGA 9375 JIM CLEMENTS, appointed on January 9, 2008, for the term ending December 31, 2012, as Member of the Public Disclosure Commission. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

## MOTION

Senator Eide moved that all measures listed on the Standing Committee Report be referred to the Committees as designated with the exception of Senate Bill No. 6289 which be referred to the Committee on Ways & Means.

## MOTION

Senator Pflug moved to amend the motion by Senator Eide and that Engrossed Senate Bill No. 5261 be referred to the Committee on Ways & Means.

Senator Pflug spoke in favor of the motion.  
 Senator Keiser spoke against the motion.

## PARLIAMENTARY INQUIRY

Senator Zarelli: "Mr. President, I'm not sure how the, whether this bill, it appears that it might Initiative 960 implications. I'm not sure whether that has anything to do with where that bill can be referred to Rules or whether it ought to be referred and, as required under the initiative, that OFM would have to do an analysis of the bill."

## PRESIDENTS RULING

President Owen: "Senator Zarelli, the President believes that OFM's responsibilities are not at issue. Where you choose to send the bill is up to the Senate."

The motion by Senator Pflug to refer Engrossed Senate Bill No. 5261 to the Committee on Ways & Means failed.

The President declared the question before the Senate to be the motion by Senator Pflug to amend the motion by Senator Eide and that Engrossed Senate Bill No. 5261 be referred to the Committee on Ways & Means.

The motion by Senator Pflug to refer Engrossed Senate Bill No. 5261 to the Committee on Ways & Means failed.

## MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6289 which was referred to the Committee on Ways & Means.

## MOTION

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

## MESSAGES FROM STATE OFFICES

## STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
 Secretary of the Senate  
 P.O. Box 40482  
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Joint Task Force on Family Leave Insurance. This report is mandated under SB 5659, 2007.

If you have any questions about the report, please call . The Joint Task Force on Family Leave Insurance is on file in the Office of the Secretary of the Senate.

## MESSAGES FROM STATE OFFICES

January 24, 2008

## STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
 Secretary of the Senate  
 P.O. Box 40482  
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, Traumatic Brain Injury Annual Report. This report is mandated under Chapter 356, Laws of 2007.

If you have any questions about the report, please call 360-725-2320.

Sincerely,

Robin Arnold-Williams, Secretary  
 The Department of Social & Health Services, Traumatic Brain Injury Annual Report is on file in the Office of the Secretary of the Senate.

## MESSAGES FROM STATE OFFICES

January 24, 2008

## STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
 Secretary of the Senate  
 P.O. Box 40482  
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, Traumatic Brain Injury Comprehensive Statewide Plan Preliminary Report. This report is mandated under Chapter 356, Laws of 2007.

If you have any questions about the report, please call 360-725-2320.

Sincerely,

Robin Arnold-Williams, Secretary  
 The Department of Social & Health Services, Traumatic Brain Injury Comprehensive Statewide Plan Preliminary Report is on file in the Office of the Secretary of the Senate.

## MOTION

On motion of Senator Eide, the Senate advanced to the fifth

TWELFTH DAY, JANUARY 25, 2008

2008 REGULAR SESSION

order of business.

AN ACT Relating to search and seizures of offenders and their property in department of corrections field offices; and amending RCW 9.94A.631.

INTRODUCTION AND FIRST READING

SB 6819 by Senators Kohl-Welles and Fairley

AN ACT Relating to providing consistency in terminology in the Revised Code of Washington; amending RCW 43.105.020 and 9A.36.080; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6820 by Senators Kastama, Rasmussen, Shin, Kline, Kohl-Welles, Murray, Franklin, Brown, Eide, Regala, Hobbs, Berkey, Swecker, McCaslin, McAuliffe and McDermott

AN ACT Relating to creating the Washington investment in student excellence scholarship program; amending RCW 67.70.240; and adding a new chapter to Title 28B RCW.

Referred to Committee on Economic Development, Trade & Management.

SB 6821 by Senators Hatfield and Jacobsen

AN ACT Relating to the disclosure of certain fish and wildlife information; and amending RCW 42.56.430.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6822 by Senators Murray, Pridemore, Kline, Kohl-Welles, McAuliffe and Sheldon

AN ACT Relating to establishing goals to reduce vehicle miles traveled; adding a new section to chapter 47.01 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6823 by Senators Brandland, Fraser, Swecker and Rasmussen

AN ACT Relating to funding catastrophic flood relief; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6824 by Senators McDermott, Schoesler and Kline

AN ACT Relating to process servers; amending RCW 18.180.010 and 46.12.370; and reenacting and amending RCW 46.20.118.

Referred to Committee on Judiciary.

SB 6825 by Senator Jacobsen

AN ACT Relating to assisting small business owners by capping the credit card transaction fee paid by such owners; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6826 by Senators Hargrove, Stevens and Carrell

Referred to Committee on Human Services & Corrections.

SB 6827 by Senators Holmquist, King, Honeyford, Stevens, Hewitt, Parlette, Morton and McCaslin

AN ACT Relating to worker's compensation reform; amending RCW 51.08.100, 51.08.160, 51.32.020, 51.32.060, 51.32.075, 51.32.100, 51.32.160, and 51.52.120; reenacting and amending RCW 51.32.090; adding a new section to chapter 51.32 RCW; adding a new section to chapter 51.36 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6828 by Senators Marr, Prentice, Zarelli, Schoesler, Hobbs, Kilmer, Shin and Rasmussen

AN ACT Relating to the excise taxation of the aerospace industry; amending RCW 82.08.975, 82.12.975, 82.04.250, 82.04.250, 82.04.290, 82.04.4461, 82.04.4463, 82.04.44525, 82.32.545, 82.32.330, and 82.32.550; reenacting and amending RCW 82.04.260, 82.32.590, and 82.32.600; creating new sections; repealing RCW 82.04.4487, 82.08.981, 82.12.981, 82.32.635, and 82.32.640; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6829 by Senator Pridemore

AN ACT Relating to raffle ticket prices; and amending RCW 9.46.0277.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6830 by Senators Murray, Spanel, Kohl-Welles, Kline and McDermott

AN ACT Relating to exemption of car sharing from retail sales and use tax; amending RCW 81.104.170; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6831 by Senators Murray, Holmquist, Marr, Rasmussen, Kohl-Welles and McAuliffe

AN ACT Relating to improving the efficiency of excise tax collections from small domestic wineries; amending RCW 66.24.230; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6832 by Senators Shin, Schoesler, Delvin, Kilmer, Jacobsen, Rasmussen, Rockefeller and McAuliffe

AN ACT Relating to career colleges' participation in the opportunity grant program; and amending RCW 28B.50.030 and 28B.50.272.

Referred to Committee on Higher Education.

SB 6833 by Senators Kline, Weinstein, Rockefeller, Shin, Hobbs, Kohl-Welles and McAuliffe

AN ACT Relating to citizen enforcement of health and environmental laws; adding a new chapter to Title 4 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Telecommunications.

SB 6834 by Senators Rasmussen and Kastama

AN ACT Relating to special assessments for conservation districts in counties having a population between seven hundred seventy-five thousand and one million five hundred thousand persons; amending RCW 89.08.400; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6835 by Senators Kohl-Welles and Keiser

AN ACT Relating to labor and management relations; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6836 by Senators Kilmer, Swecker, Eide and Marr

AN ACT Relating to a secure internet-based system to generate temporary permits to operate vehicles; and amending RCW 46.16.047.

Referred to Committee on Transportation.

SB 6837 by Senators Brown, Swecker, Marr and McAuliffe

AN ACT Relating to the prescription drug assistance foundation; and amending RCW 41.05.550.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

There being no objection, on motion Senator Eide, the measures listed were referred to the Rules X file.

Engrossed Substitute Senate Bill No. 5550  
Senate Bill No. 5650  
Senate Bill No. 5766  
Senate Joint Resolution No. 8220

MOTION

There being no objection, on motion of Senator Eide, the measures listed were moved from the Rules X files to the Rules White Sheet.

Senate Bill No. 5868  
Senate Bill No. 5870

MOTION

At 10:20 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:30 a.m. by the President Pro Tempore.

MOTION

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

SECOND READING

ENGROSSED SENATE BILL NO. 5261, by Senators Keiser, Franklin, Kohl-Welles, Fairley and Kline

Granting the insurance commissioner the authority to review individual health benefit plan rates.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5261 was substituted for Engrossed Senate Bill No. 5261 and the substitute bill was placed on the second reading and read the second time.

Senator Keiser spoke in favor of the substitute bill.

PARLIAMENTARY INQUIRY

Senator Pflug: "I'm a little confused that this, at this point are we suppose to be debating the merits of the substitute that is before us. That sounds more like a final passage speech to me. Usually we take the amendments to the proposed substitute before we talk about the current state."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator, the amendment is in the substitute and the amendment will be explained later. The amendment is being prepared to the substitute. Senator, the amendment in the substitute was explained in the substitute bill."

REMARKS BY SENATOR EIDE

Senator Eide: "Perhaps I can help clear the question. I believe that the good Senator's asking. We are currently looking at the Substitute Senate Bill No. 5261 which was a bill that was exec'ed and voted on out of committee. We're currently looking at this and then the amendments will come forward to attach to this proposed substitute."

REMARKS BY SENATOR PFLUG

Senator Pflug: "Thank you Madam President. I still feel like the Senator is talking about a committee amendment so she's now speaking to what the substitute contains which is out of

TWELFTH DAY, JANUARY 25, 2008

2008 REGULAR SESSION

order at this point I believe. However, if it's not, if the Senator is going to advocate for the benefits of the committee-adopted amendment then I certainly have comments about why that wasn't a very good amendment. My question is, are we going to debate the committee-adopted amendment? The Senator from the thirty-third is now talking about that but I believe that is third reading and improperly before us."

REPLY BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "Senator Pflug if you wish to speak to the amendment which is in the substitute that Senator Keiser has put forth, you may do that now."

Senators Pflug and Carrell spoke against the substitute bill. Senator Marr spoke in favor of the substitute bill.

POINT OF INQUIRY

Senator Pflug: "Will Senator Marr yield to a question?"

Senator Marr: "No."

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 2, line 9, after "charged." strike everything through "commissioner." on line 11.

On page 3, line 11, after "contract." strike everything through "commissioner." on line 13.

On page 4, line 33, after "agreement." strike everything through "commissioner." on line 35.

Senator Pflug spoke in favor of adoption of the amendment. Senator Keiser spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 2, line 9 to Substitute Senate Bill No. 5261.

The motion by Senator Pflug failed and the amendment was not adopted by voice vote.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette be adopted.

On page 5, beginning on line 29, after "(c)" strike everything down through and including line 2 on page 6, and insert the following:

"Declination rate" for an insurer means the percentage of the total number of applicants for individual health benefit plans received by that insurer in the aggregate in the applicable year which are not accepted for enrollment by that insurer based on the results of the standard health questionnaire administered pursuant to RCW 48.43.018(2)(a).

~~((e))~~(d)"Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

~~(e)~~((f))"Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

~~(f)~~((g))"Loss ratio" means incurred claims expense as a percentage of earned premiums.

~~(g)~~((h))"Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not."

On page 6, line 21, after "standard" strike everything through "section." on line 22 and insert, "~~((established in subsection (7) of this section:))~~ of seventy four percent, minus

the premium tax rate applicable to the insurer's individual health benefit plans under RCW 48.14.020."

On page 6, line 28, after "loss ratio" insert "and its actual declination rate"

On page 7, line 29, after "~~((seventy-four))~~" strike "seventy-seven percent" and insert "~~((percent))~~ the percentage set forth in the following schedule that correlates to the health care service contractor's actual declination rate in the preceding year."

On page 7, line 31, after "48.14.020." insert the following:

<u>Actual Declination Rate</u>	<u>Loss Ratio</u>
<u>Under Six Percent (6%)</u>	<u>Seventy Four Percent (74%)</u>
<u>Six Percent (6%) or more (but less than Seven Percent)</u>	<u>Seventy Five Percent (75%)</u>
<u>Seven Percent (7%) or more (but less than Eight Percent)</u>	<u>Seventy Six Percent (76%)</u>
<u>Eight Percent (8%) or more</u>	<u>Seventy Seven Percent (77%)</u>

On page 8, line 11 after "(c)" insert the following:

"Declination rate" for an insurer means the percentage of the total number of applicants for individual health benefit plans received by that insurer in the aggregate in the applicable year which are not accepted for enrollment by that insurer based on the results of the standard health questionnaire administered pursuant to RCW 48.43.018(2)(a).

~~(d)~~((e))"

On page 8, line 15, strike "(d)" and insert "~~((f))~~(e)"

On page 8, line 18, strike "(e)" and insert "~~((g))~~(f)"

On page 8, line 20 strike "(f)" and insert "~~((h))~~(g)"

On page 9, on line 4, strike everything through "section." on line 5 and insert "~~((established in subsection (7) of this section:))~~ of seventy four percent, minus the premium tax rate applicable to the insurer's individual health benefit plans under RCW 48.14.020."

On page 9, line 11, after "loss ratio" insert "and its actual declination rate"

On page 10, line 14, after "~~((seventy-four))~~" strike "seventy-seven percent" and insert, "~~((percent))~~ the percentage set forth in the following schedule that correlates to the health care service contractor's actual declination rate in the preceding year."

On page 10, line 16, after "RCW 48.14.0201." insert the following:

<u>Actual Declination Rate</u>	<u>Loss Ratio</u>
<u>Under Six Percent (6%)</u>	<u>Seventy Four Percent (74%)</u>
<u>Six Percent (6%) or more (but less than Seven Percent)</u>	<u>Seventy Five Percent (75%)</u>
<u>Seven Percent (7%) or more (but less than Eight Percent)</u>	<u>Seventy Six Percent (76%)</u>
<u>Eight Percent (8%) or more</u>	<u>Seventy Seven Percent (77%)</u>

On page 10, line 33, after "(c)" insert the following:

"Declination rate" for an insurer means the percentage of the total number of applicants for individual health benefit plans received by that insurer in the aggregate in the applicable year which are not accepted for enrollment by that insurer based on the results of the standard health questionnaire administered pursuant to RCW 48.43.018(2)(a).

~~(d)~~"

On page 11, line 1, strike "(d)" and insert "~~((i))~~(e)"

TWELFTH DAY, JANUARY 25, 2008

2008 REGULAR SESSION

\_\_\_ On page 11, line 4, strike "(e)" and insert "~~((e))~~(f)"

On page 11, line 6, strike "(f)" and insert "~~((f))~~(g)"

On page 11, line 28 after "standard" strike everything through "section." on line 29 and insert "~~((established in subsection (7) of this section.))~~ of seventy four percent, minus the premium tax rate applicable to the insurer's individual health benefit plans under RCW 48.14.020."

\_\_\_ On page 11, line 35 after "loss ratio" insert "and its actual declination rate"

On page 13, line 2 after "~~((seventy-four))~~" strike "seventy-seven" and insert "~~((percent))~~ the percentage set forth in the following schedule that correlates to the health maintenance organization's actual declination rate in the preceding year."

\_\_\_ On page 13, line 4 after "RCW 48.14.0201." insert the following:

<u>Actual Declination Rate</u>	<u>Loss Ratio</u>
<u>Under Six Percent (6%)</u>	<u>Seventy Four Percent (74%)</u>
<u>Six Percent (6%) or more (but less than Seven Percent)</u>	<u>Seventy Five Percent (75%)</u>
<u>Seven Percent (7%) or more (but less than Eight Percent)</u>	<u>Seventy Six Percent (76%)</u>
<u>Eight Percent (8%) or more</u>	<u>Seventy Seven Percent (77%)</u>

Senators Parlette and Keiser spoke in favor of adoption of the amendment.

#### POINT OF INQUIRY

Senator Pflug: "Would Senator Keiser yield to a question?"

Senator Keiser: "No."

Senator Pflug spoke on adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 5, beginning on line 29 to Substitute Senate Bill No. 5261.

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

#### MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 13, after line 7, insert the following:

**"NEW SECTION. Sec. 8** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 4 of the title, strike "and" and after "section" insert "; and providing for submission of this act to a vote of the people"

Senator Pflug spoke in favor of adoption of the amendment. Senator Keiser spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 13, after line 7 to Substitute Senate Bill No. 5261.

The motion by Senator Pflug failed and the amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5261.

#### PARLIAMENTARY INQUIRY

Senator Eide: "Have we rolled all the amendments into the Engrossed Substitute Senate Bill 5261?"

#### REMARKS BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "There was one amendment that passed, yes."

#### REMARKS BY SENATOR EIDE

Senator Eide: "Just for the clarification, keeping it on the floor calendar puts it in third reading automatically."

#### MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 5261 was deferred and the bill held its place on the third reading calendar.

#### SECOND READING

SENATE BILL NO. 5657, by Senators Keiser, Delvin, Hewitt, Hobbs, Oemig, Murray, Tom, Brandland, Rockefeller, McAuliffe and Kohl-Welles

Creating the revised uniform anatomical gift act.

The measure was read the second time.

#### MOTION

Senator Keiser moved that the following striking amendment by Senator Keiser be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** This chapter may be cited as the revised uniform anatomical gift act.

**NEW SECTION. Sec. 2** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual who is at least eighteen years old.

(2) "Agent" means an individual:

(a) Authorized to make health care decisions on the principal's behalf by a power of attorney for health care; or

(b) Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

(4) "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift.

(5) "Disinterested witness" means a witness other than the spouse or state registered domestic partner, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift. The term does not include a person to which an anatomical gift could pass under section 11 of this act.

(6) "Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement

TWELFTH DAY, JANUARY 25, 2008

2008 REGULAR SESSION

or symbol on a driver's license, identification card, or donor registry.

(7) "Donor" means an individual whose body or part is the subject of an anatomical gift.

(8) "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(9) "Driver's license" means a license or permit issued by the department of licensing to operate a vehicle, whether or not conditions are attached to the license or permit.

(10) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(11) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(12) "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(13) "Identification card" means an identification card issued by the department of licensing.

(14) "Know" means to have actual knowledge.

(15) "Minor" means an individual who is less than eighteen years old.

(16) "Organ procurement organization" means a person designated by the secretary of the United States department of health and human services as an organ procurement organization.

(17) "Parent" means a parent whose parental rights have not been terminated.

(18) "Part" means an organ, an eye, or tissue of a human being. The term does not include the whole body.

(19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(20) "Physician" means an individual licensed or otherwise authorized to practice medicine and surgery or osteopathic medicine and surgery under the law of any state.

(21) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

(22) "Prospective donor" means an individual whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. "Prospective donor" does not include an individual who has made a refusal.

(23) "Reasonable costs" include: (a) Programming and software installation and upgrades; (b) employee training that is specific to the organ and tissue donor registry or the donation program created in RCW 46.12.510; (c) literature that is specific to the organ and tissue donor registry or the donation program created in RCW 46.12.510; and (d) hardware upgrades or other issues important to the organ and tissue donor registry or the donation program created in RCW 46.12.510 that have been mutually agreed upon in advance by the department of licensing and the Washington state organ procurement organizations.

(24) "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(25) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(27) "Refusal" means a record created under section 7 of this

act that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part.

(28) "Sign" means, with the present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

(31) "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

(32) "Tissue bank" means a person that is licensed to conduct business in this state, accredited, and regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(33) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

(34) "Washington state organ procurement organization" means an organ procurement organization that has been designated by the United States department of health and human services to coordinate organ procurement activities for any portion of Washington state.

NEW SECTION. Sec. 3 This chapter applies to an anatomical gift or amendment to, revocation of, or refusal to make an anatomical gift, whenever made.

NEW SECTION. Sec. 4 Subject to section 8 of this act, an anatomical gift of a donor's body or part may be made during the life of the donor in the manner provided in section 5 of this act by:

(1) The donor, if the donor is an adult or if the donor is a minor and is:

(a) Emancipated; or

(b) Authorized under state law to apply for a driver's license because the donor is at least fifteen and one-half years old;

(2) An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;

(3) A parent of the donor, if the donor is an unemancipated minor; provided, however, that an anatomical gift made pursuant to this subsection shall cease to be valid once the donor becomes either an emancipated minor or an adult; or

(4) The donor's guardian.

NEW SECTION. Sec. 5 (1) A donor may make an anatomical gift:

(a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

(b) In a will;

(c) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

(d) As provided in subsection (2) of this section.

(2) A donor or other person authorized to make an anatomical gift under section 4 of this act may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and must:

TWELFTH DAY, JANUARY 25, 2008

2008 REGULAR SESSION

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in (a) of this subsection.

(3) Revocation, suspension, expiration, or cancellation of a driver's license or identification card through which an anatomical gift has been made does not invalidate the gift.

(4) An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

**NEW SECTION. Sec. 6** (1) Subject to section 8 of this act, a donor or other person authorized to make an anatomical gift under section 4 of this act may amend or revoke an anatomical gift by:

(a) A record signed by:

(i) The donor;

(ii) The other person; or

(iii) Subject to subsection (2) of this section, another individual acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

(b) A later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

(2) A record signed pursuant to subsection (1)(a)(iii) of this section must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in (a) of this subsection.

(3) Subject to section 8 of this act, a donor or other person authorized to make an anatomical gift under section 4 of this act may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift. The donor or other person shall notify the Washington organ procurement organization of the destruction or cancellation of the document of gift for the purpose of removing the individual's name from the organ and tissue donor registry created in RCW 68.50.635 (as recodified by this act). If the Washington state organ procurement organization that is notified does not maintain a registry for Washington residents, it shall notify all Washington state procurement organizations that do maintain such a registry.

(4) A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

(5) A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection (1) of this section.

**NEW SECTION. Sec. 7** (1) An individual may refuse to make an anatomical gift of the individual's body or part by:

(a) A record signed by:

(i) The individual; or

(ii) Subject to subsection (2) of this section, another individual acting at the direction of the individual if the individual is physically unable to sign;

(b) The individual's will, whether or not the will is admitted to probate or invalidated after the individual's death; or

(c) Any form of communication made by the individual during the individual's terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

(2) A record signed pursuant to subsection (1)(a)(ii) of this section must:

(a) Be witnessed by at least two adults, at least one of whom

is a disinterested witness, who have signed at the request of the individual; and

(b) State that it has been signed and witnessed as provided in (a) of this subsection.

(3) An individual who has made a refusal may amend or revoke the refusal:

(a) In the manner provided in subsection (1) of this section for making a refusal;

(b) By subsequently making an anatomical gift pursuant to section 5 of this act that is inconsistent with the refusal; or

(c) By destroying or canceling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

(4) Except as otherwise provided in section 8(8) of this act, in the absence of an express, contrary indication by the individual set forth in the refusal, an individual's unrevoked refusal to make an anatomical gift of the individual's body or part bars all other persons from making an anatomical gift of the individual's body or part.

**NEW SECTION. Sec. 8** (1) Except as otherwise provided in subsection (7) of this section and subject to subsection (6) of this section, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending, or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's body or part under section 5 of this act or an amendment to an anatomical gift of the donor's body or part under section 6 of this act.

(2) A donor's revocation of an anatomical gift of the donor's body or part under section 6 of this act is not a refusal and does not bar another person specified in section 4 or 9 of this act from making an anatomical gift of the donor's body or part under section 5 or 10 of this act.

(3) If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under section 5 of this act or an amendment to an anatomical gift of the donor's body or part under section 6 of this act, another person may not make, amend, or revoke the gift of the donor's body or part under section 10 of this act.

(4) A revocation of an anatomical gift of a donor's body or part under section 6 of this act by a person other than the donor does not bar another person from making an anatomical gift of the body or part under section 5 or 10 of this act.

(5) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 4 of this act, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

(6) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 4 of this act, an anatomical gift of a part for one or more of the permitted purposes is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under section 5 or 10 of this act.

(7) If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

(8) If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor's refusal.

**NEW SECTION. Sec. 9** (1) Subject to subsections (2) and (3) of this section and unless barred by section 7 or 8 of this act, an anatomical gift of a decedent's body or part may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(a) An agent of the decedent at the time of death who could have made an anatomical gift under section 4(2) of this act immediately before the decedent's death;

TWELFTH DAY, JANUARY 25, 2008

2008 REGULAR SESSION

(b) The spouse, or domestic partner registered as required by state law, of the decedent;

(c) Adult children of the decedent;

(d) Parents of the decedent;

(e) Adult siblings of the decedent;

(f) Adult grandchildren of the decedent;

(g) Grandparents of the decedent;

(h) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(i) Any other person having the authority under applicable law to dispose of the decedent's body.

(2) If there is more than one member of a class listed in subsection (1)(a), (c), (d), (e), (f), (g), or (h) of this section entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under section 11 of this act knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

(3) A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection (1) of this section is reasonably available to make or to object to the making of an anatomical gift.

**NEW SECTION. Sec. 10** (1) A person authorized to make an anatomical gift under section 9 of this act may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the individual receiving the oral communication.

(2) Subject to subsection (3) of this section, an anatomical gift by a person authorized under section 9 of this act may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under section 9 of this act may be:

(a) Amended only if a majority of the reasonably available members agree to the amending of the gift; or

(b) Revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

(3) A revocation under subsection (2) of this section is effective only if, before an incision has been made to remove a part from the donor's body or before transplant procedures have begun on the recipient, the procurement organization, transplant hospital, or physician or technician knows of the revocation.

**NEW SECTION. Sec. 11** (1) An anatomical gift may be made to the following persons named in the document of gift:

(a) For research or education: A hospital; an accredited medical school, dental school, college, or university; or an organ procurement organization;

(b) Subject to subsection (2) of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of the part;

(c) An eye bank or tissue bank.

(2) If an anatomical gift to an individual under subsection (1)(b) of this section cannot be transplanted into the individual, the part passes in accordance with subsection (7) of this section in the absence of an express, contrary indication by the person making the anatomical gift.

(3) If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection (1) of this section but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(a) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank.

(b) If the part is tissue and the gift is for the purpose of

transplantation or therapy, the gift passes to the appropriate tissue bank.

(c) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(d) If the part is an organ, an eye, or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement organization.

(4) For the purpose of subsection (3) of this section, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift must be used for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education.

(5) If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection (1) of this section and does not identify the purpose of the gift, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection (7) of this section.

(6) If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor," "organ donor," or "body donor," or by a symbol or statement of similar import, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection (7) of this section.

(7) For purposes of subsections (2), (5), and (6) of this section the following rules apply:

(a) If the part is an eye, the gift passes to the appropriate eye bank.

(b) If the part is tissue, the gift passes to the appropriate tissue bank.

(c) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(8) An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under subsection (1)(b) of this section, passes to the organ procurement organization as custodian of the organ.

(9) If an anatomical gift does not pass pursuant to subsections (1) through (8) of this section or the decedent's body or part is not used for transplantation, therapy, research, or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

(10) A person may not accept an anatomical gift if the person knows that the gift was not effectively made under section 5 or 10 of this act or if the person knows that the decedent made a refusal under section 7 of this act that was not revoked. For purposes of this subsection (10), if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

(11) Except as otherwise provided in subsection (1)(b) of this section, nothing in this chapter affects the allocation of organs for transplantation or therapy.

**NEW SECTION. Sec. 12** (1) A document of gift need not be delivered during the donor's lifetime to be effective.

(2) Upon or after an individual's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the individual shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the individual or by a person to which the gift could pass under section 11 of this act.

**NEW SECTION. Sec. 13** (1) When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of the records of the department of licensing and any donor registry that it knows exists for the geographical area in which the individual resides

TWELFTH DAY, JANUARY 25, 2008

2008 REGULAR SESSION

to ascertain whether the individual has made an anatomical gift.

(2) A procurement organization must be allowed reasonable access to information in the records of the department of licensing to ascertain whether an individual at or near death is a donor.

(3) When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

(4) Unless prohibited by law other than this chapter, at any time after a donor's death, the person to which a part passes under section 11 of this act may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

(5) Unless prohibited by law other than this chapter, an examination under subsection (3) or (4) of this section may include an examination of all medical records of the donor or prospective donor.

(6) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

(7) Upon referral by a hospital under subsection (1) of this section, a procurement organization shall make a reasonable search for any person listed in section 9 of this act having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, it shall promptly advise the other person of all relevant information.

(8) Subject to sections 11(9), 21, and 22 of this act, the rights of the person to which a part passes under section 11 of this act are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this chapter, a person that accepts an anatomical gift of an entire body may allow embalming, burial, or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 11 of this act, upon the death of the donor and before embalming, burial, or cremation, shall cause the part to be removed without unnecessary mutilation.

(9) Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

(10) A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

**NEW SECTION. Sec. 14** When English is not the first language of the person or persons making, amending, revoking, or refusing anatomical gifts as defined in this act, organ procurement organizations are responsible for providing, at no cost, appropriate interpreter services or translations to such persons for the purpose of making such decisions.

**NEW SECTION. Sec. 15** Each hospital in this state shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

**NEW SECTION. Sec. 16** (1) Except as otherwise provided in subsection (2) of this section, a person who, for valuable

consideration, knowingly purchases or sells a part for transplantation or therapy if removal of a part from an individual is intended to occur after the individual's death is guilty of a class C felony under RCW 9A.20.010.

(2) A person may charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation, or disposal of a part.

**NEW SECTION. Sec. 17** A person who, in order to obtain financial gain, intentionally falsifies, forges, conceals, defaces, or obliterates a document of gift, an amendment or revocation of a document of gift, or a refusal is guilty of a class C felony under RCW 9A.20.010.

**NEW SECTION. Sec. 18** (1) A person who acts in accordance with this chapter or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution, or administrative proceeding.

(2) Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

(3) In determining whether an anatomical gift has been made, amended, or revoked under this chapter, a person may rely upon representations of an individual listed in section 9(1)(b) through (g) of this act relating to the individual's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

**NEW SECTION. Sec. 19** (1) A document of gift is valid if executed in accordance with:

(a) This chapter;

(b) The laws of the state or country where it was executed; or

(c) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence, or was a national at the time the document of gift was executed.

(2) If a document of gift is valid under this section, the law of this state governs the interpretation of the document of gift.

(3) A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

**NEW SECTION. Sec. 20** (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Advance health care directive" means a power of attorney for health care or a "directive" as defined in RCW 70.122.020.

(b) "Declaration" means a record signed by a prospective donor specifying the circumstances under which a life support system may be withheld or withdrawn from the prospective donor.

(c) "Health care decision" means any decision made regarding the health care of the prospective donor.

(2) If a prospective donor has a declaration or advance health care directive, and the terms of the declaration or directive and the express or implied terms of a potential anatomical gift are in conflict with regard to the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy, the prospective donor's attending physician and the prospective donor shall confer to resolve the conflict. If the prospective donor is incapable of resolving the conflict, an agent acting under the prospective donor's declaration or directive, or, if none or the agent is not reasonably available, another person authorized by law other than this chapter to make health care decisions on behalf of the prospective donor, shall act for the donor to resolve the conflict. The conflict must be resolved as expeditiously as possible. Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift for the prospective donor under section 9 of this act. Before resolution

TWELFTH DAY, JANUARY 25, 2008

2008 REGULAR SESSION

of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor if withholding or withdrawing the measures is not contraindicated by appropriate end-of-life care.

**NEW SECTION. Sec. 21** (1)(a) A coroner or medical examiner shall cooperate with procurement organizations, to the extent that such cooperation does not prevent, hinder, or impede the timely investigation of death, to facilitate the opportunity to recover anatomical gifts for the purpose of transplantation or therapy. However, a coroner or medical examiner may limit the number of procurement organizations with which he or she cooperates.

(b) The coroner or medical examiner may release the initial investigative information to the tissue or organ procurement organization for the purpose of determining the suitability of the potential donor by those organizations. The information released for this purpose shall remain confidential. The coroner or medical examiner is not liable for any release of confidential information by the procurement organization.

(2)(a) Procurement organizations shall cooperate with the coroner or medical examiner to ensure the preservation of and timely transfer to the coroner or medical examiner any physical or biological evidence from a prospective donor that the procurement organization may have contact with or access to that is required by the coroner or medical examiner for the investigation of death.

(b) If the coroner or medical examiner or a designee releases a part for donation under subsection (4) of this section, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the coroner or medical examiner with a record describing the condition of the part, biopsies, residual tissue, photographs, and any other information and observations requested by the coroner or medical examiner that would assist in the investigation of death.

(3) A part may not be removed from the body of a decedent under the jurisdiction of a coroner or medical examiner for transplantation, therapy, research, or education unless the part is the subject of an anatomical gift, and has been released by the coroner or medical examiner. The body of a decedent under the jurisdiction of the coroner or medical examiner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift. This subsection does not preclude a coroner or medical examiner from performing the medicolegal investigation upon the body or relevant parts of a decedent under the jurisdiction of the coroner or medical examiner.

(4) If an anatomical gift of a part from the decedent under the jurisdiction of the coroner or medical examiner has been or might be made, but the coroner or medical examiner initially believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death, the collection of evidence, or the description, documentation, or interpretation of injuries on the body, the coroner or medical examiner may consult with the procurement organization or physician or technician designated by the procurement organization about the proposed recovery. After consultation, the coroner or medical examiner may release the part for recovery.

**NEW SECTION. Sec. 22** This chapter is subject to the laws of this state governing the jurisdiction of the coroner or medical examiner.

**NEW SECTION. Sec. 23** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**NEW SECTION. Sec. 24** This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act (15 U.S.C. Sec. 7001 et seq.) with

respect to electronic signatures and anatomical gifts, but does not modify, limit, or supersede section 101(a) of that act (15 U.S.C. Sec. 7001), or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. Sec. 7003(b)).

**Sec. 25** RCW 1.50.010 and 1998 c 59 s 2 are each amended to read as follows:

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

(1) "Organ donor" means an individual who makes an anatomical gift as specified in (~~RCW 68.50.530(+)~~) chapter 68.-- RCW (sections 1 through 24 of this act).

(2) "Organ procurement organization" (~~means any accredited or certified organ or eye bank~~) has the same meaning as in section 2 of this act.

(3) "Person" means a person specified in (~~RCW 68.50.550~~) section 9 of this act.

**Sec. 26** RCW 46.12.510 and 2003 c 94 s 6 are each amended to read as follows:

An applicant for a new or renewed registration for a vehicle required to be registered under this chapter or chapter 46.16 RCW may make a donation of one dollar or more to the organ and tissue donation awareness account to promote the donation of organs and tissues under the provisions of the uniform anatomical gift act, (~~RCW 68.50.520 through 68.50.630~~) chapter 68.-- RCW (sections 1 through 24 of this act). The department shall collect the donations and credit the donations to the organ and tissue donation awareness account, created in RCW 68.50.640 (as recodified by this act). At least quarterly, the department shall transmit donations made to the organ and tissue donation awareness account to the foundation established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. All Washington state organ procurement organizations will have proportional access to these funds to conduct public education in their service areas. The donation of one or more dollars is voluntary and may be refused by the applicant. The department shall make available informational booklets or other informational sources on the importance of organ and tissue donations to applicants.

The department shall inquire of each applicant at the time the completed application is presented whether the applicant is interested in making a donation of one dollar or more and shall also specifically inform the applicant of the option for organ and tissue donations as required by RCW 46.20.113. The department shall also provide written information to each applicant volunteering to become an organ and tissue donor. The written information shall disclose that the applicant's name shall be transmitted to the organ and tissue donor registry created in RCW 68.50.635 (as recodified by this act), and that the applicant shall notify a Washington state organ procurement organization of any changes to the applicant's donor status.

All reasonable costs associated with the creation of the donation program created under this section must be paid proportionally or by other agreement by a Washington state organ procurement organization.

For the purposes of this section, "reasonable costs" and "Washington state organ procurement organization" have the same meaning as defined in (~~RCW 68.50.530~~) section 2 of this act.

**Sec. 27** RCW 46.20.113 and 1993 c 228 s 18 are each amended to read as follows:

The department of licensing shall provide a statement whereby the licensee may certify his or her willingness to make an anatomical gift under (~~RCW 68.50.540~~) section 4 of this act, as now or hereafter amended. The department shall provide the statement in at least one of the following ways:

- (1) On each driver's license; or
- (2) With each driver's license; or

TWELFTH DAY, JANUARY 25, 2008

2008 REGULAR SESSION

(3) With each in-person driver's license application.

**Sec. 28** RCW 46.20.1131 and 2003 c 94 s 5 are each amended to read as follows:

The department shall electronically transfer the information of all persons who upon application for a driver's license or identocard volunteer to donate organs or tissue to a registry created in RCW 68.50.635 (as recodified by this act), and any subsequent changes to the applicant's donor status when the applicant renews a driver's license or identocard or applies for a new driver's license or identocard.

**NEW SECTION. Sec. 29** Sections 1 through 24 of this act constitute a new chapter in Title 68 RCW.

**NEW SECTION. Sec. 30** RCW 68.50.500, 68.50.635, and 68.50.640 are each recodified as sections in the new chapter created in section 29 of this act.

**NEW SECTION. Sec. 31** The following acts or parts of acts are each repealed:

1 RCW 68.50.510 (Good faith compliance with RCW 68.50.500--Hospital liability) and 1987 c 331 s 72 & 1986 c 129 s 2;

2 RCW 68.50.520 (Anatomical gifts--Findings--Declaration) and 1993 c 228 s 1;

3 RCW 68.50.530 (Anatomical gifts--Definitions) and 2003 c 94 s 2, 1996 c 178 s 15, & 1993 c 228 s 2;

4 RCW 68.50.540 (Anatomical gifts--Authorized--Procedures--Changes--Refusal) and 2003 c 94 s 4, 1995 c 132 s 1, & 1993 c 228 s 3;

5 RCW 68.50.550 (Anatomical gifts--By person other than decedent) and 2007 c 156 s 26 & 1993 c 228 s 4;

6 RCW 68.50.560 (Anatomical gifts--Hospital procedure--Records--Liability) and 1993 c 228 s 5;

7 RCW 68.50.570 (Anatomical gifts--Donees) and 1993 c 228 s 6;

8 RCW 68.50.580 (Anatomical gifts--Document of gift--Delivery) and 1993 c 228 s 7;

9 RCW 68.50.590 (Anatomical gifts--Rights of donee--Time of death--Actions by technician, enucleator) and 1993 c 228 s 8;

10 RCW 68.50.600 (Anatomical gifts--Hospitals--Procurement and use coordination) and 1993 c 228 s 9;

11 RCW 68.50.610 (Anatomical gifts--Illegal purchase or sale--Penalty) and 2003 c 53 s 312 & 1993 c 228 s 10; and

12 RCW 68.50.620 (Anatomical gifts--Examination for medical acceptability--Jurisdiction of coroner, medical examiner--Liability limited) and 1993 c 228 s 11."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 1.50.010, 46.12.510, 46.20.113, and 46.20.1131; adding a new chapter to Title 68 RCW; recodifying RCW 68.50.500, 68.50.635, and 68.50.640; repealing RCW 68.50.510, 68.50.520, 68.50.530, 68.50.540, 68.50.550, 68.50.560, 68.50.570, 68.50.580, 68.50.590, 68.50.600, 68.50.610, and 68.50.620; and prescribing penalties."

Senator Keiser spoke in favor of adoption of the striking amendment.

#### MOTION

Senator Pflug moved to defer further consideration of Senate Bill No. 5657.

Senators Eide and Keiser spoke against the motion.

#### PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Madam chair. The gentle lady from the Fifth District has made a motion that further consideration of the bill be deferred. Apparently we are debating that bill or that motion, wasn't aware that debate was allowed on a motion to defer but maybe it is. I'd like to know if we're going

to continue to debate that or if we're going to actually take action on the good Senator's motion?"

The President Pro Tempore declared the question before the Senate to be the motion by Senator Pflug to defer further consideration of Senate Bill No. 5657.

The motion by Senator Pflug failed by voice vote.

#### REMARKS BY SENATOR PFLUG

Senator Pflug: "Thank you Madam President. I would like to note for the record that it was inappropriate to allow the majority to debate the motion to defer which is not a debatable motion and not to allow the minority to debate the motion to defer. Therefore, I would like to take a moment to point out that the good Senator's comments about there being nothing new in a fifteen page amendment which starts out with new section 1, new section 2, new section 3, new section 4, new section 5, new section 6, new section 7, new section 8, continues to new section 9, new section 10, new section 11, new section 12, new section 13, new section 14, new section 15, new section 16, new section 17, new section 18, new section 19, new section 20, new section 21, new section 22, new section 23, new section 24, new section 25, new section 27, new section 28, 29 30, ya, that's all the new sections and then one more amendment. That is hardly called 'not new.' Further, I would point out that while the good chair says, 'This has all been worked out; I would like to know who 'we' is. Whose we. Kemosabe because I haven't seen this before. I was unaware that anybody had an objection with the bill that was passed out earlier this week. I was not included in it. The chair has not spoken to me about this amendment or any of the discussions or any of the problems that we supposedly had. This is clearly an abuse of the process. It's clearly abuse of the good faith of the minority in allowing this bill to come forward early without due consideration of this amendment and I am extremely frustrated by that. I have no idea whether or not we should recommend adoption of this fifteen page amendment or not because we haven't seen it before. The chair's explanation was, to summarize, the people who had objections, we've worked out those objections. She didn't tell us what the objections were or how they were worked out. So the body is voting completely blind and on partisan lines here because we have no information. I think that's really poor. It's going to look really poor, I think, to the public too."

#### REMARKS BY SENATOR KEISER

Senator Keiser: "Thank you Madam President. well, since the good Senator from the Fifth District does not understand the bill before us or the bill that's been worked on I think it would be fine to sit down and go through it word by word and make sure that all parties understand each word and we have no confusion about this bill which will save lives because every day eighteen people die waiting for organ transplants."

#### REMARKS BY SENATOR PFLUG

Senator Pflug: "Thank you Madam Chair, or Madam President. I appreciate the good lady's willingness to defer action on this. I didn't appreciate the suggestion that somehow fifteen people were going to die while we debated, while we took the time to read the bill."

#### MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 5657 was deferred and the bill held its place on the second reading calendar.

#### PERSONAL PRIVILEGE

TWELFTH DAY, JANUARY 25, 2008

2008 REGULAR SESSION

Senator Jacobsen: "I just checked in what 'Kemosabe' means and it means 'greetings trusty scout'."

## SECOND READING

SENATE BILL NO. 5285, by Senator Keiser

Concerning residential services and support enforcement standards.

## MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5285 was substituted for Senate Bill No. 5285 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5285.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5285 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6223, by Senators Keiser, Pflug, Parlette, Kohl-Welles and Franklin

Authorizing emergency medical technicians to administer glucagon in emergency situations.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6223.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6223 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:29 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 28, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTEENTH DAY, JANUARY 28, 2008

2008 REGULAR SESSION

**FIFTEENTH DAY****NOON SESSION**

Senate Chamber, Olympia, Monday, January 28, 2008

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEE**

January 24, 2008

**SB 5179** Prime Sponsor, Senator Kastama: Regarding the operation of snowmobiles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5179 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

January 24, 2008

**SB 6243** Prime Sponsor, Senator Carrell: Addressing court discretion to order community custody. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6243 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Marr.

Passed to Committee on Ways & Means.

January 24, 2008

**SB 6250** Prime Sponsor, Senator Haugen: Protecting the confidentiality and privacy of personal information in connection with drivers' licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

January 25, 2008

**SB 6269** Prime Sponsor, Senator Jacobsen: Concerning the rights of airline passengers. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6269 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Ways & Means.

January 24, 2008

**SB 6273** Prime Sponsor, Senator Haugen: Addressing the nondivisible gross weight limit of farm implements on public highways. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6273 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

January 25, 2008

**SB 6309** Prime Sponsor, Senator Rockefeller: Requiring disclosure of greenhouse gas tailpipe emissions. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6309 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and Morton.

Passed to Committee on Rules for second reading.

January 25, 2008

**SB 6322** Prime Sponsor, Senator Kohl-Welles: Revising the definition of a weapon. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6322 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell; McDermott and Weinstein.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Roach.

Passed to Committee on Rules for second reading.

January 25, 2008

**SB 6332** Prime Sponsor, Senator Kauffman: Increasing the debt limit of the housing finance commission. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

January 25, 2008

**SB 6341** Prime Sponsor, Senator Kauffman: Concerning electronic data recorders in motor vehicles. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6341 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin; Haugen; Jacobsen; Kilmer and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Honeyford.

Passed to Committee on Rules for second reading.

January 24, 2008

**SB 6355** Prime Sponsor, Senator Haugen: Concerning the imposition of tolls. Reported by Committee on Transportation

FIFTEENTH DAY, JANUARY 28, 2008

2008 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6355 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Jacobsen; Kauffman; Kilmer and Spanel.

MINORITY recommendation: Do not Pass. Signed Benton, Holmquist, Kastama, King, Pflug and Sheldon

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Murray, Vice Chair.

Passed to Committee on Rules for second reading.

January 25, 2008

SB 6381 Prime Sponsor, Senator Weinstein: Establishing fiduciary duties for mortgage brokers. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Delvin.

Passed to Committee on Rules for second reading.

January 25, 2008

SB 6385 Prime Sponsor, Senator Weinstein: Concerning real property. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6385 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Delvin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Kilmer.

Passed to Committee on Rules for second reading.

January 25, 2008

SB 6437 Prime Sponsor, Senator Carrell: Modifying provisions relating to bail bond and bail bond recovery agents. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6437 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

January 25, 2008

SB 6452 Prime Sponsor, Senator Tom: Requiring certain borrower disclosures of yield spread premiums. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6452 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin; Haugen; Jacobsen; Kilmer and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Honeyford.

Passed to Committee on Rules for second reading.

January 25, 2008

SB 6471 Prime Sponsor, Senator Weinstein: Protecting consumers by regulating loans under the consumer loan act and mortgage broker practices act. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

January 25, 2008

SB 6475 Prime Sponsor, Senator Oemig: Allowing joint use dock appeals before the shorelines hearings board to be heard by a short board. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Rules for second reading.

January 24, 2008

SB 6492 Prime Sponsor, Senator McAuliffe: Regarding public disclosure of civil confinement facility information. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Marr.

Passed to Committee on Rules for second reading.

January 25, 2008

SB 6508 Prime Sponsor, Senator Eide: Authorizing the creation of beach management districts. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6508 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Hatfield; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Delvin; Holmquist and Morton.

Passed to Committee on Rules for second reading.

January 24, 2008

SB 6719 Prime Sponsor, Senator Keiser: Increasing public utility district bid limits. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Water, Energy & Telecommunications.

January 25, 2008

SB 6733 Prime Sponsor, Senator Regala: Extending the sales and use tax exemptions to machinery and equipment used to produce electricity using certain organic materials and byproducts of pulping or wood manufacturing processes. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rockefeller, Chair;

FIFTEENTH DAY, JANUARY 28, 2008

2008 REGULAR SESSION

Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Ways & Means.

Referred to Committee on Natural Resources, Ocean & Recreation.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

January 24, 2008

SGA 9343 PHILIP A PARKER, appointed on November 1, 2007, for the term ending June 30, 2013, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6243 which was referred to the Committee on Ways & Means and Senate Bill No. 6471 which was referred to the Committee on Rules.

MOTION

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

MESSAGE FROM THE HOUSE

January 25, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SUBSTITUTE HOUSE BILL NO. 1346,  
SUBSTITUTE HOUSE BILL NO. 1625,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 25, 2008

MR. PRESIDENT:

The House has passed the following bills:  
ENGROSSED HOUSE BILL NO. 1551,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1623,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6838 by Senators Hargrove, Morton, Hatfield, Schoesler, Shin, McAuliffe, Hobbs, Berkey and Rasmussen

AN ACT Relating to adding a representative from a labor organization representing workers in the timber industry to the forest practices board; and amending RCW 76.09.030.

SB 6839 by Senators Marr and Kohl-Welles

AN ACT Relating to workers' compensation coverage for work performed outside the state of Washington; and amending RCW 51.12.120.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6840 by Senators Weinstein and Kline

AN ACT Relating to authorizing county prosecutors and city attorneys to enforce certain provisions of the consumer protection act; and amending RCW 19.86.080 and 19.86.110.

Referred to Committee on Consumer Protection & Housing.

SB 6841 by Senators Murray, Jacobsen, Kline, Shin and Kohl-Welles

AN ACT Relating to restricting possession of weapons at institutions of higher education; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Higher Education.

SB 6842 by Senator Hargrove

AN ACT Relating to providing greater clarification and uniformity in community custody and sentencing law by reorganizing provisions, simplifying the application of current laws to crimes committed after the effective date of the offender accountability act through nonsubstantive amendments, and applying the provisions of current law, to the extent constitutionally permissible, to crimes committed prior to the effective date of the offender accountability act; amending RCW 9.94A.737, 9.94A.740, 9.94A.501, 9.94A.505, 9.94A.610, 9.94A.612, 9.94A.625, 9.94A.650, 9.94A.670, 9.94A.690, 9.94A.728, 9.94A.760, 9.94A.775, 9.94A.780, 9.94A.820, 4.24.556, 9.95.017, 9.95.064, 9.95.110, 9.95.123, 9.95.420, 9.95.440, 46.61.524, 72.09.015, 72.09.270, 72.09.345, and 72.09.580; reenacting and amending RCW 9.94A.030, 9.94A.525, 9.94A.660, and 9.94A.712; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9.95 RCW; adding new sections to chapter 72.09 RCW; adding a new chapter to Title 9 RCW; creating new sections; recodifying RCW 9.94A.628, 9.94A.634, 9.94A.700, 9.94A.705, 9.94A.710, 9.94A.610, 9.94A.612, 9.94A.614, 9.94A.616, 9.94A.618, and 9.94A.620; repealing RCW 9.94A.545, 9.94A.713, 9.94A.715, 9.94A.720, 9.94A.800, 9.94A.830, and 79A.60.070; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6843 by Senators Hargrove and Rasmussen

AN ACT Relating to youth placements; amending RCW 74.15.240; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Human Services & Corrections.

SB 6844 by Senators Spanel, Brandland and Rasmussen

FIFTEENTH DAY, JANUARY 28, 2008

2008 REGULAR SESSION

AN ACT Relating to the taxation of grocery distribution cooperatives; and amending RCW 82.04.298.

Referred to Committee on Ways & Means.

SB 6845 by Senators Hobbs and Benton

AN ACT Relating to exchange facilitators; reenacting and amending RCW 42.56.270; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 6846 by Senators Sheldon, Kline, Tom, Swecker, Hatfield and Rasmussen

AN ACT Relating to metal property transactions; and amending RCW 19.290.090.

Referred to Committee on Judiciary.

SB 6847 by Senators Weinstein, Delvin, Haugen and Shin

AN ACT Relating to real estate settlement services; amending RCW 48.29.010 and 48.29.140; adding new sections to chapter 48.29 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 18.44 RCW; and adding a new section to chapter 19.146 RCW.

Referred to Committee on Consumer Protection & Housing.

SB 6848 by Senators Prentice, Delvin, Kohl-Welles, Brandland, McAuliffe, Murray, Regala and Shin

AN ACT Relating to financing stadium facilities at a state research university in a county with a population of one million or more; amending RCW 67.28.180, 82.14.049, and 82.14.360; adding a new section to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6849 by Senators Oemig, Weinstein, Tom, Delvin, Shin, Kilmer, Schoesler and Kohl-Welles

AN ACT Relating to classification as a resident student; amending RCW 28B.15.012; and providing an effective date.

Referred to Committee on Higher Education.

SB 6850 by Senators Prentice, Brandland, Kline, Berkey and Rasmussen

AN ACT Relating to creating the financial fraud and identity theft crimes investigation and prosecution program; amending RCW 62A.9A-525; adding a new section to chapter 43.330 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6851 by Senators Prentice and Haugen

AN ACT Relating to the documentation required in order to obtain a real estate excise tax exemption at the time of

inheritance; and adding a new section to chapter 82.45 RCW.

Referred to Committee on Ways & Means.

SB 6852 by Senators Kohl-Welles, Keiser, Weinstein, Fairley, Franklin, Kline and Rockefeller

AN ACT Relating to the presence of toxins in households or dwellings; amending RCW 59.18.060; adding a new section to chapter 43.70 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6853 by Senators Fraser, Brandland, Franklin, Kilmer and McAuliffe

AN ACT Relating to public works projects; amending RCW 43.155.010, 43.155.020, 43.155.050, 43.155.050, 43.155.060, 43.155.065, and 43.155.068; reenacting and amending RCW 43.155.070; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6854 by Senators Brandland, Fraser, Franklin, Kilmer, Kohl-Welles and Rasmussen

AN ACT Relating to assistance to nonprofit organizations; and amending RCW 43.63A.125.

Referred to Committee on Ways & Means.

SB 6855 by Senators Kilmer, Brandland, Hatfield and McAuliffe

AN ACT Relating to revisions to existing state economic development programs; amending RCW 43.160.060; repealing RCW 43.160.230, 43.160.240, and 44.28.801; repealing 2005 c 425 s 4; and providing an effective date.

Referred to Committee on Economic Development, Trade & Management.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1346 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway and Moeller)

AN ACT Relating to the exclusion of certain persons from licensed gambling premises; adding a new section to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1625 by House Committee on Transportation (originally sponsored by Representatives DeBolt, Blake, Hinkle, Warnick, Seaquist, Kagi, Kirby, Hunt, Wood, Dickerson, Conway, Lovick, Roach, Chase, Dunn, Flannigan, McCune, Priest, McDermott, Santos, Williams, McDonald, Newhouse, Alexander, Strow, Kretz, Condotta, Roberts, Ormsby, Haigh, Rolfes and Moeller)

AN ACT Relating to motorcycles at traffic signals; adding a new section to chapter 46.61 RCW; and providing an effective date.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6850 which was referred to the Committee on Ways & Means.

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 a.m. Tuesday, January 29, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTEENTH DAY, JANUARY 29, 2008  
**SIXTEENTH DAY**

2008 REGULAR SESSION

Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott; Pridemore and Swecker.

**NOON SESSION**

Senate Chamber, Olympia, Tuesday, January 29, 2008

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

January 25, 2008

SSB 5743 Prime Sponsor, Committee on Ways & Means: Linking economic clusters and quality management practices to customized training. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Third Substitute Senate Bill No. 5743 be substituted therefor, and the third substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

January 25, 2008

SB 5996 Prime Sponsor, Senator Kastama: Promoting commercialization of life sciences research. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5996 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6187 Prime Sponsor, Senator Shin: Creating the food animal veterinarian conditional scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6205 Prime Sponsor, Senator Franklin: Creating the joint select committee on sickle cell disease. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6254 Prime Sponsor, Senator Hobbs: Creating the Washington state flag account. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6264 Prime Sponsor, Senator Shin: Clarifying terms for workforce and economic development. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6264 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6267 Prime Sponsor, Senator Keiser: Repealing RCW 18.79.255. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Fairley; Kastama; Kohl-Welles and Marr.

MINORITY recommendation: Do not pass. Signed by Senator Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Carrell.

Passed to Committee on Rules for second reading.

January 25, 2008

SB 6296 Prime Sponsor, Senator Kilmer: Increasing job creation and encouraging self-employment in the state. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

January 25, 2008

SB 6323 Prime Sponsor, Senator Kilmer: Improving the effectiveness of tax incentives for eligible business projects in rural counties and community empowerment zones. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

January 28, 2008

SB 6392 Prime Sponsor, Senator Shin: Providing for educational advertising for high-demand fields and degrees. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6392 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Ways & Means.

January 28, 2008

SB 6417 Prime Sponsor, Senator Regala: Providing for an increase in the property tax limit for emergency medical care

SIXTEENTH DAY, JANUARY 29, 2008

and services. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Ways & Means.

January 28, 2008

SB 6482 Prime Sponsor, Senator Prentice: Providing a state public utility tax exemption for the transportation of grain by motor vehicle. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Morton and Shin.

Passed to Committee on Ways & Means.

January 25, 2008

SB 6510 Prime Sponsor, Senator Kastama: Providing a funding source to assist small manufacturers in obtaining innovation and modernization extension services. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

January 25, 2008

SB 6627 Prime Sponsor, Senator Kastama: Concerning the international services business and occupation tax credit. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

January 28, 2008

SB 6675 Prime Sponsor, Senator McAuliffe: Allowing public technical colleges to offer associate transfer degrees. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6675 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 28, 2008

SCR 8412 Prime Sponsor, Senator Kilmer: Requesting approval of the statewide strategic master plan for higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8412 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 25, 2008

EHB 1956 Prime Sponsor, Representative Pettigrew: Prohibiting discrimination based on lawful source of income. Reported by Committee on Consumer Protection & Housing

2008 REGULAR SESSION

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin; Haugen and Kilmer.

Passed to Committee on Judiciary.

## MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Second Substitute Senate Bill No. 5743 which was referred to the Committee on Rules and Senate Bill No. 6392 which was referred to the Committee on Ways & Means.

## MOTION

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

## MESSAGE FROM THE HOUSE

January 28, 2008

MR. PRESIDENT:

The House has passed the following bills:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331,  
ENGROSSED HOUSE BILL NO. 2459,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

January 28, 2008

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1391,  
HOUSE BILL NO. 2203,  
HOUSE BILL NO. 2550,  
HOUSE BILL NO. 2593,  
HOUSE BILL NO. 2594,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

There being no objection, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 6856 by Senators Prentice, Fraser, McAuliffe and Rasmussen

AN ACT Relating to supporting infrastructure and economic development funding; amending RCW 82.16.020, 82.18.020, 43.155.020, 43.155.050, and 43.155.050; reenacting and amending RCW 43.155.070 and 43.84.092; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6857 by Senators Morton, Swecker, Haugen, King, Spanel, Parlette and Delvin

SIXTEENTH DAY, JANUARY 29, 2008

2008 REGULAR SESSION

AN ACT Relating to heavy haul industrial corridors; amending RCW 46.44.0915; and making an appropriation.

Washington state; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

Referred to Committee on Human Services & Corrections.

SB 6858 by Senators Franklin, Kohl-Welles and Hargrove

SB 6866 by Senators Delvin and Hewitt

AN ACT Relating to excluding from employment services performed by sports officials; amending RCW 51.12.020; and adding a new section to chapter 50.04 RCW.

AN ACT Relating to a business and occupation tax credit for qualified preproduction development expenditures for polysilicon manufacturers; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

Referred to Committee on Ways & Means.

SB 6859 by Senators Morton, Hatfield, Schoesler, Sheldon and Rasmussen

SB 6867 by Senators Holmquist and King

AN ACT Relating to the use of firearms on land managed by the department of fish and wildlife; adding a new section to chapter 77.15 RCW; adding a new section to chapter 77.12 RCW; creating a new section; and prescribing penalties.

AN ACT Relating to defining the term employ for minimum wage purposes; amending RCW 49.46.010; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6860 by Senators Roach, Delvin and Stevens

SB 6868 by Senators Brown and Marr

AN ACT Relating to prohibiting institutions of higher education from adopting rules concerning the possession of firearms; and amending RCW 9.41.290.

AN ACT Relating to protecting sole source aquifers by providing sewer utility service to mobile home parks; and amending RCW 35.67.370.

Referred to Committee on Higher Education.

Referred to Committee on Water, Energy & Telecommunications.

SB 6861 by Senator Roach

SB 6869 by Senators Oemig, Pridemore, Zarelli, Hobbs, Kohl-Welles, Keiser and Fraser

AN ACT Relating to concealed pistol licenses; and amending RCW 9.41.073.

AN ACT Relating to reducing certain health professions' license fees; and amending RCW 43.70.250.

Referred to Committee on Judiciary.

Referred to Committee on Ways & Means.

SB 6862 by Senator Roach

SJM 8030 by Senators Tom and Oemig

AN ACT Relating to voter registration; amending RCW 29A.08.010, 29A.08.110, and 29A.08.210; and adding new sections to chapter 29A.08 RCW.

Naming the NE 116<sup>th</sup> Street overcrossing of Interstate 405 in Kirkland the Kollin Nielsen Memorial Bridge.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Transportation.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SB 6863 by Senator Roach

2ESHB 1147 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, B. Sullivan, Hinkle, Pettigrew, Linville, Kristiansen, Blake, Takko, Newhouse, Warnick, Hailey, Grant, Armstrong, Kessler, Wallace, Haigh, Moeller, Haler and Condotta)

AN ACT Relating to including post office addresses in scrap metal business records; and amending RCW 19.290.020 and 19.290.030.

Referred to Committee on Judiciary.

AN ACT Relating to damage to livestock caused by wildlife; amending RCW 77.36.005, 77.36.010, 77.36.040, 77.36.050, 77.36.060, 77.36.070, and 77.36.080; and adding a new section to chapter 77.36 RCW.

SB 6864 by Senator Roach

AN ACT Relating to concealed pistol licenses; and amending RCW 9.41.073.

Referred to Committee on Natural Resources, Ocean & Recreation.

Referred to Committee on Judiciary.

HB 1391 by Representatives Eddy, Ross, Curtis, Jarrett, Morrell and B. Sullivan

SB 6865 by Senator Kohl-Welles

AN ACT Relating to reporting to the legislature regarding the implementation of directives related to child care in

AN ACT Relating to filling vacancies in the office of mayor; and amending RCW 35.23.101, 35.23.191, 35.27.140, and 35A.12.050.

Referred to Committee on Government Operations & Elections.

EHB 1551 by Representatives McDermott, Miloscia, McIntire, Fromhold, Dunshee, Cody, Green, Ormsby, Appleton, Hunt, Chase, Schual-Berke, Sells, Roberts, Hasegawa, Kagi, Moeller, Pedersen and Rolfes

AN ACT Relating to public funding of campaigns for local offices; and amending RCW 42.17.128.

Referred to Committee on Government Operations & Elections.

ESHB 1623 by House Committee on Technology, Energy & Communications (originally sponsored by Representative Morris)

AN ACT Relating to setting fees for utility easements on state-owned aquatic lands; and amending RCW 79.110.230 and 79.110.240.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 2203 by Representatives Blake, Conway, Kenney, Hunt, Green and Moeller

AN ACT Relating to applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

ESHB 2331 by House Committee on Transportation (originally sponsored by Representatives Simpson and Wood)

AN ACT Relating to funding qualifying projects through the urban corridor program of the transportation improvement board; amending RCW 47.26.282; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding a new section to chapter 47.26 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Transportation.

EHB 2459 by Representatives Kelley, Ross, Simpson, Hudgins, Upthegrove and Warnick

AN ACT Relating to real property electronic recording; and adding a new chapter to Title 65 RCW.

Referred to Committee on Government Operations & Elections.

HB 2550 by Representatives Goodman, Lantz, Pearson, O'Brien, VanDeWege, Morrell and Simpson

AN ACT Relating to establishing standards for emergency preparedness kits; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Government Operations & Elections.

HB 2593 by Representative Kirby

AN ACT Relating to reporting insurance premiums for tax purposes; and amending RCW 48.14.020 and 48.14.090.

Referred to Committee on Financial Institutions & Insurance.

HB 2594 by Representatives Kirby, Ormsby, Kenney and Upthegrove

AN ACT Relating to distributing the insurance commissioner's examination reports; and amending RCW 48.03.040 and 48.37.060.

Referred to Committee on Financial Institutions & Insurance.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### MOTION

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

#### MOTION

Senator Keiser moved adoption of the following resolution:

#### SENATE RESOLUTION 8707

By Senators Keiser, McAuliffe, McDermott, Tom, Fraser, Fairley, Prentice, Kauffman, King, Weinstein, Kilmer, Hobbs, Marr, Eide, Franklin, Roach, Regala, Kohl-Welles, Benton, Rasmussen, Carrell, Pflug, Parlette, Swecker, and Shin

WHEREAS, Accidental injury is a leading cause of death among children ages 14 and under; and

WHEREAS, Each year in Washington State, an average of 142 children, 17 years of age and younger, die from accidental injuries; and

WHEREAS, Each year in Washington State, over 2,500 hospitalizations occur to children 17 years of age and younger for accidental injuries; and

WHEREAS, The vast majority of injuries are preventable; and

WHEREAS, During the summer season from May through August in Washington State an average of two children die each week due to accidental injuries; and

WHEREAS, High-risk activities that show the greatest seasonal surge in injuries and deaths between May and August, compared to the rest of the year, are biking, water-related activities, pedestrian-related activities, motor vehicle-related activities, and other activities with a high risk of falls; and

WHEREAS, Safe Kids Worldwide, Safe Kids USA, and Safe Kids Washington promote childhood injury prevention by uniting diverse groups into local and state coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology, and raising awareness through the media; and

WHEREAS, Safe Kids Washington is launching Safe Kids Week 2008, "Gear Up For Safety," which focuses on safety activities; and

WHEREAS, Safe Kids Washington is planning special childhood injury prevention activities and community-based events for Safe Kids Week 2008 in an effort to educate families about summer safety; and

SIXTEENTH DAY, JANUARY 29, 2008

WHEREAS, Founding sponsor Johnson & Johnson and Safe Kids Washington are celebrating "Twenty Years of Creating a Safer World for Children";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support Safe Kids Week the first week of May, and the efforts and activities of Safe Kids to prevent childhood injury.

Senators Keiser, Rasmussen and Kauffman spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8707.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Mary Borges, the group leader of Safe Kids who was seated in the gallery.

#### MOTION

Senator Rasmussen moved adoption of the following resolution:

#### SENATE RESOLUTION 8715

By Senators Rasmussen, Hatfield, Schoesler, Morton, Shin, Jacobsen, Spanel, Swecker, and Honeyford

WHEREAS, On January 30, 2008, the livestock industry, affectionately referred to as the "Barnyard Coalition," is convening its Joint Legislative Day in Olympia to meet with leaders of state government; and

WHEREAS, The state livestock and related livestock feed industry comprise approximately thirty-six percent of the value of production of Washington State's agriculture industry, the state's number one industry; and

WHEREAS, This group is an informal but influential group that works with other state leaders to coordinate the state's efforts toward high priority issues including food safety, environmental stewardship, livestock disease control, and, last but not least, maintaining the viability of farming and ranching for future generations;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize the efforts of the "Barnyard Coalition" to address important public issues, and to express great appreciation for the hard work of the livestock industry because we know that a quality and affordable product does not just magically appear on the grocery store shelf; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to representatives of the "Barnyard Coalition."

Senator Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8715.

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

#### MOTION

At 12:12 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 30, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**SEVENTEENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, January 30, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Chris Rushing and Matthew Seastrom, presented the Colors. Reverend Irene Martin of Saint James Episcopal Church offered the prayer.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

January 29, 2008

SB 5892 Prime Sponsor, Senator Honeyford: Regarding the state building code. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Consumer Protection & Housing.

January 28, 2008

SB 6226 Prime Sponsor, Senator Jacobsen: Enhancing natural resource collections at the Washington park arboretum. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Ways & Means.

January 29, 2008

SB 6263 Prime Sponsor, Senator Zarelli: Concerning property tax value changes as a result of government intervention. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Ways & Means.

January 28, 2008

SB 6493 Prime Sponsor, Senator Hobbs: Providing loans to small cities for certain appeals under the growth management act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6493 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator and Roach.

Passed to Committee on Ways & Means.

January 28, 2008

SB 6500 Prime Sponsor, Senator Eide: Authorizing leave sharing for victims of domestic violence, sexual assault, and stalking. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6500 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

January 29, 2008

SB 6516 Prime Sponsor, Senator Pridemore: Regarding greenhouse gases emissions and providing for green collar jobs. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6516 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Hatfield; Holmquist and Morton.

Passed to Committee on Ways & Means.

January 28, 2008

SB 6570 Prime Sponsor, Senator Fairley: Regarding private business activities in state-owned housing provided by the department of fish and wildlife or the parks and recreation commission. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6570 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6637 Prime Sponsor, Senator Murray: Allowing certain alcohol permit holders to obtain alcohol in nonbeverage form directly from suppliers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

January 28, 2008

SEVENTEENTH DAY, JANUARY 30, 2008

2008 REGULAR SESSION

SB 6709 Prime Sponsor, Senator Morton: Appropriating money to the department of fish and wildlife to control predators. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Ways & Means.

January 28, 2008

SB 6725 Prime Sponsor, Senator Morton: Authorizing the director of fish and wildlife to carry out predatory animal control functions. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Ways & Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 29, 2008

SGA 9369 GLENN GORTON, reappointed on December 3, 2007 as Member of the Investment Board. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

January 29, 2008

SGA 9371 MIKE RAGAN, appointed on December 3, 2007 as Member of the Investment Board. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

January 29, 2008

SGA 9377 ELDON VAIL, appointed on January 9, 2008, for the term ending at the governors pleasure, as Secretary of the Department of Corrections. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6870 by Senators Hargrove, Stevens and Spanel

AN ACT Relating to community public health and safety networks; amending RCW 70.190.060 and 70.190.100; making an appropriation; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6871 by Senator Hargrove

AN ACT Relating to contracting for services provided to dependent children; amending RCW 74.13.031, 74.13.165, and 41.06.142; creating a new section; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6872 by Senators McDermott, Kohl-Welles, McAuliffe, Kline and Marr

AN ACT Relating to community and surplus schools; amending RCW 43.63A.135 and 28A.525.050; adding a new section to chapter 43.63A RCW; adding a new section to chapter 28A.525 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SB 6873 by Senators Holmquist and Roach

AN ACT Relating to election certification; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on Government Operations & Elections.

SB 6874 by Senators Brown, Rockefeller, Kauffman and Rasmussen

AN ACT Relating to the Columbia river water delivery account; adding new sections to chapter 90.90 RCW; making appropriations; and providing an effective date.

Referred to Committee on Water, Energy & Telecommunications.

SB 6875 by Senator Tom

AN ACT Relating to creation of the condominium act governance task force; creating new sections; and providing an expiration date.

Referred to Committee on Consumer Protection & Housing.

SB 6876 by Senator Stevens

AN ACT Relating to prioritizing existing funding for special safety corridor projects; amending RCW 46.68.041; adding a new section to chapter 46.68 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6877 by Senator Stevens

AN ACT Relating to prioritizing existing funding for special safety corridor projects; amending RCW 82.08.020; adding a new section to chapter 46.68 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6878 by Senator Stevens

AN ACT Relating to prioritizing existing funding for special safety corridor projects; amending RCW 46.16.270; adding a new section to chapter 46.68 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6879 by Senators McAuliffe, Tom, McDermott and Rasmussen

AN ACT Relating to the joint task force on basic education finance; and amending 2007 c 399 s 2 (uncodified).

Referred to Committee on Early Learning & K-12 Education.

SB 6880 by Senators Benton, Roach, McCaslin, Honeyford, Stevens, Parlette and Rasmussen

AN ACT Relating to excluding medical expenses for property tax exemption purposes from the income eligibility requirements for persons sixty-one years of age or older, armed forces veterans with service-connected disabilities, and persons retired because of disability; amending RCW 84.36.383; and creating a new section.

Referred to Committee on Ways & Means.

SB 6881 by Senator Fraser

AN ACT Relating to environmental noise abatement; amending RCW 46.09.120 and 46.09.190; prescribing penalties; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6874 which was referred to the Committee on Water, Energy & Telecommunications.

#### MOTION

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

#### MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION  
8714

By Senators Rasmussen, Jacobsen, Hatfield, Schoesler, Morton, Shin, Kohl-Welles, Swecker, Honeyford, and Spanel

WHEREAS, The dairy farmers of Washington are working hard to provide safe, nutritious dairy products for the families of Washington state; and

WHEREAS, There are approximately 485 family dairy farms in Washington state with approximately 235,000 dairy cows; and

WHEREAS, Washington state ranks tenth in total milk production in the United States with 5.6 billion pounds annually; and

WHEREAS, Washington ranks second in milk production per cow with 23,055 pounds of milk; and

WHEREAS, Milk is the second highest dollar-valued agricultural commodity produced in Washington, valued at 688 million dollars; and

WHEREAS, Dairy farming has an annual economic impact of 3.5 billion dollars; and

WHEREAS, Milk processing jobs help employment growth in Washington. Every 1 million dollars in finished milk product is responsible for twenty jobs in our state; and

WHEREAS, Washington state dairy farmers lost more than 700 animals during the December 2007 storm worth millions of dollars; and

WHEREAS, The Washington State Dairy Ambassadors for 2007-2008 are Ambassador Kalin Fohn of Mount Vernon and alternate Ambassadors Whitney Chamberlain, representing Grant/Adams Counties, and Tasha Daniel of Yakima Valley; and

WHEREAS, Dairy Day at the Legislature is January 30, 2008, when the legislators will visit with the dairy producers of the state and enjoy ice cream bars that will be handed out by the Washington State Dairy Federation and the state and county Dairy Ambassadors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Kalin Fohn, alternate Ambassadors Whitney Chamberlain and Tasha Daniel, and the Washington State Dairy Federation.

Senators Rasmussen, Schoesler, Spanel, Honeyford and Morton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8714.

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

#### INTRODUCTION OF SPECIAL GUEST

The President introduced Miss. Kalin Fohn, the Washington State Dairy Ambassador.

#### REMARKS BY KALIN FOHN

Kalin Fohn: "Honorable Lieutenant Governor, Senate members and guests: What is a dairy farmer? A dairy farmer is an executive with a corner office overlooking the lagoon, a purchasing agent in a beat up baseball cap, a personal director of cows and employees, a dietitian for animals. A production expert and a manager battling a cost price squeeze but more importantly a dairy farmer is a father and mother determined to secure the future of the dairy industry for generations to come. Washington is fortunate to have four-hundred eighty-five dedicated dairy farmers that continually provide reliable and safe dairy products. Our dairy farmers directly employ twelve thousand, six-hundred and fifty individuals and contribute 1.5 billion dollars to the economic output annually. Farmers don't

SEVENTEENTH DAY, JANUARY 30, 2008

know an eight hour work day, little boys follow them, sales man detain them but the reward of a long and hard work day is pride and accomplishments. On behalf of the dairy farmers of Washington, thank you for your effort to ensure that dairy farmers, executives or dietitians, whatever you prefer to call them can continue farming for the future.”

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Dairy Federation who were seated in the gallery.

#### MOTION

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9254, Ariele Belo, as a member of the Board of Trustees, State School for the Deaf, be confirmed.

Senator Pridemore spoke in favor of the motion.

#### APPOINTMENT OF ARIELE BELO

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9254, Ariele Belo as a member of the Board of Trustees, State School for the Deaf.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9254, Ariele Belo as a member of the Board of Trustees, State School for the Deaf and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9254, Ariele Belo, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Deaf.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Regala moved that Gubernatorial Appointment No. 9256, Steven Drury, as a member of the Member, Board of Directors Small Business Export Finance Assistance Center, be confirmed.

Senator Regala spoke in favor of the motion.

#### APPOINTMENT OF STEVEN DRURY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9256,

2008 REGULAR SESSION

Steven Drury as a member of the Member, Board of Directors Small Business Export Finance Assistance Center.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9256, Steven Drury as a member of the Member, Board of Directors Small Business Export Finance Assistance Center and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9256, Steven Drury, having received the constitutional majority was declared confirmed as a member of the Member, Board of Directors Small Business Export Finance Assistance Center.

The Senate resumed consideration of Senate Bill No. 5657 which had been deferred on January 25, 2008 and held on the second reading calendar.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser, the striking amendment by Senator Keiser to Senate Bill No. 5657 was withdrawn.

#### MOTION

Senator Keiser moved that the following striking amendment by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 32** This chapter may be cited as the revised uniform anatomical gift act.

**NEW SECTION. Sec. 33** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual who is at least eighteen years old.

(2) "Agent" means an individual:

(a) Authorized to make health care decisions on the principal's behalf by a power of attorney for health care; or

(b) Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

(4) "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift.

(5) "Disinterested witness" means a witness other than the spouse or state registered domestic partner, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift. The term does not include a person to which an anatomical gift could pass under section 11 of this act.

(6) "Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver's license, identification card, or donor registry.

(7) "Donor" means an individual whose body or part is the subject of an anatomical gift.

SEVENTEENTH DAY, JANUARY 30, 2008

2008 REGULAR SESSION

(8) "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(9) "Driver's license" means a license or permit issued by the department of licensing to operate a vehicle, whether or not conditions are attached to the license or permit.

(10) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(11) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(12) "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(13) "Identification card" means an identification card issued by the department of licensing.

(14) "Know" means to have actual knowledge.

(15) "Minor" means an individual who is less than eighteen years old.

(16) "Organ procurement organization" means a person designated by the secretary of the United States department of health and human services as an organ procurement organization.

(17) "Parent" means a parent whose parental rights have not been terminated.

(18) "Part" means an organ, an eye, or tissue of a human being. The term does not include the whole body.

(19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(20) "Physician" means an individual licensed or otherwise authorized to practice medicine and surgery or osteopathic medicine and surgery under the law of any state.

(21) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

(22) "Prospective donor" means an individual whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. "Prospective donor" does not include an individual who has made a refusal.

(23) "Reasonable costs" include: (a) Programming and software installation and upgrades; (b) employee training that is specific to the organ and tissue donor registry or the donation program created in RCW 46.12.510; (c) literature that is specific to the organ and tissue donor registry or the donation program created in RCW 46.12.510; and (d) hardware upgrades or other issues important to the organ and tissue donor registry or the donation program created in RCW 46.12.510 that have been mutually agreed upon in advance by the department of licensing and the Washington state organ procurement organizations.

(24) "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(25) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(27) "Refusal" means a record created under section 7 of this act that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part.

(28) "Sign" means, with the present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

(31) "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

(32) "Tissue bank" means a person that is licensed to conduct business in this state, accredited, and regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(33) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

(34) "Washington state organ procurement organization" means an organ procurement organization that has been designated by the United States department of health and human services to coordinate organ procurement activities for any portion of Washington state.

**NEW SECTION. Sec. 34** This chapter applies to an anatomical gift or amendment to, revocation of, or refusal to make an anatomical gift, whenever made.

**NEW SECTION. Sec. 35** Subject to section 8 of this act, an anatomical gift of a donor's body or part may be made during the life of the donor in the manner provided in section 5 of this act by:

(1) The donor, if the donor is an adult or if the donor is a minor and is:

(a) Emancipated; or

(b) Authorized under state law to apply for a driver's license because the donor is at least fifteen and one-half years old;

(2) An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;

(3) A parent of the donor, if the donor is an unemancipated minor; provided, however, that an anatomical gift made pursuant to this subsection shall cease to be valid once the donor becomes either an emancipated minor or an adult; or

(4) The donor's guardian.

**NEW SECTION. Sec. 36** (1) A donor may make an anatomical gift:

(a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

(b) In a will;

(c) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

(d) As provided in subsection (2) of this section.

(2) A donor or other person authorized to make an anatomical gift under section 4 of this act may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in (a) of this subsection.

SEVENTEENTH DAY, JANUARY 30, 2008

2008 REGULAR SESSION

(3) Revocation, suspension, expiration, or cancellation of a driver's license or identification card through which an anatomical gift has been made does not invalidate the gift.

(4) An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

**NEW SECTION. Sec. 37** (1) Subject to section 8 of this act, a donor or other person authorized to make an anatomical gift under section 4 of this act may amend or revoke an anatomical gift by:

(a) A record signed by:

(i) The donor;

(ii) The other person; or

(iii) Subject to subsection (2) of this section, another individual acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

(b) A later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

(2) A record signed pursuant to subsection (1)(a)(iii) of this section must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in (a) of this subsection.

(3) Subject to section 8 of this act, a donor or other person authorized to make an anatomical gift under section 4 of this act may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift. The donor or other person shall notify the Washington organ procurement organization of the destruction or cancellation of the document of gift for the purpose of removing the individual's name from the organ and tissue donor registry created in RCW 68.50.635 (as recodified by this act). If the Washington state organ procurement organization that is notified does not maintain a registry for Washington residents, it shall notify all Washington state procurement organizations that do maintain such a registry.

(4) A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

(5) A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection (1) of this section.

**NEW SECTION. Sec. 38** (1) An individual may refuse to make an anatomical gift of the individual's body or part by:

(a) A record signed by:

(i) The individual; or

(ii) Subject to subsection (2) of this section, another individual acting at the direction of the individual if the individual is physically unable to sign;

(b) The individual's will, whether or not the will is admitted to probate or invalidated after the individual's death; or

(c) Any form of communication made by the individual during the individual's terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

(2) A record signed pursuant to subsection (1)(a)(ii) of this section must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the individual; and

(b) State that it has been signed and witnessed as provided in (a) of this subsection.

(3) An individual who has made a refusal may amend or revoke the refusal:

(a) In the manner provided in subsection (1) of this section for making a refusal;

(b) By subsequently making an anatomical gift pursuant to section 5 of this act that is inconsistent with the refusal; or

(c) By destroying or canceling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

(4) Except as otherwise provided in section 8(8) of this act, in the absence of an express, contrary indication by the individual set forth in the refusal, an individual's unrevoked refusal to make an anatomical gift of the individual's body or part bars all other persons from making an anatomical gift of the individual's body or part.

**NEW SECTION. Sec. 39** (1) Except as otherwise provided in subsection (7) of this section and subject to subsection (6) of this section, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending, or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's body or part under section 5 of this act or an amendment to an anatomical gift of the donor's body or part under section 6 of this act.

(2) A donor's revocation of an anatomical gift of the donor's body or part under section 6 of this act is not a refusal and does not bar another person specified in section 4 or 9 of this act from making an anatomical gift of the donor's body or part under section 5 or 10 of this act.

(3) If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under section 5 of this act or an amendment to an anatomical gift of the donor's body or part under section 6 of this act, another person may not make, amend, or revoke the gift of the donor's body or part under section 10 of this act.

(4) A revocation of an anatomical gift of a donor's body or part under section 6 of this act by a person other than the donor does not bar another person from making an anatomical gift of the body or part under section 5 or 10 of this act.

(5) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 4 of this act, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

(6) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 4 of this act, an anatomical gift of a part for one or more of the permitted purposes is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under section 5 or 10 of this act.

(7) If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

(8) If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor's refusal.

**NEW SECTION. Sec. 40** (1) Subject to subsections (2) and (3) of this section and unless barred by section 7 or 8 of this act, an anatomical gift of a decedent's body or part may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(a) An agent of the decedent at the time of death who could have made an anatomical gift under section 4(2) of this act immediately before the decedent's death;

(b) The spouse, or domestic partner registered as required by state law, of the decedent;

(c) Adult children of the decedent;

(d) Parents of the decedent;

(e) Adult siblings of the decedent;

(f) Adult grandchildren of the decedent;

(g) Grandparents of the decedent;

SEVENTEENTH DAY, JANUARY 30, 2008

2008 REGULAR SESSION

(h) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(i) Any other person having the authority under applicable law to dispose of the decedent's body.

(2) If there is more than one member of a class listed in subsection (1)(a), (c), (d), (e), (f), (g), or (h) of this section entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under section 11 of this act knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

(3) A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection (1) of this section is reasonably available to make or to object to the making of an anatomical gift.

**NEW SECTION. Sec. 41** (1) A person authorized to make an anatomical gift under section 9 of this act may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the individual receiving the oral communication.

(2) Subject to subsection (3) of this section, an anatomical gift by a person authorized under section 9 of this act may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under section 9 of this act may be:

(a) Amended only if a majority of the reasonably available members agree to the amending of the gift; or

(b) Revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

(3) A revocation under subsection (2) of this section is effective only if, before an incision has been made to remove a part from the donor's body or before transplant procedures have begun on the recipient, the procurement organization, transplant hospital, or physician or technician knows of the revocation.

**NEW SECTION. Sec. 42** (1) An anatomical gift may be made to the following persons named in the document of gift:

(a) For research or education: A hospital; an accredited medical school, dental school, college, or university; or an organ procurement organization;

(b) Subject to subsection (2) of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of the part;

(c) An eye bank or tissue bank.

(2) If an anatomical gift to an individual under subsection (1)(b) of this section cannot be transplanted into the individual, the part passes in accordance with subsection (7) of this section in the absence of an express, contrary indication by the person making the anatomical gift.

(3) If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection (1) of this section but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(a) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank.

(b) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank.

(c) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(d) If the part is an organ, an eye, or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement organization.

(4) For the purpose of subsection (3) of this section, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift must be used for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education.

(5) If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection (1) of this section and does not identify the purpose of the gift, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection (7) of this section.

(6) If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor," "organ donor," or "body donor," or by a symbol or statement of similar import, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection (7) of this section.

(7) For purposes of subsections (2), (5), and (6) of this section the following rules apply:

(a) If the part is an eye, the gift passes to the appropriate eye bank.

(b) If the part is tissue, the gift passes to the appropriate tissue bank.

(c) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(8) An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under subsection (1)(b) of this section, passes to the organ procurement organization as custodian of the organ.

(9) If an anatomical gift does not pass pursuant to subsections (1) through (8) of this section or the decedent's body or part is not used for transplantation, therapy, research, or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

(10) A person may not accept an anatomical gift if the person knows that the gift was not effectively made under section 5 or 10 of this act or if the person knows that the decedent made a refusal under section 7 of this act that was not revoked. For purposes of this subsection (10), if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

(11) Except as otherwise provided in subsection (1)(b) of this section, nothing in this chapter affects the allocation of organs for transplantation or therapy.

**NEW SECTION. Sec. 43** (1) A document of gift need not be delivered during the donor's lifetime to be effective.

(2) Upon or after an individual's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the individual shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the individual or by a person to which the gift could pass under section 11 of this act.

**NEW SECTION. Sec. 44** (1) When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of the records of the department of licensing and any donor registry that it knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

(2) A procurement organization must be allowed reasonable access to information in the records of the department of licensing to ascertain whether an individual at or near death is a donor.

(3) When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or

SEVENTEENTH DAY, JANUARY 30, 2008

education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

(4) Unless prohibited by law other than this chapter, at any time after a donor's death, the person to which a part passes under section 11 of this act may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

(5) Unless prohibited by law other than this chapter, an examination under subsection (3) or (4) of this section may include an examination of all medical records of the donor or prospective donor.

(6) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

(7) Upon referral by a hospital under subsection (1) of this section, a procurement organization shall make a reasonable search for any person listed in section 9 of this act having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, it shall promptly advise the other person of all relevant information.

(8) Subject to sections 11(9), 21, and 22 of this act, the rights of the person to which a part passes under section 11 of this act are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this chapter, a person that accepts an anatomical gift of an entire body may allow embalming, burial, or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 11 of this act, upon the death of the donor and before embalming, burial, or cremation, shall cause the part to be removed without unnecessary mutilation.

(9) Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

(10) A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

**NEW SECTION. Sec. 45** When English is not the first language of the person or persons making, amending, revoking, or refusing anatomical gifts as defined in this act, organ procurement organizations are responsible for providing, at no cost, appropriate interpreter services or translations to such persons for the purpose of making such decisions.

**NEW SECTION. Sec. 46** Each hospital in this state shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

**NEW SECTION. Sec. 47** (1) Except as otherwise provided in subsection (2) of this section, a person who, for valuable consideration, knowingly purchases or sells a part for transplantation or therapy if removal of a part from an individual is intended to occur after the individual's death is guilty of a class C felony under RCW 9A.20.010.

(2) A person may charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation, or disposal of a part.

**NEW SECTION. Sec. 48** A person who, in order to obtain financial gain, intentionally falsifies, forges, conceals, defaces, or obliterates a document of gift, an amendment or revocation of a document of gift, or a refusal is guilty of a class C felony under RCW 9A.20.010.

2008 REGULAR SESSION

**NEW SECTION. Sec. 49** (1) A person who acts in accordance with this chapter or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution, or administrative proceeding.

(2) Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

(3) In determining whether an anatomical gift has been made, amended, or revoked under this chapter, a person may rely upon representations of an individual listed in section 9(1)(b) through (g) of this act relating to the individual's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

**NEW SECTION. Sec. 50** (1) A document of gift is valid if executed in accordance with:

(a) This chapter;

(b) The laws of the state or country where it was executed;

or

(c) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence, or was a national at the time the document of gift was executed.

(2) If a document of gift is valid under this section, the law of this state governs the interpretation of the document of gift.

(3) A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

**NEW SECTION. Sec. 51** (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Advance health care directive" means a power of attorney for health care or a "directive" as defined in RCW 70.122.020.

(b) "Declaration" means a record signed by a prospective donor specifying the circumstances under which a life support system may be withheld or withdrawn from the prospective donor.

(c) "Health care decision" means any decision made regarding the health care of the prospective donor.

(2) If a prospective donor has a declaration or advance health care directive, and the terms of the declaration or directive and the express or implied terms of a potential anatomical gift are in conflict with regard to the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy, the prospective donor's attending physician and the prospective donor shall confer to resolve the conflict. If the prospective donor is incapable of resolving the conflict, an agent acting under the prospective donor's declaration or directive, or, if none or the agent is not reasonably available, another person authorized by law other than this chapter to make health care decisions on behalf of the prospective donor, shall act for the donor to resolve the conflict. The conflict must be resolved as expeditiously as possible. Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift for the prospective donor under section 9 of this act. Before resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor if withholding or withdrawing the measures is not contraindicated by appropriate end-of-life care.

**NEW SECTION. Sec. 52** (1)(a) A coroner or medical examiner shall cooperate with procurement organizations, to the extent that such cooperation does not prevent, hinder, or impede the timely investigation of death, to facilitate the opportunity to recover anatomical gifts for the purpose of transplantation or therapy. However, a coroner or medical examiner may limit the number of procurement organizations with which he or she cooperates.

(b) The coroner or medical examiner may release the initial investigative information to the tissue or organ procurement

SEVENTEENTH DAY, JANUARY 30, 2008

2008 REGULAR SESSION

organization for the purpose of determining the suitability of the potential donor by those organizations. The information released for this purpose shall remain confidential. The coroner or medical examiner is not liable for any release of confidential information by the procurement organization.

(2)(a) Procurement organizations shall cooperate with the coroner or medical examiner to ensure the preservation of and timely transfer to the coroner or medical examiner any physical or biological evidence from a prospective donor that the procurement organization may have contact with or access to that is required by the coroner or medical examiner for the investigation of death.

(b) If the coroner or medical examiner or a designee releases a part for donation under subsection (4) of this section, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the coroner or medical examiner with a record describing the condition of the part, biopsies, residual tissue, photographs, and any other information and observations requested by the coroner or medical examiner that would assist in the investigation of death.

(3) A part may not be removed from the body of a decedent under the jurisdiction of a coroner or medical examiner for transplantation, therapy, research, or education unless the part is the subject of an anatomical gift, and has been released by the coroner or medical examiner. The body of a decedent under the jurisdiction of the coroner or medical examiner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift. This subsection does not preclude a coroner or medical examiner from performing the medicolegal investigation upon the body or relevant parts of a decedent under the jurisdiction of the coroner or medical examiner.

(4) If an anatomical gift of a part from the decedent under the jurisdiction of the coroner or medical examiner has been or might be made, but the coroner or medical examiner initially believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death, the collection of evidence, or the description, documentation, or interpretation of injuries on the body, the coroner or medical examiner may consult with the procurement organization or physician or technician designated by the procurement organization about the proposed recovery. After consultation, the coroner or medical examiner may release the part for recovery.

**NEW SECTION. Sec. 53** This chapter is subject to the laws of this state governing the jurisdiction of the coroner or medical examiner.

**NEW SECTION. Sec. 54** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**NEW SECTION. Sec. 55** This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act (15 U.S.C. Sec. 7001 et seq.) with respect to electronic signatures and anatomical gifts, but does not modify, limit, or supersede section 101(a) of that act (15 U.S.C. Sec. 7001), or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. Sec. 7003(b)).

**Sec. 56** RCW 1.50.010 and 1998 c 59 s 2 are each amended to read as follows:

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

(1) "Organ donor" means an individual who makes an anatomical gift as specified in ~~((RCW 68.50.530(+)))~~ chapter 68.-- RCW (sections 1 through 24 of this act).

(2) "Organ procurement organization" ~~((means any accredited or certified organ or eye bank))~~ has the same meaning as in section 2 of this act.

(3) "Person" means a person specified in ~~((RCW 68.50.550))~~ section 9 of this act.

**Sec. 57** RCW 46.12.510 and 2003 c 94 s 6 are each amended to read as follows:

An applicant for a new or renewed registration for a vehicle required to be registered under this chapter or chapter 46.16 RCW may make a donation of one dollar or more to the organ and tissue donation awareness account to promote the donation of organs and tissues under the provisions of the uniform anatomical gift act, ~~((RCW 68.50.520 through 68.50.630))~~ chapter 68.-- RCW (sections 1 through 24 of this act). The department shall collect the donations and credit the donations to the organ and tissue donation awareness account, created in RCW 68.50.640 (as recodified by this act). At least quarterly, the department shall transmit donations made to the organ and tissue donation awareness account to the foundation established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. All Washington state organ procurement organizations will have proportional access to these funds to conduct public education in their service areas. The donation of one or more dollars is voluntary and may be refused by the applicant. The department shall make available informational booklets or other informational sources on the importance of organ and tissue donations to applicants.

The department shall inquire of each applicant at the time the completed application is presented whether the applicant is interested in making a donation of one dollar or more and shall also specifically inform the applicant of the option for organ and tissue donations as required by RCW 46.20.113. The department shall also provide written information to each applicant volunteering to become an organ and tissue donor. The written information shall disclose that the applicant's name shall be transmitted to the organ and tissue donor registry created in RCW 68.50.635 (as recodified by this act), and that the applicant shall notify a Washington state organ procurement organization of any changes to the applicant's donor status.

All reasonable costs associated with the creation of the donation program created under this section must be paid proportionally or by other agreement by a Washington state organ procurement organization.

For the purposes of this section, "reasonable costs" and "Washington state organ procurement organization" have the same meaning as defined in ~~((RCW 68.50.530))~~ section 2 of this act.

**Sec. 58** RCW 46.20.113 and 1993 c 228 s 18 are each amended to read as follows:

The department of licensing shall provide a statement whereby the licensee may certify his or her willingness to make an anatomical gift under ~~((RCW 68.50.540))~~ section 4 of this act, as now or hereafter amended. The department shall provide the statement in at least one of the following ways:

- (1) On each driver's license; or
- (2) With each driver's license; or
- (3) With each in-person driver's license application.

**Sec. 59** RCW 46.20.1131 and 2003 c 94 s 5 are each amended to read as follows:

The department shall electronically transfer the information of all persons who upon application for a driver's license or identocard volunteer to donate organs or tissue to a registry created in RCW 68.50.635 (as recodified by this act), and any subsequent changes to the applicant's donor status when the applicant renews a driver's license or identocard or applies for a new driver's license or identocard.

**NEW SECTION. Sec. 60** Sections 1 through 24 of this act constitute a new chapter in Title 68 RCW.

**NEW SECTION. Sec. 61** RCW 68.50.635 and 68.50.640 are each recodified as sections in the new chapter created in section 29 of this act.

SEVENTEENTH DAY, JANUARY 30, 2008

2008 REGULAR SESSION

**NEW SECTION. Sec. 62** The following acts or parts of acts are each repealed:

1 RCW 68.50.500 (Identification of potential donors--Hospital procedures) and 1993 c 228 s 20, 1987 c 331 s 71, & 1986 c 129 s 1;

2 RCW 68.50.510 (Good faith compliance with RCW 68.50.500--Hospital liability) and 1987 c 331 s 72 & 1986 c 129 s 2;

3 RCW 68.50.520 (Anatomical gifts--Findings--Declaration) and 1993 c 228 s 1;

4 RCW 68.50.530 (Anatomical gifts--Definitions) and 2003 c 94 s 2, 1996 c 178 s 15, & 1993 c 228 s 2;

5 RCW 68.50.540 (Anatomical gifts--Authorized--Procedures--Changes--Refusal) and 2003 c 94 s 4, 1995 c 132 s 1, & 1993 c 228 s 3;

6 RCW 68.50.550 (Anatomical gifts--By person other than decedent) and 2007 c 156 s 26 & 1993 c 228 s 4;

7 RCW 68.50.560 (Anatomical gifts--Hospital procedure--Records--Liability) and 1993 c 228 s 5;

8 RCW 68.50.570 (Anatomical gifts--Donees) and 1993 c 228 s 6;

9 RCW 68.50.580 (Anatomical gifts--Document of gift--Delivery) and 1993 c 228 s 7;

10 RCW 68.50.590 (Anatomical gifts--Rights of donee--Time of death--Actions by technician, enucleator) and 1993 c 228 s 8;

11 RCW 68.50.600 (Anatomical gifts--Hospitals--Procurement and use coordination) and 1993 c 228 s 9;

12 RCW 68.50.610 (Anatomical gifts--Illegal purchase or sale--Penalty) and 2003 c 53 s 312 & 1993 c 228 s 10; and

13 RCW 68.50.620 (Anatomical gifts--Examination for medical acceptability--Jurisdiction of coroner, medical examiner--Liability limited) and 1993 c 228 s 11."

Senators Keiser and Pflug spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Keiser to Senate Bill No. 5657.

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

**MOTION**

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

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 1.50.010, 46.12.510, 46.20.113, and 46.20.1131; adding a new chapter to Title 68 RCW; recodifying RCW 68.50.635, and 68.50.640; repealing RCW 68.50.500, 68.50.510, 68.50.520, 68.50.530, 68.50.540, 68.50.550, 68.50.560, 68.50.570, 68.50.580, 68.50.590, 68.50.600, 68.50.610, and 68.50.620; and prescribing penalties."

On motion of Senator Keiser, the rules were suspended, Engrossed Senate Bill No. 5657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5657.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5657 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SENATE BILL NO. 5657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**MOTION**

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

**THIRD READING**

ENGROSSED SUBSTITUTE SENATE BILL NO. 5261, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Franklin, Kohl-Welles, Fairley and Kline).

Granting the insurance commissioner the authority to review individual health benefit plan rates.

The bill was read on Third Reading.

Senator Keiser spoke in favor of passage of the bill.

**PARLIAMENTARY INQUIRY**

Senator Schoesler: "Recently the voters enacted Initiative 960 which requires OFM to perform fiscal analysis and provide public notice on measures which impose taxes or fees. This measure allows the Insurance Commissioner to increase health benefit plan rates. Regardless of whether this authority characterizes a tax or fee, this language should trigger OFM's duties under I-960. It is true that this measure was introduced last year prior to the enactment of I-960. I-960 requires, however, OFM to perform fiscal analysis and provide public notice at key points along the legislature's consideration of a tax or fee measure. This present floor action certainly could qualify as one of these key points. Because OFM has not provided proper fiscal analysis and public notice on this measure, I believe that the bill is not properly before us and I respectfully request a ruling thereon."

Senate Brown spoke against the parliamentary inquiry.

**MOTION**

At 10:47 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:44 a.m. by President Owen.

**RULING BY THE PRESIDENT**

President Owen: "In ruling on the inquiry raised by Senator Schoesler as to the application of Initiative Number 960 to Engrossed Substitute Senate Bill 5261, the President finds and rules as follows:

I-960 contains many provisions, but, for purposes of my analysis, its major sections may be properly segregated as conferring obligations on two branches of government: First, the Office of Financial Management, as part of the executive branch, is charged with providing certain fiscal analysis and public notice when a bill imposes a tax or a fee. Second, I-960 imposes certain obligations upon the Legislature, requiring supermajority votes on and referral to the voters of particular measures under certain circumstances relating to the imposition of tax increases. In this particular case, Senator Schoesler is challenging OFM's determination that this measure is neither a tax nor a fee, and therefore those provisions of I-960 which require OFM to perform fiscal analysis and provide public notice are not triggered.

The President reminds the body that he provides parliamentary rulings, not legal advice. While the President can properly rule on those provisions of I-960 which affect this body and the votes required for a particular measure under consideration, he has no authority to decide the propriety of actions taken by coordinate branches of government. The President renders no opinion as to whether OFM should have applied the mandates of I-960 to this particular bill; instead, under long-established precedent with respect to comity, he defers to OFM's judgment that it has complied with its obligations under I-960. It is not the role of the presiding officer to second-guess the legal judgments of another branch of government.

The President wishes to make clear that he is deferring to OFM's judgment only with respect to its determination of its own duties under I-960; he reserves the right to independently determine whether a measure is a tax or fee for purposes of the ultimate vote needed in this chamber, and need not defer to OFM's prior opinion on this subject with respect to such a ruling. In such a case, his judgment will be independent from that of OFM, and he will analyze each measure on its own merits, irrespective of prior OFM action.

In this particular case, Senator Schoesler's inquiry related to whether or not OFM should have provided fiscal analysis and public notice under I-960. Because it is not the President's role to make a determination as to the legal obligations of a coordinate branch of government, the President finds that this measure is properly before the body for consideration, and Senator Schoesler's point is not well-taken."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5261.

Senators Pflug, Roach, Parlette and Carrell spoke against passage of the bill.

Senators Marr, Hobbs, Franklin and Keiser spoke in favor of passage of the bill.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5261 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker

and Zarelli - 18

ENGROSSED SUBSTITUTE SENATE BILL NO. 5261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:15 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 31, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTEENTH DAY, JANUARY 31, 2008

2008 REGULAR SESSION

**EIGHTEENTH DAY****NOON SESSION**

Senate Chamber, Olympia, Thursday, January 31, 2008

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

January 28, 2008

**SB 5043** Prime Sponsor, Senator Haugen: Dedicating a portion of the state property tax levy to state parks. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5043 be substituted therefor, and the second substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Rockefeller; Spanel and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Stevens.

Passed to Committee on Ways & Means.

January 28, 2008

**SB 5256** Prime Sponsor, Senator Prentice: Providing for the exclusion of veterans benefits from the income calculation for the retired person property tax relief program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5256 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 28, 2008

**SB 5642** Prime Sponsor, Senator Kohl-Welles: Addressing cigarette ignition propensity. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5642 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Zarelli; Brandland; Carrell; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 28, 2008

**SB 5780** Prime Sponsor, Senator Eide: Preserving manufactured/mobile home communities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5780 as recommended by Committee on Consumer Protection & Housing be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 30, 2008

**SB 6203** Prime Sponsor, Senator Sheldon: Authorizing a local sales tax deducted from the state portion of the sales tax for purposes of implementing water quality projects. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6203 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Hatfield; Morton; Oemig and Regala.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Pridemore.

Passed to Committee on Ways & Means.

January 28, 2008

**SB 6232** Prime Sponsor, Senator Jacobsen: Requiring a specialized forest products permit to sell raw or unprocessed huckleberries. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6232 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Hargrove and Spanel.

Passed to Committee on Rules for second reading.

January 29, 2008

**SB 6237** Prime Sponsor, Senator Kilmer: Modifying armed forces provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Swecker; Berkey; Delvin; Eide; Holmquist; Kastama; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

January 29, 2008

**SB 6239** Prime Sponsor, Senator Fairley: Concerning ad hoc review board processes for annexation proposals. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton, Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

EIGHTEENTH DAY, JANUARY 31, 2008

2008 REGULAR SESSION

January 29, 2008

SB 6240 Prime Sponsor, Senator Fairley: Addressing the signature validation process for petitions that seek annexation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Roach and Benton.

Passed to Committee on Rules for second reading.

January 30, 2008

SB 6282 Prime Sponsor, Senator Keiser: Establishing patient-centered primary care pilots. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6282 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

January 30, 2008

SB 6307 Prime Sponsor, Senator Rockefeller: Regarding marine managed areas. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6307 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Hatfield; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Ways & Means.

January 28, 2008

SB 6313 Prime Sponsor, Senator McAuliffe: Recognizing disability history in the public education system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6315 Prime Sponsor, Senator Morton: Including a wolf-hybrid in the definition of a "potentially dangerous wild animal." Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2008

SB 6321 Prime Sponsor, Senator Marr: Transferring jurisdictional route transfer responsibilities from the

transportation improvement board to the transportation commission. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton, Berkey; Delvin; Eide; Holmquist; Kastama; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

January 29, 2008

SB 6324 Prime Sponsor, Senator Sheldon: Providing liability immunity for aerial search and rescue activities managed by the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6324 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton, Berkey; Delvin; Eide; Holmquist; Kastama; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

January 29, 2008

SB 6409 Prime Sponsor, Senator Prentice: Concerning the imposition of delinquency tax rates for qualified employers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

January 29, 2008

SB 6410 Prime Sponsor, Senator Prentice: Correcting statutory references in the calculation of predecessor and successor employer contribution rates. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

January 29, 2008

SB 6447 Prime Sponsor, Senator Hobbs: Allowing unpaid leaves of absence for military personnel needs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6458 Prime Sponsor, Senator Keiser: Improving patient safety through increased regulation of health professionals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Kastama; Kohl-Welles and Marr.

EIGHTEENTH DAY, JANUARY 31, 2008

2008 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug; Carrell and Parlette.

Passed to Committee on Ways & Means.

January 29, 2008

SB 6464 Prime Sponsor, Senator Fairley: Addressing judicial district population estimates. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton, Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2008

SB 6468 Prime Sponsor, Senator King: Concerning the taxation of honey beekeepers. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6468 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Morton and Shin.

Passed to Committee on Ways & Means.

January 29, 2008

SB 6476 Prime Sponsor, Senator Hatfield: Concerning the sales and use tax rate for public facilities in rural counties. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Morton and Shin.

Passed to Committee on Ways & Means.

January 28, 2008

SB 6503 Prime Sponsor, Senator McDermott: Approving the segmented mathematics assessment as an alternative assessment. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6503 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Holmquist; Kauffman; McDermott; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6534 Prime Sponsor, Senator McAuliffe: Regarding the revision of mathematics standards. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6538 Prime Sponsor, Senator McAuliffe: Creating programs to improve reading instruction. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6538 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senator and King.

Passed to Committee on Ways & Means.

January 29, 2008

SB 6591 Prime Sponsor, Senator Benton: Regulating insurance producers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

January 30, 2008

SB 6658 Prime Sponsor, Senator Murray: Regarding the procurement of renewable resources. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Fraser; Hatfield; Holmquist; Oemig and Regala.

Passed to Committee on Rules for second reading.

January 29, 2008

SB 6728 Prime Sponsor, Senator Berkey: Enacting the governor's homeownership security task force recommendations regarding responsible mortgage lending and homeownership. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

January 30, 2008

SB 6730 Prime Sponsor, Senator Kilmer: Regarding child care at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6730 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

January 29, 2008

SB 6794 Prime Sponsor, Senator Haugen: Requiring the procurement of new ferry vessels that carry no more than one hundred motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6794 be substituted therefor, and the substitute bill do

EIGHTEENTH DAY, JANUARY 31, 2008

2008 REGULAR SESSION

pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Berkey; Delvin; Eide; Kastama; Kilmer; Sheldon and Spanel.

MINORITY recommendation: Signed by Senator Benton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist; King and Pflug.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6796 Prime Sponsor, Senator Fraser: Concerning the information required to be reported in the annual economic impact report on lodging tax revenues. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

Passed to Committee on Economic Development, Trade & Management.

January 28, 2008

SJM 8023 Prime Sponsor, Senator Morton: Requesting resources to manage gray wolf depredation in Washington. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2008

SJM 8024 Prime Sponsor, Senator Hargrove: Requesting that Highway 112 be named the "Vietnam War Veterans' Memorial Highway." Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton, Berkey; Delvin; Eide; Holmquist; Kastama; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 28, 2008

SGA 9261 MYRA JOHNSON, appointed on February 15, 2007, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland; Eide; Hobbs; Kauffman; McDermott; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2008

SGA 9267 STEPHANIE SALZMAN, appointed on February 15, 2007, for the term ending June 30, 2008, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland; Eide; Hobbs; Kauffman; McDermott; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2008

SGA 9286 LORI BLANCHARD, appointed on September 24, 2007, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Tom, Vice Chair; Brandland; Eide; Hobbs; Kauffman; McDermott; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2008

SGA 9299 ANNABELLE FITTS, reappointed on July 2, 2007, for the term ending July 1, 2011, as Member of the Board of Trustees, State School for the Blind. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland; Eide; Hobbs; Kauffman; McDermott; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2008

SGA 9323 JAMES L KEMP, reappointed on July 2, 2007, for the term ending July 1, 2012, as Member of the Board of Trustees, State School for the Blind. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland; Eide; Hobbs; Kauffman; McDermott; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2008

SGA 9365 JOYCE WESTGARD, appointed on July 1, 2007, for the term ending June 30, 2011, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland; Eide; Hobbs; Kauffman; McDermott; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated

EIGHTEENTH DAY, JANUARY 31, 2008

with the exception of Senate Bill No. 6203 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGES FROM STATE OFFICES

January 29, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, Land Use Options & Recommendations Report. This report is mandated under Chapter 520, Laws of 2007.

If you have any questions about the report, please call 360-902-8154.

Sincerely,

Robin Arnold-Williams, Secretary

The Department of Social & Health Services, Land Use Options & Recommendations Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

January 29, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, Racial Disproportionality in the Juvenile Justice System Report. This report is mandated under RCW 13.06.050(3).

If you have any questions about the report, please call 360-902-8499.

Sincerely,

Robin Arnold-Williams, Secretary

The Department of Social & Health Services, Racial Disproportionality in the Juvenile Justice System Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

January 25, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

2008 REGULAR SESSION

Enclosed is Washington State Health Care Authority, Employment Status of Basic Health Enrollees Report. This report is mandated under RCW 70.47.170.

The Washington State Health Care Authority, Employment Status of Basic Health Enrollees Report is on file in the Office of the Secretary of the Senate.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 30, 2008

MR. PRESIDENT:

The House has passed the following bills:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637,

ENGROSSED HOUSE BILL NO. 1887

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2176,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2225,

SECOND ENGROSSED HOUSE BILL NO. 2373,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 30, 2008

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 2026,

SUBSTITUTE HOUSE BILL NO. 2219,

SUBSTITUTE HOUSE BILL NO. 2380,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6882 by Senators Swecker and Rasmussen

AN ACT Relating to developing a flood mitigation plan for the upper Chehalis subbasin; creating new sections; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6883 by Senator Swecker

AN ACT Relating to industrial insurance disability pensions; and amending RCW 51.32.160.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6884 by Senators Fraser, Prentice and Swecker

AN ACT Relating to excise tax parity for voice over internet protocol services; amending RCW 82.14.020; reenacting

EIGHTEENTH DAY, JANUARY 31, 2008

2008 REGULAR SESSION

and amending RCW 82.14B.030; adding a new section to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6885 by Senators King and Swecker

AN ACT Relating to abstracts of driving records; amending RCW 46.52.130; and providing an effective date.

Referred to Committee on Transportation.

SB 6886 by Senators Oemig and Swecker

AN ACT Relating to access to complementary and alternative health care practitioners; adding a new chapter to Title 18 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6887 by Senators Sheldon, Kohl-Welles and Rasmussen

AN ACT Relating to leave from employment for state employees who are volunteer firefighters; and amending RCW 41.06.550.

Referred to Committee on Government Operations & Elections.

SB 6888 by Senators Sheldon and Delvin

AN ACT Relating to higher education; amending RCW 28B.50.873; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 6889 by Senators Pflug, Keiser, Parlette, Kohl-Welles, Oemig, Rasmussen, Weinstein and McCaslin

AN ACT Relating to the development of a secure internet-based format for health care quality data; adding a new section to chapter 70.38 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6890 by Senators Oemig and Tom

AN ACT Relating to collection and submission of teacher and student identifier data; and amending RCW 28A.320.175.

Referred to Committee on Early Learning & K-12 Education.

SB 6891 by Senators Stevens, Hargrove, Carrell, Brandland and Roach

AN ACT Relating to children's administration social workers; adding a new section to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6892 by Senators Fraser, Brandland, Pridemore, McAuliffe and Rasmussen

AN ACT Relating to the time limits of school impact fee expenditures; amending RCW 82.02.070; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Government Operations & Elections.

SB 6893 by Senators Holmquist, Shin and Delvin

AN ACT Relating to intellectual diversity; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 6894 by Senators Hobbs, Sheldon, Zarelli, Regala and Stevens

AN ACT Relating to clarifying the definition of customer location for purposes of municipal business and occupation taxes; and amending RCW 35.102.130.

Referred to Committee on Government Operations & Elections.

SB 6895 by Senators Roach, Benton, Rasmussen, McCaslin, Shin, Honeyford and Carrell

AN ACT Relating to combat bonuses for veterans; adding a new section to chapter 73.04 RCW; creating a new section; and making an appropriation.

Referred to Committee on Government Operations & Elections.

SB 6896 by Senators Kline and Kohl-Welles

AN ACT Relating to creating a pilot program addressing legal representation for children in dependency proceedings who are age twelve and over; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 6897 by Senators Kline, Pridemore, Rockefeller and Jacobsen

AN ACT Relating to assessing the state's geothermal resources for electrical power production; and creating new sections.

Referred to Committee on Water, Energy & Telecommunications.

SB 6898 by Senators Kline and Hargrove

AN ACT Relating to felony sentencing; amending RCW 9.94A.510, 9.94A.535, 9.94A.190, and 9.94A.850; and prescribing penalties.

Referred to Committee on Judiciary.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

2ESHB 1637 by House Committee on Health Care & Wellness (originally sponsored by Representatives Hinkle, Cody, B. Sullivan, Moeller, Campbell, Williams, Green, Lovick, Upthegrove, Seaquist, Goodman, Simpson, Morrell, Linville, Ormsby and Rolfes)

EIGHTEENTH DAY, JANUARY 31, 2008

2008 REGULAR SESSION

AN ACT Relating to creating the revised uniform anatomical gift act; amending RCW 1.50.010, 46.12.510, 46.20.113, and 46.20.1131; adding a new chapter to Title 68 RCW; recodifying RCW 68.50.500, 68.50.635, and 68.50.640; repealing RCW 68.50.510, 68.50.520, 68.50.530, 68.50.540, 68.50.550, 68.50.560, 68.50.570, 68.50.580, 68.50.590, 68.50.600, 68.50.610, and 68.50.620; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

EHB 1887 by Representatives Linville, Armstrong and Grant

AN ACT Relating to allowing identicaid renewal by mail or electronic commerce for individuals over the age of seventy; amending RCW 46.20.117; and providing an effective date.

Referred to Committee on Transportation.

HB 2026 by Representatives Santos, McDermott, Haigh, Sullivan, Ericks, Simpson, Ormsby and Hasegawa

AN ACT Relating to recruiters' access to high school students; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Early Learning & K-12 Education.

2E2SHB 2176 by House Committee on Appropriations (originally sponsored by Representatives Lantz, Warnick, Pedersen, Ross, Hasegawa, Kenney, Santos and Goodman)

AN ACT Relating to interpreter services; amending RCW 2.42.120, 2.43.040, and 2.56.030; and adding a new section to chapter 2.43 RCW.

Referred to Committee on Judiciary.

SHB 2219 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt, B. Sullivan, Kessler and Kretz)

AN ACT Relating to forest practices regulations applicable to small forest landowners; amending RCW 76.13.120 and 76.13.140; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 2225 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Anderson and Wood)

AN ACT Relating to a statewide enhanced 911 emergency radio network to improve public notification during an ongoing emergency; and creating a new section.

Referred to Committee on Government Operations & Elections.

2EHB 2373 by Representatives McCune, Ahem, Kretz, Pearson, Roach and Kenney

AN ACT Relating to enhancing school bus driver safety; and amending RCW 46.52.130.

Referred to Committee on Transportation.

SHB 2380 by House Committee on Finance (originally sponsored by Representatives Ericks, Orcutt, Hunter, Kretz, Linville and Ormsby)

AN ACT Relating to providing taxpayer relief for costs associated with compliance with the sourcing requirements of the streamlined sales and use tax agreement; adding a new section to chapter 82.32 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6896 which was referred to the Committee on Human Services & Corrections.

#### MOTION

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

#### MOTION

Senator Kohl-Welles moved adoption of the following resolution:

#### SENATE RESOLUTION 8713

By Senators Kohl-Welles, Eide, Kauffman, Fairley, Prentice, Fraser, Rasmussen, Zarelli, Parlette, Schoesler, Brandland, Hewitt, Swecker, King, and Spanel

WHEREAS, January 11th has been designated a National Day of Human Trafficking Awareness by the United States Congress; and

WHEREAS, In 1948, President Harry Truman signed a bill into law, declaring February 1st, National Freedom Day, and the day was chosen because it was on that day in 1865 when President Abraham Lincoln signed the Thirteenth Amendment to the Constitution, outlawing slavery; and

WHEREAS, Washington state has been in the forefront, nationally, in the fight against human trafficking; and

WHEREAS, The widespread media coverage of the murders of two Washington mail-order brides, Susanna Blackwell from the Philippines and Anastasia King from Kyrgyzstan, by their husbands, and the forced servitude of Helen Clemente, also from the Philippines, brought to the public's attention one facet of the much larger and more insidious phenomenon of human trafficking; and

WHEREAS, A conference on human trafficking was held at the University of Washington in 2001, spearheaded by then-state representative Velma Veloria, University of Washington Center for Research on Women Executive Director Sutapa Basu, and various organizations in the Asia-Pacific Islanders community; and

WHEREAS, Organizations like the Tronie Foundation, founded by Trong and Rani Hong, themselves victims of human trafficking, operate in Washington state to give a voice and support to victims of human trafficking; and

WHEREAS, In 1998, former state Senator and Congresswoman, Linda Smith, established Shared Hope International, a nonprofit organization with the mission of rescuing and restoring victims of sex trafficking; and

WHEREAS, Through legislation introduced by former state representative Velma Veloria and former senator Jeralita Costa, the Washington state task force against the trafficking of persons was created in 2002, the first of its kind in the nation; and

EIGHTEENTH DAY, JANUARY 31, 2008

2008 REGULAR SESSION

WHEREAS, That same year, Washington was the first state in the nation to pass the mail-order bride act, which requires international matchmaking agencies to provide, upon request, criminal and marital background information on Washington state residents using the agency to meet prospective brides in other countries; and

WHEREAS, In 2003, Washington became the first state to criminalize trafficking and to extend protections to mail-order brides; and

WHEREAS, In 2005, Washington again led all other states in establishing protocols for providing services to victims of trafficking, and in providing funds for legal aid to undocumented aliens who are victims of sexual assault, domestic violence, or human trafficking; and

WHEREAS, In 2006, Washington became only the second state in the nation after Hawaii to place restrictions on sex tourism, and it provided funding for the Washington State Task Force Against the Trafficking of Persons to resume its work for two more years to develop recommendations leading to the creation of a Comprehensive Response to Human Trafficking; and

WHEREAS, Victims of human trafficking need support in order to escape and recover from the physical, mental, emotional, and spiritual trauma associated with their victimization; and

WHEREAS, Human traffickers use many physical and psychological techniques to control their victims, including the use of violence or threats of violence against the victim or the victim's family, isolation from the public, isolation from the victim's family and religious or ethnic communities, language and cultural barriers, shame, control of the victim's possessions, confiscation of passports and other identification documents, and threats of arrest, deportation, or imprisonment if the victim attempts to reach out for assistance or leave; and

WHEREAS, The United States was founded on principles of protecting individual freedom; there is a national and state imperative to eliminate human trafficking, including early or forced marriage, commercial sexual exploitation, forced labor, labor obtained through debt bondage, involuntary servitude, slavery, and slavery by descent;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize those people and organizations, including Trong and Rani Hong, the Tronic Foundation, former senator Linda Smith and Shared Hope International, former state representative Velma Veloria, former state senator Jeralita Costa, the Washington state task force against the trafficking of persons, and the community organizations and nongovernmental organizations that fight daily against the scourge of human trafficking, and encourage others to observe the National Day of Human Trafficking Awareness with appropriate ceremonies and activities to combat human trafficking; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the department of community, trade, and economic development office of crime victims advocacy, to former state representative Velma Veloria, to former state senator Jeralita Costa, to Dr. Sutapa Basu, Executive Director of the University of Washington Center for Research on Women, to the Washington state task force against the trafficking of persons, to Trong and Rani Hong and the Tronic Foundation, and to former state senator and congresswoman Linda Smith and Shared Hope International.

Senators Kohl-Welles, Eide and Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8713.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington State Task Force Against the Trafficking of

Persons, Former Senator Jeralita Costa, Former State Representative Velma Veloria and Rani Hong of the Tronic Foundation who were seated in the gallery.

#### MOTION

Senator Eide moved adoption of the following resolution:

#### SENATE RESOLUTION 8706

By Senators McAuliffe, Zarelli, Franklin, Delvin, Jacobsen, Hatfield, Rasmussen, Murray, Brown, Kohl-Welles, Pflug, McCaslin, Parlette, Swecker, Tom, King, Berkey, Prentice, Fairley, Hewitt, and Spanel

WHEREAS, Catholic schools will be celebrating "Catholic Schools Week 2008" by recognizing that "Catholic Schools Light the Way"; and

WHEREAS, Across the United States, close to half of students enrolled in private schools attend Catholic schools; and

WHEREAS, With their emphasis on academic excellence and moral values, Catholic schools enjoy high satisfaction rates among students and parents and high achievement rates, including high school graduation rates of more than 99 percent; and

WHEREAS, Catholic schools encourage parent and community involvement in schools via a school board, commission, council, or parent organization; and

WHEREAS, Close to 200,000 teachers and staff have answered the call to service in Catholic schools; and

WHEREAS, The 7,800 Catholic schools in the United States, both elementary and secondary, save the government and taxpayers up to twenty billion dollars a year in public school expenses; and

WHEREAS, Catholic education is an integral part of the mission of the Catholic Church, and its strong commitment to students and educational excellence is of great value to the State of Washington; and

WHEREAS, Catholic schools have been enriching students' lives in Washington State for more than one hundred fifty years; and

WHEREAS, Catholic schools encourage and prepare students to obtain high levels of achievement through religious, academic, and cocurricular programs, and the schools are committed to serving students of diverse backgrounds; and

WHEREAS, With a commitment to service, Catholic schools have produced many of our finest leaders throughout this state and nation, Catholic Schools Week provides an opportunity to celebrate the contributions of the schools to our State;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the Catholic schools of Washington State and honor their academic excellence and faith-based instruction during this celebration of Catholic Schools Week, January 27 through February 2, 2008; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, the Diocese of Yakima, and the Washington State Catholic Conference.

Senator Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8706.

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

#### MOTION

At 12:14 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 1, 2008.

BRAD OWEN, President of the Senate

EIGHTEENTH DAY, JANUARY 31, 2008  
THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

159  
2008 REGULAR SESSION

NINETEENTH DAY, FEBRUARY 1, 2008

2008 REGULAR SESSION

**NINETEENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, February 1, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Eide and Jacobsen.

The Sergeant at Arms Color Guard consisting of Pages Devyn Goodman and Andrew Highet, presented the Colors. Pastor Dwayne Deskins of the New Life Fellowship Church offered the prayer.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

January 31, 2008

**SB 6196** Prime Sponsor, Senator Pridemore: Modifying definitions applicable to local infrastructure financing tool program demonstration projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 31, 2008

**SB 6216** Prime Sponsor, Senator Prentice: Authorizing of the governor to enter into a cigarette tax contract with the Shoalwater Bay Tribe. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

January 31, 2008

**SB 6270** Prime Sponsor, Senator Prentice: Providing for the enforcement of cigarette taxes through regulation of stamped and unstamped cigarettes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs;

Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 30, 2008

**SB 6287** Prime Sponsor, Senator Marr: Prohibiting smoking in a motor vehicle when a child is in the motor vehicle. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Kohl-Welles and Marr.

MINORITY recommendation: Do not pass. Signed by Senator Pflug, Carrel and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kastama.

Passed to Committee on Rules for second reading.

January 28, 2008

**SB 6376** Prime Sponsor, Senator McAuliffe: Regarding the basic education funding allocation for certificated instructional staff. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: Signed by Senators King and Holmquist.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Ways & Means.

January 31, 2008

**SB 6389** Prime Sponsor, Senator Brown: Exempting certain military housing from property and leasehold excise taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6389 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Oemig; Parlette; Rasmussen; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 31, 2008

**SB 6414** Prime Sponsor, Senator Prentice: Authorizing a cigarette tax agreement between the state of Washington and the Yakama Nation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

NINETEENTH DAY, FEBRUARY 1, 2008

2008 REGULAR SESSION

January 30, 2008

January 28, 2008

SB 6421 Prime Sponsor, Senator Pridemore: Providing medical coverage for smoking cessation programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

January 30, 2008

SB 6448 Prime Sponsor, Senator Marr: Providing for intensive behavior support services for children with developmental disabilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

January 28, 2008

SB 6453 Prime Sponsor, Senator Tom: Clarifying the timeline for release of education records to the department of social and health services. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6453 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Holmquist; Kauffman; McDermott; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6454 Prime Sponsor, Senator Tom: Creating programs to improve educational outcomes for students in foster care. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6454 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and King.

Passed to Committee on Ways & Means.

January 29, 2008

SB 6481 Prime Sponsor, Senator Benton: Excluding the value of rebates from sales and use taxation. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6481 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Ways & Means.

SB 6549 Prime Sponsor, Senator McAuliffe: Creating the sustainable environment culminating project grant program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6549 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King.

Passed to Committee on Ways & Means.

January 31, 2008

SB 6641 Prime Sponsor, Senator Regala: Providing that voter-approved increases in property tax levy limitations for a multiyear period of up to six years do not permanently increase a taxing district's levy base, unless otherwise provided in the ballot proposition. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6695 Prime Sponsor, Senator Weinstein: Concerning distressed home transactions. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6695 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen and Kilmer.

Passed to Committee on Rules for second reading.

## MOTION

On motion of Marr, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6481 which was referred to the Committee on Ways & Means.

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 6899 by Senators Rockefeller, Haugen, Oemig, Shin, Kilmer and Rasmussen

AN ACT Relating to limiting the rate of increase of property valuations; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.36.041, 84.52.063, and

NINETEENTH DAY, FEBRUARY 1, 2008

2008 REGULAR SESSION

84.70.010; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways & Means.

**SB 6900** by Senators Tom, Kohl-Welles, Pridemore, Keiser and Kline

AN ACT Relating to establishing vehicle engine displacement and emissions fees; adding new sections to chapter 46.17 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

**SB 6901** by Senator Jacobsen

AN ACT Relating to addressing environmental impacts from off-road vehicle use; amending RCW 46.09.030, 46.09.040, 46.09.050, 46.09.070, 46.09.080, 46.09.085, 46.09.117, 4.24.210, 46.09.120, and 46.09.200; reenacting and amending RCW 46.09.170; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

**SB 6902** by Senator Rockefeller

AN ACT Relating to improving the clarity of the Washington clean air act by increasing readability through policy neutral changes; amending RCW 70.94.011, 70.94.015, 70.94.017, 70.94.030, 70.94.035, 70.94.037, 70.94.040, 70.94.041, 70.94.053, 70.94.055, 70.94.069, 70.94.070, 70.94.081, 70.94.085, 70.94.091, 70.94.092, 70.94.093, 70.94.094, 70.94.096, 70.94.097, 70.94.100, 70.94.120, 70.94.130, 70.94.141, 70.94.142, 70.94.151, 70.94.153, 70.94.154, 70.94.155, 70.94.157, 70.94.161, 70.94.162, 70.94.163, 70.94.165, 70.94.170, 70.94.181, 70.94.200, 70.94.205, 70.94.211, 70.94.230, 70.94.240, 70.94.260, 70.94.262, 70.94.331, 70.94.332, 70.94.335, 70.94.350, 70.94.370, 70.94.380, 70.94.385, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 70.94.420, 70.94.422, 70.94.425, 70.94.430, 70.94.431, 70.94.435, 70.94.440, 70.94.450, 70.94.455, 70.94.457, 70.94.460, 70.94.470, 70.94.473, 70.94.475, 70.94.477, 70.94.480, 70.94.483, 70.94.510, 70.94.521, 70.94.527, 70.94.528, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.544, 70.94.547, 70.94.551, 70.94.600, 70.94.610, 70.94.620, 70.94.630, 70.94.640, 70.94.650, 70.94.651, 70.94.654, 70.94.656, 70.94.660, 70.94.665, 70.94.670, 70.94.690, 70.94.700, 70.94.710, 70.94.715, 70.94.720, 70.94.725, 70.94.730, 70.94.743, 70.94.745, 70.94.750, 70.94.755, 70.94.760, 70.94.765, 70.94.765, 70.94.775, 70.94.780, 70.94.785, 70.94.800, 70.94.820, 70.94.850, 70.94.875, 70.94.880, 70.94.892, 70.94.901, 70.94.960, 70.94.970, 70.94.996, 1.16.030, 28B.130.010, 43.01.225, 43.01.230, 43.01.240, 43.21B.110, 43.21B.300, 43.21B.310, 43.21C.0381, 43.21K.020, 43.41.140, 43.42.070, 46.08.172, 46.68.020, and 52.12.150; reenacting and amending RCW 70.94.152; adding a new chapter to Title 70 RCW; creating new sections; recodifying RCW 70.94.011, 70.94.030, 70.94.331, 70.94.040, 70.94.181, 70.94.035, 70.94.200, 70.94.205, 70.94.335, 70.94.157, 70.94.370, 70.94.420, 70.94.510, 70.94.033, 70.94.440, 70.94.015, 70.94.017, 70.94.960, 70.94.630, 70.94.544, 70.94.053, 70.94.081, 70.94.055, 70.94.390, 70.94.400, 70.94.069, 70.94.070, 70.94.120, 70.94.100, 70.94.141, 70.94.130, 70.94.142,

70.94.091, 70.94.092, 70.94.093, 70.94.094, 70.94.096, 70.94.385, 70.94.097, 70.94.380, 70.94.230, 70.94.170, 70.94.085, 70.94.240, 70.94.600, 70.94.405, 70.94.410, 70.94.262, 70.94.260, 70.94.395, 70.94.151, 70.94.152, 70.94.153, 70.94.154, 70.94.155, 70.94.161, 70.94.162, 70.94.163, 70.94.850, 70.94.892, 70.94.710, 70.94.715, 70.94.720, 70.94.725, 70.94.730, 70.94.450, 70.94.455, 70.94.457, 70.94.470, 70.94.460, 70.94.473, 70.94.477, 70.94.475, 70.94.041, 70.94.483, 70.94.480, 70.94.650, 70.94.656, 70.94.660, 70.94.670, 70.94.690, 70.94.700, 70.94.665, 70.94.745, 70.94.755, 70.94.743, 70.94.780, 70.94.750, 70.94.765, 70.94.775, 70.94.651, 70.94.654, 70.94.800, 70.94.820, 70.94.875, 70.94.880, 70.94.521, 70.94.037, 70.94.527, 70.94.528, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.547, 70.94.551, 70.94.555, 70.94.996, 70.94.165, 70.94.970, 70.94.350, 70.94.425, 70.94.430, 70.94.431, 70.94.435, 70.94.785, 70.94.211, 70.94.332, 70.94.422, 70.94.610, 70.94.620, 70.94.640, 70.94.645, 70.94.760, and 70.94.901; decodifying RCW 70.94.025, 70.94.445, 70.94.488, 70.94.505, 70.94.902, 70.94.904, 70.94.905, 70.94.906, 70.94.911, and 70.94.950; and repealing RCW 70.94.860, 70.94.057, 70.94.068, 70.94.095, 70.94.110, 70.94.143, 70.94.221, 70.94.231, 70.94.453, 70.94.463, 70.94.467, 70.94.805, 70.94.524, 70.94.980, and 70.94.990.

Referred to Committee on Water, Energy & Telecommunications.

**SB 6903** by Senators Fraser, Brandland, Oemig, Roach, Franklin, Spanel, Parlette, Rockefeller and Rasmussen

AN ACT Relating to the prioritization of public four-year institution capital project requests; amending RCW 28B.76.210; adding a new chapter to Title 43 RCW; creating new sections; and repealing RCW 28B.76.220.

Referred to Committee on Ways & Means.

**SB 6904** by Senators Swecker, Roach and Rasmussen

AN ACT Relating to providing tax relief for property damaged as a result of a natural disaster; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

**SB 6905** by Senators Swecker, Roach and Rasmussen

AN ACT Relating to an extension of the commencement-of-construction date for a sales and use tax for public facilities districts in national disaster area counties; reenacting and amending RCW 82.14.390; and providing an effective date.

Referred to Committee on Ways & Means.

**SB 6906** by Senators Swecker, Roach and Rasmussen

AN ACT Relating to mitigation for hydraulic projects undertaken in response to a flood event; and amending RCW 77.55.271.

Referred to Committee on Natural Resources, Ocean & Recreation.

**SB 6907** by Senators Oemig, Brandland, Weinstein, McDermott and Hobbs

NINETEENTH DAY, FEBRUARY 1, 2008

2008 REGULAR SESSION

AN ACT Relating to personal use of certain state-owned resources by state officers or employees; adding a new section to chapter 42.17 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SJR 8228 by Senators Rockefeller, Haugen, Oemig, Shin, Kilmer, Sheldon, McAuliffe and Rasmussen

Limiting property valuation increases.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Marr, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Kristin Cox, the 2007 Miss Tri Cities, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Miss Tri Cities to perform on the saxophone.

REMARKS BY THE PRESIDENT

President Owen: "The President has the great privilege of being able to introduce a very distinguished and accomplished guest with us this morning. Her name is Kristin Cox, she is Miss Tri Cities 2007 and she's here with her director Dot Stewart. Miss Tri Cities, Kristin, is twenty-two years old, was born and raised in Washington winning the title of Miss Tri Cities and ten thousand dollars in cash and in-kind scholarships as allowed Kristin to begin her college education. She's a full time student at Columbia Basin College and plans to attend WSU Tri Cities to obtain her bachelors degree after receiving her AA. She's currently considering occupational therapy as a potential career. Kristin will be Miss Tri Cities until July of this year while she will compete for Miss Washington and she is also an avid magician. She will be addressing the caucuses later today but this morning rather than speak to us, she is going to speak with her music. We have the great privilege of having her play a very difficult, the President can attest to it, it's a very difficult song. He's a wanna be sax player and can't play this song. So, it's my great privilege to have Miss Tri Cities on the alto sax."

MOTION

Senator Franklin moved adoption of the following resolution:

SENATE RESOLUTION  
8709

By Senators Franklin, Benton, Berkey, Schoesler, Parlette, Holmquist, Shin, Hewitt, Brandland, Honeyford, Spanel, Tom, Kauffman, Kastama, Rasmussen, Regala, Roach, McCaslin, Pflug, King, Delvin, Morton, Kilmer, Swecker, Hatfield, Haugen, Prentice, Marr, Brown, Eide, Carrell, Zarelli, and Hobbs

WHEREAS, The soldiers of the 3rd Stryker Brigade Combat Team, 2nd Infantry Division, were sent to Iraq for what was to have been a year-long deployment; and

WHEREAS, The 3,800 soldiers of the 3rd Stryker Brigade stayed for fifteen months in Iraq, after seeing action in Mosul, Baghdad, and many other parts of that country considered among the toughest and most dangerous; and

WHEREAS, The troops of the Arrowhead Stryker Brigade, as they are also known, moved farther, faster, and fought harder than any other unit in today's army, according to commander Col. Stephen Townsend; and

WHEREAS, The soldiers of the 3rd Stryker Brigade were credited with saving and changing the lives of Iraqi people; and

WHEREAS, Through the bravery and dedication of the 3rd Stryker Brigade, areas of Iraq that had been abandoned by civilians due to extreme danger were repopulated; and

WHEREAS, Through "Operation Arrowhead Ripper" to clear al-Qaida insurgents in Iraq, soldiers from the 3rd Brigade captured hundreds of enemy fighters and cleared dozens of bombs and booby-trapped houses, making it possible to then launch humanitarian relief efforts; and

WHEREAS, The 3rd Stryker Brigade lost 48 soldiers, and suffered the wounding of 700; and

WHEREAS, Ten soldiers of the 3rd Stryker Brigade were awarded the Silver Star, the nation's third-highest award for combat valor: Staff Sgt. Mark Grover; Staff Sgt. Shawn McGuire; Staff Sgt. David Plush; Sgt. Steven Peters; Spc. Gildardo Cebreneros; Staff Sgt. Ismael Iban-Cordero; Staff Sgt. Jon M. Hilliard; Maj. Brent Clemmer; and Spc. Curtis Lundren; with one awarded posthumously to Sgt. Jason Harkins; and

WHEREAS, The members of the 3rd Stryker Brigade were redeployed to Fort Lewis in September 2007;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the sacrifice and valor of these Soldiers who served their country with great distinction and honor, and express its appreciation to their families for the sacrifices they made during the deployment of their loved ones; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the commander of the 3rd Stryker Brigade Combat Team, 2nd Infantry Division.

Senators Franklin, Swecker, Haugen, Carrell, Rasmussen, Hobbs, Shin and McCaslin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8709.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the 3rd Stryker Brigade Combat Team Silver Star recipients: Sergeant First Class Iban, Staff Sergeant Hilliard, Staff Sergeant McGuire, Staff Sergeant Plush, Sergeant Peters and Specialist Cebreneros who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced First Gentleman, Mike Gregoire and Colonel Dave E. Funk, Commander of the Third Stryker Brigade Combat Team who were seated at the rostrum.

MOTION

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

PERSONAL PRIVILEGE

NINETEENTH DAY, FEBRUARY 1, 2008

2008 REGULAR SESSION

Senator Sheldon: "Mr. President, I just think I'd be remiss, it's been two weeks since a tragic event in Moses Lake. A mentor to me, a real pioneer in public power, Vera Claussen lost her life in a residential house fire. Vera Claussen served public power for forty-seven years. She really was a pioneer. She of, course, was a Commissioner in Grant County PUD. She was a, also worked for the Public Utility District Association and was an executive board member for Energy Northwest. When I joined Energy Northwest she was very kind to me, told me the ropes, taught me a lot of things about public power. I think she was a woman very much before her time, really a pioneer, also was very much recognized for the American Public Power Association but I just wanted to rise and recognize her and make that point. What an inspiration she was to all of us. She retired in 2006 and was able to, I think, receive some of the accolades from her peers and others that knew her well. She did die in a tragic fire she last, two weeks ago in Grant County and that was very sad."

## PERSONAL PRIVILEGE

Senator Holmquist: "Thank you. I would just like to add to what my good colleague just mentioned in regards to Vera Claussen. Our thoughts and prayers are with her family, her forty-seven years of service to the PUD and public power and our community, has left a lasting impression. Her contributions will be everlasting and my prayers and thoughts are with her family. Thank you Mr. President."

## SECOND READING

SENATE BILL NO. 6332, by Senators Kauffman, Kilmer, Shin, Murray, Sheldon, Marr, Rasmussen, Franklin, Berkey, Haugen, Kohl-Welles, Regala, Keiser, Spanel, McDermott, Rockefeller, Kline, Tom and McAuliffe

Increasing the debt limit of the housing finance commission.

The measure was read the second time.

## MOTION

On motion of Senator Kauffman, the rules were suspended, Senate Bill No. 6332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Honeyford spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senators Eide and Jacobsen were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6332.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6332 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr,

McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Eide and Jacobsen - 2

SENATE BILL NO. 6332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6339, by Senators Kohl-Welles, Swecker, Hargrove, Regala, Fraser, Marr and Kauffman

Providing for address confidentiality of victims of trafficking.

## MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6339 was substituted for Senate Bill No. 6339 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Swecker and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6339.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6339 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Eide and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 6339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. Last week on Friday we ran out of time to have adoption of the Senate Resolution No. 8713 that had to do with human trafficking. We did have this in Pro Forma Session yesterday at which time we had former Representative Velma Veloria and former Senator Jeralita Costa in the gallery with us as well as Rani Hong who has today announced at a press conference that we had this morning of a new shelter for victims of trafficking that will be opening up. The obvious location is not being disclosed but it is Western Washington. First in the state and likely the one of the very first in the whole country. It will be called Nells home. This is a very important issue as we addressed with today being

NINETEENTH DAY, FEBRUARY 1, 2008

2008 REGULAR SESSION

National Day of Freedom. Two weeks ago today, for the first time, we had the National Day of Trafficking Awareness that was proclaimed by the United States Congress. What is important to recognize is not only have we led the way in the United States, our state has the led the way with former Representative Veloria, former Senator Costa but also former State Senator Linda Smith, also former Congresswoman Smith her herself had opened an organization, Shared Hope International, to help rescue victims, child victims in particular of prostitution and trafficking in the South East Asia area. We were the first state in the country to have a task force developed, Anti Trafficking Task Force back in 2002. This came about as a result of a lot of work by members of the legislature but most importantly members in the community, victim advocacy groups, particularly those in the Asian Pacific Islander community because of two murders of mail-order brides, Anastasia King from Kurdistan and Susan Blackwell from the Philippines. We have led the way ever since being the first state in the country to criminalize trafficking, the first state in the country to provide protections, to what have been called mail-order brides. We've had three iterations of a state task force against trafficking. We were also the first state in the country to establish protocols through an integrated partnership among policy makes, those in the criminal justice system, law enforcement, prosecutors, victim advocacy groups to deliver services in a coordinated way for victims of trafficking. The current task force on trafficking anti-trafficking efforts will be issuing it's recommendations to the legislature very soon. They are meeting to finalize those. We have a lot more that we need do. We're equal distance between Europe and Asia, we're the closest port to Asia and unfortunately the United State is the destination country for the real evils, evils of people being trafficked, against their will or being coursed. This is something we will continue to work on. I salute this Senate for all that has been done and I look forward to bringing with Senator Swecker additional legislation next year. Thank you."

MOTION

At 10:57 a.m., on motion of Senator Marr, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:41 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5524, by Senators Berkey, Schoesler, Fairley and Roach

Regulating manufactured home parks or manufactured housing communities. Revised for 1st Substitute: Addressing the restriction of mobile home or manufactured home locations.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5524 was substituted for Senate Bill No. 5524 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5524 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5524.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5524 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Eide and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6385, by Senators Weinstein, Kauffman, Fraser, Marr, Pridemore, Fairley, Brown, McAuliffe and Kohl-Welles

Concerning real property.

MOTION

On motion of Senator Weinstein, Substitute Senate Bill No. 6385 was substituted for Senate Bill No. 6385 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 1, beginning on line 4, strike the remainder of the bill and insert the following:

"NEW SECTION. Sec. 1. The legislature finds there have been distressing examples in Washington state of homeowners experiencing significant financial hardship due to avoidable residential construction defects. To minimize this occurrence, and to provide relief as appropriate, it is the intent of the legislature that a committee be established to comprehensively examine issues concerning residential construction defects. Such examination shall include, but not be limited to, issues regarding residential construction professional licensing, state building code revisions, and statutory remedies for construction or inspection defects.

NEW SECTION. Sec. 2. (1) A committee is established to:  
 (a) Examine license requirements for residential construction professionals, including, but not limited to, whether contractors should be licensed and what education and training requirements should exist;

(b) Evaluate remedies at law for residential construction defects including, but not limited to, statutory causes of action for negligent construction or building code inspection. Within this evaluation, the committee shall examine the likely impact, if any, such causes of action would have on housing prices, insurance costs for construction professionals, and local governments' liability; and

NINETEENTH DAY, FEBRUARY 1, 2008

2008 REGULAR SESSION

(c) Examine the state building code and determine whether the code should be strengthened to protect homeowners.

(2) The committee consists of the following members who shall be persons with experience and expertise in residential construction law or residential construction:

(a) A member, who shall be the chair of the committee, jointly appointed by the speaker of the house of representatives and the president of the senate;

(b) One member from each caucus of the senate, appointed by the president of the senate;

(c) One member from each caucus of the house of representatives, appointed by the speaker of the house of representatives;

(d) The president of the state building code council or the president's designee;

(e) The following seven members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) Two residential builders;

(ii) One residential remodeler;

(iii) One third-party private residential building inspector;

(iv) One local government building inspector;

(v) A residential construction defect plaintiff's attorney; and

(vi) A residential construction defect defense attorney.

(3) By December 1, 2008, the committee shall deliver to the consumer protection and housing committee of the senate and judiciary committee of the house of representatives a report of the findings and conclusions of the committee and any proposed legislation.

**NEW SECTION. Sec. 3.** This act expires January 1, 2009."

On page 1, line 1 of the title, after "property", strike the remainder of the title and insert "creating new sections and providing an expiration date."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Weinstein spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, beginning on line 4 to Substitute Senate Bill No. 6385.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Weinstein, the rules were suspended, Substitute Senate Bill No. 6385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

Senator Brandland spoke against passage of the bill.

#### POINT OF INQUIRY

Senator Hargrove: "As I read this bill, it says that it allows the homeowner to sue a contractor for violating the contractor's duty of reasonable care in the construction of the home. If this bill passes, will a person who files a claim be able to recover for pain and suffering, mental anguish, or punitive damages, or is the person's claim limited to economic damages?"

Senator Weinstein: "No. This bill follows the common law, which allows for the recovery of economic damages only, and

the law does not allow for the recovery of damages for pain and suffering, mental anguish, or punitive damages."

Senators Hargrove and Tom spoke in favor of passage of the bill.

Senators Honeyford, Holmquist, Schoesler and Stevens spoke against passage of the bill.

#### POINT OF INQUIRY

Senator Pflug: "Ok so, does this Senate Bill No. 6385 create an opportune, a new cause action against a previous homeowner of the building or a subcontractor involved in the construction?"

Senator Weinstein: "Construction professionals that work on homes can be liable if they violate a duty of reasonable care. Last year's bill, the warranty bill, was very extensive and this bill is a two sentence bill and I want to leave some of it's interpretation to the courts to do consistent with the common law over the centuries. So, a lot of it will have to be interpreted by the court."

Senator Pflug: "But probably a subcontractor, what about a homeowner, a previous homeowner?"

Senator Weinstein: "Previous homeowner that did what? They had to do construction work?"

Senator Pflug: "If they hired someone to do construction would they also potentially be liable?"

Senator Weinstein: "No."

Senator Pflug: "If they did it themselves they might be liable."

Senator Weinstein: "If they did it themselves they could potentially be liable and that's what the court would say."

Senator Pflug: "My final question, does it apply to contractors who do business in Washington even if they are not licensed in Washington?"

Senator Weinstein: "Absolutely. Licensed, unlicensed, absolutely."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6385.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6385 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 27

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Kilmer, King, McCaslin, Morton, Parlette, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

NINETEENTH DAY, FEBRUARY 1, 2008

2008 REGULAR SESSION

Excused: Senators Eide and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 6385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Substitute Senate Bill No. 6385 was immediately transmitted to the House of Representatives.

MOTION

At 12:20 p.m., on motion of Senator Marr, the Senate adjourned until 12:00 noon, Monday, February 4, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-SECOND DAY, FEBRUARY 4, 2008

2008 REGULAR SESSION

**TWENTY-SECOND DAY****NOON SESSION**

Senate Chamber, Olympia, Monday, February 4, 2008

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

January 31, 2008

**SB 5271** Prime Sponsor, Senator Pridemore: Modifying when a special election may be held. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5271 be substituted therefor, and the second substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2008

**SB 5596** Prime Sponsor, Senator Franklin: Concerning discrimination against chiropractors. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5596 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Regala; Roach; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

January 30, 2008

**SB 5762** Prime Sponsor, Senator Kilmer: Concerning funding for jobs, economic development, and local capital projects. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Second Substitute Senate Bill No. 5762 be substituted therefor, and the second substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

January 30, 2008

**SB 5989** Prime Sponsor, Senator Kastama: Providing a property tax exemption for property owned or used by nonprofit organizations for small startup businesses. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Second Substitute Senate Bill No. 5989 be substituted therefor, and the second substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

January 31, 2008

**SB 6135** Prime Sponsor, Senator Marr: Eliminating requirements for scoliosis screening in schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Rasmussen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Weinstein.

Passed to Committee on Rules for second reading.

January 31, 2008

**SB 6183** Prime Sponsor, Senator Parlette: Providing a process for the dissolution of first-class school directors' districts. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Holmquist; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

January 31, 2008

**SB 6185** Prime Sponsor, Senator Fairley: Allowing treasurer discretion in property tax payment scheduling. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6185 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Swecker.

Passed to Committee on Rules for second reading.

January 30, 2008

**SB 6195** Prime Sponsor, Senator Haugen: Modifying the definition of rural county for economic development purposes. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 6195 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

February 1, 2008

**SB 6244** Prime Sponsor, Senator Carrell: Addressing the conversion of existing facilities to house offenders violating community supervision. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6244 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

TWENTY-SECOND DAY, FEBRUARY 4, 2008

2008 REGULAR SESSION

January 31, 2008

SB 6305 Prime Sponsor, Senator Kohl-Welles: Granting discretion to the department of health with respect to federal funding for the prevention of teen pregnancy. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Fairley; Kohl-Welles; Marr and Parlette.

MINORITY recommendation: Do not pass. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

February 1, 2008

SB 6306 Prime Sponsor, Senator Rockefeller: Authorizing visitation rights for relatives of dependent children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6306 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 1, 2008

SB 6308 Prime Sponsor, Senator Rockefeller: Preparing for and adapting to climate change. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6308 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Hatfield; Oemig and Regala.

MINORITY recommendation: Do not pass. Signed by Senator Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford; Holmquist and Morton.

Passed to Committee on Ways & Means.

January 31, 2008

SB 6314 Prime Sponsor, Senator McAuliffe: Providing for arts education funding. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6314 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Ways & Means.

January 31, 2008

SB 6316 Prime Sponsor, Senator Prentice: Providing that the gambling revolving fund retain its investment earnings. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6316 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 30, 2008

SB 6319 Prime Sponsor, Senator Kilmer: Extending the application deadlines for sales and use tax deferral programs. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

February 1, 2008

SB 6325 Prime Sponsor, Senator Hargrove: Expanding juvenile offender suspended disposition alternatives. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6325 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6334 Prime Sponsor, Senator Franklin: Regarding the scope of practice of health care assistants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 1, 2008

SB 6367 Prime Sponsor, Senator Eide: Changing provisions relating to child protective services investigations. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6367 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6377 Prime Sponsor, Senator Hobbs: Regarding secondary career and technical education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6377 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Ways & Means.

January 31, 2008

SB 6388 Prime Sponsor, Senator Rasmussen: Creating pilot programs for learning disabilities, including autism spectrum disorder. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Ways & Means.

January 30, 2008

TWENTY-SECOND DAY, FEBRUARY 4, 2008

2008 REGULAR SESSION

SB 6407 Prime Sponsor, Senator Franklin: Increasing the small business credit for the business and occupation tax. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

February 1, 2008

SB 6435 Prime Sponsor, Senator Franklin: Modifying a foster parent license due to a change of residence. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 1, 2008

SB 6436 Prime Sponsor, Senator Hargrove: Requiring federal name-based criminal history record checks when a child is placed in out-of-home care in an emergency situation. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6436 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6441 Prime Sponsor, Senator Prentice: Regarding Washington state gambling commission revenue actions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist and King.

Passed to Committee on Ways & Means.

January 31, 2008

SB 6445 Prime Sponsor, Senator Pridemore: Allowing cost recovery for fire protection and public safety services rendered on navigable waters of the state to commercial vessels by fire protection agencies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6445 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6463 Prime Sponsor, Senator Roach: Limiting mandatory overtime for corrections officers employed by a city or county jail. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Labor, Commerce, Research & Development.

January 30, 2008

SB 6527 Prime Sponsor, Senator Kastama: Addressing the failure to transfer motor vehicle title and registration. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6527 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

January 30, 2008

SB 6528 Prime Sponsor, Senator Kastama: Concerning the staffing and operational costs of the economic development commission. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

February 1, 2008

SB 6530 Prime Sponsor, Senator Regala: Regarding the children's safe products act. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6530 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Hatfield; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and Morton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Honeyford.

Passed to Committee on Ways & Means.

January 31, 2008

SB 6535 Prime Sponsor, Senator McAuliffe: Requiring an assessment of the need for teacher preparation programs for teachers of visually impaired and blind public school students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6535 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6640 Prime Sponsor, Senator Rasmussen: Providing opportunities for professional development for instructional assistants. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Holmquist; McDermott; Oemig and Rasmussen.

Passed to Committee on Ways & Means.

January 31, 2008

TWENTY-SECOND DAY, FEBRUARY 4, 2008

2008 REGULAR SESSION

SB 6669 Prime Sponsor, Senator Kline: Permitting persons with developmental disabilities to make living decisions regarding independent supported living providers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

January 31, 2008

SB 6673 Prime Sponsor, Senator McAuliffe: Creating extended learning opportunities. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6673 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senators King and Holmquist.

Passed to Committee on Ways & Means.

January 31, 2008

SB 6677 Prime Sponsor, Senator Fraser: Changing the composition of the board of directors of the Washington materials management and financing authority. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6685 Prime Sponsor, Senator Pflug: Regarding the ethical use of e-mail for legislative updates. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 30, 2008

SB 6690 Prime Sponsor, Senator Kilmer: Regarding the office of regulatory assistance. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6715 Prime Sponsor, Senator Tom: Specifying authority of the executive director of the state board of education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6716 Prime Sponsor, Senator Murray: Expanding rights and responsibilities for domestic partnerships. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6716 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach; Benton and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6732 Prime Sponsor, Senator Kohl-Welles: Implementing the recommendations of the joint legislative task force on the underground economy in the construction industry. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6732 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King and Prentice.

Passed to Committee on Ways & Means.

February 1, 2008

SB 6753 Prime Sponsor, Senator Fraser: Regarding changes in calling burn bans for solid fuel burning devices. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Honeyford; Fraser; Hatfield; Holmquist; Morton; Oemig and Regala.

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6765 Prime Sponsor, Senator Parlette: Concerning the Washington state health insurance pool. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

February 1, 2008

SB 6773 Prime Sponsor, Senator Kastama: Providing a sales and use tax exemption for environmentally certified residential and commercial construction. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Hatfield; Holmquist; Oemig; Pridemore and Regala.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Morton.

Passed to Committee on Ways & Means.

January 30, 2008

SB 6774 Prime Sponsor, Senator Kastama: Promoting regional industry cluster growth. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 6774 be substituted therefor, and the substitute bill do

TWENTY-SECOND DAY, FEBRUARY 4, 2008

2008 REGULAR SESSION

pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

January 30, 2008

**SB 6775** Prime Sponsor, Senator Kauffman: Addressing the digital literacy and technology training needs of low-income and underserved areas through state support of community technology programs. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 6775 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

February 1, 2008

**SB 6790** Prime Sponsor, Senator Hargrove: Creating a pilot program for the postsecondary education of inmates. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6790 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

January 31, 2008

**SB 6813** Prime Sponsor, Senator Rasmussen: Creating a roving early intervention specialist pilot program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Ways & Means.

February 1, 2008

**SB 6826** Prime Sponsor, Senator Hargrove: Concerning search and seizures of offenders and their property in department of corrections field offices. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 1, 2008

**SB 6855** Prime Sponsor, Senator Kilmer: Regarding state economic development programs. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 6855 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

#### MOTION

On motion of Marr, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5989 and Senate Bill No. 6765 which were referred to the Committee on Ways & Means and Senate Bill No. 6716 which was referred to the Rules Committee.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 1, 2008

MR. PRESIDENT:

The House has passed the following bills:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211,  
SUBSTITUTE HOUSE BILL NO. 1246,  
HOUSE BILL NO. 1930,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MESSAGE FROM THE HOUSE

February 1, 2008

MR. PRESIDENT:

The House has passed the following bills:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1453,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MESSAGE FROM THE HOUSE

February 1, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SECOND SUBSTITUTE HOUSE BILL NO. 1734,  
HOUSE BILL NO. 2448,  
HOUSE BILL NO. 2467,  
HOUSE BILL NO. 2473,  
HOUSE BILL NO. 2478,  
HOUSE BILL NO. 2495,  
HOUSE BILL NO. 2499,  
HOUSE BILL NO. 2540,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

There being no objection, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

**SB 6908** by Senators Rasmussen, Holmquist, King, Hobbs, Roach, Shin, Benton, Weinstein, Kastama, Zarelli, Delvin, Pflug, Carrell and Stevens

AN ACT Relating to the pledge of allegiance; and amending RCW 28A.230.140.

Referred to Committee on Early Learning & K-12 Education.

**SB 6909** by Senators Marr, Keiser and Parlette

AN ACT Relating to the nursing facility medicaid payment system; amending RCW 74.46.431, 74.46.435, 74.46.511,

TWENTY-SECOND DAY, FEBRUARY 4, 2008

2008 REGULAR SESSION

and 74.46.521; adding a new section to chapter 74.46 RCW; and repealing RCW 74.46.437.

Referred to Committee on Health & Long-Term Care.

SB 6910 by Senators Shin, Brandland, Berkey, Delvin, Hobbs, Schoesler, Kilmer, Spanel and Sheldon

AN ACT Relating to honorary doctoral degrees; and amending RCW 28B.35.205.

Referred to Committee on Higher Education.

SB 6911 by Senators Franklin, Kline and Kohl-Welles

AN ACT Relating to studying Washington's fiscal resources, structure, and needs; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6912 by Senators Haugen, Swecker, Berkey, McAuliffe, Marr, Kilmer, Rasmussen, Hargrove and Fraser

AN ACT Relating to increasing property tax relief for senior citizens and persons retired by reason of physical disability to qualify for property tax relief; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1211 by House Committee on Finance (originally sponsored by Representatives Chase, Morris, Upthegrove, Wallace, Kagi, McCune, Moeller, Dunn, Linville and Morrell)

AN ACT Relating to providing tax exemptions for solar hot water components; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1246 by House Committee on Human Services (originally sponsored by Representatives McCoy, Darneille, Dickerson, Ahern, Kenney and Moeller)

AN ACT Relating to residential services and support enforcement standards; reenacting and amending RCW 71A.12.270; creating a new section; and recodifying RCW 71A.12.270.

Referred to Committee on Health & Long-Term Care.

2SHB 1734 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Haigh, Chandler, McDermott, Hunt, Armstrong, Kretz and Ormsby)

AN ACT Relating to reorganizing campaign contribution and disclosure laws; amending RCW 42.17.367, 42.17.369, 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.380, 42.17.405, 42.17.420, 42.17.450, 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.135, 42.17.510, 42.17.520, 42.17.540, 42.17.110, 42.17.610, 42.17.640, 42.17.645, 42.17.070, 42.17.095, 42.17.125, 42.17.660,

42.17.720, 42.17.740, 42.17.790, 42.17.680, 42.17.130, 42.17.245, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, 42.17.400, and 42.56.010; reenacting and amending RCW 42.17.020 and 42.17.2401; adding a new chapter to Title 42 RCW; creating new sections; recodifying RCW 42.17.010, 42.17.020, 42.17.035, 42.17.440, 42.17.367, 42.17.369, 42.17.460, 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.380, 42.17.405, 42.17.420, 42.17.430, 42.17.450, 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.135, 42.17.510, 42.17.520, 42.17.530, 42.17.540, 42.17.110, 42.17.610, 42.17.640, 42.17.645, 42.17.700, 42.17.070, 42.17.095, 42.17.120, 42.17.125, 42.17.650, 42.17.660, 42.17.670, 42.17.720, 42.17.730, 42.17.740, 42.17.770, 42.17.780, 42.17.790, 42.17.680, 42.17.760, 42.17.128, 42.17.130, 42.17.710, 42.17.750, 42.17.245, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.2401, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, 42.17.400, 42.17.410, 42.17.900, 42.17.910, 42.17.911, 42.17.912, 42.17.920, 42.17.930, 42.17.940, 42.17.945, 42.17.950, 42.17.955, 42.17.960, 42.17.961, 42.17.962, 42.17.963, 42.17.964, 42.17.965, and 42.17.966; repealing RCW 42.17.131, 42.17.362, 42.17.365, 42.17.375, 42.17.465, 42.17.467, 42.17.469, 42.17.471, 42.17.562, 42.17.620, and 42.17.647; and providing an effective date.

Referred to Committee on Government Operations & Elections.

HB 1930 by Representative Williams

AN ACT Relating to increasing the maximum term of rural, island, and intercounty rural district general obligation bonds; and amending RCW 27.12.222.

Referred to Committee on Government Operations & Elections.

HB 2448 by Representatives Hunt, Chandler, Appleton, Armstrong and Haigh

AN ACT Relating to the time frame covered by the twenty-one day preelection campaign finance reports; and amending RCW 42.17.080.

Referred to Committee on Government Operations & Elections.

HB 2467 by Representatives Warnick, Blake, Grant, Kretz, Newhouse and VanDeWege

AN ACT Relating to the registration and administration of fertilizers; amending RCW 15.54.340, 15.54.362, and 15.54.433; and reenacting and amending RCW 15.54.325.

Referred to Committee on Agriculture & Rural Economic Development.

HB 2473 by Representatives Hunt, Armstrong, Appleton and Blake

TWENTY-SECOND DAY, FEBRUARY 4, 2008

AN ACT Relating to inactive voters; and amending RCW 29A.48.010.

Referred to Committee on Government Operations & Elections.

HB 2478 by Representatives McCoy, Bailey, Wallace, Chase, Appleton, Morrell, Kenney, Moeller, Sells, Dickerson, Lantz, Conway, Hurst, Smith, Kagi and Barlow

AN ACT Relating to custody of children of parents deployed in the military; and amending RCW 26.09.260.

Referred to Committee on Human Services & Corrections.

HB 2495 by Representatives Simpson, Pedersen, Nelson, Santos and Hasegawa

AN ACT Relating to the sale, lease, or conveyance of municipal property in commercial areas to private parties for free public parking facilities in cities with populations over three hundred thousand; and repealing RCW 35.87.010, 35.87.020, 35.87.030, and 35.87.040.

Referred to Committee on Government Operations & Elections.

HB 2499 by Representatives Pedersen and Rodne

AN ACT Relating to notice under the Washington business corporation act; and amending RCW 23B.01.410.

Referred to Committee on Judiciary.

HB 2540 by Representatives Warnick, Walsh and Kristiansen

AN ACT Relating to the advisory committee representing the interests of hunters and fishers with disabilities; and amending RCW 77.04.150.

Referred to Committee on Natural Resources, Ocean & Recreation.

#### MOTION

On motion of Senator Marr, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### STATEMENT FOR THE JOURNAL

I anticipate being absent from all Senate floor and committee activity from February 4th through the 7th, 2008 because I must attend a Shoreline Hearings Board administrative hearing in Chelan on these days. I expect to be formally excused during this time period, but this statement should further serve to explain my absence and reason for missing any votes during this time period.

SENATOR PARLETTE, 12<sup>TH</sup> Legislative District

#### MOTION

At 12:03 p.m., on motion of Senator Marr, the Senate adjourned until 12:00 noon Tuesday, February 5, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-THIRD DAY, FEBRUARY 5, 2008

2008 REGULAR SESSION

**TWENTY-THIRD DAY****NOON SESSION**

Senate Chamber, Olympia, Tuesday, February 5, 2008

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 4, 2008

SB 6042 Prime Sponsor, Senator Franklin: Requiring a recess period for elementary school students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6042 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6251 Prime Sponsor, Senator Regala: Concerning the conservation of forest lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6275 Prime Sponsor, Senator Haugen: Granting authority for drainage district commissioners to implement drainage maintenance plans. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6366 Prime Sponsor, Senator McAuliffe: Creating the Saint Edward seminary building future uses assessment committee. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6366 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Ways & Means.

February 4, 2008

SB 6419 Prime Sponsor, Senator Hatfield: Concerning fisheries buy-back programs. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6483 Prime Sponsor, Senator Hatfield: Enacting the local farms-healthy kids and communities act. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6483 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen; Morton and Shin.

Passed to Committee on Ways & Means.

February 4, 2008

SB 6805 Prime Sponsor, Senator Haugen: Promoting farmland preservation and environmental restoration through conservation markets. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6805 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

Passed to Committee on Ways & Means.

February 4, 2008

SB 6892 Prime Sponsor, Senator Fraser: Concerning the time limits of school impact fee expenditures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott and Pridemore.

Passed to Committee on Ways & Means.

February 4, 2008

SB 6894 Prime Sponsor, Senator Hobbs: Clarifying the definition of customer location for purposes of municipal business and occupation taxes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

Passed to Committee on Ways & Means.

February 4, 2008

SB 6895 Prime Sponsor, Senator Roach: Providing combat bonuses for veterans. Reported by Committee on Government Operations & Elections

TWENTY-THIRD DAY, FEBRUARY 5, 2008

2008 REGULAR SESSION

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott and Pridemore.

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 4, 2008

SGA 9295 JOSEPH DOLEZAL, appointed on October 1, 2007, for the term ending September 30, 2011, as Member of the Board of Trustees, Centralia Community College District No. 12. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

February 4, 2008

SGA 9356 SASHA SLEIMAN, appointed on July 1, 2007, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

February 4, 2008

SGA 9367 EMILY YIM, appointed on December 17, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Edmonds Community College District No. 23. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Marr, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

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

RITA COLWELL, reappointed January 7, 2008, for the term ending October 1, 2011, as Member of The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Marr, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 4, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SUBSTITUTE HOUSE BILL NO. 1295,  
HOUSE BILL NO. 1296,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1597,  
SUBSTITUTE HOUSE BILL NO. 1605,  
SUBSTITUTE HOUSE BILL NO. 3053,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 4, 2008

MR. PRESIDENT:

The House has passed the following bills:  
THIRD SUBSTITUTE HOUSE BILL NO. 2053,  
HOUSE BILL NO. 2620,  
HOUSE BILL NO. 3011,  
SUBSTITUTE HOUSE BILL NO. 3144,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6913 by Senators Shin and Berkey

AN ACT Relating to increasing the membership of public transportation benefit area authorities; and amending RCW 36.57A.050.

Referred to Committee on Transportation.

SB 6914 by Senator Roach

AN ACT Relating to the development of renewable fuels; adding a new section to chapter 19.112 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

TWENTY-THIRD DAY, FEBRUARY 5, 2008

2008 REGULAR SESSION

SB 6915 by Senator Carrell

AN ACT Relating to health insurance for service employees in the hospitality industry.

Referred to Committee on Health & Long-Term Care.

SB 6916 by Senators Holmquist and Schoesler

AN ACT Relating to certificates of need; and amending RCW 70.38.105.

Referred to Committee on Health & Long-Term Care.

SB 6917 by Senators Stevens, Kilmer, Regala and Honeyford

AN ACT Relating to the interaction of the streamlined sales and use tax legislation and the power of local governments to license and tax; amending RCW 35.22.280, 35.23.440, 35.27.370, and 35.102.050; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Ways & Means.

SB 6918 by Senators Rasmussen, Schoesler, Jacobsen, Morton, Shin, McCaslin and Franklin

AN ACT Relating to designating the cougar the official state mammal; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6919 by Senator Rasmussen

AN ACT Relating to prohibiting outdoor burning when an alternate technology or method of disposing of organic refuse is available, reasonably economical, and less harmful to the environment; and amending RCW 70.94.745.

Referred to Committee on Water, Energy & Telecommunications.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1295 by House Committee on Select Committee on Puget Sound (originally sponsored by Representatives Eickmeyer and Upthegrove)

AN ACT Relating to water resource inventory area 14; and amending RCW 90.82.060.

Referred to Committee on Water, Energy & Telecommunications.

HB 1296 by Representatives Hunter and Anderson

AN ACT Relating to information technology projects; and amending RCW 43.88A.020, 43.105.160, 43.105.041, and 43.105.825.

Referred to Committee on Government Operations & Elections.

ESHB 1453 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Grant, Haler, Moeller, Hankins and Linville)

AN ACT Relating to changes in the point of diversion under a water right; and amending RCW 90.03.397.

Referred to Committee on Water, Energy & Telecommunications.

ESHB 1597 by House Committee on Commerce & Labor (originally sponsored by Representative Moeller)

AN ACT Relating to requiring workers to have licenses, certificates, or permits in their possession when performing plumbing, electrical, and conveyance work; amending RCW 18.106.020, 18.106.070, 18.106.090, 18.106.170, 19.28.271, 19.28.211, 19.28.231, 70.87.230, and 70.87.250; reenacting and amending RCW 19.28.161; creating new sections; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1605 by House Committee on Select Committee on Puget Sound (originally sponsored by Representatives Eickmeyer, Haigh, Upthegrove, Blake, Lantz, Seaquist, Linville, Chase, Pedersen, Morris, Wood and Rolfes)

AN ACT Relating to the effect of extension of sewer services in aquatic rehabilitation zone one; amending RCW 36.70A.110; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Water, Energy & Telecommunications.

3SHB 2053 by House Committee on Finance (originally sponsored by Representatives Goodman, Springer, O'Brien, Dunshee, Eddy, Blake, Lovick, Upthegrove, Green, Simpson and Hurst)

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

Referred to Committee on Ways & Means.

HB 2620 by Representatives Hurst, Ormsby, Morrell, Roach, Rolfes, Kelley and Simpson

AN ACT Relating to financial information; and amending RCW 19.200.010 and 63.14.123.

Referred to Committee on Financial Institutions & Insurance.

HB 3011 by Representatives Loomis, Rodne and Kelley

AN ACT Relating to safeguarding securities owned by insurers; amending RCW 48.13.450, 48.13.455, 48.13.460, 48.13.465, 48.13.475, and 48.13.490; and adding a new section to chapter 48.13 RCW.

Referred to Committee on Financial Institutions & Insurance.

SHB 3053 by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Kirby, Rodne, Simpson, Roach, Kelley, Sullivan, Conway and Ormsby)

TWENTY-THIRD DAY, FEBRUARY 5, 2008

2008 REGULAR SESSION

AN ACT Relating to auto glass repair; and amending RCW 48.30.340.

Referred to Committee on Financial Institutions & Insurance.

SHB 3144 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Liias, Loomis, Hunt, Miloscia, Rolfes, Upthegrove, Linville, Green, VanDeWege, Morrell, Conway, Kelley, Nelson, Santos and Ormsby)

AN ACT Relating to improving outreach to consumers through creation of a consumer protection web site and information line; adding a new section to chapter 43.105 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Housing.

MOTION

On motion of Senator Marr, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION  
8718

By Senator Haugen

WHEREAS, Puget Sound provides habitat for thousands of native species that the Beach Watchers work indefatigably to protect and study through education, citizen-science, and public awareness; and

WHEREAS, Each member of the Beach Watchers has given over 100 volunteer hours for scientific surveys, exploring the beaches, and talking with students and the public about our wonderful beaches; and

WHEREAS, The members of the Beach Watchers come from all across the Pacific Northwest including Clallam, Island, Jefferson, San Juan, Skagit, Snohomish, and Whatcom counties; and

WHEREAS, The members of Beach Watchers have done extensive work educating children and the general public during Sound Waters, and annual event for marine, nearshore, and environmental education with over 50 different presentations; and

WHEREAS, The members of Beach Watchers have educated over 24,500 people at workshops, presentations, fairs, festivals, aboard ferries, and at local beaches; and

WHEREAS, The members of Beach Watchers have contributed over 30,000 hours including over 700 days of on-the-ground research to educate our community about Pacific Northwest beaches; and

WHEREAS, The group has worked to monitor the biological health of Pacific Northwest beaches by collecting shoreline and coastal data, surveying shorelines, promoting beach etiquette, and assisting the National Marine Fisheries;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Beach Watchers for their dedication and service to our community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the Beach Watchers.

Senator Haugen spoke in favor of adoption of the resolution. The President declared the question before the Senate to be the adoption of Senate Resolution No. 8718.

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

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION  
8719

By Senator Haugen

WHEREAS, La Conner High School this past fall claimed the 2B State Championship volleyball title when the Braves capped an exciting season with a 3-1 game victory in the championship game at the Yakima Sundome; and

WHEREAS, Along with capturing the 2B State title, the Lady Braves, led by Coach Suzanne Marble, finished their storybook season with an impressive record of 19-1; and

WHEREAS, The winning of this year's 2B State title by La Conner represents the second year in a row the school has won the volleyball championship; and

WHEREAS, Hitter Cora Kellerman, due to her continued devotion and tenacity, was named Class 2B Most Valuable Player of the Year by the Associated Press All State First Team; and

WHEREAS, Setter Shelby Zanoni, due to her dedication and hard work, was named to the Class 2B Associated Press All State Honorable Mention; and

WHEREAS, Head Coach Suzanne Marble, due to her outstanding leadership, was named Class 2B Associated Press All State Coach of the Year; and

WHEREAS, The leadership demonstrated by the senior members of the Lady Braves volleyball team spurred the team on to victory; and

WHEREAS, La Conner High School students, staff, and the greater community provided continued support to the Lady Braves;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the La Conner Braves for their second consecutive 2B State Volleyball Championship; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the La Conner School District Superintendent, La Conner High School Principal, and La Conner High School's Braves Volleyball Team Members and Coaches.

Senator Haugen spoke in favor of adoption of the resolution. The President declared the question before the Senate to be the adoption of Senate Resolution No. 8719.

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

MOTION

At 12:08 p.m., on motion of Senator Marr, the Senate adjourned until 10:00 a.m. Wednesday, February 6, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-FOURTH DAY, FEBRUARY 6, 2008

2008 REGULAR SESSION

**TWENTY-FOURTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 6, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Parlette.

The Sergeant at Arms Color Guard consisting of Pages Seika McCoy and Mae Boettcher, presented the Colors. Senator Hargrove offered the prayer.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 4, 2008

**SB 5981** Prime Sponsor, Senator Kohl-Welles: Providing for lead poisoning prevention education and screening. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5981 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Kastama; Kohl-Welles and Marr.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug and Carrell.

Passed to Committee on Ways & Means.

February 4, 2008

**SB 6212** Prime Sponsor, Senator Jacobsen: Seeking to improve recreational opportunities on state-owned lands managed by the department of natural resources. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6212 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2008

**SB 6277** Prime Sponsor, Senator Haugen: Requiring the accommodation of certain private transit providers at park and ride lots. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6277 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Berkey; Delvin; Holmquist; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 4, 2008

**SB 6301** Prime Sponsor, Senator Oemig: Preventing conduct that is intended to provide a person the information necessary to commit a pedophilic act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6301 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 5, 2008

**SB 6317** Prime Sponsor, Senator Berkey: Requiring the payment of interest upon failure to pay death benefits that are payable under the terms of a group life insurance policy. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6317 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

February 4, 2008

**SB 6353** Prime Sponsor, Senator Haugen: Concerning public transportation fares. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6353 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Berkey; Delvin; Holmquist; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 5, 2008

**SB 6362** Prime Sponsor, Senator Marr: Ordering a review of statutes of limitation for sex offenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 4, 2008

**SB 6372** Prime Sponsor, Senator Eide: Including defendants who are persons specifically authorized to assist and act at the direction of law enforcement officers for the purpose of affirmative defenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 4, 2008

**SB 6395** Prime Sponsor, Senator Spanel: Protecting orca whales from the impacts from vessels. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6395 be substituted therefor, and the substitute bill do

TWENTY-FOURTH DAY, FEBRUARY 6, 2008

pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Spanel.

MINORITY recommendation: Do not pass. Signed by Senator Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6438 Prime Sponsor, Senator Kohl-Welles: Creating a statewide high-speed internet deployment and adoption effort. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6438 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Holmquist; Oemig; Pridemore and Regala.

Passed to Committee on Ways & Means.

February 5, 2008

SB 6499 Prime Sponsor, Senator Weinstein: Modifying provisions regulating spyware. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6499 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 1, 2008

SB 6514 Prime Sponsor, Senator Tom: Regarding identifying real property. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6514 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6531 Prime Sponsor, Senator Haugen: Addressing environmental mitigation in highway construction. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Berkey; Delvin; Holmquist; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6602 Prime Sponsor, Senator Haugen: Modifying certain provisions of the pilotage act. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6602 be substituted therefor, and the substitute bill do

2008 REGULAR SESSION

pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Berkey; Delvin; Holmquist; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 1, 2008

SB 6615 Prime Sponsor, Senator Tom: Granting authority of a watershed management partnership to exercise powers of its forming governments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; McDermott and Weinstein.

MINORITY recommendation: Do no pass. Signed by Senators Carrell and Hargrove.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Roach.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6711 Prime Sponsor, Senator Kauffman: Creating the smart homeownership choices program. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6711 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Ways & Means.

February 5, 2008

SB 6712 Prime Sponsor, Senator Kauffman: Creating the affordable housing and community facilities rapid response loan program. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6712 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and McCaslin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Delvin.

Passed to Committee on Ways & Means.

February 5, 2008

SB 6714 Prime Sponsor, Senator Kohl-Welles: Concerning the national crime prevention and privacy compact. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6745 Prime Sponsor, Senator Fraser: Concerning homeowners' associations. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6745 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen and Kilmer.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin and Tom.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6763 Prime Sponsor, Senator Tom: Concerning background checks. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6840 Prime Sponsor, Senator Weinstein: Authorizing county prosecutors and city attorneys to enforce certain provisions of the consumer protection act. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and McCaslin.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin and Tom.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6852 Prime Sponsor, Senator Kohl-Welles: Addressing the presence of toxins in households or dwellings. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Consumer Protection & Housing.

February 4, 2008

SB 6898 Prime Sponsor, Senator Kline: Modifying criminal sentencing requirements. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6898 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6900 Prime Sponsor, Senator Tom: Establishing vehicle engine displacement and emissions fees. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Hatfield; Morton; Oemig; Pridemore and Regala.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Transportation.

January 31, 2008

SJM 8026 Prime Sponsor, Senator Jacobsen: Requesting that the new Tacoma Narrows bridge be named the Bob Oke bridge. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8026 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Sheldon and Spanel.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6395 which was referred to the Committee on Rules.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6920 by Senator Swecker

AN ACT Relating to helicopter access for emergencies; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

SB 6921 by Senator Delvin

AN ACT Relating to exempting certain proprietary information from disclosure under the public records act; reenacting and amending RCW 42.56.270; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6922 by Senator Hobbs

AN ACT Relating to cord blood banking; amending RCW 70.54.220; adding a new section to chapter 70.54 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6923 by Senators Murray, Kohl-Welles, Weinstein, Pridemore, Jacobsen and Kline

AN ACT Relating to a passenger vehicle greenhouse gas excise tax; adding a new section to chapter 82.44 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6924 by Senators Fairley, Hargrove, Hatfield, Sheldon and McCaslin

AN ACT Relating to the adoption of a primary election system in which the two candidates with the most votes qualify for the general election; amending RCW 29A.04.008, 29A.04.086, 29A.04.128, 29A.04.133, 29A.08.161, 29A.20.021, 29A.20.121, 29A.20.131, 29A.20.141, 29A.24.081, 29A.24.101, 29A.24.141, 29A.24.151, 29A.24.161, 29A.24.171, 29A.24.181, 29A.24.191, 29A.24.311, 29A.28.041, 29A.28.061, 29A.32.031, 29A.32.036, 29A.32.121, 29A.32.241, 29A.36.011, 29A.36.071, 29A.36.101, 29A.36.121, 29A.36.131, 29A.36.161, 29A.36.171, 29A.36.180, 29A.36.201, 29A.40.091, 29A.44.201, 29A.44.221, 29A.48.020, 29A.52.106, 29A.52.116, 29A.52.231, 29A.52.321, 29A.52.351, 29A.56.040, 29A.60.021, 29A.60.221, 29A.64.011, 29A.64.021, 29A.64.041, 29A.64.061, 29A.64.081, 29A.68.011, 29A.80.011, 29A.80.020, 29A.84.261, 29A.84.311, 42.12.040, and 29A.84.711; reenacting and amending RCW 29A.04.310, 29A.24.030, 42.12.040, and 42.17.020; adding a new section to chapter 29A.24 RCW; adding a new section to chapter 29A.52 RCW; repealing RCW 29A.20.201, 29A.24.210, 29A.24.211, 29A.28.011, 29A.28.021, 29A.36.104, 29A.36.106, 29A.36.191, 29A.52.011, 29A.52.141, and 29A.52.151; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 6925 by Senator Hargrove

AN ACT Relating to the governance of the indeterminate sentence review board; amending RCW 9.95.003; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6926 by Senator McCaslin

AN ACT Relating to disincorporation of cities and towns; amending RCW 35.07.010 and 35.07.090; and repealing RCW 35.07.020, 35.07.040, 35.07.050, 35.07.060, 35.07.070, 35.07.080, 35.07.100, 35.07.110, 35.07.130, 35.07.140, 35.07.150, 35.07.160, 35.07.170, 35.07.180, 35.07.190, 35.07.200, 35.07.210, 35.07.220, and 35.07.225.

Referred to Committee on Government Operations & Elections.

SB 6927 by Senator Delvin

AN ACT Relating to county elected officials keeping offices at the county seat; and amending RCW 36.23.080, 36.28.160, 36.29.170, and 36.80.015.

Referred to Committee on Government Operations & Elections.

SB 6928 by Senator Hargrove

AN ACT Relating to the children's administration's use of information services; and amending RCW 43.105.080, 43.105.170, 43.105.180, 43.105.190, and 43.105.210.

Referred to Committee on Human Services & Corrections.

SB 6929 by Senators McAuliffe, Tom, Rasmussen, Zarelli, King, Brandland, Jacobsen and Fairley

AN ACT Relating to education; adding a new section to Title 28A RCW; creating new sections; repealing RCW 28A.150.010, 28A.150.020, 28A.150.030, 28A.150.040, 28A.150.050, 28A.150.060, 28A.150.070, 28A.150.080, 28A.150.100, 28A.150.200, 28A.150.205, 28A.150.210, 28A.150.211, 28A.150.220, 28A.150.230, 28A.150.240, 28A.150.250, 28A.150.260, 28A.150.262, 28A.150.270, 28A.150.275, 28A.150.280, 28A.150.290, 28A.150.295, 28A.150.300, 28A.150.305, 28A.150.310, 28A.150.315, 28A.150.350, 28A.150.360, 28A.150.370, 28A.150.380, 28A.150.390, 28A.150.400, 28A.150.410, 28A.150.420, 28A.150.500, 28A.150.510, 28A.150.520, 28A.150.530, 28A.155.010, 28A.155.020, 28A.155.030, 28A.155.040, 28A.155.045, 28A.155.050, 28A.155.060, 28A.155.065, 28A.155.070, 28A.155.080, 28A.155.090, 28A.155.100, 28A.155.105, 28A.155.115, 28A.155.140, 28A.155.160, 28A.155.170, 28A.155.180, 28A.160.010, 28A.160.020, 28A.160.030, 28A.160.040, 28A.160.050, 28A.160.060, 28A.160.070, 28A.160.080, 28A.160.090, 28A.160.100, 28A.160.110, 28A.160.115, 28A.160.120, 28A.160.130, 28A.160.140, 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, 28A.160.190, 28A.160.195, 28A.160.200, 28A.160.205, 28A.160.210, 28A.165.005, 28A.165.015, 28A.165.025, 28A.165.035, 28A.165.045, 28A.165.055, 28A.165.065, 28A.165.075, 28A.165.900, 28A.170.050, 28A.170.075, 28A.170.080, 28A.170.090, 28A.175.010, 28A.175.025, 28A.175.035, 28A.175.045, 28A.175.055, 28A.175.065, 28A.175.075, 28A.180.010, 28A.180.020, 28A.180.030, 28A.180.040, 28A.180.060, 28A.180.080, 28A.180.090, 28A.180.100, 28A.185.010, 28A.185.020, 28A.185.030, 28A.185.040, 28A.185.050, 28A.190.010, 28A.190.020, 28A.190.030, 28A.190.040, 28A.190.050, 28A.190.060, 28A.193.005, 28A.193.010, 28A.193.020, 28A.193.030, 28A.193.040, 28A.193.050, 28A.193.060, 28A.193.070, 28A.193.080, 28A.193.900, 28A.193.901, 28A.195.010, 28A.195.020, 28A.195.030, 28A.195.040, 28A.195.050, 28A.195.060, 28A.195.070, 28A.195.080, 28A.205.010, 28A.205.020, 28A.205.030, 28A.205.040, 28A.205.050, 28A.205.070, 28A.205.080, 28A.205.090, 28A.210.010, 28A.210.020, 28A.210.030, 28A.210.040, 28A.210.060, 28A.210.070, 28A.210.080, 28A.210.090, 28A.210.100, 28A.210.110, 28A.210.120, 28A.210.130, 28A.210.140, 28A.210.150, 28A.210.160, 28A.210.170, 28A.210.180, 28A.210.190, 28A.210.200, 28A.210.210, 28A.210.220, 28A.210.240, 28A.210.250, 28A.210.255, 28A.210.260, 28A.210.270, 28A.210.280, 28A.210.290, 28A.210.300, 28A.210.310, 28A.210.320, 28A.210.330, 28A.210.340, 28A.210.350, 28A.210.360, 28A.210.365, 28A.210.370, 28A.215.010, 28A.215.020, 28A.215.030, 28A.215.040, 28A.215.050, 28A.215.060, 28A.220.010, 28A.220.020, 28A.220.030, 28A.220.040, 28A.220.050, 28A.220.060, 28A.220.070, 28A.220.080, 28A.220.900, 28A.225.005, 28A.225.010, 28A.225.015, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.031, 28A.225.035, 28A.225.055, 28A.225.060, 28A.225.080, 28A.225.090, 28A.225.095, 28A.225.110, 28A.225.115, 28A.225.140, 28A.225.151, 28A.225.160, 28A.225.170, 28A.225.200, 28A.225.210, 28A.225.215, 28A.225.220, 28A.225.225, 28A.225.230, 28A.225.240, 28A.225.250, 28A.225.260, 28A.225.270, 28A.225.280, 28A.225.290, 28A.225.300, 28A.225.310, 28A.225.330, 28A.230.010, 28A.230.020, 28A.230.030, 28A.230.040, 28A.230.050, 28A.230.060, 28A.230.070, 28A.230.080, 28A.230.090, 28A.230.095, 28A.230.097, 28A.230.100, 28A.230.120, 28A.230.125, 28A.230.130, 28A.230.140, 28A.230.150, 28A.230.160,

TWENTY-FOURTH DAY, FEBRUARY 6, 2008

2008 REGULAR SESSION

28A.230.170, 28A.230.180, 28A.230.185, 28A.230.195,  
 28A.230.205, 28A.230.250, 28A.235.010, 28A.235.020,  
 28A.235.030, 28A.235.040, 28A.235.050, 28A.235.060,  
 28A.235.070, 28A.235.080, 28A.235.090, 28A.235.100,  
 28A.235.110, 28A.235.120, 28A.235.130, 28A.235.140,  
 28A.235.145, 28A.235.150, 28A.235.155, 28A.235.160,  
 28A.245.005, 28A.245.010, 28A.245.020, 28A.245.030,  
 28A.245.040, 28A.245.050, 28A.245.060, 28A.300.010,  
 28A.300.020, 28A.300.030, 28A.300.035, 28A.300.040,  
 28A.300.045, 28A.300.050, 28A.300.060, 28A.300.065,  
 28A.300.070, 28A.300.080, 28A.300.090, 28A.300.100,  
 28A.300.115, 28A.300.118, 28A.300.120, 28A.300.130,  
 28A.300.135, 28A.300.145, 28A.300.150, 28A.300.160,  
 28A.300.164, 28A.300.165, 28A.300.170, 28A.300.175,  
 28A.300.185, 28A.300.190, 28A.300.220, 28A.300.230,  
 28A.300.235, 28A.300.240, 28A.300.250, 28A.300.270,  
 28A.300.275, 28A.300.280, 28A.300.285, 28A.300.290,  
 28A.300.295, 28A.300.300, 28A.300.310, 28A.300.320,  
 28A.300.330, 28A.300.340, 28A.300.360, 28A.300.370,  
 28A.300.380, 28A.300.390, 28A.300.395, 28A.300.400,  
 28A.300.405, 28A.300.410, 28A.300.412, 28A.300.415,  
 28A.300.420, 28A.300.430, 28A.300.440, 28A.300.445,  
 28A.300.450, 28A.300.455, 28A.300.460, 28A.300.465,  
 28A.300.470, 28A.300.475, 28A.300.480, 28A.300.490,  
 28A.300.500, 28A.300.505, 28A.300.510, 28A.300.515,  
 28A.300.520, 28A.300.800, 28A.305.011, 28A.305.021,  
 28A.305.035, 28A.305.130, 28A.305.140, 28A.305.145,  
 28A.305.190, 28A.305.215, 28A.305.219, 28A.305.900,  
 28A.305.901, 28A.305.902, 28A.310.010, 28A.310.020,  
 28A.310.030, 28A.310.040, 28A.310.050, 28A.310.060,  
 28A.310.070, 28A.310.080, 28A.310.090, 28A.310.100,  
 28A.310.110, 28A.310.120, 28A.310.130, 28A.310.140,  
 28A.310.150, 28A.310.160, 28A.310.170, 28A.310.180,  
 28A.310.190, 28A.310.200, 28A.310.202, 28A.310.210,  
 28A.310.220, 28A.310.230, 28A.310.240, 28A.310.250,  
 28A.310.260, 28A.310.270, 28A.310.280, 28A.310.290,  
 28A.310.300, 28A.310.310, 28A.310.320, 28A.310.330,  
 28A.310.340, 28A.310.350, 28A.310.360, 28A.310.370,  
 28A.310.390, 28A.310.400, 28A.310.410, 28A.310.420,  
 28A.310.430, 28A.310.440, 28A.310.460, 28A.310.470,  
 28A.310.480, 28A.310.490, 28A.315.005, 28A.315.015,  
 28A.315.025, 28A.315.035, 28A.315.045, 28A.315.055,  
 28A.315.065, 28A.315.075, 28A.315.085, 28A.315.095,  
 28A.315.105, 28A.315.115, 28A.315.125, 28A.315.135,  
 28A.315.145, 28A.315.155, 28A.315.165, 28A.315.175,  
 28A.315.185, 28A.315.195, 28A.315.205, 28A.315.215,  
 28A.315.225, 28A.315.235, 28A.315.245, 28A.315.255,  
 28A.315.265, 28A.315.275, 28A.315.285, 28A.315.295,  
 28A.315.305, 28A.315.315, 28A.315.901, 28A.320.010,  
 28A.320.015, 28A.320.020, 28A.320.025, 28A.320.030,  
 28A.320.035, 28A.320.040, 28A.320.050, 28A.320.060,  
 28A.320.070, 28A.320.080, 28A.320.090, 28A.320.100,  
 28A.320.110, 28A.320.120, 28A.320.125, 28A.320.128,  
 28A.320.130, 28A.320.135, 28A.320.140, 28A.320.155,  
 28A.320.160, 28A.320.165, 28A.320.170, 28A.320.175,  
 28A.320.180, 28A.320.230, 28A.320.240, 28A.320.300,  
 28A.320.310, 28A.320.320, 28A.320.330, 28A.320.400,  
 28A.320.410, 28A.320.420, 28A.320.430, 28A.320.440,  
 28A.320.500, 28A.320.510, 28A.320.520, 28A.323.010,  
 28A.323.020, 28A.323.030, 28A.323.040, 28A.323.050,  
 28A.323.060, 28A.323.070, 28A.323.080, 28A.323.090,  
 28A.323.100, 28A.325.010, 28A.325.020, 28A.325.030,  
 28A.330.010, 28A.330.020, 28A.330.030, 28A.330.040,  
 28A.330.050, 28A.330.060, 28A.330.070, 28A.330.080,  
 28A.330.090, 28A.330.100, 28A.330.110, 28A.330.200,  
 28A.330.210, 28A.330.220, 28A.330.230, 28A.330.240,  
 28A.335.010, 28A.335.020, 28A.335.030, 28A.335.040,  
 28A.335.050, 28A.335.060, 28A.335.070, 28A.335.080,  
 28A.335.090, 28A.335.100, 28A.335.110, 28A.335.120,

28A.335.130, 28A.335.140, 28A.335.150, 28A.335.155,  
 28A.335.160, 28A.335.170, 28A.335.180, 28A.335.190,  
 28A.335.200, 28A.335.205, 28A.335.210, 28A.335.220,  
 28A.335.230, 28A.335.240, 28A.335.250, 28A.335.260,  
 28A.335.270, 28A.335.280, 28A.335.290, 28A.335.300,  
 28A.335.320, 28A.335.330, 28A.340.010, 28A.340.020,  
 28A.340.030, 28A.340.040, 28A.340.060, 28A.340.070,  
 28A.343.010, 28A.343.020, 28A.343.030, 28A.343.040,  
 28A.343.050, 28A.343.060, 28A.343.070, 28A.343.300,  
 28A.343.310, 28A.343.320, 28A.343.330, 28A.343.340,  
 28A.343

Referred to Committee on Early Learning & K-12 Education.

SB 6930 by Senators Tom and McAuliffe

AN ACT Relating to bonuses for nationally certified teachers who become principals or superintendents; and amending RCW 28A.405.415.

Referred to Committee on Early Learning & K-12 Education.

SB 6931 by Senators Kline, Weinstein and McDermott

AN ACT Relating to providing funding for additional emphasis patrols for DUI enforcement and chemical dependency treatment; amending RCW 66.08.190 and 66.16.010; and reenacting and amending RCW 69.50.520.

Referred to Committee on Ways & Means.

SB 6932 by Senators Haugen, Swecker, Spanel, Jacobsen, Marr, Kilmer, Rockefeller and Shin

AN ACT Relating to ferry vessel and terminal planning; amending RCW 47.60.375 and 47.60.345; and adding new sections to chapter 47.60 RCW.

Referred to Committee on Transportation.

SJM 8031 by Senators Hobbs and Fairley

Requesting that federal election day be made a legal public holiday.

Referred to Committee on Government Operations & Elections.

SJM 8032 by Senator Morton

Requesting that the federal government share in the costs of postage for returning vote-by-mail ballots.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6931 which was referred to the Committee on Ways & Means.

MOTION

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

TWENTY-FOURTH DAY, FEBRUARY 6, 2008

2008 REGULAR SESSION

## MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION  
8721

By Senators Kohl-Welles, Tom, Regala, Fraser, Rockefeller, Pridemore, Prentice, Zarelli, Hobbs, Rasmussen, Spanel, Marr, Keiser, McDermott, Jacobsen, Franklin, and Benton

WHEREAS, Participation in athletics is one of the most effective ways for girls and women in the United States to develop leadership skills, discipline, initiative, and self-confidence; and

WHEREAS, Sport and fitness activities contribute to girls' and women's emotional and physical well-being; and

WHEREAS, The communication, competition, and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, workplace, and society; and

WHEREAS, Early motor skill training and enjoyable experiences of physical activity strongly encourage enduring habits of physical fitness; and

WHEREAS, Girls and women who participate in sports have higher levels of self-esteem, fewer incidence of depression, and a reduced risk for heart disease, breast cancer, and other illness; and

WHEREAS, The bonds built among girls and women through athletics help to break down the social barriers of racism and prejudice; and

WHEREAS, The National Girls and Women in Sports Coalition, established in 1987, has declared February 6, 2008, to be National Girls and Women in Sports Day; and

WHEREAS, 68,232 female athletes participate in high school sports and athletic activities in Washington, constituting 42 percent of the total number of athletes; and

WHEREAS, High school girls' athletic teams in the state of Washington have achieved many accomplishments that serve as an inspiration to young women to promote the values of teamwork and cooperation; and

WHEREAS, Washington high schools foster outstanding achievements in girls' and women's sports, such as volleyball and soccer. These include state volleyball champions: Mead, Hanford, Selah, Colfax, LaConner, and Tekoa-Oakesdale; and state soccer champions: Eastlake, Issaquah, Fife, and Meridian; and state tennis champions: Lewis and Clark, West Valley (Yakima), Sequim, Lynden, Bush, and Sprague-Harrington; and

WHEREAS, Institutions of higher education continue to produce elite athletes competing with pride, commitment, and passion. The participation of Washington female collegiate athletes is among the highest in the country at 48 percent of total athletes. Currently, there are 136 female athletes at Whitworth College, 346 female athletes at the University of Washington, 46 female athletes at The Evergreen State College, 119 female athletes at Seattle University, 78 female athletes at St. Martin's University, 181 female athletes at Eastern Washington University, 195 female athletes at Western Washington University, 209 female athletes at Washington State University, 107 female athletes at Whitman College, and 120 female athletes at Seattle Pacific University; and

WHEREAS, The number of funded research projects focusing on the specific needs of female athletes is limited and the information provided by the projects is imperative to the health and performance of future female athletes; and

WHEREAS, Student-athletes graduate at a higher rate than nonathlete college students (62 percent compared to 60 percent, respectively); and

WHEREAS, Washington colleges and universities have fostered outstanding achievements by women in sports; and

WHEREAS, The Western Washington University women's volleyball team won the Great Northwest Athletic Conference (GNAC) championship for the fourth time in seven years, with team member Courtney Schneider named GNAC player of the year, establishing school and GNAC records of 851 season digs and 2,695 career digs; and

WHEREAS, The Western Washington University softball team won their first GNAC title, with team member Liza Teichler named softball's GNAC Player of the Year and Jackie Quint named GNAC pitcher of the year; and

WHEREAS, University of Washington female athletes have also been recognized for outstanding achievements this year. These include Katelin Snyder, coxswain for the Women's Varsity 8 Crew team, who led her boat to an undefeated season and the 2007 IRA National Championship, Anita Campbell and Katie Follett who are the eighth and ninth women in Husky track history to achieve All-American status, and volleyball players Christal Morrison, Jessica Swarbrick, and Tamari Miyashiro, who all earned All-American honors; and

WHEREAS, Gonzaga University Women's Basketball team won their first WCC tournament title and first NCAA tournament bid; and

WHEREAS, Stephanie Hawk was the first Gonzaga University athlete to earn All-American honors from the Associated Press; and

WHEREAS, Kelsey Penn and Lynde Clarke of Central Washington University have both been named to the GNAC Women's Soccer Second Team; and

WHEREAS, Kelli Spaulding of Central Washington University has been named to the Louisville Slugger/National Fastpitch Coaches' Association Division II All-West Region First Team; and

WHEREAS, Kristen Berndt, Corina Gabbert, Kristen Mittlesteadt, and Alisa Larson-Xu of Whitman College received NCAA Division III All-West Region honors; and

WHEREAS, The Washington State University women's soccer team earned the National Soccer Coaches Association of America Team Academic Award for 2006-07 marking the third time in the last four years the Cougars have received the honor; and

WHEREAS, Jessica Pixler of Seattle Pacific University has been named the 2007 U.S. Track & Field and Cross Country Coaches Association Division II Women's Cross Country Athlete of the Year; and

WHEREAS, Washington is honored to host the Seattle Storm, the only women's professional basketball team in the Northwest and the first major professional sports team in Seattle to bring home a championship in more than 25 years; and

WHEREAS, Four local women with a history of civic, community, and Title IX involvement - Force 10 Hoops L.L.C. - have secured an exclusive option to purchase the Storm and keep the team in Seattle, making them among the few women owners of any professional sports team anywhere in the nation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Washington girls and women in sports on February 6, 2008, and encourage others to observe the day with appropriate ceremonies and activities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate and all the aforementioned athletes and their respective institutions.

Senators Kohl-Welles and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8721.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

TWENTY-FOURTH DAY, FEBRUARY 6, 2008  
 REMARKS BY THE PRESIDENT

President Owen: "Senator Kohl-Welles, the President believes that there are guests in the gallery but I have no information. Do you have any information on this? Senator Kohl-Welles, you may introduce them if you like from the floor."

REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you Mr. President. I had thought that you had that list, so I'm sorry that that did not happen. We do have several guests with us today who are in the south gallery. They are from Whitman College as well as from Western Washington University and they've got their parents with them. We do have Kristen Berndnt, plays soccer from Whitman College; Corina Gabbert also playing soccer from Whitman College; the coach for the Western Washington University Volleyball Team, Coach Flick; Katelin Snyder who is on the Western Washington University Volleyball team; Coach Hicks from the Western softball team; and Liza Teichler and Jackie Quint from Western; and Kelli Spaulding from Central Washington University soft ball team and parents of these athletes. We would of liked to have had high school players but importantly they are in school right now. I would appreciate it if they could greeted by our senate."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Page Davisson, the Miss Omak 2007, who was seated at the rostrum.

MOTION

At 10:16 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:20 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 6508, by Senators Eide, Fraser, Murray, McDermott and Morton

Authorizing the creation of beach management districts.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 6508 was substituted for Senate Bill No. 6508 and the substitute bill was placed on the second reading and read the second time.

Senator Rockefeller spoke in favor of the substitute bill.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 6508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

2008 REGULAR SESSION

Senator Eide spoke in favor of passage of the bill.  
 The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6508.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6508 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 1; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 39

Voting nay: Senators Benton, Holmquist, Honeyford, King, Morton, Roach, Schoesler, Stevens and Zarelli - 9

Absent: Senator Parlette - 1

SUBSTITUTE SENATE BILL NO. 6508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6794, by Senators Haugen, Spanel, Shin and Rockefeller

Requiring the procurement of new ferry vessels that carry no more than one hundred motor vehicles.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6794 was substituted for Senate Bill No. 6794 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6794 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Hargrove and Spanel spoke in favor of passage of the bill.

Senators Stevens and Pflug spoke against passage of the bill.

MOTION

On motion of Senator Delvin, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6794.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6794 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 40

Voting nay: Senators Benton, Brandland, Carrell, Holmquist, Honeyford, Pflug, Schoesler and Stevens - 8

TWENTY-FOURTH DAY, FEBRUARY 6, 2008

Excused: Senator Parlette - 1

SUBSTITUTE SENATE BILL NO. 6794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6452, by Senators Tom, Weinstein, Oemig and Keiser

Requiring certain borrower disclosures of yield spread premiums.

#### MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 6452 was substituted for Senate Bill No. 6452 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 6452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6452.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6452 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Benton, Berkey, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, King, Marr, McCaslin, Morton, Regala, Roach, Schoesler, Stevens, Swecker and Zarelli - 17

Excused: Senator Parlette - 1

SUBSTITUTE SENATE BILL NO. 6452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6381, by Senators Weinstein, Kauffman, Tom, Fairley, McAuliffe, Kohl-Welles, Kline and Murray

Establishing fiduciary duties for mortgage brokers.

The measure was read the second time.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 1, beginning on line 6, strike the remainder of the bill and insert the following:

"A mortgage broker owes a duty of reasonable care to the

2008 REGULAR SESSION

borrower which shall include, but not be limited to, the following:

(1) A mortgage broker shall not engage in the use of deceptive or fraudulent sales practices in the origination of a loan secured by real estate; and

(2) A mortgage broker must carry out all lawful instructions provided by the borrower."

On page 1, line 1 of the title, after "Relating to", strike "fiduciary"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Weinstein spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, beginning on line 6 to Senate Bill No. 6381.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Weinstein, the rules were suspended, Senate Bill No. 6381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6381.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6381 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 29

Voting nay: Senators Benton, Berkey, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, King, Marr, McCaslin, Morton, Pflug, Regala, Roach, Schoesler, Stevens, Swecker and Zarelli - 19

Excused: Senator Parlette - 1

SENATE BILL NO. 6381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6728, by Senators Berkey, Kohl-Welles, Franklin, Regala and Keiser

Enacting the governor's homeownership security task force recommendations regarding responsible mortgage lending and homeownership.

The measure was read the second time.

#### MOTION

TWENTY-FOURTH DAY, FEBRUARY 6, 2008

2008 REGULAR SESSION

On motion of Senator Berkey, the rules were suspended, Senate Bill No. 6728 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SIGNED BY THE PRESIDENT

Senators Berkey, Honeyford and Benton spoke in favor of passage of the bill.

The President signed:  
SENATE BILL NO. 6272,  
SENATE BILL NO. 6335,

The President declared the question before the Senate to be the final passage of Senate Bill No. 6728.

MOTION

At 1:28 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 7, 2008.

ROLL CALL

BRAD OWEN, President of the Senate

The Secretary called the roll on the final passage of Senate Bill No. 6728 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

THOMAS HOEMANN, Secretary of the Senate

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Parlette - 1

SENATE BILL NO. 6728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:26 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 6, 2008

MR. PRESIDENT:

The House has passed the following bills:

SENATE BILL NO. 6272,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 6, 2008

MR. PRESIDENT:

The House has passed the following bills:

SENATE BILL NO. 6335,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

TWENTY-FIFTH DAY, FEBRUARY 7, 2008

2008 REGULAR SESSION

**TWENTY-FIFTH DAY**

criminal defendants who owe legal financial obligations.  
Reported by Committee on Human Services & Corrections

**NOON SESSION**

Senate Chamber, Olympia, Thursday, February 7, 2008

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 5, 2008

SB 5295 Prime Sponsor, Senator Kastama: Creating an office of corrections ombudsman. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5295 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Marr and McAuliffe.

MINORITY recommendation: Do not pass. Signed by Senator Brandland.

Passed to Committee on Ways & Means.

February 4, 2008

SB 5831 Prime Sponsor, Senator Kohl-Welles: Providing for the certification of mechanics performing heating, ventilating, air conditioning, refrigeration, and gas piping work. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5831 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Hewitt and King.

Passed to Committee on Ways & Means.

February 4, 2008

SB 6060 Prime Sponsor, Senator Kline: Regarding unlawful detainer action proceedings and notice for nonpayment of rent. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6060 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6193 Prime Sponsor, Senator Hargrove: Giving county clerks authority to withhold and deliver funds from

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6202 Prime Sponsor, Senator Sheldon: Prohibiting false and defamatory statements about candidates for public office. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6202 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6218 Prime Sponsor, Senator Hatfield: Concerning historic vessels. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Benton; Delvin; Eide; Holmquist; Kauffman; Kilmer; King and Spanel.

Passed to Committee on Ways & Means.

February 6, 2008

SB 6227 Prime Sponsor, Senator Jacobsen: Providing support and resources to outer coast marine resources committees. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6227 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Ways & Means.

February 6, 2008

SB 6229 Prime Sponsor, Senator Jacobsen: Requiring a comprehensive lakes management strategic plan. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6229 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Ways & Means.

February 6, 2008

SB 6231 Prime Sponsor, Senator Jacobsen: Improving the coordination of marine protected areas. Reported by Committee on Natural Resources, Ocean & Recreation

TWENTY-FIFTH DAY, FEBRUARY 7, 2008

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Ways & Means.

February 5, 2008

SB 6246 Prime Sponsor, Senator Honeyford: Authorizing travel expenses for certain industrial insurance medical aid claims. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6246 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6255 Prime Sponsor, Senator Keiser: Providing incentives for solar electric power. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6255 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Ways & Means.

February 5, 2008

SB 6268 Prime Sponsor, Senator Haugen: Concerning the creation of a historical parks and historic reserves tax incentive program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott and Pridemore.

Passed to Committee on Ways & Means.

February 4, 2008

SB 6280 Prime Sponsor, Senator Keiser: Implementing the recommendations of the joint legislative task force on family leave insurance. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6280 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Ways & Means.

February 6, 2008

SB 6328 Prime Sponsor, Senator Kohl-Welles: Enhancing campus safety and security. Reported by Committee on Higher Education

2008 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6328 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6331 Prime Sponsor, Senator McCaslin: Making temporary any changes to a parenting plan that were based on the military service of a parent. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Marr and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6343 Prime Sponsor, Senator Morton: Authorizing small scale prospecting and mining in certain areas. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6343 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6345 Prime Sponsor, Senator Morton: Addressing the alternative bid procedure for public utility districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6348 Prime Sponsor, Senator Morton: Protecting rural communities from the harmful impacts of interwatershed water rights transfers. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6348 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6358 Prime Sponsor, Senator Regala: Adding child care providers, volunteers, and employees to the definition of "predatory" perpetrators for the purposes of filing a special allegation. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

TWENTY-FIFTH DAY, FEBRUARY 7, 2008

2008 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6369 Prime Sponsor, Senator Eide: Regarding the Washington community learning center program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6373 Prime Sponsor, Senator Eide: Creating the crime of viewing depictions of minors engaged in sexually explicit conduct. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6373 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6398 Prime Sponsor, Senator Stevens: Regarding fines collected in truancy court actions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6399 Prime Sponsor, Senator Carrell: Establishing requirements for patients at the special commitment center seeking a less restrictive alternative. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6399 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6405 Prime Sponsor, Senator Swecker: Addressing the liability of persons rescued from flood waters on roadways. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6405 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Berkey; Holmquist; Kilmer; King; Sheldon and Spanel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pflug.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6427 Prime Sponsor, Senator Hobbs: Concerning competitive solicitation requirements for public facilities districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6429 Prime Sponsor, Senator Hargrove: Requiring the Washington institute for public policy to analyze school attendance and truancy. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6429 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 5, 2008

SB 6433 Prime Sponsor, Senator Murray: Making technical changes to laws relating to labor regulations. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6433 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6444 Prime Sponsor, Senator Kohl-Welles: Creating the children's product safety act. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6444 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hewitt.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6457 Prime Sponsor, Senator Keiser: Modifying disclosure provisions under the adverse health events and incident reporting system. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6457 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6488 Prime Sponsor, Senator Regala: Providing for broader collection of biological samples for the DNA

TWENTY-FIFTH DAY, FEBRUARY 7, 2008

2008 REGULAR SESSION

identification of convicted sex offenders and other persons.  
Reported by Committee on Human Services & Corrections

operate publicly owned marinas. Reported by Committee on  
Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6488 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Marr and McAuliffe.

MAJORITY recommendation: That Substitute Senate Bill No. 6532 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Hargrove; Rockefeller; Stevens and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 5, 2008

February 5, 2008  
SB 6489 Prime Sponsor, Senator Hargrove: Including level I offenders who fail to maintain registration as required by RCW 9A.44.130 to the statewide notification web site. Reported by Committee on Human Services & Corrections

SB 6572 Prime Sponsor, Senator Spanel: Allowing microbreweries to maintain off-premises warehouses for distribution. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6489 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

MAJORITY recommendation: That Substitute Senate Bill No. 6572 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 5, 2008

February 5, 2008

SB 6496 Prime Sponsor, Senator Marr: Concerning craft distilleries. Reported by Committee on Labor, Commerce, Research & Development

SB 6580 Prime Sponsor, Senator Marr: Addressing the impacts of climate change through the growth management act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6496 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

MAJORITY recommendation: That Substitute Senate Bill No. 6580 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

February 5, 2008

February 5, 2008

SB 6498 Prime Sponsor, Senator Tom: Modifying provisions concerning real estate licensure law. Reported by Committee on Labor, Commerce, Research & Development

SB 6583 Prime Sponsor, Senator Brandland: Changing provisions relating to eligibility for medical assistance. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6498 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist and King.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 6, 2008

February 4, 2008

SB 6521 Prime Sponsor, Senator McDermott: Concerning human remains. Reported by Committee on Government Operations & Elections

SB 6593 Prime Sponsor, Senator Kline: Providing for groundwater monitoring and assessments. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6521 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MAJORITY recommendation: That Substitute Senate Bill No. 6593 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Ways & Means.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin and Holmquist.

Passed to Committee on Ways & Means.

February 6, 2008

February 5, 2008

SB 6532 Prime Sponsor, Senator Haugen: Authorizing city aquatic lands management agreements allowing cities to

SB 6596 Prime Sponsor, Senator Hargrove: Providing

TWENTY-FIFTH DAY, FEBRUARY 7, 2008

for the creation of a sex offender policy board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6596 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 4, 2008

SB 6604 Prime Sponsor, Senator Murray: Enhancing the mobility of certified public accountants. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6604 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6606 Prime Sponsor, Senator Spanel: Requiring the licensing of home inspectors. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6606 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6607 Prime Sponsor, Senator Spanel: Exempting certain dairy animal feeding operations from shellfish protection district wastewater discharge assessments. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6607 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Hatfield; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6609 Prime Sponsor, Senator Fairley: Exempting specialty agricultural structures from building code requirements. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6609 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 5, 2008

2008 REGULAR SESSION

SB 6613 Prime Sponsor, Senator Kilmer: Developing a twenty-year statewide infrastructure investment strategy. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 6613 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

February 5, 2008

SB 6618 Prime Sponsor, Senator Keiser: Applying arbitration to bargaining by the state and the Washington state patrol. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6618 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6620 Prime Sponsor, Senator Pridemore: Regarding biological remediation technologies for on-site sewage disposal systems. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6620 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Ways & Means.

February 5, 2008

SB 6628 Prime Sponsor, Senator Prentice: Clarifying the state's ability to recover from defendants the cost of mental health treatment provided at state hospitals. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6679 Prime Sponsor, Senator Hargrove: Creating a forestry carbon offset program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6679 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Spanel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Ways & Means.

TWENTY-FIFTH DAY, FEBRUARY 7, 2008

2008 REGULAR SESSION

February 6, 2008

SB 6699 Prime Sponsor, Senator Shin: Establishing a student position on the Bellevue Community College board of trustees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6703 Prime Sponsor, Senator Regala: Allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6710 Prime Sponsor, Senator Keiser: Modifying the fire protection standards for hospitals. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6710 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6717 Prime Sponsor, Senator Hatfield: Increasing public utility district commissioner salaries. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6724 Prime Sponsor, Senator Kilmer: Creating a condominium liability insurance task force. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6724 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6727

Prime Sponsor, Senator Tom: Planning to ensure sufficient land and densities available to accommodate growth. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6727 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6731 Prime Sponsor, Senator Kohl-Welles: Consolidating, aligning, and clarifying exception tests for determination of independent contractor status under unemployment compensation and workers' compensation laws. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6731 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6744 Prime Sponsor, Senator Fraser: Concerning homeowners' associations. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6744 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

February 5, 2008

SB 6750 Prime Sponsor, Senator Kohl-Welles: Providing for stays of industrial insurance orders on appeal. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6750 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6757 Prime Sponsor, Senator Murray: Concerning the practice of architecture. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6757 be substituted therefor, and the substitute bill do

TWENTY-FIFTH DAY, FEBRUARY 7, 2008

pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6762 Prime Sponsor, Senator Brown: Requiring independent community impact study if nonprofit hospital to be acquired. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6762 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6770 Prime Sponsor, Senator Kohl-Welles: Regarding alcoholic beverage regulation. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6770 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6784 Prime Sponsor, Senator Kline: Changing Washington's vesting laws. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6784 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6792 Prime Sponsor, Senator Hargrove: Concerning dependency matters. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6792 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6797 Prime Sponsor, Senator Kastama: Concerning sales and use tax for public facilities in urban counties. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 6797 be substituted therefor, and the substitute bill do

2008 REGULAR SESSION

pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

February 6, 2008

SB 6804 Prime Sponsor, Senator Kilmer: Providing grants to community colleges for long-term care worker training. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Ways & Means.

February 5, 2008

SB 6819 Prime Sponsor, Senator Kohl-Welles: Providing consistency in terminology in the Revised Code of Washington. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6821 Prime Sponsor, Senator Hatfield: Exempting certain information obtained by the department of fish and wildlife from disclosure under chapter 42.56 RCW. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6835 Prime Sponsor, Senator Kohl-Welles: Prescribing rights of employees, employers, and labor organizations, not subject to the federal labor relations act. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6835 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Hewitt and King.

Passed to Committee on Rules for second reading.

February 4, 2008

SB 6837 Prime Sponsor, Senator Brown: Increasing the membership of the prescription drug assistance foundation. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

TWENTY-FIFTH DAY, FEBRUARY 7, 2008

2008 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6843 Prime Sponsor, Senator Hargrove: Addressing eligibility requirements for youth placements in HOPE centers and responsible living skills programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6868 Prime Sponsor, Senator Brown: Protecting sole source aquifers by providing sewer utility service to mobile home parks. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Fraser; Hatfield; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Murray, Vice Chair; Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6874 Prime Sponsor, Senator Brown: Regarding the Columbia river water delivery account. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6874 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Morton and Oemig.

Passed to Committee on Ways & Means.

February 6, 2008

SB 6890 Prime Sponsor, Senator Oemig: Delaying for one year the requirement to collect teacher and student identifier data and submit the data to the OSPI. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6909 Prime Sponsor, Senator Marr: Changing the nursing facility medicaid payment system. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Ways & Means.

February 5, 2008

SJM 8025 Prime Sponsor, Senator Stevens: Requesting that Congress reform current federal financial structure for foster care. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 5, 2008

SJM 8027 Prime Sponsor, Senator Kohl-Welles: Acknowledging and reaffirming the federal Equal Rights Amendment. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 6, 2008

HB 2437 Prime Sponsor, Representative Seaquist: Authorizing public works board projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6246 and Senate Bill No. 6717 which were referred to the Committee on Rules and Senate Bill No. 6429 and Senate Bill No. 6593 which were referred to the Committee on Ways & Means.

#### MOTION

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

#### MESSAGES FROM STATE OFFICES

January 31, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482

TWENTY-FIFTH DAY, FEBRUARY 7, 2008  
Olympia, Washington 98504-0482

2008 REGULAR SESSION

Dear Mr. Hoemann:

Enclosed is Dept. Social & Health Services, Individual Employment Support Services for Persons with Developmental Disabilities. This report is mandated under Chapter 522, Section 204, Laws of 2007.

If you have any questions about the report, please call 360-902-0707.

Sincerely,

Robin Arnold-Williams, Secretary  
The Dept. Social & Health Services report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

February 1, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Brand Name Medications. This report is mandated under Chapter 522, Section 209(17), Laws of 2007.

If you have any questions about the report, please call 360-725-1612.

Sincerely,

Robin Arnold-Williams, Secretary  
The Dept. of Social & Health Services, Brand Name Medications Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

February 5, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the Washington State Health Care Authority, Reducing Unnecessary Emergency Department Use. This report is mandated under Engrossed Substitute Senate Bill No. 5930, Section 14.

If you have any questions about the report, please call 360-923-2820.

Sincerely,

Robin Arnold-Williams, Secretary  
The Washington State Health Care Authority, Reducing Unnecessary Emergency Department Use Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

February 1, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Parks & Recreation Commission, Establishing a mandatory boater safety education program. This report is mandated under SSB 5145.

If you have any questions about the report, please call 360-902-8504.

Sincerely,

Rex Derr, Director  
The Washington State Parks & Recreation Commission Establishing a mandatory boater safety education program report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

December 31, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Community, Trade & Economic Development, Children & Families of Incarcerated Parents Update. This report is mandated under Chapter 384, Laws of 2007.

Sincerely,

Juli Wilkerson, Director  
The Dept. of Community, Trade & Economic Development, Children & Families of Incarcerated Parents Update Report is on file in the Office of the Secretary of the Senate.

MOTION

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

MESSAGE FROM THE HOUSE

February 6, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
SENATE BILL NO. 6272,  
SENATE BILL NO. 6335,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 6, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SUBSTITUTE HOUSE BILL NO. 2770,  
HOUSE BILL NO. 3141,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

TWENTY-FIFTH DAY, FEBRUARY 7, 2008  
MESSAGE FROM THE HOUSE

2008 REGULAR SESSION

February 6, 2008

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 2791,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6933 by Senators Marr, Hargrove, Hewitt, Franklin, Pflug, Carrell, Berkey, Kauffman, Haugen, McCaslin, Rockefeller, Fraser and Kilmer

AN ACT Relating to admissibility of evidence in sex offense cases; adding a new section to chapter 10.58 RCW; and creating new sections.

Referred to Committee on Judiciary.

SB 6934 by Senator McCaslin

AN ACT Relating to the objectives of boundary review board decisions; and amending RCW 36.93.180.

Referred to Committee on Government Operations & Elections.

SB 6935 by Senators Fairley and Hargrove

AN ACT Relating to reallocation of existing lodging taxes for support of heritage and arts programs, establishing the first priorities fund, and care for the vulnerable, including children with developmental disabilities, the mentally ill, and homeless people, in a county with a population of one million or more; amending RCW 67.28.180, 67.28.1815, 82.14.049, and 82.14.360; adding a new chapter to Title 36 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6936 by Senators Hobbs and Shin

AN ACT Relating to funding mandatory tuition waivers for eligible Washington national guard members and their families; amending RCW 28B.15.621; reenacting and amending RCW 28B.15.910; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SB 6937 by Senator Kline

AN ACT Relating to ex parte orders; amending RCW 36.18.016 and 36.18.016; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

SB 6938 by Senators Prentice, Kohl-Welles, McAuliffe and Kline

AN ACT Relating to the application of chapter 39.12 RCW to construction projects that involve tax incentives, loans, or public land or property that is sold or leased; and amending RCW 39.12.020.

Referred to Committee on Ways & Means.

SB 6939 by Senator Brandland

AN ACT Relating to local health board composition; and amending RCW 70.05.030.

Referred to Committee on Health & Long-Term Care.

SB 6940 by Senators Kilmer, Hobbs, Jacobsen, Swecker, Holmquist, Marr, Regala, Rasmussen, Franklin, Hargrove and McAuliffe

AN ACT Relating to veterans' personal needs allowances; and amending RCW 72.36.160.

Referred to Committee on Ways & Means.

SB 6941 by Senators Fraser, Morton, Regala and Delvin

AN ACT Relating to a waste reduction and recycling awards program in K-12 schools; and amending RCW 70.95C.120.

Referred to Committee on Select Committee on Environmental Health.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2770 by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Kenney, Lantz, Upthegrove, Conway, Morrell, Schual-Berke, McIntire, Hudgins, Simpson and Rolfes)

AN ACT Relating to homeownership security, responsible mortgage lending, and improving protections for residential mortgage loan consumers; amending RCW 19.146.005 and 61.24.030; reenacting and amending RCW 9.94A.515 and 9A.82.010; adding new sections to chapter 19.146 RCW; adding a new section to chapter 30.04 RCW; adding a new section to chapter 31.04 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 32.04 RCW; adding a new section to chapter 33.04 RCW; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 2791 by Representatives Lantz, Rodne and Kelley

AN ACT Relating to distressed property conveyances; adding a new chapter to Title 64 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

HB 3141 by Representatives Liias, Chase, Ericks, Loomis, Rolfes, Miloscia, Upthegrove, Appleton, Dickerson, Kenney and Ormsby

AN ACT Relating to sustainable residential weatherization for low-income households; amending RCW 70.164.020, 70.164.040, and 43.330.110; and creating a new section.

TWENTY-FIFTH DAY, FEBRUARY 7, 2008

2008 REGULAR SESSION

Referred to Committee on Consumer Protection &amp; Housing.

## MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

## MOTION

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

## MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION  
8708

By Senators Shin, Delvin, Hargrove, Eide, Oemig, McAuliffe, Franklin, Rockefeller, Hatfield, Jacobsen, Kastama, Zarelli, Haugen, Fairley, Fraser, Prentice, Kauffman, McCaslin, Weinstein, Keiser, Roach, Kilmer, Hobbs, Marr, Parlette, Kline, Sheldon, Swecker, Kohl-Welles, Pridemore, Rasmussen, Stevens, Morton, Hewitt, Holmquist, Schoesler, Murray, Pflug, King, Regala, Honeyford, and Berkey

WHEREAS, The students selected for special recognition as Washington Scholars and Washington Scholars-Alternate in 2008 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their role as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor four outstanding seniors from each of the state's forty-nine Legislative Districts, three scholars and one alternate, for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each of the Washington Scholars and the Washington Scholars-Alternate selected in 2008.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8708.

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

## MOTION

Senator Brandland moved adoption of the following resolution:

SENATE RESOLUTION  
8716

By Senators Brandland, Delvin, and Eide

WHEREAS, Peace officers serve a vital role in protecting and enhancing the safety and welfare of our citizens; and

WHEREAS, They dedicate their lives to securing the lives of others; and

WHEREAS, The Washington Council of Police and Sheriffs has been protecting and enhancing the welfare of law enforcement officers in the state for over 50 years; and

WHEREAS, The Washington Council of Police and Sheriffs has grown to over 108 groups representing more than 4,700 of the sworn police officers and deputy sheriffs in the state; and

WHEREAS, The Washington Council of Police and Sheriffs continues their fight to strengthen the rights and quality of life of those who have dedicated their careers to protecting and serving our communities; and

WHEREAS, Peace officers continue to educate themselves to better serve and protect in times of catastrophic events; and

WHEREAS, Peace officers spend countless hours on charities for victims;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate the Washington Council of Police and Sheriffs for more than 50 years of service to its members, the State of Washington, and, most of all, to the citizens of this state; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor the Washington Council of Police and Sheriffs for its many positive contributions to its communities and encourage officers and members to keep up the good and useful work they do; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Washington Council of Police and Sheriffs' President, Mark Lann, at the Washington Council of Police and Sheriffs' headquarters in Olympia, Washington.

Senators Brandland and Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8716.

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

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington Council of Police and Sheriffs's who were seated in the gallery.

## MOTION

Senator Kilmer moved adoption of the following resolution:

SENATE RESOLUTION  
8722

By Senators Kilmer, Holmquist, Brandland, Hargrove, Keiser, Shin, Kastama, Hatfield, and Eide

WHEREAS, There are more than 57,000 perianesthesia registered nurses in the United States whose interests are represented by one of our nation's premier specialty nursing organizations, the American Society of PeriAnesthesia Nurses; and

TWENTY-FIFTH DAY, FEBRUARY 7, 2008

WHEREAS, Perianesthesia nurses practice in all phases of preanesthesia and postanesthesia care, ambulatory surgery, pain management, and special procedure areas; and

WHEREAS, The depth and breadth of the perianesthesia nursing profession meets the varied and emerging health care needs of the American population in a diversified range of environments; and

WHEREAS, The American Society of PeriAnesthesia Nurses, as the representative for the perianesthesia nurses of this country, strives to advance nursing practice through education, research, and standards; and

WHEREAS, Perianesthesia nursing has been established as essential in the quality of health care and safety of patients in the hospital and ambulatory surgery settings; and

WHEREAS, The demand for perianesthesia nurses will only increase due to an aging American population, advances in medicine that are prolonging life, and the meteoric expansion of home health care services; and

WHEREAS, The inestimable preeminent value of services and care provided by perianesthesia nurses will be of paramount importance to the American health care system; and

WHEREAS, Along with the American Society of PeriAnesthesia Nurses (ASPN), the Northwest PeriAnesthesia Nurses Association (NPANA) has declared the week of February 4-10, 2008, as "PeriAnesthesia Nurse Awareness Week" with the theme of "Be the Voice: Advocacy Through Education, Research and Legislative Involvement" in celebration of the ways perianesthesia nurses strive to advance nursing practices;

NOW, THEREFORE, BE IT RESOLVED, That the Senate ask that all residents of the State of Washington honor the perianesthesia nurses who care so unselfishly and proficiently for us all; and

BE IT FURTHER RESOLVED, That the residents of Washington celebrate perianesthesia nurses' accomplishments and efforts to improve the quality of patient care and nursing practices, and show appreciation for our nation's perianesthesia nurses not just during the week, but at every opportunity throughout the year.

Senator Kilmer spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8722.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Northwest Perianesthesia Registered Nurses Association who were seated in the gallery.

#### MOTION

At 12:18 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 8, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**TWENTY-SIXTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, February 8, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Fairley, Franklin, Haugen, Jacobsen, Kauffman, Keiser, Murray, Rasmussen and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Tyler Yerrington and Cassandra Campos, presented the Colors. Rabbi Zalman Heber of Chabad offered the prayer.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 7, 2008

SB 5892 Prime Sponsor, Senator Honeyford: Regarding the state building code. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5892 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6241 Prime Sponsor, Senator Fairley: Prohibiting the sale or use of prescriber-identifiable prescription data for commercial or marketing purposes absent prescriber consent. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6241 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Kastama; Kohl-Welles and Marr.

MINORITY recommendation: Do not pass. Signed by Senators Pflug and Carrell.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6333 Prime Sponsor, Senator Keiser: Establishing a citizens' work group on health care. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6333 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Kastama; Kohl-Welles and Marr.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug and Carrell.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6352 Prime Sponsor, Senator Haugen: Providing criteria for the siting of an institution of higher education in the north Puget Sound region. Reported by Committee on Higher Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Schoesler and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Berkey.

Passed to Committee on Ways & Means.

February 6, 2008

SB 6359 Prime Sponsor, Senator Pflug: Establishing a plan for dental care delivery. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6359 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Ways & Means.

February 6, 2008

SB 6360 Prime Sponsor, Senator Pflug: Establishing a task force on primary care medical practice. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6360 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6380 Prime Sponsor, Senator Eide: Enhancing school library programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6380 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King; Brandland and Holmquist.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6418 Prime Sponsor, Senator Kauffman: Requiring policies on and limiting the use of mechanical, chemical, and physical restraint of students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6418 be substituted therefor, and the substitute bill do

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senators King; Brandland; Holmquist and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6426 Prime Sponsor, Senator Hobbs: Enacting the Interstate Compact on Educational Opportunity for Military Children. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6426 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6439 Prime Sponsor, Senator Spanel: Concerning radiologist assistants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6439 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6443 Prime Sponsor, Senator Kohl-Welles: Regarding disciplinary actions for education employees committing sexual offenses. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6443 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6450 Prime Sponsor, Senator Tom: Regarding reimbursement for school district and educational service district costs for performance audits. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland; Eide; Hobbs; Kauffman; McDermott; Oemig and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senators King; Holmquist and Zarelli.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6456 Prime Sponsor, Senator Keiser: Modifying credentialing standards for counselors. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6456 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6466 Prime Sponsor, Senator Roach: Creating a task force to study teaching Spanish and Chinese in public schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6466 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Eide; Hobbs; Holmquist; McDermott; Oemig and Rasmussen.

Passed to Committee on Ways & Means.

February 6, 2008

SB 6470 Prime Sponsor, Senator Kauffman: Training medical students, nurses, and medical technicians and assistants to work with patients with developmental disabilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6470 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6486 Prime Sponsor, Senator McAuliffe: Regarding the career and technical education curricula advisory committee. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6490 Prime Sponsor, Senator Hobbs: Authorizing a branch campus of the University of Washington at Lake Stevens. Reported by Committee on Higher Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Berkey.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6506 Prime Sponsor, Senator Marr: Creating a system for enforcing discipline in medical professions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6506 be substituted therefor, and the substitute bill do

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Ways & Means.

February 6, 2008

SB 6556 Prime Sponsor, Senator Honeyford: Requiring the office of the superintendent of public instruction to develop anaphylactic policy guidelines. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6556 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6588 Prime Sponsor, Senator Kauffman: Authorizing the transfer of accumulated leave between the common school and higher education systems. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein and Zarelli.

MINORITY recommendation: Do no pass. Signed by Senator King.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6611 Prime Sponsor, Senator Pridemore: Enhancing Washington state history and government course requirements for high school graduation. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Rasmussen and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King and Brandland.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6616 Prime Sponsor, Senator Brandland: Encouraging private investment in port terminal facilities by providing tax incentives to local governments. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 6616 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli and King.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6674 Prime Sponsor, Senator McAuliffe: Authorizing certain school districts and educational service districts to designate a district treasurer. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6674 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6682 Prime Sponsor, Senator Kohl-Welles: Regarding the department of social and health services providing background checks for home care agencies. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6682 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6698 Prime Sponsor, Senator Shin: Regarding voter registration and informational activities at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6698 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6713 Prime Sponsor, Senator Kauffman: Requiring the department of social and health services to contract with counties to provide early intervention services for children with developmental disabilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Ways & Means.

February 6, 2008

SB 6726 Prime Sponsor, Senator Tom: Granting the professional educator standards board ongoing authority to establish professional-level certification assessments and performance standards. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6726 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

February 7, 2008

SB 6736 Prime Sponsor, Senator Rasmussen: Establishing a lifelong services program for persons with developmental disabilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6736 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6739 Prime Sponsor, Senator Franklin: Granting authority to psychiatric advanced registered nurse practitioners. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6740 Prime Sponsor, Senator Regala: Regarding the provision of teacher certification services. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6742 Prime Sponsor, Senator Rasmussen: Requiring development of programs and guidelines for students with autism. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6742 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6743 Prime Sponsor, Senator Rasmussen: Regarding training and guidelines for teachers of students with autism. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6743 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6752 Prime Sponsor, Senator Kastama: Providing new market development tax credits. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 6752 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6768 Prime Sponsor, Senator Weinstein: Providing for certain requirements and restrictions on purchases of used vehicles. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6768 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Delvin.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6781 Prime Sponsor, Senator Tom: Regarding mathematics and science teachers. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6781 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Ways & Means.

February 5, 2008

SB 6789 Prime Sponsor, Senator Kilmer: Requiring public notification of industrial development levies by port districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6789 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6796 Prime Sponsor, Senator Fraser: Concerning the information required to be reported in the annual economic impact report on lodging tax revenues. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 6796 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6820 Prime Sponsor, Senator Kastama: Creating the Washington investment in student excellence scholarship program. Reported by Committee on Economic Development, Trade & Management

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6820 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6832 Prime Sponsor, Senator Shin: Regarding career colleges' participation in the opportunity grant program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6832 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6847 Prime Sponsor, Senator Weinstein: Regulating real estate settlement services. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6847 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer and Tom.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6849 Prime Sponsor, Senator Oemig: Regarding resident student classification. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6852 Prime Sponsor, Senator Kohl-Welles: Addressing the presence of toxins in households or dwellings. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Jacobsen; Kilmer and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Delvin.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6872 Prime Sponsor, Senator McDermott: Enacting the community schools act of 2008. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senators King; Brandland and Zarelli.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6875 Prime Sponsor, Senator Tom: Creating the condominium act governance task force. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6879 Prime Sponsor, Senator McAuliffe: Regarding the joint task force on basic education finance. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6879 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Eide; Hobbs; Holmquist; McDermott; Oemig; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6889 Prime Sponsor, Senator Pflug: Developing a secure internet-based format for health care quality data. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6908 Prime Sponsor, Senator Rasmussen: Encouraging the meaning and history of the pledge of allegiance to be taught annually. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2008

SB 6910 Prime Sponsor, Senator Shin: Authorizing Western Washington University to confer honorary doctoral degrees. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6910 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6930 Prime Sponsor, Senator Tom: Regarding bonuses for nationally certified teachers who become principals

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

or superintendents. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

February 7, 2008

SJM 8028 Prime Sponsor, Senator Shin: Requesting that the President and Congress support the participation of Taiwan in the World Health Organization. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6418, Senate Bill No. 6439, Senate Bill No. 6456, Senate Bill No. 6682 and Senate Bill No. 6930 which were referred to the Committee on Rules and Senate Bill No. 6450 which was referred to the Committee on Ways & Means.

#### MOTION

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

#### MESSAGES FROM THE GOVERNOR

January 29, 2008

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

In compliance with the provisions of Article III, Section 11, of the constitution of the State of Washington, the Governor hereby submits her report of each case of reprieve, commutation or pardon that she has granted since the adjournment of the 2007 Regular session of the 60th Legislature, copies of which are attached.

Sincerely,  
Richard E. Mitchell  
General Counsel

#### CONDITIONAL COMMUTATION OF THOMAS W. MEGGYSEY

#### To All To Whom These Presents Shall Come, Greetings:

WHEREAS, on the night of July 26, 1995, Mr. Meggyesy attended a party at his neighbor's apartment. Both Mr. Meggyesy and his neighbor were drinking significantly throughout the evening. At some point that evening, the two men got into a verbal and physical altercation. Mr. Meggyesy left, but he returned shortly thereafter with a gun. Mr. Meggyesy knocked on the door and, as it opened, shot his neighbor in the abdomen, narrowly missing his heart.

WHEREAS, on December 7, 1995, Mr. Meggyesy was convicted of First Degree Assault and sentenced to 93 months, plus 60 months for a gun enhancement. He does not have any prior convictions.

WHEREAS, while appealing his conviction, Mr. Meggyesy was released from prison on bond for over two years. During that time, Mr. Meggyesy married, purchased a home, and had no encounters with the law. On April 6, 1998, Mr. Meggyesy lost his appeal and returned to prison. Since being incarcerated, Mr. Meggyesy has served his time as a model citizen. He has maintained an infraction free record, taken advantage of programming opportunities and tutored other inmates. As a result of his conduct, Mr. Meggyesy has earned the maximum amount of good time.

WHEREAS, Mr. Meggyesy's health is deteriorating and his elbow, back and knees have been hurting because of his years as a contractor and football player. After his release, Mr. Meggyesy's health care needs will be covered through his wife's medical insurance.

WHEREAS many family members, friends, employers, and former customers and co-workers wrote or spoke on Mr. Meggyesy's behalf. The supporters expressed that they are committed to helping support him whenever he is released. The Snohomish County Prosecutor's Office took no position on the clemency petition, and no one submitted materials opposing Mr. Meggyesy's petition.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Thomas W. Meggyesy a Conditional Commutation of the remainder of his sentence subject to the following conditions, all of which commence as of the date of this document:

- 1) He shall not commit any gross misdemeanors or felonies for 5 years;
- 2) He shall not possess any firearms for 10 years;
- 3) He shall not have any contact with the victim for 10 years; and
- 4) He must successfully complete an alcohol treatment and anger management program within 12 months of the granting of this Conditional Commutation.

PROVIDED that in the event Mr. Meggyesy is convicted of any offense classified as a gross misdemeanor or felony in the state of Washington or violates any condition of this commutation as determined by the Governor following his release, the Conditional Commutation is revoked without notice and the sentence of the court reinstated, whereupon Mr. Meggyesy will be immediately returned to the Washington Corrections Center or any such facility as the Secretary of Corrections deems appropriate. The Department of Corrections shall provide a written report to the Clemency and Pardons Board regarding the violation of this Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 11th day of April, A.D., two thousand and seven.

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

CHRISTINE O. GREGOIRE,  
Governor of Washington**OF**  
**MICHAEL N. EGAN**

SEAL

BY THE GOVERNOR

SAM REED  
Secretary of State**FULL AND UNCONDITIONAL PARDON**  
**OF**  
**STANLEY CATRON****To All to Whom These Presents Shall Come, Greetings:**

WHEREAS, in 1985, Stanley M. Catron was convicted of Indecent Liberties after having sexual contact with his 13-year old stepdaughter. Immediately after the sexual contact occurred, Mr Catron took his victim to the police station and turned himself in.

WHEREAS, Mr. Catron demonstrated immediate remorse, openly admitted his guilt, cared for his victim and assisted in her rehabilitation. On July 21, 1994, the Yakima County Superior Court issued a Certificate of Rehabilitation to him. Since his conviction, he has completed a year of psychotherapy and abided by all conditions of his probation. Additionally, Mr Catron has had no further arrests or convictions.

WHEREAS, Mr. Catron's victim testified that she has forgiven Mr. Catron and supports his petition to the Governor's Office. In light of the victim's forgiveness, the Yakima County Prosecuting Attorney also supports Mr. Catron's petition.

WHEREAS, Mr. Catron's gun rights were restored by the Bureau of Alcohol Tobacco and Firearms in 1989. However, in light of his conviction for Indecent Liberties, those rights were revoked. Mr. Catron has petitioned the Governor for a pardon so that he may again lawfully own and possess firearms.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Stanley M. Catron the FULL AND UNCONDITIONAL pardon of his conviction of Indecent Liberties so that he may lawfully own and possess firearms.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 4th day of April, A.D., two thousand and seven.

CHRISTINE O. GREGOIRE,  
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED  
Secretary of State**CONDITIONAL PARDON****To All to Whom These Presents Shall Come, Greetings:**

WHEREAS, on August 10, 2004, Mr. Egan and a friend were at a nightclub in Seattle when a club patron began an argument with Mr. Egan's friend. As the altercation escalated, the patron punched Mr. Egan's friend and Mr. Egan intervened, breaking a beer bottle on the man's head. After the altercation, all the individuals involved were ejected from the nightclub, but Mr. Egan and his friend later returned to retrieve some belongings. The nightclub employees called 911 and Mr. Egan was arrested.

WHEREAS, on January 26, 2006, Mr. Egan was convicted of Third Degree Assault. As part of his probation requirements, Mr. Egan cannot possess any firearms or ammunition.

WHEREAS, Todd Amis, Sergeant First Class of the Army Special Forces, wrote a letter on Mr. Egan's behalf stating that he is a vital asset to the Army's Special Operations unit and the Global War on Terrorism. Mr. Amis represented that if Mr. Egan cannot have his right to carry firearms restored, then he would be dismissed from the military.

WHEREAS, Mr. Egan's valuable Special Operations skills and experience make him a much needed and extraordinary asset to the military. In addition, without his ability to possess firearms, Mr. Egan cannot fully engage in his Special Forces unit as it combats the War on Terrorism.

WHEREAS, at the clemency hearing, Mr. Egan apologized for his actions and poor judgement. He recognized that this conviction has placed his military career on the line and expressed his desire to continue serving his country as a member of the Army. Mr. Egan's attorney pointed out that his client's girlfriend and father, a veteran, were present to show their support. The King County Prosecutor's Office did not submit any materials regarding Mr. Egan's petition.

WHEREAS, I have reviewed all pertinent facts and circumstance surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Michael N. Egan a CONDITIONAL PARDON subject to the following conditions: he does not commit any gross misdemeanors or felonies for 4 years; he does not possess firearms for any reason outside of his military duties for 4 years he does not have contact with the victims of his assault for 4 years; and he successfully completes an anger management program within 4 years. PROVIDED that in the event Mr. Egan is convicted of any offense classified as a gross misdemeanor or felony in the state of Washington or violates the conditions of this commutation within the 4 years following his release, as determined by the Governor, the Conditional Pardon is revoked without notice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 2nd day of April, A.D., two thousand and seven.

CHRISTINE O. GREGOIRE,  
Governor of Washington

TWENTY-SIXTH DAY, FEBRUARY 8, 2008  
SEAL

BY THE GOVERNOR

SAM REED  
Secretary of State

**FULL AND UNCONDITIONAL PARDON  
OF  
IRENEO PARRILLA**

**To All to Whom These Presents Shall Come, Greetings:**

WHEREAS, Ireneo Parrilla is a 49 year old legal resident of Filipino descent. Mr. Parrilla is married with four children. His wife and children are all U. S. citizens. As the primary wage earner for his family, he has worked as a registered surgical nurse in the U.S. and overseas for over 20 years. He has no prior convictions.

WHEREAS, in December of 2000, Mr. Parrilla and his young son attended a party. While at the party, an intoxicated Mr. Parrilla inappropriately touched an eight year old girl. He was subsequently charged with and plead guilty to the misdemeanor offense of Communication with a Minor for Immoral Purposes. Mr. Parrilla pled guilty rather than drag the victim and his family through a trial. According to Mr. Parrilla, his criminal defense attorney failed to advise him that pleading guilty could result in deportation under federal immigration law.

WHEREAS, after he served his sentence and completed Alcohol and Drug Information School in January 2003, the U. S. Department of Homeland Security initiated deportation proceedings against Mr. Parrilla. Since August 18, 2003, Mr. Parrilla has been incarcerated, subject to deportation proceedings, and was eventually deported. He could have returned to the Philippines on his own volition, but chose to remain in prison in order to defend against the deportation and remain in the U. S. with his family. Mr. Parrilla exhausted judicial and immigration process, leaving a gubernatorial pardon as his only remedy.

WHEREAS, Mr. Parrilla has accepted responsibility and shown remorse for his criminal actions. He has compellingly demonstrated his commitment to rejoin and support his family and to continue to serve Washington State as an experienced surgical nurse. Two of his Children, who have lived in the U. S. all of their lives, expressed profound concern with the impact of their father's deportation. Along with his handwritten petition, Mr. Parrilla submitted over 125 signatures of support.

WHEREAS, Mr. Parrilla's case presents a conflict between state and federal classifications over the same crime. Washington State's criminal code classifies "Communication with a Minor for Immoral Purposes" as a misdemeanor, while federal immigration law classifies it as a deportable crime of "moral turpitude." Mr. Parrilla's representation that his defense attorney failed to advise him on the status of federal immigration law was un rebutted. Given the potential for permanent separation from his family, the fact that Mr. Parrilla pled guilty is suggestive of inadequate counsel.

WHEREAS, the Board found deportation for a misdemeanor disproportionate punishment, particularly in light of the significant disruption the deportation would have to the Parrilla family. Second, the Board considered Mr. Parrilla's decision to remain incarcerated for more than three years, when the original sentence was only 90 days, sufficient punishment. Third, the Board found significant Mr. Parrilla's differences in

communication and legal understanding. As a result of these reasons, the Board recommended that the Governor pardon Mr. Parrilla.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Ireneo Parrilla this full and unconditional pardon of his conviction of Communication with a Minor for Immoral Purposes so that he may live with his family in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 2nd day of April, A.D., two thousand and seven.

CHRISTINE O. GREGOIRE,  
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED  
Secretary of State

**FULL AND UNCONDITIONAL PARDON  
OF  
KIZZY TYNELL MCNEAL**

**To All to Whom These Presents Shall Come, Greetings**

WHEREAS, when she was nineteen years old, Kizzy Tynell McNeal, aka Kizzy Tynell Moore, returned home to the apartment she shared with her husband after visiting her mother in Alaska to find another woman in her bed. Ms. McNeal retrieved a butcher knife from the kitchen and swung the knife several times at her husband, almost striking him. Ms. McNeal was convicted of Assault in the Third Degree.

WHEREAS, since her conviction in 1996, Ms. McNeal has focused on her education and rehabilitation. She has succeeded academically and personally. She has earned 47 credits at the University of Anchorage and Liberty University and has remarried and started a family. Additionally, she served five years in the North Carolina National Guard and is currently enlisted in the United States Army, rank E-4, pursuing a career as a combat medic.

WHEREAS, Ms. McNeal's prior conviction prevents her from finishing her training as a combat medic and joining her military unit in Iraq.

WHEREAS, the Chief Criminal Deputy, for the Pierce County Prosecutor's Office, has stated that his office is not opposed to a pardon for Ms. McNeal, as she has persuasively shown her rehabilitation.

WHEREAS, I have reviewed all pertinent facts and circumstance surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Kizzy Tynell McNeal, aka Kizzy Tynell Moore, this full and unconditional pardon of her conviction of Assault in the Third Degree so that she may pursue her goal of completing her training as a combat medic and join her military unit.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 7th day of March, A.D., two thousand and seven.

CHRISTINE O. GREGOIRE,  
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED  
Secretary of State

**FULL AND UNCONDITIONAL PARDON  
OF  
SHEILA TUGADE**

**To All to Whom These Presents Shall Come, Greetings:**

WHEREAS, Ms. Tugade was charged with Forgery when she stole her sister-in-law's credit card and made a purchase at Nordstrom and later attempted to return the merchandise for cash. Ms. Tugade was later arrested, prosecuted and sentenced to community service and supervision by Washington State's Department of Corrections.

WHEREAS, upon the Department of Corrections termination of supervision, notice was sent to Ms. Tugade stating she had not completed all her community service hours, prompting a hearing before the King County Superior Court. Without written proof of completion, the court ordered eight hours of jail time in lieu of community service completion. This order was issued on a Friday. On the subsequent Monday, Ms. Tugade presented written proof of her completion of community service hours to the court via the public defender's agency. While the agency submitted a proposed order striking the jail time, it did not ask the court to issue a Certificate of Discharge.

WHEREAS, current state law allows Ms. Tugade to request vacation of her conviction five years from the date of her discharge. Since the Certificate of Discharge was not initially issued and an order of discharge cannot be backdated, the five-year statutory clock would start only upon Ms. Tugade's current request for an order of discharge.

WHEREAS, *a nunc pro tunc* order will not provide a remedy because the court did not originally intend to issue a Certificate of Discharge.

WHEREAS, over ten years have elapsed since Ms. Tugade's conviction without any further arrests or convictions. Her current conviction of record has been an impediment to her gaining permanent employment.

WHEREAS, the prosecutor does not oppose Ms. Tugade's petition. The victim has written a letter of support of granting the petition, and restitution has been paid in full.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grand to Sheila Tugade, this full and unconditional pardon of her conviction of Forgery so that she may pursue permanent and gainful employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 7th day of March, A.D., two thousand and seven.

CHRISTINE O. GREGOIRE  
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED  
Secretary of State

**FULL AND UNCONDITIONAL PARDON  
OF  
NGHIA T. LUU**

**To All to Whom These Presents Shall Come, Greetings:**

WHEREAS, when he was nineteen years old, over ten years ago, Nghia T. Luu, attempted to take a computer from a retail store. The store's security stopped him before he left the premises. Mr. Luu was subsequently convicted of Theft in the First Degree.

WHEREAS, since his conviction, Mr. Luu has focused on his education and rehabilitation. He has succeeded academically and personally, working in his single mother's business as well as assisting her financially. He is currently enrolled in community college with a high grade point average and wishes to apply to pharmacy school. He has been advised, however, that his conviction may preclude him from completing his education objectives. Mr. Luu has demonstrated his potential to be successful in post collegiate academics and his potential to succeed professionally.

WHEREAS, since his conviction in 1998, Mr. Luu has had no subsequent contact with Washington State law enforcement.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Nghia T. Luu this full and unconditional pardon of his conviction of Theft in the First Degree so that he may pursue his academic and professional goals.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

affixed at Olympia on this 7th day of March, A.D., two thousand and seven.

Senator Hargrove moved that Gubernatorial Appointment No. 9377, Eldon Vail, as a Secretary of the Department of Corrections, be confirmed.

Senator Hargrove spoke in favor of the motion.

CHRISTINE O. GREGOIRE  
Governor of Washington

MOTION

SEAL

On motion of Senator Brandland, Senator Pflug was excused.

BY THE GOVERNOR

MOTION

SAME REED  
Secretary of State

On motion of Senator Regala, Senators Brown, Fraser, Haugen, Jacobsen, Kauffman, Rasmussen and Sheldon were excused.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

APPOINTMENT OF ELDON VAIL

MESSAGE FROM THE HOUSE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9377, Eldon Vail as a Secretary of the Department of Corrections.

February 7, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SUBSTITUTE HOUSE BILL NO. 1675,  
HOUSE BILL NO. 2048,  
SUBSTITUTE HOUSE BILL NO. 2107,  
HOUSE BILL NO. 2283,  
HOUSE BILL NO. 3020,  
HOUSE BILL NO. 3024,  
and the same are herewith transmitted.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9377, Eldon Vail as a Secretary of the Department of Corrections and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 3; Excused, 7.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 39

BARBARA BAKER, Chief Clerk

Absent: Senators Fairley, Keiser and Murray - 3

MESSAGE FROM THE HOUSE

Excused: Senators Brown, Franklin, Haugen, Jacobsen, Kauffman, Rasmussen and Sheldon - 7

February 7, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SECOND SUBSTITUTE HOUSE BILL NO. 2479,  
HOUSE BILL NO. 2489,  
HOUSE BILL NO. 2606,  
HOUSE BILL NO. 2619,  
HOUSE BILL NO. 2636,  
HOUSE BILL NO. 2656,  
SUBSTITUTE HOUSE BILL NO. 2729,  
HOUSE BILL NO. 2738,  
HOUSE BILL NO. 2755,  
HOUSE BILL NO. 2761,  
HOUSE BILL NO. 2763,  
HOUSE BILL NO. 2774,  
HOUSE BILL NO. 2799,  
HOUSE BILL NO. 2825,  
HOUSE BILL NO. 2941,  
and the same are herewith transmitted.

Gubernatorial Appointment No. 9377, Eldon Vail, having received the constitutional majority was declared confirmed as a Secretary of the Department of Corrections.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9354, Rhona Sen Hoss, as a member of the Board of Trustees, Clark Community College District No. 14, be confirmed.

Senator Pridemore spoke in favor of the motion.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Regala, Senators Fairley, Keiser and Murray were excused.

MOTION

APPOINTMENT OF RHONA SEN HOSS

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

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9354, Rhona Sen Hoss as a member of the Board of Trustees, Clark Community College District No. 14.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9354, Rhona Sen Hoss as a member of the Board of Trustees, Clark Community College District No. 14 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

MOTION

Voting yea: Senators Benton, Berkey, Brandland, Carrell,

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

Delvin, Eide, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 40

Excused: Senators Brown, Fairley, Franklin, Haugen, Jacobsen, Kauffman, Keiser, Murray and Sheldon - 9

Gubernatorial Appointment No. 9354, Rhona Sen Hoss, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clark Community College District No. 14.

#### MOTION

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

#### MOTION

Senator McDermott moved adoption of the following resolution:

#### SENATE RESOLUTION 8720

By Senators McDermott, Regala, Kauffman, Rasmussen, Brandland, McAuliffe, Kline, Oemig, Tom, Weinstein, and Eide

WHEREAS, Julius Pierpont Patches is fondly known by thousands as J.P. Patches; and

WHEREAS, Chris Wedes has been J.P. Patches for fifty years; and

WHEREAS, The J.P. Patches show aired on KIRO, Channel 7 television for twenty-three years, the first time on February 8, 1958, fifty years ago today; and

WHEREAS, The J.P. Patches show was the longest-running, locally produced children's program in the United States; and

WHEREAS, J.P. Patches, along with Gertrude, Ketchikan the Animal Man, the Swami of Pastrami, Ggoorrsstt the Friendly Frpl, and countless others, entertained children twice a day for 13 years (plus Saturdays), another 8 years on mornings only, and on Saturday morning only for another 2 years, totaling approximately 10,000 hours of on-air clowning around; and

WHEREAS, Generations of viewers grew up as "Patches Pals," sharing the joyful, zany antics of J.P. with their children; and

WHEREAS, The show was live, unrehearsed improvisation; and

WHEREAS, At the peak of its run, the Emmy award-winning program had a viewership of over 100,000 in its local markets; and

WHEREAS, J.P. Patches was "Mayor of the City Dump"; and

WHEREAS, The roster of "Patches Pals" is long and varied, and contains many notable names; and

WHEREAS, J.P. Patches not only entertained through television, he remains a common sight at Children's Hospital and other hospitals in the area, visiting sick children and promoting the work of the hospital; and

WHEREAS, J.P. Patches has made countless fundraising appearances for a variety of charities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor J.P. Patches and his alter ego Chris Wedes for the wholesome, family-oriented entertainment that he has consistently provided for 50 years; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to J.P. Patches (Chris Wedes).

Senators McDermott, Eide, Regala, Pflug, McAuliffe, Delvin, Parlette, Prentice and Spanel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8720.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced "J. P. Patches," Chris Wedes, wife Joan, daughter & son-in-law Casey and Jack Frost, Bob Minnott, wife Jann Placental and friends who were seated in the gallery.

#### PERSONAL PRIVILEGE

Senator Pridemore: "Oh Mr. President, I couldn't help but notice that our newest freshman just gave his first speech on the floor of the senate. We have a tradition here because we're a body of tradition, we're people who respect the past, we respect and admire those who have served on this floor in the past so we try to honor the traditions that they honored and one of the traditions is to celebrate the new speech. We are a body that knows that if don't respect and admire speakers of the past then they won't be people who respect and admire us in the future looking back when our time here is done. (Phone rings) I'm sorry Mr. President. I am expecting a really critical call. Is it ok if I take this, just this one time?"

President Owen: "Senator Pridemore, make it quick, this is totally out of order Senator Pridemore."

#### PERSONAL PRIVILEGE

Senator Pridemore: "This is Pridemore."

Voice on cellular telephone: "Pridemore, it's Poulsen."

Senator Pridemore: "I'm sorry?"

Former Senator Poulsen: "Erik Poulsen you putz. Hey, I need a big favor."

Senator Pridemore: "I'm sorry, sir. Are you from the forty-ninth?"

Former Senator Poulsen: "Dude, it's Poulsen. You remember. The guy who saved our climate change bill that got you name WCV environmental whacko of the year for? The one who fixed the e-waste bill you screwed up so badly and that stupid appliance repair bill, your first big bill, that I had to save because you couldn't even explain it in caucus!?"

Senator Pridemore: "You said *Paulsen*?"

Former Senator Poulsen: "Come on, man! Remember the Columbia River water agreement? The clean car bill? The green buildings bill? That stuff made history dude."

Senator Pridemore: "No, I'm sorry. I don't, well I kind of remember the water agreement. Kind of, I..."

Former Senator Poulsen: "Dude. I'm serious. I really need your help with this Maury Island issue --"

Senator Pridemore: "Now, wait a second. SIR. LOBBYING IS NOT PERMITTED ON THE FLOOR OF THE SENATE!"

Former Senator Poulsen: "Yea, but..."

Senator Pridemore (Closes telephone.): "I'm sorry, Mr. President. It was obviously a crank call. Yes, Senator McDermott you have arrived. Now you belong to the ages, you will be remembered in the hallowed halls of the Washington State Senate right along side all the other great men and women whom we revere from yesterday. Welcome to the Senate."

#### MOTION

At 10:44 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

The Senate was called to order at 5:16 p.m. by President Owen.

MOTION

On motion of Senator Fraser, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 7, 2008

SB 5180 Prime Sponsor, Senator Kastama: Regulating tattooing and body piercing. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King and Prentice.

MINORITY recommendation: Do not pass. Signed by Senator Murray.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 5213 Prime Sponsor, Senator Jacobsen: Promoting coordinated ocean management policies. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5213 be substituted therefor, and the second substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Spanel.

MINORITY recommendation: Do no pass. Signed by Senator Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Ways & Means.

February 7, 2008

SSB 5733 Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Regarding hydraulic project permit approval for projects intended to reduce or eliminate damage from floods. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Hargrove; Rockefeller and Stevens.

Passed to Committee on Rules for second reading.

February 8, 2008

SB 5860 Prime Sponsor, Senator Murray: Regulating body piercing. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5860 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Hewitt; King and Prentice.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 5863 Prime Sponsor, Senator Kilmer: Requiring the county assessor to consider the growth management act when establishing fair market property values. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott and Pridemore.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6000 Prime Sponsor, Senator Swecker: Allowing ranked choice voting by cities and local taxing districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6170 Prime Sponsor, Senator Holmquist: Creating a biofuel economic development grant program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Morton and Shin.

MINORITY recommendation: Do not pass. Signed by Senator Jacobsen.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6206 Prime Sponsor, Senator Zarelli: Modifying child fatality and near fatality reviews and reports. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6206 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6210 Prime Sponsor, Senator Benton: Requiring the registration of sex offender e-mail addresses or other internet communication names or identities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6210 be substituted therefor, and the substitute bill do

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Marr and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6222 Prime Sponsor, Senator Keiser: Expanding programs for persons needing long-term care. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6222 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 5, 2008

SB 6235 Prime Sponsor, Senator Haugen: Addressing public works procurement. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6235 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6242 Prime Sponsor, Senator Spanel: Addressing pesticide registration and license fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6256 Prime Sponsor, Senator Jacobsen: Creating the Washington heritage livestock and poultry breed recognition program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6256 be substituted therefor, and the substitute bill do

2008 REGULAR SESSION

pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6258 Prime Sponsor, Senator Jacobsen: Concerning adulterated pet food. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6258 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6276 Prime Sponsor, Senator Kohl-Welles: Creating a pilot program placing domestic violence advocates in offices of the division of children and family services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6276 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6289 Prime Sponsor, Senator Spanel: Regarding Puget Sound Dungeness crab catch record cards. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6293 Prime Sponsor, Senator Fairley: Removing limit on ethics board penalties and costs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6297 Prime Sponsor, Senator Prentice: Changing prosecuting attorney salaries. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6297 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6337 Prime Sponsor, Senator Jacobsen: Regarding the management of the Puget Sound commercial salmon fishery. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6337 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6386 Prime Sponsor, Senator Stevens: Concerning the publication of a minor's information. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6400 Prime Sponsor, Senator Carrell: Establishing programs for the moral guidance of incarcerated persons. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6400 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Marr.

Passed to Committee on Rules for second reading.

February 8, 2008

SB 6402 Prime Sponsor, Senator Carrell: Requiring the issuance and installation of fluorescent yellow license plates for persons convicted of certain DUI-related offenses. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6402 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; McCaslin; Carrell; Hargrove and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Tom, Vice Chair; McDermott and Weinstein.

Passed to Committee on Transportation.

February 7, 2008

SB 6404 Prime Sponsor, Senator Hargrove: Modifying the process for designating regional support networks. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6404 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Stevens; Brandland; Marr and McAuliffe.

MINORITY recommendation: Do not pass. Signed by Senators Regala, Vice Chair and Carrell.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6406 Prime Sponsor, Senator Franklin: Creating a program for offender education. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6406 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens and Carrell.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6408 Prime Sponsor, Senator Kohl-Welles: Creating provisions relating to pet dealers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6408 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King and Prentice.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6422 Prime Sponsor, Senator Hargrove: Adding domestic violence court order violation to the list of offenses eligible for notification. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6430 Prime Sponsor, Senator Hargrove: Creating a pilot program to increase family participation in juvenile offender programs. Reported by Committee on Human Services & Corrections

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6430 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6469 Prime Sponsor, Senator Murray: Regarding urban forestry. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6469 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Spanel.

MINORITY recommendation: Do not pass. Signed by Senator Stevens.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6479 Prime Sponsor, Senator Zarelli: Establishing a program to screen and treat children with attachment disorders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6479 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 8, 2008

SB 6502 Prime Sponsor, Senator Oemig: Reducing the release of mercury into the environment. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6502 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Fraser; Hatfield; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6522 Prime Sponsor, Senator Kohl-Welles: Providing collective bargaining for child care center directors and workers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6522 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Hewitt and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Ways & Means.

February 8, 2008  
SB 6523 Prime Sponsor, Senator Kline: Establishing a Washington identity theft analysis center. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6523 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; McDermott; Roach and Weinstein.

Passed to Committee on Ways & Means.

February 8, 2008

SB 6544 Prime Sponsor, Senator Stevens: Increasing the sentencing range for first degree criminal mistreatment. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6544 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 8, 2008

SB 6546 Prime Sponsor, Senator Brandland: Changing licensing provisions concerning driving under the influence of intoxicating liquor or drugs. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6546 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott and Roach.

MINORITY recommendation: Do not pass. Signed by Senator Weinstein.

Passed to Committee on Transportation.

February 7, 2008

SB 6547 Prime Sponsor, Senator Kohl-Welles: Prohibiting discrimination in community athletics programs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6547 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6548 Prime Sponsor, Senator Carrell: Prohibiting patients at the special commitment center or less restrictive alternatives from having computer access. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6548 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

February 8, 2008  
SB 6554 Prime Sponsor, Senator Roach: Excluding waste vegetable oil from the special fuel tax. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6554 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Transportation.

February 8, 2008  
SB 6560 Prime Sponsor, Senator Honeyford: Regarding public utility district contracts. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6560 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Delvin; Fraser; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 8, 2008  
SB 6563 Prime Sponsor, Senator Honeyford: Creating a grant program for neighborhood organizations. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6563 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; McCaslin; Carrell; Hargrove; McDermott and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senator Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Ways & Means.

February 7, 2008  
SB 6584 Prime Sponsor, Senator Brandland: Facilitating continuity of medical assistance for persons confined in correctional institutions and institutions for mental diseases. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6584 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 7, 2008  
SB 6589 Prime Sponsor, Senator Spanel: Concerning master collective bargaining agreements. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6589 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 7, 2008  
SB 6600 Prime Sponsor, Senator Stevens: Establishing procedures for civil contempt proceedings in truancy matters. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6600 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 7, 2008  
SB 6601 Prime Sponsor, Senator Keiser: Regulating contracting standards of home care agencies. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6601 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Marr.

Passed to Committee on Rules for second reading.

February 7, 2008  
SB 6605 Prime Sponsor, Senator Franklin: Creating an energy efficiency worker training program. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6605 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Hewitt and King.

Passed to Committee on Ways & Means.

February 8, 2008  
SB 6619 Prime Sponsor, Senator Morton: Addressing the use and storage of traffic safety camera images. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6619 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 7, 2008

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

SB 6623 Prime Sponsor, Senator Marr: Concerning tax exemptions for temporary medical housing provided by health or social welfare organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6636 Prime Sponsor, Senator Fairley: Increasing estimated cost minimums required on water-sewer district contracts for materials and work. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6644 Prime Sponsor, Senator Keiser: Establishing requirements for primary medical eye care. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6644 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Fairley; Kastama; Kohl-Welles and Marr.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6660 Prime Sponsor, Senator Pridemore: Changing requirements for sanctioning an area agency on aging. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6660 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Fairley; Kohl-Welles and Marr.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6661 Prime Sponsor, Senator Franklin: Regarding child care licensing actions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6661 be substituted therefor, and the substitute bill do

2008 REGULAR SESSION

pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6663 Prime Sponsor, Senator Schoesler: Improving tax program administration by correcting, clarifying, eliminating, repealing, and decodifying statutes related to the department of revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6665 Prime Sponsor, Senator Hargrove: Regarding the intensive case management and integrated crisis response pilot programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6665 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6668 Prime Sponsor, Senator Pflug: Addressing the annexation of territory within a code city. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6668 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6681 Prime Sponsor, Senator Regala: Regarding political signage in condominiums. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline and McDermott.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6683 Prime Sponsor, Senator Fraser: Expanding the activities that may be funded by the prostitution prevention and

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

intervention account. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6683 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6684 Prime Sponsor, Senator Shin: Requiring language access services for persons with limited English proficiency in health care and insurance matters. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6684 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Fairley; Kastama and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Marr.

Passed to Committee on Ways & Means.

February 8, 2008

SB 6691 Prime Sponsor, Senator Sheldon: Establishing a marine habitat mitigation bank pilot program. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6691 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6692 Prime Sponsor, Senator Murray: Concerning licensing fees under the explosives act. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Hewitt and King.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6693 Prime Sponsor, Senator Weinstein: Making changes to the factory assembled structures laws administered and enforced by the department of labor and industries. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6693 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6694 Prime Sponsor, Senator Murray: Adjusting the fee for approval of statements of intent to pay prevailing wages and certification of affidavits of wages paid to forty dollars. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Hewitt and King.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6696 Prime Sponsor, Senator Fairley: Changing the requirements for, and recoveries under, a wrongful death cause of action, or a survival action. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6696 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Ways & Means.

February 8, 2008

SB 6701 Prime Sponsor, Senator McDermott: Expanding the types of property subject to seizure and forfeiture in money laundering provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; McDermott and Weinstein.

Passed to Committee on Rules for second reading.

February 8, 2008

SB 6702 Prime Sponsor, Senator McDermott: Providing treatment programs as an alternative to total confinement for offenders convicted of nonviolent and nonsex offenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott and Weinstein.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6704 Prime Sponsor, Senator Fairley: Modifying the notice requirement for special meetings. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6704 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6718 Prime Sponsor, Senator Rockefeller: Repealing chapter 385, Laws of 2005. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6721 Prime Sponsor, Senator Regala: Creating a guardian ad litem task force. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6721 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6723 Prime Sponsor, Senator Rasmussen: Authorizing fees to fund inspections for the protection of animal health. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6723 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6729 Prime Sponsor, Senator Murray: Allowing for reasonable self-storage facility late fees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6737 Prime Sponsor, Senator Kohl-Welles: Authorizing collective bargaining for Washington State University employees who are enrolled in academic programs. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6737 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Hewitt and King.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6751 Prime Sponsor, Senator Kohl-Welles: Allowing individuals who left work to enter certain apprenticeship programs to receive unemployment insurance benefits. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6751 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Hewitt and King.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6766 Prime Sponsor, Senator Brandland: Requiring the children's administration in the department of social and health services to become accredited. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6766 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6776 Prime Sponsor, Senator Kline: Modifying state whistleblower protections. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6776 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Ways & Means.

February 8, 2008

SB 6777 Prime Sponsor, Senator McDermott: Clarifying interests in certain state lands. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6777 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Fraser; Hatfield; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 8, 2008

SB 6778 Prime Sponsor, Senator McDermott: Allowing voter registration up to and on election day. Reported by Committee on Government Operations & Elections

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6778 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

special assessments for certain conservation districts. Reported by Committee on Agriculture & Rural Economic Development

MINORITY recommendation: Do not pass. Signed by Senators Roach; Benton and Swecker.

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6780 Prime Sponsor, Senator Hatfield: Providing a sales and use tax exemption for farm machinery and equipment sold at an auction. Reported by Committee on Agriculture & Rural Economic Development

SB 6839 Prime Sponsor, Senator Marr: Regarding workers' compensation coverage for work performed outside Washington. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6780 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6782 Prime Sponsor, Senator Kline: Regarding the impermissible motive element of a claim under chapter 49.60 RCW. Reported by Committee on Judiciary

SB 6842 Prime Sponsor, Senator Hargrove: Making technical revisions to provisions relating to sentencing and supervision of criminal offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6782 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McDermott and Weinstein.

MAJORITY recommendation: That Substitute Senate Bill No. 6842 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 8, 2008

SB 6791 Prime Sponsor, Senator Hargrove: Clarifying permitted uses of moneys currently collected under the county legislative authority sales and use tax for chemical dependency or mental health treatment programs and services or therapeutic courts. Reported by Committee on Human Services & Corrections

SB 6846 Prime Sponsor, Senator Sheldon: Concerning metal property transactions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6791 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

MAJORITY recommendation: That Substitute Senate Bill No. 6846 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6806 Prime Sponsor, Senator Haugen: Providing tax incentives for anaerobic digester production. Reported by Committee on Agriculture & Rural Economic Development

SB 6851 Prime Sponsor, Senator Prentice: Concerning the documentation required in order to obtain a real estate excise tax exemption at the time of inheritance. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6806 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

MAJORITY recommendation: That Substitute Senate Bill No. 6851 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair; Capital Budget Chair; Pridemore, Vice Chair; Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6834 Prime Sponsor, Senator Rasmussen: Regarding

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

SB 6870 Prime Sponsor, Senator Hargrove: Encouraging the creation of new community public health and safety networks in areas with disbanded networks. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6870 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6871 Prime Sponsor, Senator Hargrove: Regarding contracting for services provided to dependent children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6871 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6882 Prime Sponsor, Senator Swecker: Developing a flood mitigation plan for the upper Chehalis subbasin. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6882 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Ways & Means.

February 7, 2008

SB 6891 Prime Sponsor, Senator Stevens: Requiring certain hiring and training practices for children's administration social workers. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6924 Prime Sponsor, Senator Fairley: Adopting a primary system in which the two candidates with the most votes qualify for the general election. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator McDermott.

2008 REGULAR SESSION

Passed to Committee on Ways & Means.

February 7, 2008

SB 6925 Prime Sponsor, Senator Hargrove: Regarding the governance of the indeterminate sentence review board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6929 Prime Sponsor, Senator McAuliffe: Restoring local control to public schools by repealing the common school code. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6929 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Zarelli.

MINORITY recommendation: Do not pass. Signed by Senator and Weinstein.

Passed to Committee on Rules for second reading.

February 8, 2008

SB 6933 Prime Sponsor, Senator Marr: Changing rules concerning admissibility of evidence in sex offense cases. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6933 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 8, 2008

SB 6941 Prime Sponsor, Senator Fraser: Regarding private schools' participation in a waste reduction and recycling awards program. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Fraser, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 6404 which was referred to the Committee on Rules; Senate Bill No. 6402 and Senate Bill No. 6546 which were referred to the Committee on Transportation; and Senate Bill No. 5863, Senate Bill No. 6523, Senate Bill No. 6563, Senate Bill No. 6584,

TWENTY-SIXTH DAY, FEBRUARY 8, 2008

2008 REGULAR SESSION

Senate Bill No. 6661 Senate Bill No. 6696 and Senate Bill No. 6870 which were referred to the Committee on Ways & Means.

MOTION

At 5:18 p.m., on motion of Senator Fraser, the Senate adjourned until 10:00 a.m. Monday, February 11, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-NINTH DAY, FEBRUARY 11, 2008

2008 REGULAR SESSION

**TWENTY-NINTH DAY**

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

**MORNING SESSION**

Senate Chamber, Olympia, Monday, February 11, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Hargrove and Holmquist.

The Sergeant at Arms Color Guard consisting of Pages Alexander Jonlin and Rachel Satter, presented the Colors. Member Jim Cammack of Baha's Faith offered the prayer.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 7, 2008

**SB 6340** Prime Sponsor, Senator Rockefeller: Providing for a water system acquisition and rehabilitation program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6340 as recommended by Committee on Water, Energy & Telecommunications be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

**MOTION**

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

**MOTION**

Senator Eide moved Senate Bill No. 6782 which was referred to the Committee on Rules be re-referred to the Committee on Judiciary.

**MOTION**

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

**INTRODUCTION AND FIRST READING**

**SB 6942** by Senators McAuliffe, Brandland, Eide, Schoesler, Marr and King

AN ACT Relating to paraeducator professional development; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

**SHB 1675** by House Committee on Appropriations (originally sponsored by Representatives Santos, Curtis, McDermott, Williams, Upthegrove, Hasegawa, Roberts, Schual-Berke, Simpson and Darneille)

AN ACT Relating to providing public notices of public health, safety, and welfare in a language other than English; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Government Operations & Elections.

**HB 2048** by Representatives O'Brien, Chandler, Wood, Williams, Moeller, Conway and Condotta

AN ACT Relating to vehicle dealer transfer of title requirements; and amending RCW 46.70.122.

Referred to Committee on Transportation.

**SHB 2107** by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schual-Berke, B. Sullivan, Blake, Newhouse, Dickerson, Strow, Kagi, Orcutt, McCoy, Cody and VanDeWege)

AN ACT Relating to innovative settlement agreements; amending RCW 90.48.037; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Water, Energy & Telecommunications.

**HB 2283** by Representatives Hunter, Alexander, Schual-Berke, Cody, Kenney and Kelley

AN ACT Relating to the joint legislative audit and review committee performance reviews of the home care quality authority; and amending RCW 74.39A.290.

Referred to Committee on Health & Long-Term Care.

**2SHB 2479** by House Committee on Appropriations (originally sponsored by Representatives Morrell, Bailey, Cody, Pedersen, Appleton, Sells, Lantz, Hasegawa, Ormsby, Conway, Condotta, Hurst, McIntire, Roberts, Kenney, Haigh, Schual-Berke, Campbell, VanDeWege, Rolfes, Kagi, Chase, Lias, Simpson, Barlow, Ericks, Green, Kelley and McDonald)

AN ACT Relating to disclosure of wireless numbers; amending RCW 19.250.010; adding new sections to chapter 19.250 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Housing.

**HB 2489** by Representatives Moeller and Chase

AN ACT Relating to raffle ticket prices; and amending RCW 9.46.0277.

Referred to Committee on Labor, Commerce, Research & Development.

**HB 2606** by Representatives Simpson, Grant, Linville,

TWENTY-NINTH DAY, FEBRUARY 11, 2008

2008 REGULAR SESSION

VanDeWege, Crouse, Appleton, Hudgins, Kretz, Haler, Chase and Ericks

AN ACT Relating to public utility district commissioner salaries; and amending RCW 54.12.080.

Referred to Committee on Government Operations & Elections.

HB 2619 by Representatives Simpson and Ross

AN ACT Relating to compensation of special purpose district commissioners; and amending RCW 57.12.010 and 70.44.050.

Referred to Committee on Government Operations & Elections.

HB 2636 by Representatives Pearson, O'Brien, Ericks, Ross, Hasegawa, VanDeWege, Kenney, Morrell, Roach, McDonald and Simpson

AN ACT Relating to identity theft; adding a new section to chapter 9.35 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2656 by Representatives Conway, Green and Wood

AN ACT Relating to correcting statutory references in the calculation of predecessor and successor employer contribution rates; amending RCW 50.29.062 and 50.29.063; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2729 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Eddy, Pedersen, Appleton, Lantz, Williams, Upthegrove, Santos, Simpson, Hasegawa, Ericks, Ormsby and Springer)

AN ACT Relating to identification documents; amending RCW 19.192.020, 42.56.230, and 42.56.330; adding new sections to chapter 19.192 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 2738 by Representatives Ormsby and Schindler

AN ACT Relating to civil service commissions for sheriffs' offices; and amending RCW 41.14.020 and 41.14.030.

Referred to Committee on Government Operations & Elections.

HB 2755 by Representatives Kelley, Rodne, Hunt, Green, Wallace, Seaquist, Goodman, VanDeWege, Lantz, McCune, Hurst, Conway, Morrell and Haigh

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

Referred to Committee on Government Operations & Elections.

HB 2761 by Representatives Schual-Berke, Kagi, Walsh, Pettigrew, Haler and Kenney

AN ACT Relating to renaming the children's trust of Washington as the council for children and families; and amending RCW 43.121.185, 43.121.180, 43.121.020, 43.121.015, and 43.15.020.

Referred to Committee on Human Services & Corrections.

HB 2763 by Representatives O'Brien, Goodman, Rodne and Hurst

AN ACT Relating to the drug offender sentencing alternative; and reenacting and amending RCW 9.94A.660.

Referred to Committee on Judiciary.

HB 2774 by Representatives Barlow, O'Brien, Warnick, Ormsby, Seaquist, Moeller, Morrell and Kelley

AN ACT Relating to making a false or misleading material statement that results in an Amber alert; adding a new section to chapter 9A.76 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2799 by Representatives Loomis, Blake and Liias

AN ACT Relating to correcting references to the state wildlife account; amending RCW 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.240, 77.12.323, 77.12.380, 77.12.390, 77.12.670, 77.15.100, 77.32.430, 77.32.530, 77.32.560, 77.36.070, 77.44.050, 79A.55.090, 82.27.070, 90.56.100, 9.41.070, 46.16.605, and 46.16.606; reenacting and amending RCW 77.12.690 and 46.16.313; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 2825 by Representatives Conway, Condotta and Armstrong

AN ACT Relating to medical, hospital, mechanical, manufacturing, or scientific entities or persons obtaining nonbeverage alcohol directly from suppliers; and adding a new section to chapter 66.12 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2941 by Representatives Moeller and Conway

AN ACT Relating to concerning fees for explosives licenses; amending RCW 70.74.137, 70.74.140, 70.74.142, 70.74.144, 70.74.146, and 70.74.360; and adding a new section to chapter 70.74 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

HB 3020 by Representatives Chase, Conway, Fromhold, Bailey, Crouse, Liias, VanDeWege, Hurst, McDonald, Kenney, Simpson, Linville, Ormsby and Kelley

AN ACT Relating to benefits for the survivors of certain firefighters; amending RCW 41.18.080 and 41.18.100; and adding a new section to chapter 41.18 RCW.

Referred to Committee on Ways & Means.

TWENTY-NINTH DAY, FEBRUARY 11, 2008

2008 REGULAR SESSION

HB 3024 by Representatives Conway, Fromhold, Bailey, Crouse, Hurst, Simpson and Linville

AN ACT Relating to purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government; and amending RCW 41.32.813 and 41.32.868.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Second Substitute House Bill No. 2479 which was referred to the Committee on Consumer Protection & Housing.

MOTION

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

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION  
8723

By Senators Shin, Fraser, Spanel, Berkey, Pridemore, Rockefeller, Kohl-Welles, and McAuliffe

WHEREAS, Karen W. Morse became Western Washington University's chief executive in August 1993; and

WHEREAS, Under her vision, President Morse led Western Washington University to become a premier undergraduate institution in the Northwest and in the top echelon of undergraduate schools in the nation; and

WHEREAS, As a result of President Morse's exceptional leadership, enrollment at Western has grown from 9,300 to 12,100 full-time equivalent students and the number of tenured and tenure-track faculty has increased from 456 to 627; and

WHEREAS, As a result of President Morse's guidance and commitment, academic excellence continues on a steady upward trajectory through investments in the academic mission; and

WHEREAS, This academic excellence is exemplified through the awards and honors Western Washington University and its faculty, staff, and students have received throughout President Morse's tenure; and

WHEREAS, For the 11th year in a row, Western has been ranked second among top public master's-granting universities in the West, and ranked by Kiplinger's magazine, 38th among the top 100 public colleges and universities in the nation; and

WHEREAS, President Morse's commitment to diversity has ushered in the most diverse campus in Western's history; and

WHEREAS, President Morse has contributed to the marked improvement of the campus infrastructure, with construction of 6 new buildings, including current construction of the Academic Instructional Center, the largest construction project in Western's history; and

WHEREAS, President Morse initiated the "Western Experience," an interwoven mix of academic excellence, active learning, personal attention to students, a unique resident experience, respect for diversity, and beautiful campus surroundings; and

WHEREAS, President Morse's emphasis in community service and outreach has resulted in Western ranking fourth among the top medium-sized colleges and universities with alumni serving in the Peace Corps volunteers in 2006; and

WHEREAS, President Morse is helping Western prepare for a future campus expansion and enhanced connection to the community by setting the course for a waterfront campus; and

WHEREAS, President Morse has received the Francis P. Garvan-John M. Olin Award, one of the American Chemical Society's highest honors; and

WHEREAS, Under President Morse's leadership, Western has seen its endowment grow from 3.6 million dollars to 29.3 million dollars;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognizes the leadership of Karen W. Morse during 15 years at Western Washington University, as WWU has evolved to become one of the top liberal arts universities in the region and the nation; and

BE IT FURTHER RESOLVED, That the Senate recognize the outstanding contributions by Karen W. Morse and her service to higher education and to the citizens of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to President Karen W. Morse and to the members of the Western Washington University Board of Trustees.

Senators Shin, Brandland, Spanel, McAuliffe, Kohl-Welles, Eide, Rockefeller, Fraser, Berkey and Regala spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8723.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. Karen Morse, her husband Joe Morse; Kevin Raymond, Chairman of the Board of Trustees, Western Washington University; and Sherry Burkey, Director of Government Relations, Western Washington University, who were seated in the gallery.

MOTION

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

SECOND READING

SENATE BILL NO. 5878, by Senators Hargrove, Kline, Eide, Marr, Shin, Jacobsen, Kohl-Welles, Rasmussen and Keiser

Concerning the filing of police incident reports for victims of identity theft.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5878 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton and Holmquist were excused.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

TWENTY-NINTH DAY, FEBRUARY 11, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Senate Bill No. 5878.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5878 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, Hargrove and Holmquist - 3

SENATE BILL NO. 5878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6215, by Senators Tom, Honeyford and McCaslin

Concerning reserve accounts and studies for condominium associations.

The measure was read the second time.

#### MOTION

On motion of Senator Tom, the rules were suspended, Senate Bill No. 6215 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6215.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6215 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Holmquist and Honeyford - 2

Excused: Senators Benton and Hargrove - 2

SENATE BILL NO. 6215, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6271, by Senators Hatfield, Fairley and Sheldon

Concerning the compensation of special purpose district commissioners.

The measure was read the second time.

#### MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 6271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6271.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6271 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Benton, Holmquist, Honeyford, Parlette, Roach and Stevens - 6

Excused: Senator Hargrove - 1

SENATE BILL NO. 6271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6364, by Senators Marr, Parlette, Franklin, Keiser, Murray, Weinstein, Hobbs, Prentice, Berkey, Pridemore, Haugen, Kilmer, Rasmussen, McCaslin and Shin

Establishing standards for long-term care insurance.

The measure was read the second time.

#### MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 6364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6364.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6364 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen,

TWENTY-NINTH DAY, FEBRUARY 11, 2008

Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

SENATE BILL NO. 6364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6442, by Senators Regala, Stevens, Kline, Zarelli, Tom, Parlette, Hargrove, Swecker, Fraser, Pridemore, McDermott and Kohl-Welles

Modifying provisions relating to the office of public defense.

#### MOTION

On motion of Senator Regala, Substitute Senate Bill No. 6442 was substituted for Senate Bill No. 6442 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Regala moved that the following amendment by Senator Regala be adopted.

On page 5, beginning on line 1, strike all of section 6 and insert the following:

"**NEW SECTION. Sec. 6** The following acts or parts of acts are each repealed:

(1) RCW 43.131.389 (Office of public defense--Termination) and 1998 c 108 s 2 & 1996 c 221 s 7; and

(2) RCW 43.131.390 (Office of public defense--Repeal) and 1998 c 108 s 3 & 1996 c 221 s 8."

Senator Regala spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Regala on page 5, beginning on line 1 to Substitute Senate Bill No. 6442.

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

#### MOTION

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

On page 1, line 3 of the title, after "43.131.389: strike ", 43.131.390, and 2.70.050: and insert "and 43.131.390"

#### MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute Senate Bill No. 6442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6442.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6442 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5599, by Senators Schoesler, Poulsen and Morton

Modifying provisions related to the distribution of tax proceeds from thermal electric generating facilities.

The measure was read the second time.

#### MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted.

On page 2, line 36, after "year" strike "2007" and insert "2008"

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 2, line 36 to Senate Bill No. 5599.

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

#### MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Senate Bill No. 5599 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

Senator Delvin spoke against passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5599.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5599 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

TWENTY-NINTH DAY, FEBRUARY 11, 2008

2008 REGULAR SESSION

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Delvin and Hewitt - 2

Excused: Senators Brown and Hargrove - 2

ENGROSSED SENATE BILL NO. 5599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6525, by Senators Kline, McCaslin, Tom, Weinstein and Swecker

Concerning the drug offender sentencing alternative.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6525.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6525 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Hargrove - 2

SENATE BILL NO. 6525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5929, by Senator Delvin

Making a false or misleading material statement that results in an Amber alert.

#### MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5929 was substituted for Senate Bill No. 5929 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5929 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5929.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5929 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Hargrove - 2

SUBSTITUTE SENATE BILL NO. 5929, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6261, by Senators Kilmer, Rockefeller, Schoesler, Shin, Fraser and Rasmussen

Requiring the workforce training and education coordinating board to research and evaluate work and learning programs for adult youth.

The measure was read the second time.

#### MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 6261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6261.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6261 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Hargrove - 2

SENATE BILL NO. 6261, having received the constitutional majority, was declared passed. There being no

TWENTY-NINTH DAY, FEBRUARY 11, 2008

objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5104, by Senate Committee on Higher Education (originally sponsored by Senators McAuliffe, Tom, Rockefeller, Shin, Oemig, Berkey, Brandland, Fairley, Pflug, Delvin, Rasmussen, Kohl-Welles, Keiser, Zarelli, Prentice, Eide, Kline, Hobbs, Clements and Kilmer).

Expanding the applied baccalaureate degree pilot program.

The bill was read on Third Reading.

Senator McAuliffe spoke in favor of passage of the bill.

Senator Spanel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5104.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Honeyford, Jacobsen and Spanel - 3

Excused: Senator Hargrove - 1

SUBSTITUTE SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6183, by Senators Parlette, McAuliffe, Brandland, Tom, King, Hobbs, Holmquist, Kauffman, Weinstein, Eide, Zarelli, Rasmussen, Hewitt, Oemig and Shin

Providing a process for the dissolution of first-class school directors' districts.

The measure was read the second time.

#### MOTION

On motion of Senator Parlette, the rules were suspended, Senate Bill No. 6183 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

2008 REGULAR SESSION

Senator Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6183.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6183 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

SENATE BILL NO. 6183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6570, by Senators Fairley, Roach, Benton and Oemig

Regarding private business activities in state-owned housing provided by the department of fish and wildlife or the parks and recreation commission.

#### MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 6570 was substituted for Senate Bill No. 6570 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Fairley moved that the following amendment by Senator Fairley be adopted.

On page 1, line 17, after "housing" insert "or the employee's children"

Senators Fairley and Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 1, line 17 to Substitute Senate Bill No. 6570.

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

#### MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 6570 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6570.

#### ROLL CALL

TWENTY-NINTH DAY, FEBRUARY 11, 2008

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6570 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6371, by Senators Hewitt, Hobbs, Shin, Parlette, King, Rockefeller, Swecker, Brandland, McCaslin, Haugen, Kohl-Welles, Rasmussen, Kilmer and Sheldon

Regarding tuition and fee waivers for veterans' families.

MOTION

On motion of Senator Hewitt, Substitute Senate Bill No. 6371 was substituted for Senate Bill No. 6371 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hewitt moved that the following amendment by Senator Hewitt be adopted.

On page 2, line 10, after "section" insert "and the limitations in RCW 28B.15.910"

On page 5, line 11, after "and" strike "(3)" and insert "(4)"

Senator Hewitt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 2, line 10 to Substitute Senate Bill No. 6371.

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

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute Senate Bill No. 6371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6371.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6371 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6500, by Senators Eide, Kohl-Welles, Stevens, Shin, Rasmussen, Kline, Spanel, Holmquist and Haugen

Authorizing leave sharing for victims of domestic violence, sexual assault, and stalking.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 6500 was substituted for Senate Bill No. 6500 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 6500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6500.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6500 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

SUBSTITUTE SENATE BILL NO. 6500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5900, by Senators Regala, Haugen, Shin, Kline, Keiser, Spanel and Delvin

Increasing the safety of victims of domestic violence, sexual assault, or stalking by ensuring leave from employment.

MOTIONS

TWENTY-NINTH DAY, FEBRUARY 11, 2008

On motion of Senator Regala, Substitute Senate Bill No. 5900 was substituted for Senate Bill No. 5900 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5900 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5900.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5900 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

SUBSTITUTE SENATE BILL NO. 5900, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Tuesday, February 12, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

**THIRTIETH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, February 12, 2008

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell, Fairley, Holmquist, McAuliffe and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Tyler Hartje and Niki Kroll, presented the Colors. Father Gary Lazzeroni of St. Michaels Parish offered the prayer.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 5, 2008

**SB 6420** Prime Sponsor, Senator Jacobsen: Adding bicyclist and pedestrian safety information to drivers' education curriculum. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 7, 2008

**SB 6569** Prime Sponsor, Senator Haugen: Permitting public transit vehicle stops at unmarked stop zones under certain circumstances. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6569 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Benton; Berkey; Delvin; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 6, 2008

**SB 6678** Prime Sponsor, Senator Haugen: Authorizing the issuance of special license plates to mothers of United States armed forces members killed in combat. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6678 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

**MOTION**

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

**MOTION**

On motion of Senator Eide, and without objection, Senate Bill No. 6734, Senate Bill No. 6807 and Senate Bill No. 6824 were referred from their respective committees to the Committee on Rules.

February 6, 2008

**SB 6734** Prime Sponsor, Senator Franklin: Establishing a process to identify best practices related to patient safety. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6734 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

Passed to Committee on Rules for second reading.

February 6, 2008

**SB 6807** Prime Sponsor, Senator Kastama: Restricting long-term care facilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6807 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Kastama and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator Marr.

Passed to Committee on Rules for second reading

February 6, 2008

**SB 6824** Prime Sponsor, Senator McDermott: Changing provisions relating to process servers. Reported by Committee on Judiciary.

MAJORITY recommendation: That Substitute Senate Bill No. 6824 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

**MOTION**

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

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

January 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFF PARSONS, reappointed January 7, 2008, for the term ending December 31, 2010, as Member of the Recreation and Conservation Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6943 by Senators McDermott, Kline and Schoesler

AN ACT Relating to process servers; and amending RCW 18.180.010 and 46.12.370.

Referred to Committee on Ways & Means.

SB 6944 by Senators Kastama, Keiser, Fairley and Kohl-Welles

AN ACT Relating to discharge of long-term care residents; adding a new section to chapter 18.20 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6945 by Senators Franklin, Kohl-Welles, Keiser, Shin and Rasmussen

AN ACT Relating to establishing a process to promote evidence-based nurse staffing in hospitals; adding new sections to chapter 70.41 RCW; adding a new section to chapter 72.23 RCW; and creating new sections.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Pflug moved adoption of the following resolution:

SENATE RESOLUTION  
8700

By Senators Pflug, McAuliffe, and Rockefeller

WHEREAS, The students of Tahoma Senior High School in Maple Valley, Washington, enrolled in the program known as "We the People: The Citizen and the Constitution," have exhibited that they have learned very well the lessons of our forefathers who wrote the Constitution of the United States. The students will be representing all of Washington State in national championship competitions; and

WHEREAS, This knowledge will enhance the lives of the students and direct their paths as they walk through life, proud

in the knowledge that Americans have long stood for justice and liberty for all Americans; and

WHEREAS, Being armed with this knowledge is to the benefit of all citizens of this great country and state and will prepare the students to participate in the democracy men and women have fought so gallantly to preserve; and

WHEREAS, These energetic, knowledgeable young people will one day lead this state and country, and there may very well be in their midst a legislator, governor, senator, member of Congress, or perhaps a future President; and

WHEREAS, Their dedicated and talented teacher, Gretchen Wulfing of Tahoma Senior High School, can take pride in knowing that the students enrolled in this program have the knowledge to outperform university students in every topic; and

WHEREAS, Studies have shown that eighty percent of seniors in high school participating in this program have registered to vote compared to an average of thirty-seven percent among other high school seniors, thereby proving that this program has increased the interest in politics and in participation in government; and

WHEREAS, For the thirteenth time, Tahoma Senior High School has won the first place title at the state championship by answering questions using only their knowledge, memory, and reasoning, enabling its members to represent the whole state of Washington when they compete at the national competition in Washington, D.C., in April; and

WHEREAS, In 2000, Tahoma Senior High School was fourth in the nation, in 2002 they won the Western Regional Award, and in 2003 the "We the People" Team won the top Unit Two in the Nation Award;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor the participants in this program from Tahoma High School's first place team: Wesley Ball, Cade Benton, Sefora Bosancu, Sarah Brown, Tyler Dunn, Kirsten Hamberg, Matthew Hobard, Jennifer Ingertila, Katelyn Jackson, Shirley Kim, Ashley Maxwell, Joshua Pflug, Karleigh Sandwith, Brittany Schmitt, Lucas Simons, Michael Slater, Jennie Taylor, Kathleen Titus, Michelle Wallace, Stephanie Willis, and Nicholas Wold; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the "We the People" Team, their teacher Gretchen Wulfing, and the principal of Tahoma Senior High School, Terry Duty, to further show the respect of this body for a job well done and wish them success in their endeavors.

Senators Pflug and Rockefeller spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8700.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the "We the People" team who were seated in the gallery.

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

Senator Spanel moved that Gubernatorial Appointment No. 9361, John Stephen, as a member of the Board of Trustees, Skagit Valley Community College District No. 4, be confirmed.

Senator Spanel spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Carrell, Holmquist and Honeyford were excused.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

APPOINTMENT OF JOHN STEPHENS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9361, John Stephen as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9361, John Stephen as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Absent: Senators McAuliffe, Sheldon and Tom - 3

Excused: Senators Carrell, Fairley and Holmquist - 3

Gubernatorial Appointment No. 9361, John Stephen, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

SECOND READING

SENATE BILL NO. 6357, by Senators Kohl-Welles, Keiser, Regala, Kline, Murray, Fairley, McDermott, Hargrove, McCaslin, Tom, Marr and Rasmussen

Regarding service of process in domestic violence cases.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 63** Recent tragic events have demonstrated the need to find ways to make legal protections for domestic violence victims more accessible. On March 6, 2007, Rebecca Jane Griego, an employee at the University of Washington, had obtained a temporary protection order against the man who eventually shot her and then himself in a murder-suicide on April 2, 2007. However, because her stalker had evaded the police and service of process, Ms. Griego had to return to court numerous times and did not have the opportunity to have a hearing for a permanent protection order. Under current court rules, which vary by court, if a process server fails to serve process after an unspecified number of times, process may be served by publication or by mail. Establishing greater

uniformity in the service of process of petitions for orders for protection or modifications of protection orders in domestic violence cases may help to protect the safety of future domestic violence victims.

**Sec. 64** RCW 26.50.050 and 1995 c 246 s 6 are each amended to read as follows:

Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Except as provided in RCW 26.50.085 and 26.50.123, personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt((s)) at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or service by mail as provided in RCW 26.50.123. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or by mail, the court shall set the hearing date not later than twenty-four days from the date of the order. The court may issue an ex parte order for protection pending the hearing as provided in RCW 26.50.070, 26.50.085, and 26.50.123.

**Sec. 65** RCW 26.50.130 and 1984 c 263 s 14 are each amended to read as follows:

(1) Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing order for protection.

(2) Except as provided in RCW 26.50.085 and 26.50.123, personal service shall be made upon the nonmoving party not less than five court days prior to the hearing to modify.

(a) If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or service by mail as provided in RCW 26.50.123.

(b) The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or by mail unless the moving party requests additional time to attempt personal service.

(c) If the court permits service by publication or by mail, the court shall set the hearing date not later than twenty-four days from the date of the order permitting service by publication or by mail.

(3) In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the law enforcement information system."

Senator Kline spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Kohl-Welles to Engrossed Senate Bill No. 6357.

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

MOTION

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

On page 1, line 1 of the title, after "cases;" strike the remainder of the title and insert "amending RCW 26.50.050 and 26.50.130; and creating a new section."

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

## MOTION

On motion of Senator Delvin, Senator Stevens was excused.

## MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 6357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Kohl-Welles spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6357.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6357 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Carrell, Fairley, Sheldon and Stevens - 4  
ENGROSSED SENATE BILL NO. 6357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6284, by Senators Schoesler and Rasmussen

Modifying provisions relating to the dairy products commission.

The measure was read the second time.

## MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 6284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

## MOTION

On motion of Senator Brandland, Senator Carrell was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6284.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6284 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Fairley, Sheldon and Stevens - 3

SENATE BILL NO. 6284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5751, by Senators Kohl-Welles, Hewitt and Rockefeller

Creating a wine and beer tasting pilot project in grocery stores.

The measure was read the second time.

## MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 (1) The liquor control board shall establish a pilot project to allow beer and wine tasting in grocery stores licensed under RCW 66.24.360.

(a) The pilot project shall consist of thirty locations with at least six tastings to be conducted at each location between October 1, 2008, and September 30, 2009. However, no licensee may hold more than one tasting per month during the project period.

(b) The pilot project locations shall be determined by the board and must be equally allocated between independently owned grocery stores and national chain grocery stores.

(c) Licensees chosen to participate in the pilot project must meet the following criteria:

(i) Their primary activity is the retail sale of grocery products for off-premises consumption; and

(ii) They operate a fully enclosed retail area encompassing at least nine thousand square feet.

(d) Tasting activities of licensees under this section are subject to RCW 66.28.010 and 66.28.040 and the cost of sampling may not be borne, directly or indirectly, by any liquor manufacturer, importer, or distributor.

(e) A "tasting" may be conducted under the following conditions:

(i) Each sample must be two ounces or less, up to a total of four ounces, per customer; and

(ii) No more than one sample of any single brand and type of beer or wine may be provided to a customer during any one visit to the premises.

(f) The service area and facilities must be located within the licensee's fully enclosed retail area, and must be of a size and design such that the licensee can observe and control persons in the area to ensure that persons under twenty-one years of age and obviously intoxicated persons cannot possess or consume alcohol. Customers must remain in the service area while consuming samples.

(g) The licensee may only advertise the tasting event within the store.

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

(h) All other criteria needed to establish and monitor the pilot project shall be determined by the board.

(i) The board shall report on the pilot project to the appropriate committees of the legislature by December 1, 2009.

(2) The liquor control board shall adopt rules to implement this section. The rules must include a requirement that employees of licensees under RCW 66.24.360 and 66.24.371 who are involved in tasting activities complete a board-approved limited alcohol server training program that addresses only those subjects reasonably related to the licensees' tasting activities.

NEW SECTION. **Sec. 2** This act expires December 1, 2009."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

#### MOTION

Senator Franklin moved that the following amendment by Senators Franklin, Hewitt and Kohl-Welles to the striking amendment be adopted.

On page 1, line 25 of the amendment, strike "and"

On page 1, line 28 of the amendment, after "premises" insert "; and (iii) The licensee must have food available for the tasting participants"

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Franklin, Hewitt and Kohl-Welles on page 1, line 25 to the striking amendment to Senate Bill No. 5751.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles as amended to Senate Bill No. 5751.

The motion by Senator Kohl-Welles carried and the striking amendment as amended was adopted by voice vote.

#### MOTION

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

On page 1, line 1 of the title, after "tasting;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5751 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Jacobsen and Hewitt spoke in favor of passage of the bill.

Senators Hargrove, Roach and Swecker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5751.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5751 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Hatfield, Hewitt, Hobbs, Holmquist,

Honeyford, Jacobsen, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Regala, Rockefeller, Schoesler, Stevens, Tom, Weinstein and Zarelli - 32

Voting nay: Senators Benton, Fraser, Hargrove, Haugen, Kastama, Kauffman, Marr, McCaslin, Morton, Parlette, Rasmussen, Roach, Shin, Spanel and Swecker - 15

Excused: Senators Fairley and Sheldon - 2

ENGROSSED SENATE BILL NO. 5751, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6465, by Senators Roach, Benton, Rasmussen, Hargrove, King, Hobbs, Hatfield, Delvin, McCaslin, Kilmer, Rockefeller and Carrell

Allowing active duty military personnel to purchase a temporary fishing license at the resident rate.

The measure was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6465.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6465 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Sheldon - 2

SENATE BILL NO. 6465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5868, by Senators Kline, Jacobsen, Shin, Weinstein and Murray

Defining civil disorder.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5868 was advanced to third reading, the second

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5868.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5868 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Sheldon - 2

SENATE BILL NO. 5868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5425, by Senators Kohl-Welles, Hargrove, Stevens and Regala

Adding additional appropriate locations for the transfer of newborn children.

The measure was read the second time.

## MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Hargrove be adopted.

On page 2, line 36, strike everything after "shall" and insert the following: "report its findings to the legislature annually, beginning on January 1, 2010."

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Hargrove on page 2, line 36 to Senate Bill No. 5425.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

## MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5425 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Stevens spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senator Weinstein was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5425.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5425 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 45

Voting nay: Senator Carrell - 1

Excused: Senators Fairley, Sheldon and Weinstein - 3

ENGROSSED SENATE BILL NO. 5425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6250, by Senators Haugen and Kline

Protecting the confidentiality and privacy of personal information in connection with drivers' licenses and identicards.

The measure was read the second time.

## MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 6250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6250.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6250 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Sheldon - 2

SENATE BILL NO. 6250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6260, by Senators Kilmer, Swecker, Jacobsen, Morton, Schoesler, Sheldon, Murray and Rasmussen

Providing hunting and fishing opportunities to seriously ill children. Revised for 1st Substitute: Facilitating outdoor recreational opportunities for the terminally ill.

## MOTIONS

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

On motion of Senator Kilmer, Substitute Senate Bill No. 6260 was substituted for Senate Bill No. 6260 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 6260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer, Morton and Jacobsen spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senators Pridemore and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6260.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6260 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Fairley, Pridemore, Rockefeller and Sheldon - 4

SUBSTITUTE SENATE BILL NO. 6260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6283, by Senators Rasmussen and King

Addressing membership on the apple commission.

The measure was read the second time.

## MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6283 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6283.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6283 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig,

Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senator Brandland - 1

Excused: Senators Fairley, Pridemore, Rockefeller and Sheldon - 4

SENATE BILL NO. 6283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6273, by Senators Haugen and Rasmussen

Addressing the nondivisible gross weight limit of farm implements on public highways.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6273 was substituted for Senate Bill No. 6273 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6273.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6273 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Fairley, Pridemore, Rockefeller and Sheldon - 4

SUBSTITUTE SENATE BILL NO. 6273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 11:23 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:41 p.m. by President Owen.

## MOTION

On motion of Senator Pridemore, the Senate reverted to the first order of business.

## SUPPLEMENTAL REPORTS OF

THIRTIETH DAY, FEBRUARY 12, 2008  
STANDING COMMITTEES

2008 REGULAR SESSION

Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller;  
Schoesler and Tom.

February 12, 2008

SB 5367 Prime Sponsor, Senator Shin: Establishing the Washington trade corps fellowship program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5367 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 5831 Prime Sponsor, Senator Kohl-Welles: Providing for the certification of mechanics performing heating, ventilating, air conditioning, refrigeration, and gas piping work. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5831 as recommended by Committee on Labor, Commerce, Research & Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Parlette; Roach; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6150 Prime Sponsor, Senator Jacobsen: Providing for a driver's license renewal exemption for active foreign service members. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6206 Prime Sponsor, Senator Zarelli: Modifying child fatality and near fatality reviews and reports. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6206 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles;

February 12, 2008

SB 6220 Prime Sponsor, Senator Keiser: Allowing the delegation of nursing tasks to care for persons with diabetes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6220 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hobbs; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6224 Prime Sponsor, Senator Keiser: Modifying vendor overpayment provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6224 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6227 Prime Sponsor, Senator Jacobsen: Providing support and resources to outer coast marine resources committees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6227 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6231 Prime Sponsor, Senator Jacobsen: Improving the coordination of marine protected areas. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6231 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hewitt; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

February 12, 2008

SB 6280 Prime Sponsor, Senator Keiser: Implementing the recommendations of the joint legislative task force on family leave insurance. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6280 as recommended by Committee on Labor, Commerce, Research & Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6295 Prime Sponsor, Senator Kilmer: Creating workplace-based electronically distributed learning opportunities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6295 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6302 Prime Sponsor, Senator Kohl-Welles: Establishing standards for prescription drug marketing and disclosure. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6302 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland; Hatfield; Hewitt; Hobbs; Keiser; Kohl-Welles; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Carrell; Honeyford; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6307 Prime Sponsor, Senator Rockefeller: Regarding marine managed areas. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6307 as recommended by Committee on Water, Energy & Telecommunications be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair;

Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield; Hobbs; Keiser; Kohl-Welles; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6308 Prime Sponsor, Senator Rockefeller: Preparing for and adapting to climate change. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6308 as recommended by Committee on Water, Energy & Telecommunications be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Hewitt and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6333 Prime Sponsor, Senator Keiser: Establishing a citizens' work group on health care. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6333 as recommended by Committee on Health & Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Hewitt; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Parlette and Roach.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6342 Prime Sponsor, Senator Rasmussen: Creating the military department active state service account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette;

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2008

SB 6347 Prime Sponsor, Senator Morton: Exempting small counties from certain day labor project requirements. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6347 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Swecker; Benton; Berkey; Delvin; Holmquist; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Marr, Vice Chair Murray, Vice Chair.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6377 Prime Sponsor, Senator Hobbs: Regarding secondary career and technical education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6377 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6380 Prime Sponsor, Senator Eide: Enhancing school library programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6380 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6388 Prime Sponsor, Senator Rasmussen: Creating pilot programs for learning disabilities, including autism spectrum disorder. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6388 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6421 Prime Sponsor, Senator Pridemore: Providing medical coverage for smoking cessation programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6438 Prime Sponsor, Senator Kohl-Welles: Creating a statewide high-speed internet deployment and adoption effort. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6438 be substituted therefor, and the second substitute bill do pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6448 Prime Sponsor, Senator Marr: Providing for intensive behavior support services for children with developmental disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6448 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6450 Prime Sponsor, Senator Tom: Regarding reimbursement for school district and educational service district costs for performance audits. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Parlette and Roach.

MINORITY recommendation: That it be referred without

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

recommendation. Signed by Senators Carrell and Schoesler.

Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6458 Prime Sponsor, Senator Keiser: Improving patient safety through increased regulation of health professionals. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6458 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Keiser; Kohl-Welles; Parlette; Rasmussen; Roach; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Regala.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6466 Prime Sponsor, Senator Roach: Creating a task force to study teaching Spanish and Chinese in public schools. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6466 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hobbs; Keiser; Kohl-Welles; Parlette; Rasmussen; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6479 Prime Sponsor, Senator Zarelli: Establishing a program to screen and treat children with attachment disorders. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6479 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6483 Prime Sponsor, Senator Hatfield: Enacting the local farms-healthy kids and communities act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6483 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig;

February 12, 2008

SB 6502 Prime Sponsor, Senator Oemig: Reducing the release of mercury into the environment. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6502 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Hatfield and Hewitt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6510 Prime Sponsor, Senator Kastama: Providing a funding source to assist small manufacturers in obtaining innovation and modernization extension services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6510 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6522 Prime Sponsor, Senator Kohl-Welles: Providing collective bargaining for child care center directors and workers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6522 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hewitt; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Roach; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hatfield; Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6546 Prime Sponsor, Senator Brandland: Changing licensing provisions concerning driving under the influence of intoxicating liquor or drugs. Reported by Committee on Transportation

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

MAJORITY recommendation: That Second Substitute Senate Bill No. 6546 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey; Delvin; Eide; Jacobsen; Kastama; Kilmer; King; Pflug and Spanel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6573 Prime Sponsor, Senator Kilmer: Providing additional revenues for public safety. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6573 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2008

SB 6576 Prime Sponsor, Senator Swecker: Creating a pilot project to evaluate the use of electronic traffic flagging devices. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6580 Prime Sponsor, Senator Marr: Addressing the impacts of climate change through the growth management act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6580 as recommended by Committee on Government Operations & Elections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrel; Honeyford; Parlette; Roach and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6583 Prime Sponsor, Senator Brandland: Changing provisions relating to eligibility for medical assistance. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6583 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland; Carrell; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6596 Prime Sponsor, Senator Hargrove: Providing for the creation of a sex offender policy board. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6596 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6620 Prime Sponsor, Senator Pridemore: Regarding biological remediation technologies for on-site sewage disposal systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6620 as recommended by Committee on Water, Energy & Telecommunications be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hewitt; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell; Honeyford and Parlette.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6629 Prime Sponsor, Senator Franklin: Making clarifications to the nursing facility medicaid payment system in relation to the use of minimum occupancy in setting cost limits and application of the statewide average payment rate specified in the biennial appropriations act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hobbs; Parlette; Rasmussen; Regala; Roach; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6638 Prime Sponsor, Senator Murray: Reallocating existing lodging taxes for heritage and arts programs in a county with a population of one million or more. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hewitt; Hobbs; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6645 Prime Sponsor, Senator Pridemore: Providing interruptive military service credit for members of plans 2 and 3 who provide proof to the director that their interruptive military service was during a period of war defined in RCW 41.04.005. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6645 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hobbs; Oemig; Parlette; Rasmussen; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6650 Prime Sponsor, Senator Murray: Providing benefits for the survivors of certain firefighters. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6652 Prime Sponsor, Senator Pridemore: Extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli;

Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6653 Prime Sponsor, Senator Murray: Allowing department of fish and wildlife enforcement officers to transfer service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6654 Prime Sponsor, Senator Kilmer: Addressing service credit for members working a partial year in plans 2 and 3 of the teachers' retirement system and the school employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6655 Prime Sponsor, Senator Schoesler: Transferring public employees' retirement system plan 2 members to the school employees' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6656 Prime Sponsor, Senator Schoesler: Purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

February 12, 2008  
SB 6665 Prime Sponsor, Senator Hargrove: Regarding the intensive case management and integrated crisis response pilot programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6665 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008  
SB 6673 Prime Sponsor, Senator McAuliffe: Creating extended learning opportunities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6673 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008  
SB 6684 Prime Sponsor, Senator Shin: Requiring language access services for persons with limited English proficiency in health care and insurance matters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6684 as recommended by Committee on Health & Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Carrell; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008  
SB 6711 Prime Sponsor, Senator Kauffman: Creating the smart homeownership choices program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6711 as recommended by Committee on Consumer Protection & Housing be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell;

Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008  
SB 6712 Prime Sponsor, Senator Kauffman: Creating the affordable housing and community facilities rapid response loan program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6712 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Regala and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Honeyford; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008  
SB 6722 Prime Sponsor, Senator Regala: Creating the cleanup settlement account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008  
SB 6732 Prime Sponsor, Senator Kohl-Welles: Implementing the recommendations of the joint legislative task force on the underground economy in the construction industry. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6732 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008  
SB 6736 Prime Sponsor, Senator Rasmussen: Establishing a lifelong services program for persons with developmental disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6736 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6737 Prime Sponsor, Senator Kohl-Welles: Authorizing collective bargaining for Washington State University employees who are enrolled in academic programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6737 as recommended by Committee on Labor, Commerce, Research & Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Roach; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Hewitt and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

ESB 6744 Prime Sponsor, Senator Fraser: Concerning homeowners' associations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6744 as recommended by Committee on Consumer Protection & Housing be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hobbs; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Honeyford.

Passed to Committee on Rules for second reading.

February 7, 2008

SB 6755 Prime Sponsor, Senator Brown: Changing state investment board personnel compensation provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6755 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008  
SB 6760 Prime Sponsor, Senator Regala: Requiring an exchange of land parcels on the Fircrest school campus and modifying the developmental disabilities community trust account. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6760 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hobbs; Honeyford; Keiser; Parlette; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Schoesler.

Passed to Committee on Rules for second reading.

February 11, 2008

SB 6761 Prime Sponsor, Senator Haugen: Regarding service areas for wetlands mitigation banks. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6761 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6765 Prime Sponsor, Senator Parlette: Concerning the Washington state health insurance pool. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6765 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regal; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6771 Prime Sponsor, Senator Haugen: Eliminating regional transportation investment districts. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6771 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey; Delvin; Eide; Jacobsen; Kilmer; Sheldon and Spanel.

MINORITY recommendation: Do not pass. Signed by Senators Swecker; Benton; Holmquist; Kastama; King and Pflug.

Passed to Committee on Rules for second reading.

February 12, 2008

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

SB 6774 Prime Sponsor, Senator Kastama: Promoting regional industry cluster growth. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6774 as recommended by Committee on Economic Development, Trade & Management be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6775 Prime Sponsor, Senator Kauffman: Addressing the digital literacy and technology training needs of low-income and underserved areas through state support of community technology programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6775 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6776 Prime Sponsor, Senator Kline: Modifying state whistleblower protections. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6776 as recommended by Committee on Government Operations & Elections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6799 Prime Sponsor, Senator Regala: Concerning the sourcing, for sales and use tax purposes, of sales of tangible personal property by florists. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 11, 2008

SB 6800 Prime Sponsor, Senator Hobbs: Concerning the disposition of publicly owned railroad infrastructure. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6800 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Berkey; Eide; Jacobsen; Kastama; Kauffman; Kilmer; Pflug; Sheldon and Spanel.

MINORITY recommendation: Do not pass. Signed by Senators Benton; Delvin; Holmquist and King.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6804 Prime Sponsor, Senator Kilmer: Providing grants to community colleges for long-term care worker training. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6804 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6805 Prime Sponsor, Senator Haugen: Promoting farmland preservation and environmental restoration through conservation markets. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6805 as recommended by Committee on Agriculture & Rural Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2008

SB 6808 Prime Sponsor, Senator Prentice: Requiring local bridge owners to maintain, replace, or appropriate funds for bridges deemed to be especially deficient. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6808 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Kastama; Kauffman; Kilmer; King; Pflug and Spanel.

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6809 Prime Sponsor, Senator Pridemore: Providing a tax exemption for working families measured by the federal earned income tax credit. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6809 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Roach and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6818 Prime Sponsor, Senator Oemig: Promoting transparency in state expenditures. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6818 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Roach and Rockefeller.

Passed to Committee on Rules for second reading.

February 11, 2008

SB 6822 Prime Sponsor, Senator Murray: Establishing goals to reduce vehicle miles traveled. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6822 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Eide; Jacobsen; Kastama; Kauffman; Kilmer; Sheldon and Spanel.

MINORITY recommendation: Do not pass. Signed by Senators Delvin; Holmquist and King.

Passed to Committee on Rules for second reading.

February 11, 2008

SB 6836 Prime Sponsor, Senator Kilmer: Requiring the provision of a secure internet-based system to generate temporary permits to operate vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6836 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6848 Prime Sponsor, Senator Prentice: Financing for the renovation of university stadium facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hewitt; Hobbs; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Roach.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6849 Prime Sponsor, Senator Oemig: Regarding resident student classification. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Carrell.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Roach.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6850 Prime Sponsor, Senator Prentice: Creating the financial fraud and identity theft crimes investigation and prosecution program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Carrell and Parlette.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6855 Prime Sponsor, Senator Kilmer: Regarding state economic development programs. Reported by Committee on Ways & Means

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

MAJORITY recommendation: That Second Substitute Senate Bill No. 6855 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 11, 2008

SB 6857 Prime Sponsor, Senator Morton: Designating a select portion of state route number 97 as a heavy haul industrial corridor. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6857 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Jacobsen; Kastama; Kilmer; King; Pflug; Sheldon and Spanel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6874 Prime Sponsor, Senator Brown: Regarding the Columbia river water delivery account. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6874 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Parlette and Roach.

Passed to Committee on Rules for second reading.

February 11, 2008

SB 6885 Prime Sponsor, Senator King: Expanding the list of persons and entities that may acquire driving record abstracts for certain purposes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6892 Prime Sponsor, Senator Fraser: Concerning the time limits of school impact fee expenditures. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hewitt; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Roach.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6903 Prime Sponsor, Senator Fraser: Prioritizing four-year higher education institutions' capital project requests. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6903 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2008

SB 6931 Prime Sponsor, Senator Kline: Providing funding for additional emphasis patrols for DUI enforcement and chemical dependency treatment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Hewitt; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Carrell; Parlette and Roach.

Passed to Committee on Rules for second reading.

February 11, 2008

SB 6932 Prime Sponsor, Senator Haugen: Addressing ferry vessel and terminal planning. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6932 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Benton; Berkey; Delvin;

THIRTIETH DAY, FEBRUARY 12, 2008

2008 REGULAR SESSION

Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer;  
King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 11, 2008

SJM 8030 Prime Sponsor, Senator Tom: Naming the NE  
116th Street overcrossing of Interstate 405 in Kirkland the  
Kollin Nielsen Memorial Bridge. Reported by Committee on  
Transportation

MAJORITY recommendation: That Substitute Senate Joint  
Memorial No. 8030 be substituted therefor, and the  
substitute joint memorial do pass. Signed by Senators  
Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair;  
Swecker; Berkey; Delvin; Eide; Holmquist; Jacobsen;  
Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and  
Spanel.

MINORITY recommendation: Do not pass. Signed by  
Senator Benton.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Pridemore, all measures listed on the  
Supplemental Standing Committee report were referred to the  
committees as designated.

#### MOTION

At 7:43 p.m., on motion of Senator Pridemore, the Senate  
adjourned until 9:30 a.m. Wednesday, February 13, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**THIRTY-FIRST DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 13, 2008

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

The Sergeant at Arms Color Guard consisting of Pages Sarah Hendrickson and Emma Ockert-Axelsson, presented the Colors. Pastor Jeff Vaderstelt of Somma offered the prayer.

**MOTION**

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

**MOTION**

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

**MESSAGE FROM THE HOUSE**

February 12, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SUBSTITUTE SENATE BILL NO. 6794,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 12, 2008

MR. PRESIDENT:

The House has passed the following bills:  
HOUSE BILL NO. 1493,  
HOUSE BILL NO. 2436,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 12, 2008

MR. PRESIDENT:

The House has passed the following bills:  
HOUSE BILL NO. 1836,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2082,  
SUBSTITUTE HOUSE BILL NO. 2439,  
SECOND SUBSTITUTE HOUSE BILL NO. 2714,  
HOUSE BILL NO. 2719,  
HOUSE BILL NO. 2728,  
HOUSE BILL NO. 2786,  
SUBSTITUTE HOUSE BILL NO. 3103,  
HOUSE BILL NO. 3161,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 12, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SUBSTITUTE HOUSE BILL NO. 2431,  
HOUSE BILL NO. 2834,  
HOUSE BILL NO. 2835  
SUBSTITUTE HOUSE BILL NO. 2858,  
HOUSE BILL NO. 2894,  
SUBSTITUTE HOUSE BILL NO. 2902,  
HOUSE BILL NO. 2923,  
HOUSE BILL NO. 2955,  
HOUSE BILL NO. 2999,  
HOUSE BILL NO. 3005,  
HOUSE BILL NO. 3006,  
HOUSE BILL NO. 3007,  
HOUSE BILL NO. 3097,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

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

**MOTION**

Senator McAuliffe moved adoption of the following resolution:

**SENATE RESOLUTION  
8698**

By Senators McAuliffe, Brandland, Benton, Zarelli, Weinstein, Pridemore, Franklin, Parlette, Eide, McCaslin, Keiser, Prentice, Rockefeller, Fraser, and Kohl-Welles

WHEREAS, Providing all Washington state children a public education is the paramount duty of the state; and

WHEREAS, It is impossible to provide our children a quality public education if they cannot get to school, if they are hungry during the school day, or if the schools they arrive at are neglected, cold, and unsafe; and

WHEREAS, Classified employees are the bus drivers who are safely transporting, in sometimes dangerous road conditions, over 474,514 students each day in 9,035 busses over 500,000 miles; the child nutrition employees providing breakfast for 113,518 students and lunches for over 440,000 students each day; the custodian, maintenance, and security employees ensuring that the 2,174 school buildings where our children are receiving their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents, staff, and, most importantly, all children receive the necessary support and services, while at the same time providing love and attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the paraeducators who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet the higher academic standards, as well as provide such specialized services as nursing and interpreting for deaf and disabled children and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington state students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington state citizens seldom reflect on the critical role classified employees play in providing our children a quality education;

THIRTY-FIRST DAY, FEBRUARY 13, 2008

2008 REGULAR SESSION

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor classified school employees during Classified School Employee Week, March 10 through March 14, 2008, and urge all citizens to join in honoring, recognizing, and respecting the dedication and hard work of all classified school employees; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Public School Employees of Washington, SEIU Local 1948 and SEIU Local 925.

Senators McAuliffe and Pflug spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8698.

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

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a group of the classified school employees who were seated in the gallery.

## MOTION

At 9:47 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:05 a.m. by President Owen.

## MOTION

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

## MESSAGE FROM THE HOUSE

February 12, 2008

MR. PRESIDENT:

The House has passed the following bills:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1139,  
SECOND ENGROSSED HOUSE BILL NO. 1743,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6794,

## MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Marr moved that Gubernatorial Appointment No. 9144, Janet Lewis, as a member of the Work Force Training and Education Coordinating Board, be confirmed.

Senator Marr spoke in favor of the motion.

## APPOINTMENT OF JANET LEWIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9144, Janet Lewis as a member of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9144, Janet Lewis as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9144, Janet Lewis, having received the constitutional majority was declared confirmed as a member of the Work Force Training and Education Coordinating Board.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Shin moved that Gubernatorial Appointment No. 9359, Sam Smith, as a member of the Higher Education Coordinating Board, be confirmed.

Senators Shin and Marr spoke in favor of passage of the motion.

## APPOINTMENT OF SAM SMITH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9359, Sam Smith as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9359, Sam Smith as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9359, Sam Smith, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

## SECOND READING

SENATE BILL NO. 6309, by Senators Rockefeller, Kohl-Welles, Jacobsen, Regala, Oemig, Pridemore, Murray, Marr, Hatfield, Kline and Tom

Requiring disclosure of greenhouse gas tailpipe emissions. Revised for 1st Substitute: Requiring disclosure of greenhouse gas vehicle emissions.

## MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 6309 was substituted for Senate Bill No. 6309 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 6309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6309.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6309 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 39

Voting nay: Senators Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach and Schoesler - 10

SUBSTITUTE SENATE BILL NO. 6309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## THIRD READING

SUBSTITUTE SENATE BILL NO. 5318, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Poulsen and Jacobsen).

Participating in the management of Washington's portion of the Yukon to Yellowstone Rocky mountain ecosystem.

The bill was read on Third Reading.

Senators Jacobsen and Fraser spoke in favor of passage of the bill.

Senators Benton, Morton, Roach and Schoesler spoke against passage of the bill.

## MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be

put carried by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5318.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Voting nay: Senators Benton, Berkey, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

SUBSTITUTE SENATE BILL NO. 5318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## SECOND READING

SENATE BILL NO. 5432, by Senators Swecker, Roach, Hatfield, Zarelli, Kline, Brandland, Benton and Rasmussen

Allowing fire protection districts to have additional commissioners.

The measure was read the second time.

## MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5432.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5432 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

THIRTY-FIRST DAY, FEBRUARY 13, 2008

2008 REGULAR SESSION

SENATE BILL NO. 5432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
 SUBSTITUTE SENATE BILL NO. 6794,  
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 11:02 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:28 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5596, by Senators Franklin, Benton, Kline, Poulsen, Keiser and Roach

Concerning discrimination against chiropractors. Revised for 2nd Substitute: Requiring fair payment for chiropractic services.

MOTIONS

On motion of Senator Keiser, Second Substitute Senate Bill No. 5596 was substituted for Senate Bill No. 5596 and the second substitute bill was placed on the second reading and read the second time.

Senator Franklin spoke in favor of the substitute bill.

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pflug and Keiser spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5596.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5596 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carrell,

Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Spanel, Stevens, Swecker, Weinstein and Zarelli - 40

Voting nay: Senators Berkey, Haugen, Honeyford, Jacobsen, Parlette, Rasmussen, Sheldon, Shin and Tom - 9

SECOND SUBSTITUTE SENATE BILL NO. 5596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:38 a.m., on motion of Senator Eide, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by President Owen.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9289, Gene L. Chase, as a member of the Board of Trustees, Everett Community College District No. 5, be confirmed.

Senator Berkey spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Hobbs was excused.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Holmquist, Pflug, Roach and Swecker were excused.

APPOINTMENT OF GENE L. CHASE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9289, Gene L. Chase as a member of the Board of Trustees, Everett Community College District No. 5.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9289, Gene L. Chase as a member of the Board of Trustees, Everett Community College District No. 5 and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 5; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 42

Absent: Senators Brown, Keiser, McAuliffe, Rockefeller and Tom - 5

Excused: Senators Hobbs and Swecker - 2

Gubernatorial Appointment No. 9289, Gene L. Chase, having received the constitutional majority was declared

THIRTY-FIRST DAY, FEBRUARY 13, 2008

confirmed as a member of the Board of Trustees, Everett Community College District No. 5.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Shin moved that Gubernatorial Appointment No. 9319, Sally Jewell, as a member of the Board of Regents, University of Washington, be confirmed.

Senators Shin and Rasmussen spoke in favor of passage of the motion.

## MOTION

On motion of Senator Regala, Senators Brown, Keiser, McAuliffe, Rockefeller and Tom were excused.

## APPOINTMENT OF SALLY JEWELL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9319, Sally Jewell as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9319, Sally Jewell as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Excused: Senators Hobbs, Keiser, McAuliffe, Rockefeller and Tom - 5

Gubernatorial Appointment No. 9319, Sally Jewell, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Delvin moved that Gubernatorial Appointment No. 9300, Francois Forgette, as a member of the Board of Regents, Washington State University, be confirmed.

Senator Delvin spoke in favor of the motion.

## APPOINTMENT OF FRANCOIS FORGETTE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9300, Francois Forgette as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9300, Francois Forgette as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote:

2008 REGULAR SESSION

Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Hobbs, Keiser, McAuliffe and Tom - 4

Gubernatorial Appointment No. 9300, Francois Forgette, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Parlette moved that Gubernatorial Appointment No. 9366, Darlene Wilder, as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15, be confirmed.

Senator Parlette spoke in favor of the motion.

## APPOINTMENT OF DARLENE WILDER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9366, Darlene Wilder as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9366, Darlene Wilder as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9366, Darlene Wilder, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 5278, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Franklin, Kastama, Kline, Spanel, Keiser, Kohl-Welles, McAuliffe, Regala, Pridemore, Poulsen, Fraser, Rasmussen and Rockefeller)

Concerning use of public funds to finance campaigns for local office.

## MOTION

THIRTY-FIRST DAY, FEBRUARY 13, 2008

2008 REGULAR SESSION

On motion of Senator Franklin, Second Substitute Senate Bill No. 5278 was substituted for Substitute Senate Bill No. 5278 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Franklin moved that the following striking amendment by Senator Franklin be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 3** RCW 42.17.128 and 1993 c 2 s 24 are each amended to read as follows:

Public funds, whether derived through taxes, fees, penalties, or any other sources, shall not be used to finance political campaigns for state ~~((or local))~~ or school district office. A county, city, town, or district that establishes a program to publicly finance local political campaigns may only use funds derived from local sources to fund the program. A local government must submit any proposal for public financing of local political campaigns to voters for their adoption and approval or rejection."

## MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was carried by voice vote.

Senator Franklin spoke in favor of adoption of the striking amendment.

## MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 1, line 12, after "rejection." insert "The specific amount of funds made available must be included in the wording of the ballot title."

Renumber the sections consecutively and correct any internal references accordingly.

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

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

Senator Roach demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 12 to the striking amendment to Second Substitute Senate Bill No. 5278.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach to the striking amendment and the amendment was not adopted by the following vote: Yeas, 18; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18.

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31.

## MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 1, line 12, after "rejection." insert "A public hearing on the proposed measure to allow public funding of campaigns must be held at least sixty days before the election."

Renumber the sections consecutively and correct any internal references accordingly.

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

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

Senator Roach demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 1 to the striking amendment to Second Substitute Senate Bill No. 5278.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach to the striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19.

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Franklin to Second Substitute Senate Bill No. 5278.

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

## MOTION

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

On page 1, line 1 of the title, after "purposes;" strike the remainder of the title and insert "and amending RCW 42.17.128."

## MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

THIRTY-FIRST DAY, FEBRUARY 13, 2008

Senator Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5278.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5278 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 1:53 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:47 p.m. by President Owen.

## SECOND READING

SENATE BILL NO. 6377, by Senators Hobbs, Fairley, Rockefeller, McAuliffe, Kohl-Welles, Berkey, Shin, Regala, Oemig, Kilmer, Eide, Fraser, Franklin and Rasmussen

Regarding secondary career and technical education.

## MOTIONS

On motion of Senator Hobbs, Second Substitute Senate Bill No. 6377 was substituted for Senate Bill No. 6377 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Second Substitute Senate Bill No. 6377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6377.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6377 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton,

2008 REGULAR SESSION

Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE SENATE BILL NO. 6377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6380, by Senators Eide, Brown, McAuliffe, Marr, Shin, Kohl-Welles and Weinstein

Enhancing school library programs.

## MOTION

Senator McAuliffe moved that Second Substitute Senate Bill No. 6380 be not substituted for Senate Bill No. 6380 and the second substitute bill be not adopted.

Senator Honeyford spoke on the motion.

## MOTION

The motion by Senator McAuliffe carried and the second substitute bill was not adopted by voice vote.

## MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 6380 was substituted for Senate Bill No. 6380 and the substitute bill was placed on the second reading and read the second time.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford the amendment by Senator Honeyford on page 2, line 13 to Substitute Senate Bill No. 6380 was withdrawn.

## MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Eide, Honeyford and Kastama be adopted.

On page 2, line 17, after "district." insert the following: "School districts shall not use any funds received under this section to supplant any existing state, federal, or local funding used for library staff or programs."

Senators Hargrove, Honeyford, Zarelli and Parlette spoke in favor of adoption of the amendment.

Senator McAuliffe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Eide, Honeyford and Kastama on page 2, line 17 to Substitute Senate Bill No. 6380.

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

## MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Prentice be adopted.

On page 2, after line 21, insert the following:

THIRTY-FIRST DAY, FEBRUARY 13, 2008

2008 REGULAR SESSION

"NEW SECTION. Sec. 3 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Senator McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Prentice on page 2, after line 21 to Substitute Senate Bill No. 6380.

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

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide, King, McAuliffe, Delvin, Marr, Brown and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6380.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6380 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 6380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### POINT OF INQUIRY

Senator Schoesler: "Would the gentleman from the 4<sup>th</sup> District yield to a question? Senator McCaslin, as I look across the floor today, is Senator Deccio absent or excused?"

Senator McCaslin: "I have a story to tell you Senator and just prior to coming on the floor I learned this so if I botch it up it's my fault because I just heard it approximately twenty-five minutes ago. The gentleman sitting there, it's going to shock you, is really Senator Deccio. I have to tell you the story that I heard. You know Alex. He was always negotiating on something. So Alex, Senator Deccio, went through the state of Washington negotiating with surgical doctors, cosmetic surgeons, getting the best deal. I'm told, I don't know if the source is reliable, it cost one-hundred fifty-thousand in the capital budget and seven bills on last year's calendar. The problem was the surgeon he hired was hard of hearing and what Senator Deccio told him was 'I want to look like James Vest.' Who was an old time actor, very handsome gentleman. Well, the

guy couldn't hear. He thought he said 'James West' so as a result Senator Deccio, who is now going by Curtis King, looks like James West. I didn't get to him before the first or second caucus and I did lean over to him one day, I was heading for the water fountain, and I said 'Do you know we've had a conference among us Senators that you look like James West? Jim West? Senator West. Took a few seconds and he looked up at me and he said, 'I didn't know he was that handsome.' So anyway we have a conceited man, who obviously can read because he read his first speech. He didn't ask permission either, of the President, which is another foul. Anyway, Alex, it's good to see you. You look a lot better. It was worth the one-hundred and fifty thousand I assure you."

Senator Schoesler: "Senator McCaslin, one follow-up question on that plastic surgery? Did Senator Deccio retain his legendary smell for pork?"

Senator McCaslin: "Absolutely, absolutely. So stand back Democrats, here he comes again."

#### PERSONAL PRIVILEGE

Senator King: "Thank you Mr. President. Well, I very much appreciate everyone's patience and willingness to put up with my lack of public speaking ability. But as a means to try and kind of make up for all of those things and all of my deficiencies, I have a gift that I would like to present to each of you that will be delivered to your office. Somewhere here I think I have one, anyway hopefully it will look like this if it's any good. It consists of a maple cheese board with a knife, and it has products that are made in the Yakima Valley attached that includes juices and fruit roll ups from Tree Top. Chips from Seneca Foods, mixed pepper jelly, now if you have never had mixed pepper jelly, you have a treat in store for you and I was kind because it comes in mild, and it comes in very, very hot and believe me I was tempted with the very, very hot but I got just kind of the middle of the road for you. Then I also have in there a really unique product. It's called Jumping Jack popcorn and there's an older couple in Selah that developed this product and it's actual corn on the cob that has been dried and you take it, put it in a bowl, cover it and microwave and it pops right off the cob and it's very good. So, anyway, I hope that you enjoy those products. I want to say thank you for the reception, the very warm reception and welcome that you all have given me. I appreciate that very much and I'm extremely honored to be serving in the Senate with each of you. Thank you."

#### PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Well, I was almost buying in on the story that this was Senator Deccio but after seeing such a nice gift I know it's not true because he was never that generous."

#### MOTION

At 4:25 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 5:21 p.m. by the President Pro Tempore.

THIRTY-FIRST DAY, FEBRUARY 13, 2008  
SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9318, Frank Irigon, as a member of the Board of Trustees, Renton Technical College District No. 27, be confirmed.

Senator Prentice spoke in favor of the motion.

APPOINTMENT OF FRANK IRIGON

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9318, Frank Irigon as a member of the Board of Trustees, Renton Technical College District No. 27.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9318, Frank Irigon as a member of the Board of Trustees, Renton Technical College District No. 27 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senators Fairley and Rockefeller - 2

Gubernatorial Appointment No. 9318, Frank Irigon, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Renton Technical College District No. 27.

MOTION

On motion of Senator Regala, Senators Fairley and Rockefeller were excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brandland moved that Gubernatorial Appointment No. 9292, James Cunningham, as a member of the Board of Trustees, Bellingham Technical College District No. 25, be confirmed.

Senator Brandland spoke in favor of the motion.

APPOINTMENT OF JAMES CUNNINGHAM

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9292, James Cunningham as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9292, James Cunningham as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield,

2008 REGULAR SESSION

Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Rockefeller - 2

Gubernatorial Appointment No. 9292, James Cunningham, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

SECOND READING

SENATE BILL NO. 6588, by Senators Kauffman, Prentice, Kastama, Hobbs, Sheldon, Delvin, Shin, McAuliffe and Rasmussen

Authorizing the transfer of accumulated leave between the common school and higher education systems.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Senate Bill No. 6588 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6588.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6588 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators King and Morton - 2

Excused: Senator Fairley - 1

SENATE BILL NO. 6588, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6726, by Senators Tom, McAuliffe and Rasmussen

Granting the professional educator standards board ongoing authority to establish professional-level certification assessments and performance standards.

MOTIONS

THIRTY-FIRST DAY, FEBRUARY 13, 2008

2008 REGULAR SESSION

On motion of Senator Tom, Substitute Senate Bill No. 6726 was substituted for Senate Bill No. 6726 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 6726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6726.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6726 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

SUBSTITUTE SENATE BILL NO. 6726, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6556, by Senators Honeyford, Pflug, Morton, Stevens and Swecker

Requiring the office of the superintendent of public instruction to develop anaphylactic policy guidelines.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6556 was substituted for Senate Bill No. 6556 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Honeyford and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6556.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6556 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

SUBSTITUTE SENATE BILL NO. 6556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6673, by Senators McAuliffe, Brandland, Hobbs, McDermott, Rasmussen, Weinstein, Oemig, Tom, Kauffman, Hargrove, Fairley, Franklin and Shin

Creating extended learning opportunities. Revised for 2nd Substitute: Creating learning opportunities.

MOTION

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 6673 was substituted for Senate Bill No. 6673 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe be adopted.

On page 6, line 14, after "commissions" insert "and the governor's office of Indian affairs"

Senator McAuliffe spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 6, line 14 to Second Substitute Senate Bill No. 6673.

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

MOTION

Senator Rockefeller moved that the following amendment by Senators Rockefeller and McAuliffe be adopted.

On page 8, after line 7, insert the following:

"Sec. 10 RCW 28B.118.010 and 2007 c 405 s 2 are each amended to read as follows:

The higher education coordinating board shall design the Washington college bound scholarship program in accordance with this section.

(1) "Eligible students" are those students who qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3) To be eligible for a Washington college bound scholarship, a student must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. Students who were in the eighth grade during the 2007-08 school year may sign the pledge during the 2008-09 school year. The pledge must be witnessed by a parent or guardian and forwarded to the higher education coordinating board by mail or electronically, as indicated on the pledge form.

(4)(a) Scholarships shall be awarded to eligible students

THIRTY-FIRST DAY, FEBRUARY 13, 2008

graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account."

Senator Rockefeller spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Rockefeller and McAuliffe on page 8, after line 7 to Second Substitute Senate Bill No. 6673.

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

MOTION

2008 REGULAR SESSION

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

On page 2, line 2 of the title, after "28A.165.035" insert "and 28B.118.010"

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6673 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Swecker, Senator Zarelli was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6673.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6673 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6673, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6740, by Senators Regala, King, McAuliffe and Rasmussen

Regarding the provision of teacher certification services.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6740 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6740.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6740 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

THIRTY-FIRST DAY, FEBRUARY 13, 2008

2008 REGULAR SESSION

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

SENATE BILL NO. 6740, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6879, by Senators McAuliffe, Tom, McDermott and Rasmussen

Regarding the joint task force on basic education finance.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6879 was substituted for Senate Bill No. 6879 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6879 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6879.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6879 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Prentice - 2

SUBSTITUTE SENATE BILL NO. 6879, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6751, by Senators Kohl-Welles, Roach, Pridemore, McDermott, Keiser, Franklin and Kline

Allowing individuals who left work to enter certain

apprenticeship programs to receive unemployment insurance benefits.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6751 was substituted for Senate Bill No. 6751 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6751 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Keiser and Benton spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Benton: "Would Senator Kohl-Welles yield to a question? Thank you Senator, I was just looking over the bill report and my question is. I'm not sure that I understand all of it because I didn't serve on that committee. Under this bill would this change, I guess my question is, can I quit a job for the sole purpose of going into one of these apprenticeship programs, voluntarily quit work, and collect unemployment while I am in the apprenticeship program?"

Senator Kohl-Welles: "Senator Benton, that could happen if you were to quit your job, I'm assuming not as a State Senator however. However, this would have to be part of an approved program by the state apprenticeship and training counsel number one, number 2, the Employment Security Department would have the authority to determine if in fact this was an approved program and that this individual should be eligible for that. There are safe guards in place. My understanding is the way this has worked in the past and we'd like it to do so again. It's for those individuals who are making very low wages are trying to improve themselves can be more contributing our economy and to our society. They also are training for needed positions that we expect will be once there will be a high turnover for so I think it's a very important program, not only for that individual but also for our economy and our work force."

Senators Holmquist, King and Honeyford spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6751.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6751 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 35

Voting nay: Senators Brandland, Delvin, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens and Zarelli - 13

Excused: Senator Fairley - 1

THIRTY-FIRST DAY, FEBRUARY 13, 2008

SUBSTITUTE SENATE BILL NO. 6751, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6534, by Senators McAuliffe and Tom

Regarding the revision of mathematics standards.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rasmussen the amendment by Senator Rasmussen on page 1, after line 17 to Senate Bill No. 6534 was withdrawn.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6534.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6534 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

SENATE BILL NO. 6534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Prentice, the rules were suspended and Substitute Senate Bill No. 5714 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5714, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Roach, Prentice, Rasmussen, Oemig,

2008 REGULAR SESSION

Clements, Rockefeller, Tom, Fairley, Hobbs, Shin, Swecker, Holmquist, Benton, Stevens, Parlette, Delvin and Kline)

Creating a pilot program of Spanish and Chinese language instruction.

The measure was read the second time.

MOTION

Senator Prentice moved that the following amendment by Senator Prentice be adopted.

On page 2, line 2, after "15," strike "2007" and insert "2008"

On page 2, line 5, after "15," strike "2007" and insert "2008"

On page 2, line 18, after "June" strike "2008" and insert "2009"

On page 2, line 24, after "1," strike "2009" and insert "2010"

Senator Prentice spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 2, line 2 to Substitute Senate Bill No. 5714.

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

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5714 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Roach spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5714.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5714 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:50 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Thursday, February 14, 2008.

BRAD OWEN, President of the Senate

THIRTY-FIRST DAY, FEBRUARY 13, 2008  
THOMAS HOEMANN, Secretary of the Senate

JOURNAL OF THE SENATE

263  
2008 REGULAR SESSION

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

**THIRTY-SECOND DAY****MORNING SESSION**

Senate Chamber, Olympia, Thursday, February 14, 2008

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Fairley, Holmquist, Jacobsen and Rasmussen.

The Sergeant at Arms Color Guard consisting of Pages Gillian Whelan and Samantha Gilpin, presented the Colors. Vicar George Anne Boyle of Saint Benedict's Episcopal Church offered the prayer.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

February 13, 2008

SGA 9281 JOHN ELLIS, reappointed on July 1, 2007, for the term ending June 30, 2013, as Member of the Gambling Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 13, 2008

SGA 9297 FRANK E FENNERTY, JR., reappointed on June 18, 2007, for the term ending June 17, 2013, as Member of the Board of Industrial Insurance Appeals. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 13, 2008

SGA 9311 TONY HEY, appointed on January 24, 2007, for the term ending October 1, 2009, as Member of the Board of Trustees, The Life Sciences Discovery Fund Authority. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 13, 2008

SGA 9370 BRUCE MONTGOMERY, reappointed on January 7, 2008, for the term ending October 1, 2011, as Member of The Life Sciences Discovery Fund Authority Board

of Trustees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 13, 2008

SGA 9374 SUSAN WILDER CRANE, reappointed on February 22, 2007, for the term ending February 21, 2010, as Member of the Washington State Apprenticeship and Training Council. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 13, 2008

SGA 9376 HARTLY KRUGER, reappointed on January 18, 2008, for the term ending January 17, 2014, as Member of the Horse Racing Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 13, 2008

SGA 9378 RITA COLWELL, reappointed on January 7, 2008, for the term ending October 1, 2011, as Member of The Life Sciences Discovery Fund Authority Board of Trustees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

**MOTION**

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

**MOTION**

On motion of Senator Eide, Senate Bill No. 6712 and Senate Bill No. 6684 were re-referred to the Committee on Ways & Means.

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 6946 by Senator Pridemore

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

AN ACT Relating to significant investments in semiconductor materials fabrication facilities; and amending 2007 c 54 s 29 (uncodified).

amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; adding a new chapter to Title 28B RCW; creating a new section; and providing expiration dates.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

ESHB 1031 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Moeller, Linville, B. Sullivan and Chase)

SHB 2431 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morris, Hudgins, Santos and Chase)

AN ACT Relating to electronic communication devices; adding a new chapter to Title 19 RCW; creating new sections; and prescribing penalties.

AN ACT Relating to cord blood banking; amending RCW 70.54.220; adding a new section to chapter 70.54 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

Referred to Committee on Health & Long-Term Care.

2ESHB 1139 by House Committee on Finance (originally sponsored by Representatives McDermott, McIntire, Springer, Cody, Ericks, Santos, Hasegawa, Simpson, Pettigrew and Kenney)

HB 2436 by Representatives Rolfes, O'Brien, Eddy, Sells, Goodman, VanDeWege, Morrell, Ormsby, Hurst, Dunn, Chase, Upthegrove, Simpson, Barlow, Ericks, Kelley and McDonald

AN ACT Relating to the local sales and use tax that is credited against the state sales and use tax for cities to offset municipal service costs to newly annexed areas; and amending RCW 82.14.415.

AN ACT Relating to allowing crime victims to submit input to the department of corrections regarding whether an offender should be placed into work release; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Ways & Means.

Referred to Committee on Human Services & Corrections.

HB 1493 by Representatives Hudgins, Simpson, Jarrett, B. Sullivan, Rodne, McCoy, Sells and Kenney

SHB 2439 by House Committee on Human Services (originally sponsored by Representatives Priest, Ross, Kristiansen, Pearson, Armstrong, Crouse, Haler, Condotta, Rodne, Hinkle, Hailey, Kretz, Warnick, Bailey, Sump, Roach, Orcutt, Newhouse, Ahern, Alexander, Skinner, Blake, McCune, Morrell, Hurst, Schindler, Walsh, Smith, Campbell, VanDeWege, Rolfes, Dunn, Barlow, Herrera, Kelley, Green and McDonald)

AN ACT Relating to clarifying the definition of development activity with regard to regional transit authorities; and amending RCW 82.02.090.

Referred to Committee on Transportation.

AN ACT Relating to requiring the governing authorities of facilities where convicted sex offenders are confined to determine the offender's immigration status and to release offenders subject to deportation into the custody of federal authorities or at a federal facility used to house persons awaiting deportation; amending RCW 72.02.100; adding a new section to chapter 72.09 RCW; and adding a new section to chapter 70.48 RCW.

2EHB 1743 by Representatives Kretz, B. Sullivan, Sump, Upthegrove and Linville

AN ACT Relating to noxious weed control boards; amending RCW 17.10.010, 17.10.020, 17.10.030, 17.10.050, 17.10.060, 17.10.074, 17.10.080, 17.10.190, 17.10.205, 17.10.240, 17.10.250, and 17.10.280; and repealing RCW 17.10.040 and 17.10.890.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Agriculture & Rural Economic Development.

2SHB 2714 by House Committee on Appropriations (originally sponsored by Representatives Loomis, Hurst, Lantz, Upthegrove, Conway, Simpson, VanDeWege and Kelley)

HB 1836 by Representatives Ericks, Pearson, Lovick, Williams, Kelley, Kretz, Hurst and Simpson

AN ACT Relating to requiring registered sex and kidnapping offenders to register after serving a term of confinement for a subsequent offense that is not a sex or kidnapping offense; and reenacting and amending RCW 9A.44.130.

AN ACT Relating to making failure to register as a sex offender or kidnapping offender a class B felony; amending RCW 13.40.0357; reenacting and amending RCW 9A.44.130 and 9.94A.030; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Human Services & Corrections.

HB 2719 by Representatives Priest, Hurst, Loomis and VanDeWege

E2SHB 2082 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Wallace, Grant, Buri, Miloscia, Kretz and Newhouse)

AN ACT Relating to ensuring that offenders receive accurate sentences; amending RCW 9.94A.441, 9.94A.500, and 9.94A.530; reenacting and amending RCW 9.94A.525; and creating new sections.

AN ACT Relating to establishing the field of dreams program; amending RCW 28B.95.060; reenacting and

Referred to Committee on Judiciary.

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

HB 2728 by Representatives Eddy, McDonald, Ericks, Warnick, Lias, Walsh, Schindler, Loomis, Hurst, Morrell, Kenney, Williams, Simpson, VanDeWege, O'Brien and Kelley

AN ACT Relating to requiring sex offender registration for misdemeanor and gross misdemeanor-level indecent exposure when there has been a finding of sexual motivation; amending RCW 9A.88.010; and reenacting and amending RCW 9A.44.130.

Referred to Committee on Human Services & Corrections.

HB 2786 by Representatives Kelley, Hurst, Lantz, Upthegrove, Pearson, Morrell, Priest, Kenney, Haler, Williams, Loomis, Smith, Bailey, Kristiansen, McCune, Simpson and VanDeWege

AN ACT Relating to including level I offenders who fail to maintain registration as required by RCW 9A.44.130 to the statewide notification web site; and reenacting and amending RCW 4.24.550.

Referred to Committee on Human Services & Corrections.

HB 2834 by Representatives Roberts, Kagi and Wood

AN ACT Relating to modifying a foster parent license due to a change of residence; and amending RCW 74.15.100.

Referred to Committee on Human Services & Corrections.

HB 2835 by Representatives Kagi, Roberts, Loomis, Morrell, Kenney and Haigh

AN ACT Relating to requiring federal name-based criminal history record checks when a child is placed in out-of-home care in an emergency situation; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Human Services & Corrections.

SHB 2858 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Morrell, Warnick, Campbell, Hurst, Newhouse, O'Brien, Green, Kelley and Conway)

AN ACT Relating to expanding metal property provisions; amending RCW 19.290.010, 19.290.020, 19.290.030, 19.290.040, 19.290.050, 19.290.060, 19.290.070, and 9.94A.535; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2894 by Representatives Campbell, Williams and Kagi

AN ACT Relating to adding questions about wood burning appliances to the seller's disclosure statement for residential real property transfers; amending RCW 64.06.020; and creating a new section.

Referred to Committee on Consumer Protection & Housing.

SHB 2902 by House Committee on Commerce & Labor (originally sponsored by Representative Wood)

AN ACT Relating to the collection of the arbitration fee on

sales or leases of new motor vehicles; and amending RCW 19.118.110.

Referred to Committee on Consumer Protection & Housing.

HB 2923 by Representatives Hinkle, Warnick, Blake, Chandler, Hailey, Schmick, Kretz, Williams, Eickmeyer, Condotta, McCune, VanDeWege and Newhouse

AN ACT Relating to providing an alternative method for weight tickets for transporting hay or straw; and amending RCW 20.01.125.

Referred to Committee on Agriculture & Rural Economic Development.

HB 2955 by Representatives Hunter, O'Brien, Hurst, Sullivan, Williams, Kelley and Morrell

AN ACT Relating to identifying specific programs that are able to have access to criminal history record information; amending RCW 50.12.010 and 43.101.095; adding a new section to chapter 51.04 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 46.01 RCW; adding a new section to chapter 19.86 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2999 by Representatives Hurst, Loomis, Kelley, Kirby, Lias, Morrell, Green and Simpson

AN ACT Relating to the "chief for a day" program; amending RCW 43.101.010 and 43.101.080; and creating a new section.

Referred to Committee on Judiciary.

HB 3005 by Representatives Conway, Bailey, Crouse, Fromhold, Simpson and Linville

AN ACT Relating to the transfer of public employees' retirement system plan 2 members to the school employees' retirement system plan 2; and amending RCW 41.40.750.

Referred to Committee on Ways & Means.

HB 3006 by Representatives Bailey, Conway, Crouse, Fromhold, Simpson and Linville

AN ACT Relating to extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service; amending RCW 41.40.270; and providing an effective date.

Referred to Committee on Ways & Means.

HB 3007 by Representatives Conway, Bailey, Fromhold, Crouse, VanDeWege, Hurst, Sullivan, McDonald, Kenney, Simpson, Linville, Nelson and Kelley

AN ACT Relating to the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war; and amending RCW 41.26.160, 41.26.510, 43.43.270, 43.43.295, 41.32.520,

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

41.32.805, 41.32.895, 41.35.460, 41.35.710, 41.37.250,  
41.40.270, 41.40.700, and 41.40.835.

Referred to Committee on Ways & Means.

HB 3097 by Representatives Quall, Barlow, Priest and Anderson

AN ACT Relating to the authority of the executive director of the state board of education; and amending RCW 28A.305.130.

Referred to Committee on Early Learning & K-12 Education.

SHB 3103 by House Committee on Education (originally sponsored by Representative Darnelle)

AN ACT Relating to crimes that require dismissal or certificate revocation for school employees; amending RCW 28A.400.320, 28A.400.330, 28A.405.470, 28A.410.090, 28A.410.110, 9.96A.020, and 43.43.845; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 41.59 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Early Learning & K-12 Education.

HB 3161 by Representatives Smith, O'Brien, McDonald, McCune, Takko, Pearson, Bailey, Ahern, Herrera, Kristiansen, Haler, Warnick, Schindler, Sump, Orcutt, Kretz, Walsh, Hasegawa, Jarrett, Roach, Williams, Simpson, Morrell, Rodne, Kelley, Dunn and Hurst

AN ACT Relating to requiring certain sex offenders to pay the costs of electronic monitoring; amending RCW 9.94A.713; and reenacting and amending RCW 9.94A.715.

Referred to Committee on Human Services & Corrections.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### MOTION

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator King moved that Gubernatorial Appointment No. 9375, Jim Clements, as a member of the Public Disclosure Commission, be confirmed.

Senators King, Honeyford and Kohl-Welles spoke in favor of passage of the motion.

#### MOTION

On motion of Senator Brandland, Senators Benton, Holmquist and Swecker were excused.

#### MOTION

On motion of Senator Regala, Senators Brown, Fairley, Jacobsen and Rasmussen were excused.

#### APPOINTMENT OF JIM CLEMENTS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9375, Jim Clements as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9375, Jim Clements as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Brown, Fairley, Holmquist, Jacobsen and Rasmussen - 5

Gubernatorial Appointment No. 9375, Jim Clements, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9351, Dave Seabrook, as a member of the Public Disclosure Commission, be confirmed.

Senator Pridemore spoke in favor of the motion.

#### APPOINTMENT OF DAVE SEABROOK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9351, Dave Seabrook as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9351, Dave Seabrook as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 39

Voting nay: Senators Benton, Hewitt, Honeyford, Morton, Pflug, Schoesler and Stevens - 7

Excused: Senators Brown, Fairley and Jacobsen - 3

Gubernatorial Appointment No. 9351, Dave Seabrook, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

Senator Regala moved that Gubernatorial Appointment No. 9264, Jim Tsang, as a member of the Board of Trustees, Pierce Community College District No. 11, be confirmed.

Senator Regala spoke in favor of the motion.

#### APPOINTMENT OF JIM TSANG

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9264, Jim Tsang as a member of the Board of Trustees, Pierce Community College District No. 11.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9264, Jim Tsang as a member of the Board of Trustees, Pierce Community College District No. 11 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Fairley and Jacobsen - 3

Gubernatorial Appointment No. 9264, Jim Tsang, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

#### SECOND READING

SENATE BILL NO. 6456, by Senators Keiser, Kohl-Welles and McAuliffe

Modifying credentialing standards for counselors.

#### MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6456 was substituted for Senate Bill No. 6456 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6456 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6456.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6456 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Benton, Holmquist and Stevens - 3

Excused: Senators Fairley and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 6456, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5691, by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Prentice and Roach).

Defining the near general fund and requiring revenue forecasts thereof.

The bill was read on Third Reading.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5691.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5691 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### REMARKS BY THE PRESIDENT

President Owen: "The President would like to make an announcement, it is Valentine's Day and I've already seen some people stuffing their face out there, particularly Senator Sheldon back there, and of course that violates the very strict rules of decorum of the Senate but the President believes that it would be appropriate today if you wished to partake of treats today particularly those incredible cookies, if you so like, without violating the rules of decorum. Chew with your mouth shut."

#### PERSONAL PRIVILEGE

Senator Eide: "Well thank you Mr. President. Well, once again, my hat goes off to your wonderful beautiful wife, Linda for the cookies she has on our desk every Valentine's day. This is my tenth year in the senate and I think she's got every single year, so go home and give her a big kiss for all of us."

#### PERSONAL PRIVILEGE

Senator Pflug: "Thank you Mr. President and point well taken. Hopefully we'll adjourn in time for you to do that in a timely manner. I also would like to thank you, your lovely wife

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

and on behalf of the nurses particularly appreciate the oatmeal cookies which certainly are a respectable breakfast food, don't you think? Thank you."

#### REMARKS BY THE PRESIDENT

President Owen: "You can thank Senator McCaslin. When he complained about only having chocolate chip, she felt obligated to provide two types so you can barter for two oatmeal raisins if you want."

#### PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. I also want to thank Linda for the cookies and since you won't be able to make it home, I'll probably get myself excused go home and give her a big kiss."

#### REMARKS BY THE PRESIDENT

President Owen: "She does like short people but she does have standards."

#### SECOND READING

SENATE BILL NO. 6306, by Senators Rockefeller, Fairley, Kline and Shin

Authorizing visitation rights for relatives of dependent children. Revised for 1st Substitute: Providing an additional procedure for visitation rights for relatives of dependent children.

#### MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 6306 was substituted for Senate Bill No. 6306 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 6306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Shin: "Would Senator Rockefeller yield to a question? I have been working this bill for long, long time also, especially grandparents' rights. This bill includes grandparents as well?"

Senator Rockefeller: "In the definition of 'relatives' grandparents can be included as circumstances only where both parental rights have been terminated. It's not the circumstance which you've heard grandparents concerns where there's a fit parent and there's an objection to their visitation in that circumstance. It does not deal with that circumstance."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6306.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6306 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama,

Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 6306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6196, by Senators Pridemore, Zarelli and Kastama

Modifying definitions applicable to local infrastructure financing tool program demonstration projects.

The measure was read the second time.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 6196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6196.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6196 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Jacobsen - 2

SENATE BILL NO. 6196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6289, by Senators Spanel, Swecker, Jacobsen, Morton and Shin

Regarding Puget Sound Dungeness crab catch record cards.

The measure was read the second time.

#### MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel, Morton and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6289.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6289 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Jacobsen - 2

SENATE BILL NO. 6289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6685, by Senators Pflug, Tom, Roach, Fairley, Jacobsen, Marr, Hobbs, Kilmer, Rockefeller, Kohl-Welles, Delvin, Hewitt, Brown, Swecker, Weinstein, Morton, Kline, Parlette, Pridemore, McDermott, Benton, Brandland and Honeyford

Regarding the ethical use of e-mail for legislative updates.

The measure was read the second time.

## MOTION

On motion of Senator Pflug, the rules were suspended, Senate Bill No. 6685 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6685.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6685 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Schoesler - 1

Excused: Senators Fairley and Jacobsen - 2

SENATE BILL NO. 6685, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6457, by Senators Keiser and Kohl-Welles

Modifying disclosure provisions under the adverse health events and incident reporting system.

## MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6457 was substituted for Senate Bill No. 6457 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6457 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Benton and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6457.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6457 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 6457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6941, by Senators Fraser, Morton, Regala and Delvin

Regarding private schools' participation in a waste reduction and recycling awards program.

The measure was read the second time.

## MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6941 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6941.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6941 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Jacobsen - 2

SENATE BILL NO. 6941, having received the constitutional majority, was declared passed. There being no

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

At 10:46 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Autism Society of Washington who were seated in the gallery.

The Senate was called to order at 11:58 a.m. by President Owen.

MOTION

At 12:12 p.m., on motion of Senator Eide, the Senate recessed until 1:30 p.m.

MOTION

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

AFTERNOON SESSION

MOTION

The Senate was called to order at 1:30 p.m. by President Owen.

Senator Rasmussen moved adoption of the following resolution:

MOTION

SENATE RESOLUTION  
8724

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

MESSAGE FROM THE HOUSE

By Senators Rasmussen, Prentice, McAuliffe, Pflug, Haugen, Murray, Fraser, Morton, Spanel, Jacobsen, Swecker, Stevens, Holmquist, Benton, Fairley, Marr, Brown, Franklin, Eide, Regala, Oemig, King, Pridemore, Rockefeller, Schoesler, Berkey, Tom, Shin, Kilmer, Kauffman, Keiser, Hatfield, McDermott, Roach, Delvin, Zarelli, Brandland, Hewitt, Kline, Kastama, Honeyford, Sheldon, and Weinstein

February 13, 2008

MR. PRESIDENT:

The House has passed the following bills:  
FOURTH SUBSTITUTE HOUSE BILL NO. 1103,  
SECOND SUBSTITUTE HOUSE BILL NO. 2523,  
SUBSTITUTE HOUSE BILL NO. 2654  
SUBSTITUTE HOUSE BILL NO. 2670,  
SECOND SUBSTITUTE HOUSE BILL NO. 2674,  
SUBSTITUTE HOUSE BILL NO. 2679,  
SECOND SUBSTITUTE HOUSE BILL NO. 2722,  
SECOND SUBSTITUTE HOUSE BILL NO. 2805,  
SECOND SUBSTITUTE HOUSE BILL NO. 2808,  
SUBSTITUTE HOUSE BILL NO. 2881,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through the individual's lifespan; and

WHEREAS, Autism is the fastest-growing developmental disability, affecting 1 million to 1.5 million Americans - 1 in 150 babies born; and

WHEREAS, Many children are not diagnosed until after 3 years of age, often because of lack of recognition of autism characteristics by general practitioners; and

WHEREAS, There are many different characteristics in individuals with autism - delayed or deficient communication, decreased or unresponsive social interaction, unusual reaction to normal stimuli, a lack of spontaneous or imaginative play, and behavioral challenges; and

WHEREAS, There is no known cause and no known cure, however with aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask symptoms of their disability; and

WHEREAS, All individuals with autism should be included and regarded as valuable members of our community; and

WHEREAS, Autism can create significant stress on the families of those affected by autism; and

WHEREAS, Families, caregivers, advocates, and organizations are striving to bring about positive changes for children and adults with autism; and

WHEREAS, Through research, training, public services, support groups, advocacy, and increased awareness, we will be more understanding, inclusive, and better-equipped to support the growing number of individuals with autism and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support individuals with autism and acknowledge the tremendous courage that they and their families put forth every day; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Christine Gregoire.

Senators Rasmussen, King, Shin, Roach, McAuliffe and Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8724.

MESSAGE FROM THE HOUSE

February 13, 2008

MR. PRESIDENT:

The House has passed the following bills:  
ENGROSSED HOUSE BILL NO. 1129,  
ENGROSSED HOUSE BILL NO. 1383,  
ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1806,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016,  
SUBSTITUTE HOUSE BILL NO. 2474,  
HOUSE BILL NO. 2483,  
HOUSE BILL NO. 2492,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2494,  
SUBSTITUTE HOUSE BILL NO. 2496,  
HOUSE BILL NO. 2510,  
ENGROSSED HOUSE BILL NO. 2516,  
ENGROSSED HOUSE BILL NO. 2518,  
SUBSTITUTE HOUSE BILL NO. 2541,  
HOUSE BILL NO. 2565,  
SUBSTITUTE HOUSE BILL NO. 2567,  
HOUSE BILL NO. 2571,  
ENGROSSED HOUSE BILL NO. 2608,  
HOUSE BILL NO. 2637,  
HOUSE BILL NO. 2652,  
SUBSTITUTE HOUSE BILL NO. 2661,

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

HOUSE BILL NO. 2730,  
HOUSE BILL NO. 2762,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

BARBARA BAKER, Chief Clerk

2783,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

MESSAGE FROM THE HOUSE

2798,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

February 13, 2008

2826,  
SUBSTITUTE HOUSE BILL NO. 2848,  
SUBSTITUTE HOUSE BILL NO. 2871,  
HOUSE BILL NO. 2909,  
SUBSTITUTE HOUSE BILL NO. 2986,  
SUBSTITUTE HOUSE BILL NO. 3029,  
HOUSE BILL NO. 3200,  
SUBSTITUTE HOUSE BILL NO. 3204,  
SUBSTITUTE HOUSE BILL NO. 3212,  
HOUSE BILL NO. 3220,  
SUBSTITUTE HOUSE BILL NO. 3297,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

MR. PRESIDENT:

The House has passed the following bills:  
SUBSTITUTE HOUSE BILL NO. 2427,  
SUBSTITUTE HOUSE BILL NO. 2582,  
SECOND SUBSTITUTE HOUSE BILL NO. 2598,  
SUBSTITUTE HOUSE BILL NO. 2811,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

3306,  
and the same are herewith transmitted.

MOTION

BARBARA BAKER, Chief Clerk

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

MESSAGE FROM THE HOUSE

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

February 13, 2008

MOTION

MR. PRESIDENT:

The House has passed the following bills:  
SECOND SUBSTITUTE HOUSE BILL NO. 1273,  
SUBSTITUTE HOUSE BILL NO. 1421,  
SUBSTITUTE HOUSE BILL NO. 2337,  
HOUSE BILL NO. 2460,  
HOUSE BILL NO. 2469,  
SUBSTITUTE HOUSE BILL NO. 2551,  
HOUSE BILL NO. 2558,  
HOUSE BILL NO. 2655,  
HOUSE BILL NO. 2740,  
HOUSE BILL NO. 2920,

Senator Fraser moved that Gubernatorial Appointment No. 9364, Richard N. Wadley, as a member of the Board of Trustees, South Puget Sound Community College District No. 24, be confirmed.

Senators Fraser and Parlette spoke in favor of passage of the motion.

and the same are herewith transmitted.

MOTION

BARBARA BAKER, Chief Clerk

On motion of Senator Brandland, Senators Carrell, Pflug, Roach, Swecker and Zarelli were excused.

MESSAGE FROM THE HOUSE

APPOINTMENT OF RICHARD N. WADLEY

February 13, 2008

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9364, Richard N. Wadley as a member of the Board of Trustees, South Puget Sound Community College District No. 24.

MR. PRESIDENT:

The House has passed the following bills:  
SECOND SUBSTITUTE HOUSE BILL NO. 2216,  
SUBSTITUTE HOUSE BILL NO. 2472,  
SUBSTITUTE HOUSE BILL NO. 2475,  
SUBSTITUTE HOUSE BILL NO. 2482,  
SUBSTITUTE HOUSE BILL NO. 2487,  
HOUSE BILL NO. 2497,  
SUBSTITUTE HOUSE BILL NO. 2522,  
HOUSE BILL NO. 2544,  
ENGROSSED HOUSE BILL NO. 2607,  
HOUSE BILL NO. 2629,  
ENGROSSED HOUSE BILL NO. 2641,  
SUBSTITUTE HOUSE BILL NO. 2775,  
SUBSTITUTE HOUSE BILL NO. 2810,  
SECOND SUBSTITUTE HOUSE BILL NO. 2869,  
SECOND SUBSTITUTE HOUSE BILL NO. 2870,  
SECOND SUBSTITUTE HOUSE BILL NO. 3168,  
ENGROSSED SUBSTITUTE HOUSE CONCURRENT  
RESOLUTION NO. 4408,

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9364, Richard N. Wadley as a member of the Board of Trustees, South Puget Sound Community College District No. 24 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens and Weinstein - 44

Absent: Senators Keiser and Tom - 2

Excused: Senators Jacobsen, Swecker and Zarelli - 3

Gubernatorial Appointment No. 9364, Richard N. Wadley, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, South Puget Sound Community College District No. 24.

and the same are herewith transmitted.

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

On motion of Senator Brandland, Senator Zarelli was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9309, Jesus Hernandez, as a member of the Higher Education Coordinating Board, be confirmed.

Senator Prentice spoke in favor of the motion.

## MOTION

On motion of Senator Regala, Senators Rockefeller and Tom were excused.

## APPOINTMENT OF JESUS HERNANDEZ

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9309, Jesus Hernandez as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9309, Jesus Hernandez as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens and Weinstein - 43

Absent: Senator McAuliffe - 1

Excused: Senators Jacobsen, Rockefeller, Swecker, Tom and Zarelli - 45

Gubernatorial Appointment No. 9309, Jesus Hernandez, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

## SECOND READING

SENATE BILL NO. 6316, by Senators Prentice, Delvin and Kohl-Welles

Providing that the gambling revolving fund retain its investment earnings.

## MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6316 was substituted for Senate Bill No. 6316 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

## MOTION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6316.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6316 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom and Weinstein - 46

Excused: Senators Jacobsen, Swecker and Zarelli - 3

SUBSTITUTE SENATE BILL NO. 6316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6267, by Senators Keiser, Kastama, Franklin, Pflug and Kohl-Welles

Repealing RCW 18.79.255.

The measure was read the second time.

## MOTION

Senator Parlette moved that the following striking amendment by Senator Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 11** RCW 18.79.255 and 2000 c 64 s 1 are each amended to read as follows:

The dispensing of Schedules II through IV controlled substances subject to RCW 18.79.240(1)(s) is limited to a maximum of a seventy-two-hour supply of the prescribed controlled substance, unless dispensing a sample Schedules II through IV controlled substance. Sample Schedules II through IV controlled substances are not subject to a seventy-two-hour supply dispensing limit."

On page 1, line 2 of the title, after "practitioners;" strike the remainder of the title and insert "and amending RCW 18.79.255."

Senator Parlette spoke in favor of adoption of the striking amendment.

Senators Keiser and Pflug spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Parlette to Senate Bill No. 6267.

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

## MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

Senators Keiser and Pflug spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senators McAuliffe and Tom were excused.

Senator Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6267.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6267 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Voting nay: Senators Holmquist and Parlette - 2

Excused: Senators Jacobsen, McAuliffe and Tom - 3

SENATE BILL NO. 6267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6367, by Senators Eide, Stevens, Keiser, Hargrove, Franklin, Carrell, Regala, Shin, Kohl-Welles and Rasmussen

Changing provisions relating to child protective services investigations.

## MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 6367 was substituted for Senate Bill No. 6367 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 6367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6367.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6367 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens,

Swecker, Weinstein and Zarelli - 46

Excused: Senators Jacobsen, McAuliffe and Tom - 3

SUBSTITUTE SENATE BILL NO. 6367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MOTION

On motion of Senator Delvin, the rules were suspended, Senate Bill No. 5927 was returned to second reading for the purpose of amendment.

## SECOND READING

SENATE BILL NO. 5927, by Senator Delvin

Regarding nondisclosure of certain information of gambling commission licensees.

The measure was read the second time.

## MOTION

Senator Delvin moved that the following striking amendment by Senators Delvin and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 42.56.270 and 2007 c 470 s 2, 2007 c 251 s 13, and 2007 c 197 s 4 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters ~~((15.110))~~ 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) (~~and 43.330.080(4)~~); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information; and

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business.

NEW SECTION. Sec. 2 Section 1 of this act takes effect June 30, 2008."

Senators Delvin and Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Delvin and Prentice to Senate Bill No. 5927.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "exempting certain internal control documents from disclosure under the public records act; reenacting and amending RCW 42.56.270; and providing an effective date."

MOTION

On motion of Senator Delvin, the rules were suspended, Engrossed Senate Bill No. 5927 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5927.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5927 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller,

THIRTY-SECOND DAY, FEBRUARY 14, 2008

Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Jacobsen, McAuliffe, Prentice and Tom - 4

ENGROSSED SENATE BILL NO. 5927, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed contestants for the Mrs. Washington Pageant, accompanied by the reigning Mrs. Washington 2007, Mrs. Jennifer Adkisson, who were present in the gallery.

## SECOND READING

SENATE BILL NO. 6839, by Senators Marr and Kohl-Welles

Regarding workers' compensation coverage for work performed outside Washington.

The measure was read the second time.

## MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 6839 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6839.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6839 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Jacobsen, McAuliffe and Tom - 3

SENATE BILL NO. 6839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6348, by Senator Morton

Protecting rural communities from the harmful impacts of interwatershed water rights transfers.

## MOTION

2008 REGULAR SESSION

On motion of Senator Rockefeller, Substitute Senate Bill No. 6348 was substituted for Senate Bill No. 6348 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 2, beginning on line 5, after "assess" strike all material through "snowpack" on line 6, and insert "the impacts of interwatershed transfers and existing water sources, including snowpack and potential new water sources"

Senators Morton and Rockefeller spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 2, line 5 to Substitute Senate Bill No. 6348.

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

## MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 2, line 9, after "by", strike "September 1", and insert "November 1".

Senators Morton and Rockefeller spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 2, line 9 to Substitute Senate Bill No. 6348.

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

## MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 6348 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6348.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6348 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Jacobsen, McAuliffe and Tom - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6348, having received the constitutional majority, was declared

THIRTY-SECOND DAY, FEBRUARY 14, 2008

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5387 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5387, by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Kilmer, Kauffman and Shin)

Promoting economic development through commercialization of technologies.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 28B.20.297 and 2005 c 357 s 1 are each amended to read as follows:

(1) The legislature finds that small technology-based firms are the source of approximately one-half of the economy's major innovations ~~((and that)).~~ The legislature further finds that economic development in the state is increasingly driven by innovative firms and that it is in the interest of the state to:

(a) Increase participation by Washington state small businesses in the federal small business innovation research program by assisting them in becoming small business innovation research program grant recipients(

~~—The legislature further finds that many small business innovators lack the grant-writing skills necessary to prepare a successful small business innovation research program proposal, and the federal program that funded grant-writing assistance has stopped operations. Nearly fifty percent of small businesses trained under the federal program won grants compared to less than ten percent of those that did not receive training));~~

(b) Increase the number of innovative firms that understand and engage in the technology commercialization process by providing information resources and technical assistance in accessing new technologies;

(c) Increase funding for product development and production by providing information on available finance options and facilitating the matching of investors with innovative entrepreneurs; and

(d) Coordinate these commercialization, assistance, and information functions through existing statewide organizations and reinforce collaboration among the network of the state's research, economic development and technology assistance organizations for this purpose.

(2) As used in this section:

(a) "Small business innovation research program" means the program, enacted pursuant to the small business innovation development act of 1982, P.L. 97-219, that provided funds to small businesses to conduct innovative research having commercial application.

2008 REGULAR SESSION

(b) "Small business" means a corporation, partnership, sole proprietorship, or individual, operating a business for profit, with two hundred fifty employees or fewer, including employees employed in a subsidiary or affiliated corporation, that otherwise meets the requirements of the federal small business innovation research program.

(3) To the extent funds are appropriated for these purposes, the Washington technology center shall provide or contract for the provision of the following in conjunction with the state's public universities and colleges, private and federal research laboratories, and local and regional economic development and technology assistance organizations:

(a) Establish a small business innovation research assistance program, including a proposal review process, to train and assist Washington small businesses to win phase I small business innovation research program awards. ((~~and~~)) In operating the program the Washington technology center shall give priority to first-time small business innovation research program applicants, new businesses, and firms with fewer than ten employees(

(b) Develop and disseminate a guide to the technology commercialization process in the research and academic institutions in the state;

(c) Develop, maintain, and provide access to a database of technologies and inventions developed in the state available for commercialization and licensing;

(d) Offer training on the provision of commercialization assistance to technical assistance providers at the state's small business development centers, economic development councils, chambers of commerce, industry cluster associations, the Washington manufacturing service, and private consulting firms;

(e) Develop a funding resource guide, offer workshops on how to access financing for commercializing new technologies, provide opportunities for novice investors to learn about investing in technology-based companies, host events to connect entrepreneurs and investors, and maintain an interactive web site accessible by researchers, entrepreneurs, and investors; and

(f) Report on the impact of commercialization activities at Washington research institutions on an annual basis.

(4) The Washington technology center may charge a fee for ~~(this service)~~ its services."

Senator Kastama spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Substitute Senate Bill No. 5387.

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

MOTION

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

On page 1, line 2 of the title, after "technologies;" strike the remainder of the title and insert "and amending RCW 28B.20.297."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

## ROLL CALL

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5387.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5387 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Benton, Jacobsen, McAuliffe and Tom - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 5387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced John K. McVay, President of Walla Walla University, and Jere D. Patzer, North Pacific Union Conference. The Northwest regional headquarters for the Seventh Day Adventist who were seated at the rostrum.

## MOTION

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

## SECOND READING

SENATE BILL NO. 5651, by Senators Kauffman, Kastama and Kilmer

Changing the criteria for investigating and assessing performance in meeting community credit needs.

## MOTION

On motion of Senator Kauffman, Substitute Senate Bill No. 5651 was substituted for Senate Bill No. 5651 and the substitute bill was placed on the second reading and read the second time. Senators Kauffman and King spoke in favor of the motion.

## MOTION

On motion of Senator Regala, Senator Shin was excused.

## MOTION

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5651.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5651 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Jacobsen and Shin - 2

SUBSTITUTE SENATE BILL NO. 5651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 5723 was returned to second reading for the purpose of amendment.

## SECOND READING

ENGROSSED SENATE BILL NO. 5723, by Senators Rasmussen, Clements, Hatfield, Roach, Shin, Morton, Kline, Schoesler, Haugen, Sheldon, Hargrove, Kohl-Welles, Fairley, Honeyford, Franklin, Keiser, Berkey, Kauffman, Kilmer, Jacobsen, Kastama, Benton, Zarelli and Parlette

Creating and funding the community agricultural worker safety grant program.

The measure was read the second time.

## MOTION

Senator Prentice moved that the following striking amendment by Senator Prentice be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that agricultural workers are challenged not only in finding full-time, year-round work, but also face difficulties in upgrading their agricultural skills. The legislature also finds that the agricultural industry's demand for skilled workers far outnumbers the current supply. In addition, the legislature finds that despite recent advances in the safety of agricultural production, additional training of agricultural workers should assist the agricultural sector in ongoing efforts to reduce occupational injuries.

**NEW SECTION. Sec. 2** A new section is added to chapter 15.04 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall administer the community agricultural worker safety grant program, to be implemented by the 501(c)(3) nonprofit opportunities industrialization center of Washington. As grant recipient, the center shall work with the agricultural industry to provide practical, hands-on training for the state's agricultural workers in tractor and farm machinery skills and safety, pesticide training, adult basic skills, civics,

THIRTY-SECOND DAY, FEBRUARY 14, 2008

English as a second language, commercial drivers' licensing, and other related topics. The grant recipient may receive up to two hundred fifty thousand dollars per year.

NEW SECTION. Sec. 3 This act expires July 1, 2012."

Senator Rasmussen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice to Engrossed Senate Bill No. 5723.

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

#### MOTION

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

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 15.04 RCW; creating a new section; and providing an expiration date."

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Second Engrossed Senate Bill No. 5723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5723.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SECOND ENGROSSED SENATE BILL NO. 5723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6195, by Senators Haugen and Rasmussen

Modifying the definition of rural county for economic development purposes.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6195 was substituted for Senate Bill No. 6195 and the substitute bill was placed on the second reading and read the second time.

Senator Haugen spoke in favor of the motion.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6195 was advanced to third reading,

2008 REGULAR SESSION

the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6195.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6195 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 6195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6405, by Senators Swecker and Rasmussen

Addressing the liability of persons rescued from flood waters on roadways. Revised for 1st Substitute: Addressing the liability of persons rescued from flood waters on highways.

#### MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 6405 was substituted for Senate Bill No. 6405 and the substitute bill was placed on the second reading and read the second time.

Senator Swecker spoke in favor of the motion.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 6405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6405.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6405 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 6405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRTY-SECOND DAY, FEBRUARY 14, 2008  
SECOND READING

SENATE BILL NO. 6732, by Senators Kohl-Welles, Kline, Keiser, Marr, Murray, Hobbs, Regala, Tom, Oemig and Fairley

Implementing the recommendations of the joint legislative task force on the underground economy in the construction industry.

#### MOTIONS

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 6732 was substituted for Senate Bill No. 6732 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute Senate Bill No. 6732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6732.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6732 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SECOND SUBSTITUTE SENATE BILL NO. 6732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6774, by Senators Kastama, Shin and Rockefeller

Promoting regional industry cluster growth.

#### MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 6774 was substituted for Senate Bill No. 6774 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6774 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6774.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6774 and the bill passed the Senate

2008 REGULAR SESSION

by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kohl-Welles - 1

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 6774, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6775, by Senators Kauffman, Kilmer, Shin, Kastama, Franklin, Kohl-Welles and Rasmussen

Addressing the digital literacy and technology training needs of low-income and underserved areas through state support of community technology programs.

#### MOTIONS

On motion of Senator Kauffman, Second Substitute Senate Bill No. 6775 was substituted for Senate Bill No. 6775 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Second Substitute Senate Bill No. 6775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Hobbs was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6775.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6775 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SECOND SUBSTITUTE SENATE BILL NO. 6775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

SENATE BILL NO. 5367, by Senators Shin, Kastama, Kilmer, Kauffman, Clements, Berkey and Rasmussen

Establishing the Washington trade corps fellowship program.

MOTIONS

On motion of Senator Shin, Second Substitute Senate Bill No. 5367 was substituted for Senate Bill No. 5367 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Second Substitute Senate Bill No. 5367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5367.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5367 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SECOND SUBSTITUTE SENATE BILL NO. 5367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:45 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:40 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5254, by Senators Kilmer, Kastama, Fairley, Rockefeller, Kauffman, Marr, Hatfield, Weinstein, Keiser, Sheldon, McAuliffe, Eide, Kohl-Welles, Shin, Murray, Tom, Regala, Spanel and Kline

Authorizing a grant program for industry skill panels.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5254 was substituted for Senate Bill No. 5254 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5254 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5254.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5254 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Hargrove - 1

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 5254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5743, by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Kilmer and Shin)

Linking economic clusters and quality management practices to customized training.

MOTIONS

On motion of Senator Kastama, Third Substitute Senate Bill No. 5743 was substituted for Second Substitute Senate Bill No. 5743 and the third substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Third Substitute Senate Bill No. 5743 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Third Substitute Senate Bill No. 5743.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5743 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

THIRD SUBSTITUTE SENATE BILL NO. 5743, having received the constitutional majority, was declared passed. There

THIRTY-SECOND DAY, FEBRUARY 14, 2008

being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6331, by Senator McCaslin

Making temporary any changes to a parenting plan that were based on the military service of a parent.

The measure was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6331.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6331 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SENATE BILL NO. 6331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6504, by Senators Hatfield, Swecker, Delvin, Regala, Schoesler, Morton, Pridemore and Rasmussen

Exempting certain minor new construction associated with construction storm water general permits from SEPA.

The measure was read the second time.

#### MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 6504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6504.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6504 and the bill passed the Senate by the following

2008 REGULAR SESSION

vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SENATE BILL NO. 6504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5378, by Senators Weinstein, Kline and Rockefeller

Modifying deeds of trust provisions.

#### MOTIONS

On motion of Senator Weinstein, Substitute Senate Bill No. 5378 was substituted for Senate Bill No. 5378 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Weinstein, the rules were suspended, Substitute Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5378.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6604, by Senators Murray, Holmquist, Kohl-Welles, Prentice, King and Marr

Enhancing the mobility of certified public accountants.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6604 was substituted for Senate Bill No. 6604 and the

THIRTY-SECOND DAY, FEBRUARY 14, 2008

substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6604 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6604.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6604 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 6604, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6855, by Senators Kilmer, Brandland, Hatfield and McAuliffe

Regarding state economic development programs. Revised for 2nd Substitute: Concerning funding for jobs, economic development, and local capital projects.

#### MOTION

On motion of Senator Kilmer, Second Substitute Senate Bill No. 6855 was substituted for Senate Bill No. 6855 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

Beginning on page 1, line 11, strike all material through page 15, line 10.

Beginning on page 15, line 18, strike the remainder of the bill.

On page 1, line 1 of the title, after "to", strike the remainder of the title and insert "termination of the job development fund program; amending 2005 c 42 s 6 (uncodified) and 2006 c 371 s 238 (uncodified)."

Senator Honeyford spoke in favor of adoption of the amendment.

Senators Kilmer and Kastama spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 11 to Second Substitute Senate Bill No. 6855.

2008 REGULAR SESSION

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Kilmer, the rules were suspended, Second Substitute Senate Bill No. 6855 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6855.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6855 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Delvin, Hewitt, Honeyford, Parlette, Schoesler and Swecker - 6

Excused: Senator Jacobsen - 1

SECOND SUBSTITUTE SENATE BILL NO. 6855, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6328, by Senators Kohl-Welles, Shin, Schoesler, Kilmer, Delvin, McAuliffe and Rasmussen

Enhancing campus safety and security. Revised for 1st Substitute: Enhancing campus security.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6328 was substituted for Senate Bill No. 6328 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Kilmer, Schoesler and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6328.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6328 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray,

THIRTY-SECOND DAY, FEBRUARY 14, 2008

Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 6328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6510, by Senators Kastama, King, Shin and Rasmussen

Providing a funding source to assist small manufacturers in obtaining innovation and modernization extension services.

#### MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 6510 was substituted for Senate Bill No. 6510 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6510.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6510 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 6510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6663, by Senators Schoesler, Pridemore, Roach, Zarelli, Holmquist, Keiser and Kohl-Welles

Improving tax program administration by correcting, clarifying, eliminating, repealing, and decodifying statutes related to the department of revenue.

The measure was read the second time.

#### MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Prentice be adopted.

On page 2, line 38, after "county" strike "the authority of"

2008 REGULAR SESSION

On page 2, line 38, after "under" insert "the authority of"  
Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Prentice on page 2, line 38 to Senate Bill No. 6663.

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

#### MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Senate Bill No. 6663 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6663.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6663 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

ENGROSSED SENATE BILL NO. 6663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6874, by Senators Brown, Rockefeller, Kauffman and Rasmussen

Regarding the Columbia river water delivery account. Revised for 2nd Substitute: Regarding Columbia river water delivery.

#### MOTION

On motion of Senator Rockefeller, Second Substitute Senate Bill No. 6874 was substituted for Senate Bill No. 6874 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Morton be adopted.

On page 2, line 3, after "water" insert "of approximately eighty-two thousand five hundred acre feet of water, increasing to no more than one hundred thirty-two thousand five hundred acre feet of water in drought years,"

Senators Honeyford and Rockefeller spoke in favor of adoption of the amendment.

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Morton on page 2, line 3 to Second Substitute Senate Bill No. 6874.

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

## MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6874 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Honeyford spoke in favor of passage of the bill.

## POINT OF INQUIRY

Senator Roach: "Would Senator Brown yield to a question to a question? It was brought up in some of our caucus debates that perhaps the bill didn't address the issue of conservation. Could you tell me does the bill at all give conservation protections?"

Senator Brown: "Well, I don't know all the details of the agreement that were reached but nothing in it precludes us going further with respect to insuring that appropriate conservation measures take place."

Senator Roach: "Would you be amenable to an amendment that would require the fact that there be conservation measures?"

Senator Brown: "No."

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6874.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6874 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6874, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6868, by Senators Brown and Marr

Protecting sole source aquifers by providing sewer utility service to mobile home parks.

The measure was read the second time.

## MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller be adopted.

On page 2, line 11, after "park;" strike "and"

On page 2, line 14, after "aquifer" insert "; and"

(d) The cost of connecting the mobile home park to the sewer system on a per unit basis is reasonable and comparable to the current estimated average cost of connecting single-family residences to the sewer system.

(4) The county or city legislative authority requiring a mobile home park to connect to a sewer system, as provided in subsection (3) of this section, should identify and extend, as applicable, those financial assistance programs it can access and provide to that mobile home park. This may include, but not be limited to, local, state, or federal affordable housing programs, water quality protection grant and loan programs, and public health, safety, and welfare programs"

Senators Rockefeller and Marr spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 2, line 11 to Senate Bill No. 6868.

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

## MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 2, after line 14, insert the following:

"(4) All costs related to compliance with this section shall be paid by the governmental entity implementing the action described in subsection (3) of this section."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, after line 14 to Senate Bill No. 6868.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

## MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Senate Bill No. 6868 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6868.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6868 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused,

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

1.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 32

Voting nay: Senators Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 16

Excused: Senator Jacobsen - 1

ENGROSSED SENATE BILL NO. 6868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6386, by Senators Stevens, Hargrove, Morton, Delvin, McCaslin and Rasmussen

Concerning the publication of a minor's information.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Oemig and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1** (1) The legislature finds:

(a) The sexual abuse of a child is a most serious crime and an act repugnant to moral instincts;

(b) A pedophile is a person who has fantasies, urges, or behaviors that involve sexual activity with a child; and

(c) When a person acts on a pedophilic urge, he or she has committed a criminal act against the most vulnerable segment of our society, children. The main method for preventing pedophilia is avoiding situations that may promote pedophilic acts.

(2) It is the intent of the legislature to criminalize conduct that is intended to provide a person the information necessary to commit a pedophilic act.

**NEW SECTION. Sec. 2** A new section is added to chapter 9.68A RCW to read as follows:

(1) Every person who knowingly publishes information relating to the location of children or a place where children regularly gather, or the specific time and location in which children or a particular child may be found, or the personal information of a child, for the purpose of arousing or gratifying the sexual desire of any person, is guilty of a gross misdemeanor. It is a defense to a charge against an internet service provider or social networking site that the internet service provider or social networking site had only constructive knowledge and not actual knowledge.

(2) It is not a defense to prosecution under this section that the information includes a specific disclaimer of intention to incite a sexual offense against a child if it is clear from the overall character of the communication that its purpose is to promote the commission of a sexual offense against a child.

(3) For the purposes of this act:

(a) "Location of children or a place where children regularly gather" means any public facility or private facility whose primary purpose, at any time, is to provide for the education, care, or recreation of a child.

(b) "Child" means any person under the age of sixteen.

(c) "Personal information" means the name of the public or private elementary, middle, or high school attended by a child; a child's school address, home address, home telephone number, cell phone number, and home e-mail address; directions to a child's school or home; physical description of a child; or photographs of a child.

(d) "Public facility" means a facility operated by a unit of local or state government, or by a nonprofit organization.

(e) "Publishes" means makes information available to another person through any medium, including, but not limited to, the internet, the world wide web, or e-mail.

**NEW SECTION. Sec. 3** A new section is added to chapter 4.24 RCW to read as follows:

(1) Whenever it appears that any person is committing or has committed any act that constitutes a violation of section 2 of this act, the prosecuting attorney or the parents or guardian of any child harmed by an alleged violation of section 2 of this act may initiate a civil proceeding in superior court to enjoin such violation, and may petition the court to issue an order for the discontinuance of the publication of the information in violation of section 2 of this act.

(2) An action under this section shall be brought in the county in which the violation is alleged to have taken place, and shall be commenced by the filing of a verified complaint, or shall be accompanied by an affidavit.

(3) If it is shown to the satisfaction of the court, either by verified complaint or affidavit, that a person is committing or has committed any act that constitutes a violation of section 2 of this act, the court may issue a temporary restraining order to abate and prevent the continuance or recurrence of the act. (4) The court may issue a permanent injunction to restrain, abate, or prevent the continuance or recurrence of the violation of section 2 of this act. The court may grant declaratory relief, mandatory orders, or any other relief deemed necessary to accomplish the purposes of the injunction. The court may retain jurisdiction of the case for the purpose of enforcing its orders.

**NEW SECTION. Sec. 4** A new section is added to chapter 4.24 RCW to read as follows:

(1) The parents or guardian of any child whose personal information is published in violation of section 2 of this act and who suffers damages as a result of such conduct may bring a cause of action against the person who published such information, for actual damages sustained and reasonable attorneys' fees and costs.

(2) If a court has found that any person has engaged in any act that constitutes a violation of section 2 of this act the court shall award liquidated damages to the child whose personal information is published in violation of section 2 of this act in the amount of ten thousand dollars for each violation.

**NEW SECTION. Sec. 5** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Senators Hargrove and Stevens spoke in favor of adoption of the amendment.

#### MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Oemig and Stevens to Senate Bill No. 6386.

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

#### MOTION

THIRTY-SECOND DAY, FEBRUARY 14, 2008

2008 REGULAR SESSION

On motion of Senator Hargrove, the rules were suspended, Engrossed Senate Bill No. 6386 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6386.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6386 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kohl-Welles - 1

Excused: Senator Jacobsen - 1

ENGROSSED SENATE BILL NO. 6386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8024, by Senators Hargrove, Haugen, Benton, Franklin, Spanel, Marr, Sheldon, Roach, Hobbs, Kilmer, Shin, McAuliffe, Rasmussen and Carrell

Requesting that Highway 112 be named the "Vietnam War Veterans' Memorial Highway."

The measure was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Joint Memorial No. 8024 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Hargrove, Swecker and Shin spoke in favor of passage of the memorial.

#### MOTION

On motion of Senator Regala, Senator Keiser was excused.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8024.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8024 and the memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens,

Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Jacobsen and Keiser - 2

SENATE JOINT MEMORIAL NO. 8024, having received the constitutional majority, was declared passed.

#### MOTION

At 7:24 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Friday, February 15, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**THIRTY-THIRD DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, February 15, 2008

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Fairley, Kaufman, Kline and Pflug.

The Sergeant at Arms Color Guard consisting of Pages David Mangis and Justin Bonnell, presented the Colors. Pastor John Shaffer of Stanwood United Methodist Church offered the prayer.

**MOTION**

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

**MOTION**

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

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

October 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

YVONNE LOPEZ MORTON, appointed October 3, 2007, for the term ending June 17, 2010, as a Chair of the Human Rights Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

February 6, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RICHARD K. WALLACE, appointed February 16, 2008, for the term ending January 15, 2011, as Member of the Northwest Power and Conservation Council.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy &amp; Telecommunications.

June 25, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BILL WILKERSON, appointed June 26, 2007, for the term ending June 25, 2010, as Member of the Puget Sound Partnership.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy &amp; Telecommunications.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

February 14, 2008

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1534,

HOUSE BILL NO. 2780,

SUBSTITUTE HOUSE BILL NO. 2788,

SUBSTITUTE HOUSE BILL NO. 2859,

SUBSTITUTE HOUSE BILL NO. 2885,

HOUSE BILL NO. 3088,

HOUSE BILL NO. 3143,

SUBSTITUTE HOUSE BILL NO. 3255,

HOUSE JOINT MEMORIAL NO. 4031,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 14, 2008

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 2210,

SUBSTITUTE HOUSE BILL NO. 2560,

SUBSTITUTE HOUSE BILL NO. 2676,

SUBSTITUTE HOUSE BILL NO. 2718,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2758,

SUBSTITUTE HOUSE BILL NO. 2778,

SUBSTITUTE HOUSE BILL NO. 2899,

SUBSTITUTE HOUSE BILL NO. 2925,

SECOND SUBSTITUTE HOUSE BILL NO. 3121,

SUBSTITUTE HOUSE BILL NO. 3126,

HOUSE BILL NO. 3210

HOUSE BILL NO. 3362,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 14, 2008

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 2471,

SUBSTITUTE HOUSE BILL NO. 2501,

SUBSTITUTE HOUSE BILL NO. 2595,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2631,

HOUSE BILL NO. 2678,

HOUSE BILL NO. 2700,

SUBSTITUTE HOUSE BILL NO. 2727,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3115,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3122,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 6947 by Senator Prentice

AN ACT Relating to criminal justice.

Referred to Committee on Ways & Means.

SB 6948 by Senator Prentice

AN ACT Relating to human services.

Referred to Committee on Ways & Means.

SB 6949 by Senators Brown, Hargrove and Kauffman

AN ACT Relating to simplifying the administration of the low-income homeowner deferral program; amending RCW 84.37.020, 84.37.030, 84.37.040, 84.37.050, 84.37.070, 84.37.090, and 82.03.130; and adding a new section to chapter 84.37 RCW.

Referred to Committee on Ways & Means.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

4SHB 1103 by House Committee on Appropriations (originally sponsored by Representatives Campbell, Green, Kenney, Hudgins, Appleton, Schual-Berke and Cody)

AN ACT Relating to health professions; amending RCW 18.130.020, 18.130.050, 18.130.060, 18.130.080, 18.130.095, 18.130.170, 18.130.310, 70.41.210, 43.70.320, 18.130.140, 18.130.150, 18.130.165, 18.130.172, 18.130.180, 9.96A.020, 9.95.240, 43.43.825, 18.71.0191, and 18.79.130; reenacting and amending RCW 18.130.160, 18.130.040, and 18.130.040; adding new sections to chapter 18.130 RCW; adding a new section to chapter 42.52 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.79 RCW; adding a new section to chapter 18.25 RCW; adding a new section to chapter 18.32 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

EHB 1129 by Representatives Dickerson and McIntire

AN ACT Relating to the excise taxation of zoos; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 1273 by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Roach, Ericks, Hurst, Kirby, Strow, Newhouse, Simpson, Williams, Haler, O'Brien, Moeller, Pearson, VanDeWege, McCune, Kenney, Rolfes and Morrell)

AN ACT Relating to financial fraud; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions & Insurance.

EHB 1383 by Representatives Appleton, Campbell, Cody, Hinkle, Morrell, Walsh, Schual-Berke, Curtis, Green, Clibborn, Lantz, Moeller, Condotta, Hasegawa, Kagi and Santos

AN ACT Relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements; amending RCW 5.40.050; adding new sections to chapter 70.54 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SHB 1421 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Green, Miloscia, Kretz, Armstrong, Appleton, Kessler, Ormsby, Warnick and Moeller)

AN ACT Relating to modifying the provisions of the address confidentiality program; amending RCW 40.24.020, 40.24.030, 40.24.040, 40.24.060, and 40.24.070; and adding a new section to chapter 40.24 RCW.

Referred to Committee on Government Operations & Elections.

E4SHB 1806 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Pedersen, Upthegrove, Campbell, Kenney, McDermott, Morrell, Chase, Appleton, Dunshee, McIntire, Santos, Moeller, Darneille, Roberts, Hudgins, Hunt, Hasegawa, Conway, O'Brien, Green, Rolfes, Simpson, Schual-Berke, Goodman, Wood and Lantz)

AN ACT Relating to pesticide application in school facilities; adding new sections to chapter 28A.345 RCW; and creating new sections.

Referred to Committee on Ways & Means.

ESHB 1865 by House Committee on Judiciary (originally sponsored by Representatives Williams, O'Brien, Springer, Fromhold, Warnick and McCune)

AN ACT Relating to limiting the obligations of landlords under writs of restitution; amending RCW 59.18.312; and declaring an emergency.

Referred to Committee on Consumer Protection & Housing.

2ESHB 2016 by House Committee on Judiciary (originally sponsored by Representatives Springer, Lantz, Wallace, Seaquist, Sullivan, Moeller, Lovick, Takko, Kessler, Morrell, Rolfes, Ericks, VanDeWege, Goodman, Simpson, Linville and Ormsby)

AN ACT Relating to eminent domain; amending RCW 8.25.020, 28A.335.120, 35.58.340, 35.80A.030, 35.94.040, 36.68.010, 43.43.115, 43.82.010, 47.12.063, 47.12.283, 47.52.050, 53.08.090, 53.25.040, 70.44.300, 79.36.330, 80.28.230, 80.40.030, and 81.112.080; adding new sections to chapter 8.25 RCW; adding a new section to chapter 39.33 RCW; adding a new section to chapter 8.04 RCW; adding a new section to chapter 8.08 RCW; adding a new section to chapter 8.12 RCW; adding a new section to chapter 8.16

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

RCW; adding a new section to chapter 8.20 RCW; and creating a new section.

Referred to Committee on Transportation.

2SHB 2216 by House Committee on Local Government (originally sponsored by Representatives Appleton, Sells, Simpson, Takko, Wallace, Ormsby, Conway and Strow)

AN ACT Relating to requiring the appointment of nonvoting labor members to public transportation governing bodies; amending RCW 35.58.270, 36.57.030, and 36.57A.050; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Transportation.

SHB 2337 by House Committee on Technology, Energy & Communications (originally sponsored by Representative Armstrong)

AN ACT Relating to services provided by television reception improvement districts; and amending RCW 36.95.010 and 36.95.140.

Referred to Committee on Water, Energy & Telecommunications.

SHB 2427 by House Committee on Commerce & Labor (originally sponsored by Representatives Kenney, Hankins, Dickerson, Conway, Ormsby, Pettigrew, Santos, Fromhold, Haler, Sullivan, Schual-Berke, Moeller, McCoy, Quall, Darneille, Morris, Williams, Skinner, Flannigan, Bailey, Kelley, Hunt, Campbell, Grant, Morrell, Chase, Barlow and Green)

AN ACT Relating to the cosmetology apprenticeship program; amending RCW 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.100, 18.16.180, and 18.16.280; and reenacting and amending RCW 18.16.175.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2460 by Representative Fromhold

AN ACT Relating to the leasehold excise tax exemption for leasehold interests in specified amphitheater property; and amending RCW 82.29A.130.

Referred to Committee on Ways & Means.

HB 2469 by Representatives Upthegrove, VanDeWege, Hinkle, Dickerson and Lantz

AN ACT Relating to authorizing structures in waterways; and amending RCW 79.120.040.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2472 by House Committee on Ecology & Parks (originally sponsored by Representatives Blake, Warnick, Condotta, Sells, Linville, Hinkle, VanDeWege, McCoy, Lantz, Morrell, Loomis, Kretz, Chase, Kristiansen and McDonald)

AN ACT Relating to establishing a work group to make recommendations for improving recreation on state trust lands, aquatic lands, and other state-owned lands managed

by the department of natural resources; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2474 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Wood, Morrell, Barlow and Green)

AN ACT Relating to supervised experience requirements for social worker licenses; amending RCW 18.225.090; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 2475 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Morrell and Green)

AN ACT Relating to the practice of health care assistants; amending RCW 18.135.010, 18.135.020, and 18.135.065; and adding a new section to chapter 18.135 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 2482 by House Committee on Local Government (originally sponsored by Representative Moeller)

AN ACT Relating to the signature validation process for petitions that seek annexation; and amending RCW 35.21.005 and 35A.01.040.

Referred to Committee on Government Operations & Elections.

HB 2483 by Representatives Moeller and Dunn

AN ACT Relating to assessed valuation requirements for the direct petition method of annexation; and amending RCW 35.13.130.

Referred to Committee on Government Operations & Elections.

SHB 2487 by House Committee on Judiciary (originally sponsored by Representatives Moeller and Morrell)

AN ACT Relating to vulnerable adult protection orders; amending RCW 74.34.120 and 74.34.135; and adding new sections to chapter 74.34 RCW.

Referred to Committee on Judiciary.

HB 2492 by Representatives Takko, Blake, McIntire, Haigh and Orcutt

AN ACT Relating to the date for establishing school district boundaries for excess property tax levies; amending RCW 84.09.030; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 2494 by House Committee on Judiciary (originally sponsored by Representatives Moeller, Ormsby and Chase)

AN ACT Relating to end-life health care directives;

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

amending RCW 43.70.480; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SHB 2496 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Williams, Condotta, Moeller, Chandler, Green, Hurst, Wood, McIntire, Kenney and Chase)

AN ACT Relating to enhancing the mobility of certified public accountants; amending RCW 18.04.025, 18.04.195, 18.04.205, 18.04.345, and 18.04.350; and creating new sections.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2497 by Representatives Green, Seaquist, Williams, Cody, Condotta, Hinkle, Morrell and Simpson

AN ACT Relating to the prescriptive authority of advanced registered nurse practitioners; and repealing RCW 18.79.255.

Referred to Committee on Health & Long-Term Care.

HB 2510 by Representatives Simpson, O'Brien and Appleton

AN ACT Relating to allowing medicare only health insurance benefits for certain employees of political subdivisions under a divided referendum process; and amending RCW 41.48.030.

Referred to Committee on Ways & Means.

EHB 2516 by Representatives Green, Roberts, Schual-Berke and Loomis

AN ACT Relating to scoliosis screening in schools; creating a new section; and repealing RCW 28A.210.180, 28A.210.190, 28A.210.200, 28A.210.210, 28A.210.220, 28A.210.240, and 28A.210.250.

Referred to Committee on Early Learning & K-12 Education.

EHB 2518 by Representatives Schual-Berke, Hinkle, Pedersen, Green, Morrell, Moeller, Seaquist, VanDeWege, Ormsby and Cody

AN ACT Relating to a retired volunteer medical worker license; and amending RCW 18.130.360.

Referred to Committee on Health & Long-Term Care.

SHB 2522 by House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Hudgins, Campbell and Chase)

AN ACT Relating to clarifying the civil penalty provisions for on-site sewage disposal systems administered by local health jurisdictions; amending RCW 70.118.130; and prescribing penalties.

Referred to Committee on Water, Energy & Telecommunications.

2SHB 2523 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Hudgins, Schual-Berke, Hasegawa, Roberts, Goodman, Kenney, Santos, Chase and Quall)

AN ACT Relating to creation of the position of world language supervisor; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2541 by House Committee on Judiciary (originally sponsored by Representatives Kelley, McCune, Springer, Williams, Miloscia and Campbell)

AN ACT Relating to reserve accounts and studies for condominium associations; amending RCW 64.34.010, 64.34.020, 64.34.304, 64.34.410, and 64.34.425; and adding new sections to chapter 64.34 RCW.

Referred to Committee on Consumer Protection & Housing.

HB 2544 by Representatives Hunter, Orcutt, Ericks, Moeller, Ormsby, McIntire, Kenney and Conway

AN ACT Relating to tax exemptions for temporary medical housing provided by health or social welfare organizations, as defined in RCW 82.04.431; amending RCW 82.04.431 and 36.100.040; adding a new section to chapter 82.08 RCW; adding a new section to chapter 67.28 RCW; adding a new section to chapter 67.40 RCW; adding a new section to chapter 35.101 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2551 by House Committee on Human Services (originally sponsored by Representatives Dickerson, Appleton, McCoy, Roberts, Kenney and Kagi)

AN ACT Relating to expanding the types of treatment programs provided under the suspended disposition alternative for juveniles; and amending RCW 13.40.0357.

Referred to Committee on Human Services & Corrections.

HB 2558 by Representatives Upthegrove, Clibborn, O'Brien, Kenney and Rolfes

AN ACT Relating to exempting certain minor new construction associated with construction storm water general permits from the state environmental policy act; amending RCW 43.21C.0383; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

HB 2565 by Representatives O'Brien and Pearson

AN ACT Relating to including defendants who are persons specifically authorized to assist and act at the direction of law enforcement officers for the purpose of affirmative defenses; and amending RCW 9.68A.110.

Referred to Committee on Judiciary.

SHB 2567 by House Committee on State Government & Tribal Affairs (originally sponsored by Representative Haler)

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

AN ACT Relating to open meetings; amending RCW 42.30.120; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

HB 2571 by Representatives Seaquist, McCoy, McCune, Conway, Hurst, Haigh, Morrell, Campbell, VanDeWege, Chase, Barlow, Green and Simpson

AN ACT Relating to armed forces and veterans license plates; and amending RCW 46.16.30920, 46.16.30921, 43.60A.140, and 73.04.110.

Referred to Committee on Transportation.

SHB 2582 by House Committee on Higher Education (originally sponsored by Representatives Roberts, Hasegawa, Ormsby, Jarrett, Sells, Williams, Appleton, McIntire, Goodman, Green and Quall)

AN ACT Relating to child care at institutions of higher education; amending RCW 28B.135.010 and 28B.135.030; adding a new section to chapter 28B.135 RCW; and creating a new section.

Referred to Committee on Higher Education.

2SHB 2598 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Sullivan, Ormsby, Haigh, Schual-Berke, Green and Simpson)

AN ACT Relating to development of an online mathematics curriculum; amending RCW 28A.305.215; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

EHB 2607 by Representatives Santos, Hasegawa, Ormsby, Anderson, Lantz, Hudgins, Uptegrove, Sullivan, Chase, Darneille and Simpson

AN ACT Relating to preparing teachers to teach English language learner students; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

EHB 2608 by Representatives Hasegawa, Wallace, Sells and Chase

AN ACT Relating to clarifying terms for workforce and economic development; amending RCW 28B.50.030, 28B.50.273, 43.330.090, 51.32.099, and 74.08A.250; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2629 by Representatives Kagi, Wallace, Kenney, Simpson, Ormsby, Roberts, Moeller, Goodman, Hudgins, Haigh, Fromhold, Haler, Barlow and Chase

AN ACT Relating to the delivery of educational services to children who are deaf and hearing impaired; amending RCW 72.40.010, 72.40.019, 72.40.024, 72.40.028, 72.40.120, 72.40.200, 72.40.210, 72.40.031, 72.42.010, 72.42.015, 72.42.016, 72.42.021, 72.42.041, 72.40.022,

72.40.070, 72.40.090, 72.40.220, 72.40.230, 72.40.240, 72.40.250, 72.40.260, 72.40.280, 72.42.060, 26.44.210, 28A.155.160, 28A.310.010, 28A.310.180, 28A.310.200, 28A.335.205, 28A.400.303, 28A.400.305, 28A.600.420, 41.40.088, and 70.198.020; adding new sections to chapter 72.42 RCW; creating new sections; repealing RCW 72.40.023; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

HB 2637 by Representatives Pearson, O'Brien, Ericks, Ross and Roach

AN ACT Relating to records in a criminal case; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

EHB 2641 by Representatives Jarrett, Priest, Wallace, Ormsby, McIntire, Sells, Morrell, Uptegrove, Sullivan and Haler

AN ACT Relating to higher education performance agreements; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 44.28 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 2652 by Representatives Morrell, Fromhold, Moeller, McIntire, Simpson and Kenney

AN ACT Relating to coordination of benefit plans that allow state and public employees to pay on a pretax basis to participate in benefits offered under sections 125 and 129 of the internal revenue code, including transfer of the dependent care assistance program to the health care authority; amending RCW 41.05.300, 41.05.310, 41.05.320, 41.05.123, 41.05.330, 41.05.340, 41.05.350, 41.05.360, 28B.50.874, and 41.50.780; reenacting and amending RCW 41.05.011; adding a new section to chapter 41.05 RCW; creating a new section; repealing RCW 41.04.600, 41.04.605, 41.04.610, 41.04.615, 41.04.620, 41.04.625, 41.04.630, 41.04.635, 41.04.640, and 41.04.645; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2654 by House Committee on Health Care & Wellness (originally sponsored by Representatives Hinkle, Cody, Moeller, Green and Kenney)

AN ACT Relating to consumer-directed mental health care; and creating a new section.

Referred to Committee on Human Services & Corrections.

HB 2655 by Representatives Conway, Condotta, Green and Wood

AN ACT Relating to the imposition of delinquency tax rates for qualified employers; amending RCW 50.29.010; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

SHB 2661 by House Committee on Commerce & Labor (originally sponsored by Representatives Green and Morrell)

AN ACT Relating to self-service storage facility late fees; amending RCW 19.150.010, 19.150.020, 19.150.901, and 19.150.902; and adding a new section to chapter 19.150 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2670 by House Committee on Health Care & Wellness (originally sponsored by Representatives Campbell, Hunt and Kenney)

AN ACT Relating to the adverse health events and incident reporting system; amending RCW 70.56.020, 70.56.040, and 70.56.050; reenacting and amending RCW 42.56.360 and 42.56.360; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

2SHB 2674 by House Committee on Appropriations (originally sponsored by Representatives Barlow, Morrell, Moeller, Conway, Simpson and Kenney)

AN ACT Relating to modifying credentialing standards for counselors; amending RCW 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.090, 18.19.100, 18.225.010, 18.225.020, 18.225.150, 18.205.020, 18.205.030, and 18.205.040; adding new sections to chapter 18.19 RCW; adding a new section to chapter 18.225 RCW; adding a new section to chapter 18.205 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SHB 2679 by House Committee on Appropriations (originally sponsored by Representatives Roberts, Pettigrew, Hunt, Hasegawa, Sullivan, Chase, Morrell, McIntire, Santos, Barlow, Simpson, Kenney, Goodman, Wood, Darneille, Lantz and McDonald)

AN ACT Relating to improving educational outcomes for students in foster care; amending RCW 28A.150.510; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 2722 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Kenney, Morris, Sullivan, Hasegawa, Upthegrove, Loomis, Pedersen, Dameille, Conway, Hudgins, Quall, Ericks, Kagi and Ormsby)

AN ACT Relating to addressing the achievement gap for African- American students; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Ways & Means.

HB 2730 by Representatives Rolfes, Appleton and Hudgins

AN ACT Relating to the provision of ferry service by port districts; and amending RCW 47.01.350, 47.60.645, 47.60.662, and 53.08.295.

Referred to Committee on Transportation.

HB 2740 by Representatives Hudgins, Conway and Condotta

AN ACT Relating to private cemeteries; and amending RCW 68.20.010, 68.20.020, and 68.20.050.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2762 by Representatives Takko, Blake, Orcutt and Herrera

AN ACT Relating to changing the number of district court judges; and amending RCW 3.34.010.

Referred to Committee on Judiciary.

SHB 2775 by House Committee on Appropriations (originally sponsored by Representatives Barlow, Moeller, Wood, O'Brien, Ormsby, Hasegawa, Green, Seaquist, Goodman, Roberts, Lantz, Sullivan, McIntire and Kelley)

AN ACT Relating to bonuses for certain instructional staff certified by the national board for professional teaching standards; amending RCW 28A.405.415; and creating new sections.

Referred to Committee on Ways & Means.

E2SHB 2783 by House Committee on Appropriations (originally sponsored by Representatives Wallace, Chase, Anderson, Sells, Haigh, Roberts, Hasegawa, Morrell, Sullivan, Kenney and Hudgins)

AN ACT Relating to transfer and articulation between institutions of higher education; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 28B.76 RCW; and creating new sections.

Referred to Committee on Ways & Means.

E2SHB 2798 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Hinkle, Kenney, Springer, Blake, Priest, Hunt, Linville, Newhouse, Kretz, Dunshee, Green, Hudgins, Campbell, Ericks, Walsh, McCune, Quall, Goodman, Hurst, Seaquist, Hunter, Anderson, Hasegawa, Cody, Williams, Dickerson, Kagi, Roberts, Takko, Morrell, McIntire, Schual-Berke, Nelson, Rolfes, Loomis, Lias, Simpson, VanDeWege, McCoy, Warnick, Pedersen, Lantz, Appleton, Upthegrove, Sells, Conway, Sullivan, Santos, Moeller and Ormsby)

AN ACT Relating to local food production; amending RCW 43.19.1906; reenacting and amending RCW 43.19.1905 and 28A.335.190; adding a new section to chapter 15.64 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 43.70 RCW; creating new sections; repealing RCW 43.19.706; and providing expiration dates.

Referred to Committee on Agriculture & Rural Economic Development.

2SHB 2805 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Cody,

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

Barlow, Hudgins, Hunt, Green, Hasegawa, Pedersen, Loomis, Santos and Kagi)

AN ACT Relating to umbilical cord blood; and creating new sections.

Referred to Committee on Health & Long-Term Care.

2SHB 2808 by House Committee on Appropriations (originally sponsored by Representatives Sullivan, Upthegrove, Quall, Liias, Priest, Green, Conway, Pedersen, Kenney, Hudgins, Santos, Kelley and Ormsby)

AN ACT Relating to providing enhanced counseling and learning opportunities for certain high school students; adding new sections to chapter 28A.320 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SHB 2810 by House Committee on Appropriations (originally sponsored by Representatives Sullivan, Quall, Upthegrove, Anderson, Conway, Kenney, Haigh, Hudgins, Santos, Simpson and Ormsby)

AN ACT Relating to enhancing resources and assistance in school districts with concentrations of English language learner students; amending RCW 28A.165.055; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2811 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Sullivan, Liias, Quall, Haigh, Simpson and Ormsby)

AN ACT Relating to creating the healthy student grant program; adding a new section to chapter 28A.630 RCW; and creating new sections.

Referred to Committee on Ways & Means.

E2SHB 2826 by House Committee on Appropriations (originally sponsored by Representatives Priest, Ormsby, Sullivan, Haigh, Fromhold, Quall, Wallace, Kenney, Anderson, Conway, Haler, Wood, Roach and Simpson)

AN ACT Relating to secondary career and technical education; amending RCW 28C.04.100, 28C.04.110, 28A.230.097, 28A.655.065, 28A.600.045, 28B.102.020, 28B.102.040, and 28A.505.220; amending 2007 c 354 s 12 (uncodified); adding new sections to chapter 28B.50 RCW; adding new sections to chapter 28A.245 RCW; adding a new chapter to Title 28A RCW; creating new sections; recodifying RCW 28C.04.100, 28C.04.110, and 28C.22.020; repealing RCW 28C.22.005 and 28C.22.010; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SHB 2848 by House Committee on Housing (originally sponsored by Representatives Ormsby, Barlow, Springer and Simpson)

AN ACT Relating to a voluntary contribution program for property owners taking the multifamily property tax exemption; amending RCW 84.14.100; adding a new section to chapter 84.14 RCW; and providing expiration dates.

Referred to Committee on Consumer Protection & Housing.

2SHB 2869 by House Committee on Appropriations (originally sponsored by Representatives Liias, Sullivan, Ericks, Williams, Loomis, Simpson, Ormsby, Miloscia, Hasegawa, Roberts and Lantz)

AN ACT Relating to bonuses for nationally certified teachers who become principals; amending RCW 28A.405.415; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

2SHB 2870 by House Committee on Appropriations (originally sponsored by Representatives Liias, Sullivan, Ericks, Williams, Loomis, Simpson, Ormsby, Miloscia, Hasegawa, Roberts, Santos, Quall and Nelson)

AN ACT Relating to professional development for instructional assistants; adding a new section to chapter 28A.415 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2871 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz and McCune)

AN ACT Relating to penalties for small scale prospecting and mining violations; amending RCW 77.15.300; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2881 by House Committee on Health Care & Wellness (originally sponsored by Representatives Hinkle, Kenney and Cody)

AN ACT Relating to the practice of dentistry; amending RCW 18.32.215; adding a new section to chapter 18.32 RCW; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

HB 2909 by Representatives Orcutt, Blake, Kretz, McCune and VanDeWege

AN ACT Relating to studying the state's specialized forest product resources; amending 2007 c 392 s 2 (uncodified); and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 2920 by Representatives Kessler, Rodne, Springer, Upthegrove, Morrell and VanDeWege

AN ACT Relating to an eminent domain information pamphlet; amending RCW 8.25.290; and adding a new section to chapter 8.25 RCW.

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

Referred to Committee on Judiciary.

SHB 2986 by House Committee on Finance (originally sponsored by Representatives Takko and Schindler)

AN ACT Relating to property tax collection and assessment; amending RCW 58.08.040, 84.40.042, 84.56.070, 86.09.490, 84.60.050, 87.03.265, 87.03.270, 85.08.480, 82.45.090, and 84.69.030; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 3029 by House Committee on Transportation (originally sponsored by Representatives Eddy, Takko, Armstrong, Sells, Simpson and Springer)

AN ACT Relating to a secure internet-based system to generate temporary permits to operate vehicles; and amending RCW 46.16.045.

Referred to Committee on Transportation.

2SHB 3168 by House Committee on Appropriations (originally sponsored by Representatives Goodman, Kagi, Walsh, Haler, Roberts, Pettigrew, Hinkle, Sullivan, Kessler, Green, Hudgins, Darneille, McIntire, Liias, Kelley, Kenney, Hankins, Nelson, Santos and Ormsby)

AN ACT Relating to the creation of the Washington head start program; adding new sections to chapter 43.215 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 3200 by Representatives Schmick, Simpson, Warnick, Schindler and Sullivan

AN ACT Relating to establishing a cemetery district in a county; amending RCW 68.52.100; and adding a new section to chapter 68.52 RCW.

Referred to Committee on Government Operations & Elections.

SHB 3204 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Campbell and Green)

AN ACT Relating to protecting medicaid residents in boarding homes; and adding a new section to chapter 18.20 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 3212 by House Committee on Education (originally sponsored by Representatives Santos and Hudgins)

AN ACT Relating to monitoring and addressing achievement of groups of students; and amending RCW 28A.300.130, 43.06B.020, and 28A.655.090.

Referred to Committee on Early Learning & K-12 Education.

HB 3220 by Representative Condotta

AN ACT Relating to allowing counties, cities, and towns to

conduct raffles under certain terms and conditions; and amending RCW 9.46.0209.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 3297 by House Committee on Commerce & Labor (originally sponsored by Representative Green)

AN ACT Relating to professional athletics regulated by the department of licensing; amending RCW 67.08.002, 67.08.007, 67.08.015, 67.08.017, 67.08.030, 67.08.050, 67.08.055, 67.08.060, 67.08.080, 67.08.110, 67.08.140, 67.08.160, 67.08.170, 67.08.180, 67.08.200, and 67.08.300; reenacting and amending RCW 67.08.090 and 67.08.100; adding new sections to chapter 67.08 RCW; repealing RCW 67.08.010, 67.08.040, 67.08.130, 67.08.220, and 67.08.240; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

E2SHB 3306 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Wallace and Dunn)

AN ACT Relating to electronic learning at institutions of higher education; and creating new sections.

Referred to Committee on Higher Education.

ESHCR 4408 by House Committee on Higher Education (originally sponsored by Representatives Wallace, Haigh and Sells)

Requesting approval of the statewide strategic master plan for higher education.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### MOTION

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Alexander Jonlin, Chair of the Legislative Youth Advisory Council, who was seated at the rostrum.

#### PERSONAL PRIVILEGE

Senator Jacobsen: "Thank you. Well Alex attended a school where my wife taught and she was on playground duty one day and he came up with a petition that had four hundred signatures on it to create a youth legislative advisory council. I met with the young man because I could see that he had done a lot of work. I was very impressed. The only other thing I'll tell you when he testified on these bills Senator McCaslin was on the committee and he asked Alex how old he was and I think he said eleven. He said to me pointed at me and said, 'You got seven more years and you'd better get out of the way.'"

THIRTY-THIRD DAY, FEBRUARY 15, 2008  
SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

2008 REGULAR SESSION

## MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9303, Isaura Gallegos, as a member of the Board of Trustees, Eastern Washington University, be confirmed.

Senator Prentice spoke in favor of the motion.

## MOTION

On motion of Senator Brandland, Senators Benton and Pflug were excused.

## MOTION

On motion of Senator Regala, Senator Kauffman was excused.

## APPOINTMENT OF ISAURA GALLEGOS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9303, Isaura Gallegos as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9303, Isaura Gallegos as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senators Brown, Fairley and Kline - 3

Excused: Senators Kauffman and Pflug - 2

Gubernatorial Appointment No. 9303, Isaura Gallegos, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

## MOTION

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

## MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION  
8696

By Senator Eide

WHEREAS, Dr. Jon R. Almquist, a pediatrician at Virginia Mason Federal Way, retired September 9, 2007, after 43 years in pediatrics; and

WHEREAS, Jon wanted to be a physician from the time he was eight or nine and graduated from Yale University School of Medicine in 1965, then returned to Seattle to begin his career as a pediatrician; and

WHEREAS, Dr. Almquist's patients called him "the child whisperer" because he was so extraordinarily talented with

children, playing with kids while examining them with the kids most of the time not knowing they were being examined; and

WHEREAS, Jon's joyfulness as a pediatrician was infectious, and his heart was so full and willing to help others that he changed many lives; and

WHEREAS, One woman remembered Dr. Almquist closed his practice for one day and came to the hospital to supervise care of her son who had been hit by a car and suffered a head injury; and

WHEREAS, Dr. Almquist, through his medical practice, invested in the social, emotional, and mental health of thousands of young people in the Federal Way area and remains active in the Boy Scouts of America; and

WHEREAS, Dr. Almquist was the recipient of Virginia Mason's Tate Mason Award for the 2002 Outstanding Physician Award, served as Clinical Professor of Pediatrics for the University of Washington, held a position on the American Academy of Pediatrics, and held many other positions on medically related committees;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate acknowledge and honor Dr. Jon R. Almquist, whose dedication, professionalism, and medical expertise enriched the lives of thousands of Puget Sound area children and their families, and has helped contribute to the betterment and well-being of the community he served.

Senator Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8696.

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

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. Jon R. Almquist, who was seated at the rostrum.

## MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9341, Bertha Ortega, as a member of the Board of Trustees, Eastern Washington University, be confirmed.

Senators Prentice and Honeyford spoke in favor of passage of the motion.

## MOTION

On motion of Senator Regala, Senator Fairley was excused.

## APPOINTMENT OF BERTHA ORTEGA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9341, Bertha Ortega as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9341, Bertha Ortega as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kauffman and Pflug - 2

Gubernatorial Appointment No. 9341, Bertha Ortega, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

#### SECOND READING

SENATE BILL NO. 6606, by Senators Spanel, Kohl-Welles, Honeyford, Prentice, Murray and Rasmussen

Requiring the licensing of home inspectors.

#### MOTION

On motion of Senator Spanel, Substitute Senate Bill No. 6606 was substituted for Senate Bill No. 6606 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Spanel moved that the following amendment by Senators Spanel, Honeyford and Kohl-Welles be adopted.

On page 3, line 34, after "AUTHORITY." strike "(1)"

On page 4, at the beginning of line 1, strike "(a)" and insert "(1)"

On page 4, at the beginning of line 3, strike "(b)" and insert "(2)"

On page 4, at the beginning on line 4, strike "(c)" and insert "(3)"

On page 4, at the beginning on line 7, strike "(d)" and insert "(4)"

On page 4, beginning on line 9, strike all of subsection (2)

On page 7, line 31, after "(5)" strike "Pest control operators licensed under chapter 15.58" and insert "Pesticide operators licensed under chapter 17.21"

Senator Spanel spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel, Honeyford and Kohl-Welles on page 3, line 34 to Substitute Senate Bill No. 6606.

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

#### MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute Senate Bill No. 6606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

#### MOTION

On motion of Senator Regal, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6606.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6606 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 39

Voting nay: Senators Benton, Carrell, Hewitt, Holmquist, Morton, Roach, Stevens and Zarelli - 8

Excused: Senators Pflug and Prentice - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6606, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6765, by Senators Parlette and Keiser

Concerning the Washington state health insurance pool.

#### MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 6765 was substituted for Senate Bill No. 6765 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 6765 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6765.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6765 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Pflug - 1

SUBSTITUTE SENATE BILL NO. 6765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

THIRTY-THIRD DAY, FEBRUARY 15, 2008

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

## MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 15, 2008."

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

The motion by Senator Eide carried and debate was limited through February 15, 2008 by voice vote.

## SECOND READING

SENATE BILL NO. 6807, by Senators Kastama, Keiser, Fairley and Kohl-Welles

Restricting long-term care facilities.

## MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 6807 was substituted for Senate Bill No. 6807 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6807 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Parlette and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6807.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6807 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Marr - 1

SUBSTITUTE SENATE BILL NO. 6807, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6479, by Senators Zarelli, Prentice, Rasmussen and Roach

2008 REGULAR SESSION

Establishing a program to screen and treat children with attachment disorders.

## MOTIONS

On motion of Senator Zarelli, Second Substitute Senate Bill No. 6479 was substituted for Senate Bill No. 6479 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Second Substitute Senate Bill No. 6479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli, Prentice and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6479.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6479 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE SENATE BILL NO. 6479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6222, by Senators Keiser, Kohl-Welles and Franklin

Expanding programs for persons needing long-term care.

## MOTIONS

On motion of Senator Keiser, Second Substitute Senate Bill No. 6222 was substituted for Senate Bill No. 6222 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 6222 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6222.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6222 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE SENATE BILL NO. 6222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5831, by Senators Kohl-Welles, Franklin, Keiser and Murray

Providing for the certification of mechanics performing heating, ventilating, air conditioning, refrigeration, and gas piping work. Revised for 1st Substitute: Providing for the certification of heating, ventilation, air conditioning, and refrigeration contractors and mechanics.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5831 was substituted for Senate Bill No. 5831 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama, Berkey and Haugen be adopted:

Strike everything after the enacting clause and insert the following:

**"New Section, Sec. 1. (1)(a)** A joint legislative task force on heating, ventilating, air conditioning, and refrigeration is established, with members as provided in this subsection.

(i) The chair and ranking minority member of the senate labor, commerce, research and development committee;

(ii) The chair and ranking minority member of the house commerce and labor committee;

(iii) Four members representing the heating, ventilating, air conditioning, and refrigeration industry, selected from nominations submitted by statewide business organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives; and

(iv) Four members representing labor, selected from nominations submitted by statewide labor organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives.

(b) In addition, the department of labor and industries shall cooperate with the joint legislative task force and maintain a liaison representative, who shall be a nonvoting member. The department shall cooperate with the joint legislative task force and provide information as the joint legislative task force may reasonably request.

(c) The joint legislative task force shall choose its chair from among its membership.

(2) The joint legislative task force shall review the following issues:

(a) Requirements for registering, certifying, or licensing heating, ventilating, air conditioning, and refrigeration mechanics;

(b) Methods of registering or licensing contractors who qualify for two or more registrations or licenses;

(c) Establishing at least three levels of HVAC/R mechanics, with the ability to be certified in several specialties including gas piping, sheet metal, and refrigeration;

(d) The on-the-job experience requirements for each mechanic level;

(e) The methods by which apprentices and other persons learning to perform heating, ventilating, air conditioning, and refrigeration work obtain training certificates;

(f) Exemptions to the registering, certification, or licensing requirements; and

(g) Such other factors the joint legislative task force deems necessary.

(3) Legislative members of the joint legislative task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The expenses of the joint legislative task force shall be paid jointly by the senate and the house of representatives.

(5) The joint legislative task force shall report its findings and recommendations to the legislature by January 1, 2009.

(6) This section expires July 1, 2009."

Senator Brown moved without objection, the following oral amendment to the striking amendment be adopted:

"Beginning on page 1, line 7 after (Senate) strike everything through the word 'development' on line 8 and insert 'economic development, trade and management.'"

Senators Brown and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown to the striking amendment to Substitute Senate Bill No. 5831.

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

Senators Kastama, King, Shin and Honeyford spoke in favor of adoption of the striking amendment as amended.

Senators Kohl-Welles, Franklin and Keiser spoke against the adoption of the striking as amended.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama, Berkey and Haugen as amended to Substitute Senate Bill No. 5831.

The motion by Senator Kastama carried and the striking amendment as amended was adopted by voice vote.

MOTION

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

On page 1, line 2 of the title, after "mechanics;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5831 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5831.

ROLL CALL

THIRTY-THIRD DAY, FEBRUARY 15, 2008

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5831 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Tom, Weinstein and Zarelli - 47

Voting nay: Senators Stevens and Swecker - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6275, by Senators Haugen and Rasmussen

Granting authority for drainage district commissioners to implement drainage maintenance plans.

The measure was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6275.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6275 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 48

Absent: Senator Zarelli - 1

SENATE BILL NO. 6275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marr, the Senate advanced to the seventh order of business.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5456, by

2008 REGULAR SESSION

Senate Committee on Judiciary (originally sponsored by Senator Morton).

Revising rules concerning nonresidents' participation in hunting and organized shooting events.

The bill was read on Third Reading.

Senators Morton and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5456.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5456 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6483, by Senators Hatfield, Honeyford, Rasmussen, Haugen, Swecker, Tom, Morton, Rockefeller, Fraser, Hargrove, Keiser, Kohl-Welles, Brandland, Kilmer, Shin, McDermott, Kauffman, Murray, Hobbs, Kastama, Fairley, Pridemore, Regala, McAuliffe, Jacobsen, Kline, Brown, Franklin, Hewitt, Spanel, Parlette, Oemig and Roach

Enacting the local farms-healthy kids and communities act. Revised for 2nd Substitute: Enacting the local farms-healthy kids act.

#### MOTIONS

On motion of Senator Hatfield, Second Substitute Senate Bill No. 6483 was substituted for Senate Bill No. 6483 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Second Substitute Senate Bill No. 6483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield, Rasmussen and Franklin spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Kline was excused.

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6483.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6483 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

SECOND SUBSTITUTE SENATE BILL NO. 6483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6885, by Senators King and Swecker

Expanding the list of persons and entities that may acquire driving record abstracts for certain purposes.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 6885 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6885.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6885 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

SENATE BILL NO. 6885, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6532, by Senators Haugen and Keiser

Authorizing city aquatic lands management agreements allowing cities to operate publicly owned marinas. Revised for 1st Substitute: Allowing certain cities to enter into no-fee lease agreements to use state-owned aquatic lands to operate a public marina.

MOTION

On motion of Senator Jacobsen, Substitute Senate Bill No. 6532 was substituted for Senate Bill No. 6532 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 4 A new section is added to chapter 79.105 RCW to read as follows:

(1)(a) A city with a population between twenty thousand and twenty-five thousand on the effective date of this section and that currently operates a publicly owned marina may enter into a reduced fee lease authorizing the city to use state-owned aquatic lands for the purpose of operating a publicly owned marina. The office of financial management's population estimate must be used to determine a city's population for purposes of this section. The lease period may not exceed twenty years.

(b) No rent is due the state for the use of state-owned aquatic lands for the first ten years under such a lease. During subsequent years under such a lease, rent is due for only those lands that have been included under a previous aquatic land lease for the marina. The lease may not be renewed, extended, or put into holdover.

(2) A city choosing to enter into a lease as provided in subsection (1) of this section must do so within one year of the effective date of this section. Prior to entering into such a lease, the city must be in good standing with the department and must have paid all amounts owed the department including any accrued interest.

(3) State-owned aquatic lands that may be included in the lease are limited only to those lands included in the most recent expired lease with the city for the marina, along with any state-owned aquatic lands immediately adjacent to those lands. Only those marina operations conducted directly by the city may be included within the leased area.

(4) If a city chooses to enter into an agreement as provided in subsection (1) of this section, the city is not eligible to apply for grants from the aquatic lands enhancement account created under RCW 79.105.150 for the first ten years of the lease.

(5) Upon expiration of the twenty-year lease, the city may enter into a new lease for the use of state-owned aquatic lands or vacate the lands as agreed to in the expiring lease. To ensure the consistent state-wide application of aquatic land management principles, the new lease must be completed in accordance with all applicable sections of this title.

(6) This section expires July 1, 2029."

Senator Jacobsen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Jacobsen and Haugen to Substitute Senate Bill No. 6532.

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

MOTION

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

On page 1, line 2 of the title, after "marina;" strike the

THIRTY-THIRD DAY, FEBRUARY 15, 2008

remainder of the title and insert "adding a new section to chapter 79.105 RCW; and providing an expiration date."

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute Senate Bill No. 6532 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6532.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6532 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 6532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6644, by Senators Keiser, Franklin, Kastama, Fairley, Marr, Delvin, Kohl-Welles, Brandland, Schoesler and Rasmussen

Establishing requirements for primary medical eye care.

#### MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6644 was substituted for Senate Bill No. 6644 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds and declares that there is a paramount concern that the right of the people to obtain access to health care in all its facets should be preserved and enhanced. The legislature also finds that the establishment of a medical home is an effective way to improve quality of care and reduce unnecessary administrative costs in the delivery of care. The legislature further finds that the unique characteristics of eye care and the structure of insurance coverage relating to medical eye care and vision only services create confusion among enrollees of health plans and create inefficiencies in the delivery of medical eye care, and that creating a primary care medical home relationship for eye care patients will improve the quality of care and reduce the cost of eye care. It is the intent of

2008 REGULAR SESSION

the legislature to eliminate unnecessary burdens faced by patients needing medical eye care services. It is, therefore, declared to be in the public interest that health plans covering primary medical eye care conform to certain minimum requirements.

**Sec. 2** RCW 48.43.005 and 2007 c 296 s 1 and 2007 c 259 s 32 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least six thousand dollars, both amounts to be adjusted annually by the insurance commissioner; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

In July 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. The adjusted amount shall apply on the following January 1st.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to

provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Primary medical eye care" means all health care services within the scope of practice of optometry as defined in RCW 18.53.010, whether provided or performed by a provider licensed under chapter 18.53, 18.57, or 18.71 RCW.

(24) "Primary medical eye care provider" means all providers licensed to practice optometry as defined in RCW 18.53.010, whether provided or performed by a provider licensed under chapter 18.53, 18.57, or 18.71 RCW.

(25) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

~~((24))~~ (26) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size

THIRTY-THIRD DAY, FEBRUARY 15, 2008

of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

~~((25))~~ (27) "Subcontract" means any agreement between a health carrier and another entity whereby health care services are provided to the health carrier's enrollees through providers contracted directly with such other entity.

(28) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

~~((26))~~ (29) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

**NEW SECTION. Sec. 3** A new section is added to chapter 48.43 RCW to read as follows:

(1) For all contracts issued or renewed on or after January 1, 2009, a health benefit plan that includes primary medical eye care shall provide for enrollees a complete list of health care providers contracted with the health benefit plan, either directly or through a subcontract, to provide primary medical eye care to enrollees, and all such providers shall be available to all enrollees, subject to any service area requirements of the plan.

(2) A health benefit plan that includes primary medical eye care shall permit enrollees to access any primary medical eye care provider contracted with the health benefit plan, either directly or through a subcontract, to provide care to enrollees, on the same terms as the enrollee has access to his or her primary care provider.

(3) A referral for specialty eye care services made by a primary medical eye care provider contracted with the health benefit plan, either directly or through a subcontract, to provide primary medical eye care to enrollees, shall be deemed equivalent to a referral by a primary care provider for all purposes, including enrollee point-of-service cost-sharing calculations. A health carrier may require by contract that a primary medical eye care provider notify any gatekeeper or medical home for a patient who is referred for specialty eye care services.

(4) Enrollee point-of-service cost-sharing requirements for primary medical eye care shall be no greater than enrollee point-of-service cost-sharing requirements for services provided by a designated primary care provider.

(5) Health care providers contracted with a health carrier, either directly or through a subcontract, to provide primary medical eye care to enrollees, shall be paid for covered services included in the health benefit plan, subject to other conditions in their contract.

2008 REGULAR SESSION

(6) This section does not require and shall not be construed to require any health plan to include coverage of any condition, including primary medical eye care.

(7) Nothing in this section shall be construed to expand the scope of practice for any eye care provider."

Senators Keiser and Pflug spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Pflug to Substitute Senate Bill No. 6644.

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

#### MOTION

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

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "reenacting and amending RCW 48.43.005; adding a new section to chapter 48.43 RCW; and creating a new section."

#### Motion

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6644 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Pflug and Shin spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6644.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6644 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Carrell, Holmquist and Parlette - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 11:42 a.m., on motion of Senator Eide, the Senate was recessed until 1:45 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:45 p.m. by President Owen.

#### MOTION

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

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

MESSAGE FROM THE HOUSE

February 14, 2008

MR. PRESIDENT:

The House has passed the following bills:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1561,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2480,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2549,  
 ENGROSSED HOUSE BILL NO. 2613,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rasmussen moved that Gubernatorial Appointment No. 9301, Billy Frank, Jr, as a member of the Puget Sound Partnership, be confirmed.

Senators Rasmussen, Fraser and Kauffman spoke in favor of passage of the motion.

MOTION

On motion of Senator Brandland, Senators Benton, McCaslin and Parlette were excused.

APPOINTMENT OF BILLY FRANK, JR.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9301, Billy Frank, Jr as a member of the Puget Sound Partnership.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9301, Billy Frank, Jr as a member of the Puget Sound Partnership and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9301, Billy Frank, Jr, having received the constitutional majority was declared confirmed as a member of the Puget Sound Partnership.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9324, Martha Kongsgaard, as a member of the Puget Sound Partnership, be confirmed.

Senators Regala and McDermott spoke in favor of passage of the motion.

APPOINTMENT OF MARTHA KONGSGAARD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9324, Martha Kongsgaard as a member of the Puget Sound Partnership.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9324, Martha Kongsgaard as a member of the Puget Sound Partnership and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9324, Martha Kongsgaard, having received the constitutional majority was declared confirmed as a member of the Puget Sound Partnership.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9347, William D. Ruckelshaus, as Chair of the Puget Sound Partnership, be confirmed.

Senators Rockefeller, Jacobsen and Parlette spoke in favor of passage of the motion.

MOTION

On motion of Senator Delvin, Senator Zarelli was excused.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

APPOINTMENT OF WILLIAM D. RUCKELSHAUS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9347, William D. Ruckelshaus as Chair of the Puget Sound Partnership.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9347, William D. Ruckelshaus as Chair of the Puget Sound Partnership and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

THIRTY-THIRD DAY, FEBRUARY 15, 2008

Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Tom - 46

Absent: Senator Weinstein - 1

Excused: Senators Prentice and Zarelli - 2

Gubernatorial Appointment No. 9347, William D. Ruckelshaus, having received the constitutional majority was declared confirmed as Chair of the Puget Sound Partnership.

## SECOND READING

SENATE BILL NO. 6596, by Senators Hargrove, Carrell, Regala, Stevens, Marr, Shin, McAuliffe, Brandland and Kilmer

Providing for the creation of a sex offender policy board.

## MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6596 was substituted for Senate Bill No. 6596 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6596.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6596 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Prentice - 1

SUBSTITUTE SENATE BILL NO. 6596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6804, by Senators Kilmer, Carrell, Hobbs, Shin, Roach, Kohl-Welles, Marr, McAuliffe, Rasmussen and Benton

Providing grants to community colleges for long-term care worker training.

## MOTIONS

2008 REGULAR SESSION

On motion of Senator Kilmer, Substitute Senate Bill No. 6804 was substituted for Senate Bill No. 6804 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 6804 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6804.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6804 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Prentice - 1

SUBSTITUTE SENATE BILL NO. 6804, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6665, by Senators Hargrove, Stevens and Marr

Regarding the intensive case management and integrated crisis response pilot programs.

## MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6665 was substituted for Senate Bill No. 6665 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Brown, Regala, Stevens and Carrell be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 70.96A.800 and 2005 c 504 s 220 are each amended to read as follows:

(1) The secretary shall select and contract with counties to provide intensive case management for chemically dependent persons with histories of high utilization of crisis services at two sites. In selecting the two sites, the secretary shall endeavor to site one in an urban county, and one in a rural county; and to site them in counties other than those selected pursuant to RCW 70.96B.020, to the extent necessary to facilitate evaluation of pilot project results. Within funds provided for this specific purpose, the secretary may contract with additional counties to provide intensive case management.

(2) The contracted sites shall implement the pilot programs by providing intensive case management to persons with a primary chemical dependency diagnosis or dual primary

THIRTY-THIRD DAY, FEBRUARY 15, 2008

chemical dependency and mental health diagnoses, through the employment of chemical dependency case managers. The chemical dependency case managers shall:

(a) Be trained in and use the integrated, comprehensive screening and assessment process adopted under RCW 70.96C.010;

(b) Reduce the use of crisis medical, chemical dependency and mental health services, including but not limited to, emergency room admissions, hospitalizations, detoxification programs, inpatient psychiatric admissions, involuntary treatment petitions, emergency medical services, and ambulance services;

(c) Reduce the use of emergency first responder services including police, fire, emergency medical, and ambulance services;

(d) Reduce the number of criminal justice interventions including arrests, violations of conditions of supervision, bookings, jail days, prison sanction day for violations, court appearances, and prosecutor and defense costs;

(e) Where appropriate and available, work with therapeutic courts including drug courts and mental health courts to maximize the outcomes for the individual and reduce the likelihood of reoffense;

(f) Coordinate with local offices of the economic services administration to assist the person in accessing and remaining enrolled in those programs to which the person may be entitled;

(g) Where appropriate and available, coordinate with primary care and other programs operated through the federal government including federally qualified health centers, Indian health programs, and veterans' health programs for which the person is eligible to reduce duplication of services and conflicts in case approach;

(h) Where appropriate, advocate for the client's needs to assist the person in achieving and maintaining stability and progress toward recovery;

(i) Document the numbers of persons with co-occurring mental and substance abuse disorders and the point of determination of the co-occurring disorder by quadrant of intensity of need; and

(j) Where a program participant is under supervision by the department of corrections, collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

(4) This section expires June 30, ~~((2008))~~ 2009.

**Sec. 2** RCW 70.96B.800 and 2005 c 504 s 217 are each amended to read as follows:

(1) The Washington state institute for public policy shall evaluate the pilot programs and make ~~((a))~~ preliminary reports to appropriate committees of the legislature by December 1, 2007, and June 30, 2008, and a final report by ~~((September 30, 2008))~~ June 30, 2010.

(2) The evaluation of the pilot programs shall include:

(a) Whether the designated crisis responder pilot program:

(i) Has increased efficiency of evaluation and treatment of persons involuntarily detained for seventy-two hours;

(ii) Is cost-effective;

(iii) Results in better outcomes for persons involuntarily detained;

(iv) Increased the effectiveness of the crisis response system in the pilot catchment areas;

(b) The effectiveness of providing a single chapter in the Revised Code of Washington to address initial detention of persons with mental disorders or chemical dependency, in crisis response situations and the likelihood of effectiveness of providing a single, comprehensive involuntary treatment act.

(3) The reports shall consider the impact of the pilot programs on the existing mental health system and on the persons served by the system.

2008 REGULAR SESSION

**Sec. 3** RCW 70.96B.010 and 2005 c 504 s 202 are each amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital, an evaluation and treatment facility, or other inpatient facility, or a decision by a professional person in charge or his or her designee that a person should be detained as a patient for evaluation and treatment in a secure detoxification facility or other certified chemical dependency provider.

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department as meeting standards adopted under chapter 70.96A RCW.

(4) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(5) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(6) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(7) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(8) "Conditional release" means a revocable modification of a commitment that may be revoked upon violation of any of its terms.

(9) "Custody" means involuntary detention under either chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

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

(11) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and this chapter, and qualified to do so by meeting standards adopted by the department.

(12) "Designated crisis responder" means a person designated by the county or regional support network to perform the duties specified in this chapter.

(13) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(14) "Detention" or "detain" means the lawful confinement of a person under this chapter, or chapter 70.96A or 71.05 RCW.

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with individuals with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(16) "Developmental disability" means that condition defined in RCW 71A.10.020.

(17) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

(18) "Evaluation and treatment facility" means any facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and that is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility that is part of, or operated by, the department or any federal agency does not require certification. No correctional institution or facility, or jail, may be an evaluation and treatment facility within the meaning of this chapter.

(19) "Facility" means either an evaluation and treatment facility or a secure detoxification facility.

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(21) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(22) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

(23) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

~~((23))~~ (24) "Judicial commitment" means a commitment by a court under this chapter.

~~((24))~~ (25) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

~~((25))~~ (26) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts.

~~((26))~~ (27) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive or volitional functions.

~~((27))~~ (28) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

~~((28))~~ (29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

~~((29))~~ (30) "Person in charge" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program

with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

~~((30))~~ (31) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved treatment program, that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent.

~~((31))~~ (32) "Professional person" means a mental health professional or chemical dependency professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter.

~~((32))~~ (33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

~~((33))~~ (34) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

~~((34))~~ (35) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

~~((35))~~ (36) "Registration records" means all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

~~((36))~~ (37) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW or this chapter.

~~((37))~~ (38) "Secretary" means the secretary of the department or the secretary's designee.

~~((38))~~ (39) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that serves the purpose of providing evaluation and assessment, and acute and/or subacute detoxification services for intoxicated persons and includes security measures sufficient to protect the patients, staff, and community.

~~((39))~~ (40) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

~~((40))~~ (41) "Treatment records" means registration records and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

~~((41))~~ (42) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 4 RCW 70.96B.020 and 2005 c 504 s 203 are each amended to read as follows:

(1) The secretary, after consulting with the Washington state association of counties, shall select and contract with regional support networks or counties to provide two integrated crisis response and involuntary treatment pilot programs for adults and shall allocate resources for both integrated services and secure detoxification services in the pilot areas. In selecting the two

THIRTY-THIRD DAY, FEBRUARY 15, 2008

regional support networks or counties, the secretary shall endeavor to site one in an urban and one in a rural regional support network or county; and to site them in counties other than those selected pursuant to RCW 70.96A.800, to the extent necessary to facilitate evaluation of pilot project results. Within funds provided for this specific purpose, the secretary may contract with additional regional support networks or counties to provide integrated crisis response and involuntary treatment pilot programs to adults.

(2) The regional support networks or counties shall implement the pilot programs by providing integrated crisis response and involuntary treatment to persons with a chemical dependency, a mental disorder, or both, consistent with this chapter. The pilot programs shall:

(a) Combine the crisis responder functions of a designated mental health professional under chapter 71.05 RCW and a designated chemical dependency specialist under chapter 70.96A RCW by establishing a new designated crisis responder who is authorized to conduct investigations and detain persons up to seventy-two hours to the proper facility;

(b) Provide training to the crisis responders as required by the department;

(c) Provide sufficient staff and resources to ensure availability of an adequate number of crisis responders twenty-four hours a day, seven days a week;

(d) Provide the administrative and court-related staff, resources, and processes necessary to facilitate the legal requirements of the initial detention and the commitment hearings for persons with a chemical dependency;

(e) Participate in the evaluation and report to assess the outcomes of the pilot programs including providing data and information as requested;

(f) Provide the other services necessary to the implementation of the pilot programs, consistent with this chapter as determined by the secretary in contract; and

(g) Collaborate with the department of corrections where persons detained or committed are also subject to supervision by the department of corrections.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

**Sec. 5** RCW 70.96B.050 and 2007 c 120 s 1 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at either an evaluation and treatment facility, a detoxification facility, or other certified chemical dependency provider.

(2)(a) An order to detain to an evaluation and treatment facility, a detoxification facility, or other certified chemical dependency provider for not more than a seventy-two hour evaluation and treatment period may be issued by a judge upon request of a designated crisis responder: (i) Whenever it appears to the satisfaction of a judge of the superior court, district court, or other court permitted by court rule, that there is probable cause to support the petition, and (ii) that the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury or sworn telephonic testimony, may be considered by the court in determining whether there are sufficient grounds for issuing the order.

2008 REGULAR SESSION

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order to appear, together with a notice of rights and a petition for initial detention. After service on the person, the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility or secure detoxification facility and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider. If requested by the detained person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The court may be continued subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours. The person may be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other person accompanying the person may be present during the admission evaluation. The facility may exclude the person if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take the person or cause the person to be taken into custody and placed in an evaluation and treatment facility, a secure detoxification facility, or other certified chemical dependency provider. At the time the person is taken into custody there shall commence to be served on the person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of detention, a notice of rights, and a petition for initial detention.

**Sec. 6** RCW 70.96B.100 and 2005 c 504 s 211 are each amended to read as follows:

~~(If a person is detained for additional treatment beyond fourteen days under RCW 70.96B.090, the professional staff of the agency or facility may petition for additional treatment under RCW 70.96A.140.)~~ (1) A person detained for fourteen days of involuntary chemical dependency treatment under RCW 70.96B.090 shall be released from involuntary treatment at the expiration of the period of commitment unless the professional staff of the agency or facility files a petition for additional period of involuntary treatment under RCW 70.96A.140, or files a petition for sixty days less restrictive treatment under this section.

(2) A petition for less restrictive treatment must be filed at least three days before expiration of the fourteen-day period of intensive treatment, and comport with the rules contained in RCW 70.96B.090(2). The petition shall state facts that support the finding that the person, as a result of a chemical dependency, presents a likelihood of serious harm or is gravely disabled, and that continued treatment pursuant to a less restrictive order is in the best interest of the person or others. At the time of filing such a petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney.

(3) At the time set for appearance the detained person must be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested,

THIRTY-THIRD DAY, FEBRUARY 15, 2008

appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(4) The court shall conduct a hearing on the petition for sixty days less restrictive treatment on or before the last day of the confinement period. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9). Involuntary treatment shall continue while a petition for less restrictive treatment is pending under this section.

(5) The court may impose a sixty-day less restrictive order if the evidence shows that the person, as a result of a chemical dependency, presents a likelihood of serious harm or is gravely disabled, and that continued treatment pursuant to a less restrictive order is in the best interest of the person or others. The less restrictive order may impose treatment conditions and other conditions which are in the best interest of the patient and others. A copy of the less restrictive order shall be given to the patient, the designated crisis responder, and any program designated to provide less restrictive treatment. A program designated to provide less restrictive treatment and willing to supervise the conditions of the less restrictive order may modify the conditions for continued release when the modification is in the best interests of the patient, but must notify the designated crisis responder and the court of such modification.

(6) If an outpatient treatment program approved by the court and willing to supervise the conditions of the less restrictive order or the designated crisis responder determines that the respondent is failing to adhere to the terms of the less restrictive order, or that substantial deterioration in the patient's functioning has occurred, then the designated crisis responder shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated crisis responder may cause the person to be immediately taken into custody of the secure detox pending the hearing if the alleged noncompliance causes an imminent risk to the safety of the person. The designated crisis responder shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the condition of release should be modified or the person should be returned to a more restrictive setting. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. If court finds in favor of the petitioner, or the person waives a hearing, the court may order the person to be committed to secure detox for fourteen days of involuntary chemical dependency treatment, or may order the patient to be returned to less restrictive treatment on the same or modified conditions.

NEW SECTION. Sec. 7 A new section is added to chapter 70.96B RCW to read as follows:

(1) A person committed for fourteen days of involuntary chemical dependency treatment under this chapter has a right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration and there is no less intrusive course of treatment than medication in the best interest of that person.

(2) The department shall adopt rules to carry out the purposes of this chapter. These rules shall include:

2008 REGULAR SESSION

(a) An attempt to obtain the informed consent of the person prior to administration of antipsychotic medication;

(b) For short-term treatment up to fourteen days, the right to refuse antipsychotic medications unless there is an additional concurring medical opinion approving medication;

(c) Administration of antipsychotic medication in an emergency and review of this decision within twenty-four hours. An emergency exists if the person presents an imminent likelihood of serious harm, and medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and in the opinion of the physician, the person's condition constitutes an emergency requiring the treatment be instituted prior to obtaining a second medical opinion;

(d) Documentation in the medical record of the physician's attempt to obtain informed consent and the reasons why antipsychotic medication is being administered over the person's objection or lack of consent.

(3) A person committed pursuant to this chapter may refuse psychiatric medication twenty-four hours before a court hearing as provided in RCW 71.05.210.

**Sec. 8** RCW 70.96B.900 and 2005 c 504 s 219 are each amended to read as follows:

Sections 202 through 216 (~~(of this act)~~), chapter 504, Laws of 2005 expire (~~(July 1, 2008)~~) June 30, 2009.

**NEW SECTION. Sec. 9** Sections 3 through 7 of this act expire June 30, 2009.

**Sec. 10** 2007 c 120 s 4 (uncodified) is amended to read as follows:

Sections 1 and 2 (~~(of this act)~~), chapter 120, Laws of 2007 expire (~~(July 1, 2008)~~) June 30, 2009."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Brown, Regala, Stevens and Carrell to Substitute Senate Bill No. 6665.

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

#### MOTION

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

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 70.96A.800, 70.96B.800, 70.96B.010, 70.96B.020, 70.96B.050, 70.96B.100, and 70.96B.900; amending 2007 c 120 s 4 (uncodified); adding a new section to chapter 70.96B RCW; and providing expiration dates."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6665 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6665.

#### MOTION

On motion of Senator Regala, Senators Brown, Prentice, Pridemore and Weinstein were excused.

#### ROLL CALL

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6665 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 45

Excused: Senators Brown, Prentice, Pridemore and Weinstein - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 6665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6790, by Senators Hargrove, Stevens, Regala, Shin, Kline and Kohl-Welles

Creating a pilot program for the postsecondary education of inmates.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6790 was substituted for Senate Bill No. 6790 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6790.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6790 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Prentice and Pridemore - 3

SUBSTITUTE SENATE BILL NO. 6790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

SECOND READING

SENATE BILL NO. 6583, by Senators Brandland and Hargrove

Changing provisions relating to eligibility for medical assistance.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 6583 was substituted for Senate Bill No. 6583 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 6583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland, Hargrove and Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Fairley and Kohl-Welles were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6583.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6583 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Brown, Fairley, Kohl-Welles, Prentice and Pridemore - 5

SUBSTITUTE SENATE BILL NO. 6583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6791, by Senators Hargrove, Stevens and Marr

Clarifying permitted uses of moneys currently collected under the county legislative authority sales and use tax for chemical dependency or mental health treatment programs and services or therapeutic courts.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6791 was substituted for Senate Bill No. 6791 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6791 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

THIRTY-THIRD DAY, FEBRUARY 15, 2008

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6791.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6791 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Kohl-Welles, Prentice and Pridemore - 4

SUBSTITUTE SENATE BILL NO. 6791, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6792, by Senators Hargrove and Stevens

Concerning dependency matters.

#### MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6792 was substituted for Senate Bill No. 6792 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Regala and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 13.34.215 and 2007 c 413 s 1 are each amended to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) The child has not achieved his or her permanency plan within three years of a final order of termination ~~(, or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights);~~ and

(d) ~~(Absent good cause;)~~ The child must be at least twelve years old at the time the petition is filed. Upon the child's motion for good cause shown, or on its own motion, the court may hear a petition filed by a child younger than twelve years old.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, ~~(it appears)~~ the court finds by a preponderance of the evidence

2008 REGULAR SESSION

that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the parent has been successful, the court shall enter a final order of reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

~~((+0))~~ (11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW for the time period from the date of termination of parental rights to the date parental rights are reinstated.

~~((+1))~~ (12) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

~~((12))~~ (13) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(14) The state, the department, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, or its employees concerning the original termination.

Sec. 2 RCW 13.34.065 and 2007 c 413 s 5 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive ~~((parent))~~ household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. ~~((However;))~~ The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

**Sec. 3** RCW 13.34.136 and 2007 c 413 s 7 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(4)~~) (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130~~((4))~~ (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

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

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

**Sec. 4** RCW 26.44.063 and 2000 c 119 s 12 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home or the care of a parent, guardian, or legal custodian often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged ~~((offender))~~ abuser, rather than the child, shall be removed or restrained from the ~~((home))~~ child's residence and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, ~~((13.34.130))~~ chapter 13.34 RCW, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other parties, issue a

temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

(a) Molesting or disturbing the peace of the alleged victim;

(b) Entering the family home of the alleged victim except as specifically authorized by the court;

(c) Having any contact with the alleged victim, except as specifically authorized by the court;

(d) Knowingly coming within, or knowingly remaining within, a specified distance of a specified location.

(3) If the caretaker is willing, and does comply with the restraining order entered pursuant to this section, uncertainty that the alleged abuser has in fact abused the alleged victim shall not, alone, be a basis to remove the alleged victim from the caretaker, nor shall it be considered neglect.

(4) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

~~((4))~~ (5) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

~~((5))~~ (6) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

~~((6))~~ (7) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

~~((7))~~ (8) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

~~((8))~~ (9) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44 RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

~~((9))~~ (10) If a restraining order issued under this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

**Sec. 5** RCW 74.13.031 and 2007 c 413 s 10 are each amended to read as follows:

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

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

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens,

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

(5)(a) Monitor out-of-home placements(~~(- on a timely and routine basis;))~~ and conduct face-to-face meetings with children in out-of-home care and their caregivers on a monthly basis to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010(~~(- and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature))~~).

(b) Within existing funds for this purpose, when a child's case is being managed under a contract between the department and a private agency that has been accredited by a national child welfare accrediting entity, the private agency shall conduct the monthly face-to-face meetings with the child and the child's caregiver. The agency shall provide the department with a written report of the meeting within fifteen days of the meeting. In these cases, the department need only have a face-to-face meeting with the child and the child's caretaker on a quarterly basis.

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

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

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

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

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

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

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

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

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

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

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

**NEW SECTION. Sec. 6** A new section is added to chapter 74.15 RCW to read as follows:

To be eligible for placement in a HOPE center, a minor must be either a street youth, as that term is defined in this chapter, or a youth who, without placement in a HOPE center, will continue to participate in increasingly risky behavior. Youth may also self-refer to a HOPE center. Payment for a HOPE center bed is not contingent upon prior approval by the department.

**Sec. 7** RCW 74.15.240 and 1999 c 267 s 14 are each amended to read as follows:

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

To be eligible for placement in a responsible living skills program, the minor must be dependent under chapter 13.34 RCW and must have lived in a HOPE center or in a secure crisis residential center. However, if the minor's caseworker determines that placement in a responsible living skills program would be the most appropriate placement given the minor's current circumstances, prior residence in a HOPE center or secure crisis residential center before placement in a responsible living program is not required. Responsible living skills centers are intended as a placement alternative for dependent youth that the department chooses for the youth because no other services or alternative placements have been successful. Responsible living skills centers are not for dependent youth whose permanency plan includes return to home or family reunification."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Regala and Stevens to Substitute Senate Bill No. 6792.

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

#### MOTION

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

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 13.34.215, 13.34.065, 13.34.136, 26.44.063, 74.13.031, and 74.15.240; and adding a new section to chapter 74.15 RCW."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6792 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6792.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6792 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Rockefeller - 1

Excused: Senator Kohl-Welles - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Morton, Senator McCaslin was excused.

#### SECOND READING

SENATE BILL NO. 6404, by Senators Hargrove and Pridemore

Modifying the process for designating regional support networks.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6404 was substituted for Senate Bill No. 6404 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6404.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6404 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Carrell, Franklin, Kastama, Kilmer, Rasmussen and Regala - 6

Excused: Senator Rockefeller - 1

SUBSTITUTE SENATE BILL NO. 6404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6398, by Senators Stevens and Hargrove

Regarding fines collected in truancy court actions.

The measure was read the second time.

#### MOTION

On motion of Senator Stevens, the rules were suspended, Senate Bill No. 6398 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTY-THIRD DAY, FEBRUARY 15, 2008

Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6398.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6398 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Rockefeller - 1

SENATE BILL NO. 6398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6675, by Senators McAuliffe, Shin, Pflug, Berkey, Fairley and Tom

Allowing public technical colleges to offer associate transfer degrees.

## MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 6675 was substituted for Senate Bill No. 6675 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 6675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6675.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6675 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

2008 REGULAR SESSION

SENATE BILL NO. 6548, by Senator Carrell

Prohibiting patients at the special commitment center or less restrictive alternatives from having computer access. Revised for 1st Substitute: Controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives.

## MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 6548 was substituted for Senate Bill No. 6548 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 6548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6548.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6548 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Voting nay: Senator Weinstein - 1

SUBSTITUTE SENATE BILL NO. 6548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6488, by Senators Regala, Hargrove, Brandland, Stevens, Rasmussen, Delvin, Benton and Kilmer

Providing for broader collection of biological samples for the DNA identification of convicted sex offenders and other persons.

## MOTION

On motion of Senator Regala, Substitute Senate Bill No. 6488 was substituted for Senate Bill No. 6488 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Regala moved that the following striking amendment by Senators Hargrove, Regala and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 43.43.753 and 2002 c 289 s 1 are each amended to read as follows:

The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a

THIRTY-THIRD DAY, FEBRUARY 15, 2008

unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called "DNA identification."

The legislature further finds that DNA databases are important tools in criminal investigations, in the exclusion of individuals who are the subject of investigations or prosecutions, and in detecting recidivist acts. It is the policy of this state to assist federal, state, and local criminal justice and law enforcement agencies in both the identification and detection of individuals in criminal investigations and the identification and location of missing and unidentified persons. Therefore, it is in the best interest of the state to establish a DNA database and DNA data bank containing DNA samples submitted by persons convicted of felony offenses and other crimes as specified in RCW 43.43.754. DNA samples necessary for the identification of missing persons and unidentified human remains shall also be included in the DNA database.

The legislature further finds that the DNA identification system used by the federal bureau of investigation and the Washington state patrol has no ability to predict genetic disease or predisposal to illness. Nonetheless, the legislature intends that biological samples collected under RCW 43.43.754, and DNA identification data obtained from the samples, be used only for purposes related to criminal investigation, identification of human remains or missing persons, or improving the operation of the system authorized under RCW 43.43.752 through 43.43.758.

Sec. 2 RCW 43.43.754 and 2002 c 289 s 2 are each amended to read as follows:

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony (~~stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense must have a biological sample collected for purposes of DNA identification analysis in the following manner~~), or any of the following crimes (or equivalent juvenile offenses):

Assault in the fourth degree with sexual motivation (RCW 9A.36.041, 9.94A.835)

Communication with a minor for immoral purposes (RCW 9.68A.090)

Custodial sexual misconduct in the second degree (RCW 9A.44.170)

Failure to register (RCW 9A.44.130)

Harassment (RCW 9A.46.020)

Patronizing a prostitute (RCW 9A.88.110)

Prostitution (RCW 9A.88.030)

Sexual misconduct with a minor in the second degree (RCW 9A.44.096)

Stalking (RCW 9A.46.110)

Violation of a sexual assault protection order granted under chapter 7.90 RCW; and

(b) Every adult or juvenile individual who is required to register under RCW 9A.44.130.

(2) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(3) Biological samples shall be collected in the following manner:

(a) For persons convicted of ((such offenses)) any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in a city or county jail facility, the city or county shall be responsible for obtaining the biological samples ((either as part of the intake process into the city or county jail or detention facility for those persons convicted on or after July 1, 2002, or within a reasonable time after July 1, 2002, for those

2008 REGULAR SESSION

persons incarcerated before July 1, 2002, who have not yet had a biological sample collected, beginning with those persons who will be released the soonest).

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of ((such offenses)) any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do not serve a term of confinement in a city or county jail facility ((~~the local police department or sheriff's office is responsible for obtaining the biological samples after sentencing on or after July 1, 2002~~)); and

(ii) Persons who are required to register under RCW 9A.44.030.

(c) For persons convicted of ((such offenses)) any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of social and health services facility, the facility holding the person shall be responsible for obtaining the biological samples ((either as part of the intake process into such facility for those persons convicted on or after July 1, 2002, or within a reasonable time after July 1, 2002;)). For those persons incarcerated before ((July 1, 2002)) the effective date of this section, who have not yet had a biological sample collected, ((beginning with)) priority shall be given to those persons who will be released the soonest.

((2)) (4) Any biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

((3)) (5) The ((director of the)) forensic laboratory services bureau of the Washington state patrol ((shall perform)) is responsible for testing performed on all biological samples that are collected under subsection (1) of this section, to the extent allowed by funding available for this purpose. The director shall give priority to testing on samples collected from those adults or juveniles convicted of a felony or adjudicated guilty of an equivalent juvenile offense that is defined as a sex offense or a violent offense in RCW 9.94A.030. Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

((4)) This section applies to all adults who are convicted of a sex or violent offense after July 1, 1990, and to all adults who were convicted of a sex or violent offense on or prior to July 1, 1990, and who are still incarcerated on or after July 25, 1999. This section applies to all juveniles who are adjudicated guilty of a sex or violent offense after July 1, 1994, and to all juveniles who were adjudicated guilty of a sex or violent offense on or prior to July 1, 1994, and who are still incarcerated on or after July 25, 1999. This section applies to all adults and juveniles who are convicted of a felony other than a sex or violent offense, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, or communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense, on or after July 1, 2002, and to all adults and juveniles who were convicted or adjudicated guilty of such an offense before July 1, 2002, and are still incarcerated on or after July 1, 2002;)) (6) This section applies to all adults and juveniles who:

(a) Are convicted or adjudicated guilty of an offense listed in subsection (1)(a) of this section on or after the effective date of this section and to all adults and juveniles who were convicted or adjudicated guilty of such an offense before the

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

effective date of this section, and who are still incarcerated on or after the effective date of this section; or

(b) Are currently required to register under RCW 9A.44.130, whether convicted before, on, or after the effective date of this section.

~~((5))~~ (7) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

~~((6))~~ (8) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks.

**Sec. 3** RCW 43.43.7541 and 2002 c 289 s 4 are each amended to read as follows:

Every sentence imposed under chapter 9.94A RCW(;) for a ~~((felony))~~ crime specified in RCW 43.43.754 ~~((that is committed on or after July 1, 2002;))~~ must include a fee of one hundred dollars ~~((for collection of a biological sample as required under RCW 43.43.754, unless the court finds that imposing the fee would result in undue hardship on the offender)).~~ The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030, payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. The clerk of the court shall transmit eighty percent of the fee(s) collected to the state treasurer for deposit in the state DNA database account created under RCW 43.43.753<sub>2</sub>, and shall transmit twenty percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754.

**Sec. 4** RCW 43.43.756 and 1989 c 350 s 5 are each amended to read as follows:

The ~~Washington state patrol ((in consultation with the University of Washington school of medicine))~~ forensic laboratory services bureau may:

(1) Provide DNA analysis services to law enforcement agencies throughout the state ~~((after July 1, 1990));~~

(2) Provide assistance to law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and

(3) Provide expert testimony in court on DNA evidentiary issues."

Senators Regala and Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Regala and Stevens to Substitute Senate Bill No. 6488.

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

#### MOTION

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

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "and amending RCW 43.43.753, 43.43.754, 43.43.7541, and 43.43.756."

#### MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute Senate Bill No. 6488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6488.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6488 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 6488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6600, by Senators Stevens, Hargrove, McAuliffe, Carrell, Brandland and Tom

Establishing procedures for civil contempt proceedings in truancy matters. Revised for 1st Substitute: Revising provisions concerning juvenile truancy proceedings.

#### MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 6600 was substituted for Senate Bill No. 6600 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 6600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6600.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6600 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

THIRTY-THIRD DAY, FEBRUARY 15, 2008

SENATE BILL NO. 6743, by Senators Rasmussen, McAuliffe, Tom and Shin

Regarding training and guidelines for teachers of students with autism.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6743 was substituted for Senate Bill No. 6743 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6743 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6743.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6743 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Hargrove - 1

SUBSTITUTE SENATE BILL NO. 6743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5869, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kline, Fairley, Franklin and Keiser)

Monitoring personal information collected by state agencies.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5869 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5869.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5869 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford,

2008 REGULAR SESSION

Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5869, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6837, by Senators Brown, Swecker, Marr and McAuliffe

Increasing the membership of the prescription drug assistance foundation.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6837 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6837.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6837 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6837, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6369, by Senators Eide, McAuliffe, Keiser, Franklin and Rasmussen

Regarding the Washington community learning center program.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 6369 was advanced to third reading, the second

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6369.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6369 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6572, by Senators Spanel, Jacobsen, Kohl-Welles and McDermott

Allowing microbreweries to maintain off-premises warehouses for distribution.

## MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 6572 was substituted for Senate Bill No. 6572 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 6572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6572.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6572 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 44

Absent: Senators Hargrove, Kline, Pflug, Pridemore and Zarelli - 5

SUBSTITUTE SENATE BILL NO. 6572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6742, by Senators Rasmussen, McAuliffe, Tom and Kline

Requiring development of programs and guidelines for students with autism.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6742 was substituted for Senate Bill No. 6742 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6742 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen, Kauffman and King spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senators Kline and Pridemore were excused.

## MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6742.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6742 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Absent: Senator Murray - 1

Excused: Senators Kline, Pridemore and Zarelli - 3

SUBSTITUTE SENATE BILL NO. 6742, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5319, by Senators Berkey, Morton and Fairley

Regarding the issuance of checks by joint operating agencies and public utility districts.

The measure was read the second time.

## MOTION

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

On motion of Senator Berkey, the rules were suspended, Senate Bill No. 5319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Murray and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5319.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5319 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 44

Excused: Senators Kline, Murray, Pridemore, Rockefeller and Zarelli - 5

SENATE BILL NO. 5319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6395, by Senators Spanel, Swecker, Jacobsen, Morton, Hargrove, Brandland, Fraser, Shin, Kohl-Welles, Rasmussen, Sheldon and Rockefeller

Protecting orca whales from the impacts from vessels.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 6395 was substituted for Senate Bill No. 6395 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 6395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Pflug: "Would Senator Spanel yield to a question? So I had a really an amazing day a couple of years ago when I was in my little boat off Cattle Pass, southwest tip of San Juan Island, southeast tip of San Juan Island and I was in just a little bay. We had been fishing, got tired of fishing and the boat was in neutral and so I fell asleep on the bow of the boat. I'd been napping for a little while in the sun when I was awakened by the breaching of a whale. So there was now a whole pod of whales right around me feeding so, under this bill, what am I suppose to do? Senator Spanel: "I would say, sit tight." It would seem to

me like I wouldn't want to get out but would I be liable for having failed to see them coming under water?"

Senator Spanel: "I don't think a person who is using common sense would consider that you were the cause of that. You said you were surrounded by whales. That's very different from you coming from the outside cause if you were coming from the outside you probably could not have gotten in the middle of where they were. You would have also had your boat in neutral I presume too."

Senator Pflug: "Yeah, I was floating there with the tide."

Senator Spanel: "I think you'd be ok."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6395.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6395 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Voting nay: Senator Holmquist - 1

Excused: Senators Pridemore, Rockefeller and Zarelli - 3

SUBSTITUTE SENATE BILL NO. 6395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6546, by Senators Brandland, Tom and Rasmussen

Changing licensing provisions concerning driving under the influence of intoxicating liquor or drugs.

MOTION

On motion of Senator Brandland, Second Substitute Senate Bill No. 6546 was substituted for Senate Bill No. 6546 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Brandland moved that the following amendment by Senators Brandland, Hargrove and Haugen be adopted.

On page 23, line 31, after "convicted of" strike "a" and insert "an alcohol-related"

On page 29, line 21, after "of" strike "a" and insert "an alcohol-related"

Senator Brandland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brandland,

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

Hargrove and Haugen on page 23, line 31 to Second Substitute Senate Bill No. 6546.

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

## MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Tom spoke in favor of passage of the bill.

## MOTION

On motion of Senator Delvin, Senator Holmquist was excused.

## POINT OF INQUIRY

Senator Jacobsen: "Would the Senator from the 42<sup>nd</sup> District yield to a question? I understand that in Sweden they are looking at requiring this on every car."

Senator Brandland: "That is correct. The symposium that I attended last summer, there's a movement to put them in all commercial vehicles right now and they're looking at having this be nationwide in all passenger vehicles. I don't have the date but I believe it's 2015."

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6546.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6546 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Excused: Senators Holmquist, Pridemore, Rockefeller and Zarelli - 4

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6187, by Senators Shin, Rasmussen, Schoesler, Morton, Murray and Kohl-Welles

Creating the food animal veterinarian conditional scholarship program.

The measure was read the second time.

## MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 6187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin, Rasmussen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6187.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6187 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Excused: Senators Pridemore, Rockefeller and Zarelli - 3

SENATE BILL NO. 6187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 5:04 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:07 p.m. by President Owen.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9338, Dan O'Neal, as a member of the Puget Sound Partnership, be confirmed.

Senator Rockefeller spoke in favor of the motion.

## MOTION

On motion of Senator Brandland, Senators Hewitt and Zarelli were excused.

## MOTION

On motion of Senator Marr, Senator Kohl-Welles was excused.

## APPOINTMENT OF DAN O'NEAL

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9338, Dan O'Neal as a member of the Puget Sound Partnership.

SENATE BILL NO. 6421, by Senators Pridemore, Keiser, McDermott, Hatfield, Kohl-Welles and Pflug

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9338, Dan O'Neal as a member of the Puget Sound Partnership and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Providing medical coverage for smoking cessation programs.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 6421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Senators Pridemore and Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6421.

Absent: Senator Kline - 1

ROLL CALL

Gubernatorial Appointment No. 9338, Dan O'Neal, having received the constitutional majority was declared confirmed as a member of the Puget Sound Partnership.

SECOND READING

The Secretary called the roll on the final passage of Senate Bill No. 6421 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

SENATE BILL NO. 6576, by Senators Swecker, Jacobsen, Pflug, Haugen and Marr

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Creating a pilot project to evaluate the use of electronic traffic flagging devices.

The measure was read the second time.

SENATE BILL NO. 6421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SECOND READING

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 6576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6576.

SENATE BILL NO. 6458, by Senators Keiser, Shin and Kohl-Welles

Improving patient safety through increased regulation of health professionals. Revised for 1st Substitute: Concerning regulation of health professionals.

ROLL CALL

MOTIONS

The Secretary called the roll on the final passage of Senate Bill No. 6576 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

On motion of Senator Keiser, Substitute Senate Bill No. 6458 was substituted for Senate Bill No. 6458 and the substitute bill was placed on the second reading and read the second time.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Marr spoke in favor of passage of the bill.

Absent: Senator Kline - 1

Senator Pflug spoke against passage of the bill.

SENATE BILL NO. 6576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6458.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6458 and the bill passed the Senate

THIRTY-THIRD DAY, FEBRUARY 15, 2008

by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Delvin, Holmquist, Oemig, Pflug and Regala - 5

SUBSTITUTE SENATE BILL NO. 6458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5905, by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Pflug, Keiser, Tom, Zarelli, Marr and Carrell).

Concerning certificate of capital authorization. Revised for 1st Substitute: Concerning certificate of capital authorization. (REVISED FOR PASSED LEGISLATURE: Concerning certificates of capital authorization.)

The bill was read on Third Reading.

#### MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed Substitute Senate Bill No. 5905 was returned to second reading for the purpose of amendment.

#### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5905, by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Pflug, Keiser, Tom, Zarelli, Marr and Carrell)

Concerning certificate of capital authorization.

The measure was read the second time.

#### MOTION

Senator Franklin moved that the following striking amendment by Senator Franklin be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 74.46.803 and 2001 1st sp.s. c 8 s 16 are each amended to read as follows:

(1) The department shall establish rules for issuing a certificate of capital authorization. ~~((Applications for a certificate of capital authorization shall be submitted and approved on a biennial basis.))~~ The rules shall address the following subjects, among others:

(a) The period of time during which applications for certificates of capital authorization will be accepted;

(b) The period of time for which a certificate of capital authorization will be valid; and

2008 REGULAR SESSION

(c) The prioritization of applications for certificates of capital authorization, consistent with the principles set out in this section.

(2) The rules for a certificate of capital authorization shall be consistent with the following principles:

~~((1) The certificate of capital authorization shall be approved on a first-come, first-served basis.~~

~~(2) Those projects that do not receive approval in one authorization period shall have priority the following biennium should the project be resubmitted.))~~

(a) A certificate of capital authorization is only required for capital expenditures exceeding the expenditure minimum as defined in RCW 70.38.025.

(b) In processing and approving certificates of capital authorization, priority shall be given to major renovation of existing facilities or construction of replacement facilities. Those existing or replacement facilities with the greatest length of time since their last major renovation or construction, exceeding the expenditure minimum as defined in RCW 70.38.025, shall be given first priority.

(c) Certificates of capital authorization for new facilities shall receive last priority and be assigned on a first-come, first-served basis.

(d) Within the priorities established by this section, applications for certificates of capital authorization that do not receive approval in one state fiscal year because that year's authorization limit has been reached shall have priority the following year if the applications are resubmitted. For example, a renovation or replacement project not receiving certificate of capital authorization approval for one state fiscal year shall have priority over other renovation or replacement projects in the following year, if the applications are resubmitted; and new facility projects not receiving certificate of capital authorization approval for one state fiscal year shall have priority over other new facility projects in the following fiscal year, if the applications are resubmitted.

(e) Certificate of capital authorization applications must be filed with the department by the end of the previous calendar year to be considered for priority assignment the following state fiscal year beginning July 1. For example, a facility requesting a certificate of capital authorization for state fiscal year July 1, 2009, through June 30, 2010, must file a request for capital authorization no later than December 31, 2008. Within ninety days of receipt of an application, the department shall either reject the application as unacceptable or act upon it.

(3) The department shall have the authority to give first priority for a project that is necessitated by an emergency situation even if the project is not submitted in a timely fashion. ((The department shall establish rules for determining what constitutes an emergency.)) Projects shall be considered on an emergency basis if the construction or renovation must be completed as soon as possible to:

(a) Retain a facility's license or certification;

(b) Protect the health or safety of the facility's residents; or

(c) Avoid closure.

(4) The department shall establish deadlines for progress and the department shall have the authority to withdraw the certificate of capital authorization where the holder of the certificate has not complied with those deadlines in a good faith manner.

Sec. 2 RCW 74.46.807 and 2001 1st sp.s. c 8 s 15 are each amended to read as follows:

The total capital authorization available for any ((biennial period)) state fiscal year shall be specified in the biennial appropriations act and shall be calculated on an annual basis. ((When setting the capital authorization level, the legislature shall consider both the need for, and the cost of, new and replacement beds.))"

Senator Franklin spoke in favor of adoption of the striking amendment.

THIRTY-THIRD DAY, FEBRUARY 15, 2008

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Franklin to Engrossed Substitute Senate Bill No. 5905.

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

#### MOTION

On motion of Senator Franklin, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5905 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5905.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5905 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5465, by Senators Schoesler, Kline, Carrell and Hatfield

Clarifying the process for restoration of the right to possess firearms.

#### MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5465 was substituted for Senate Bill No. 5465 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5465.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5465 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

2008 REGULAR SESSION

Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6244, by Senator Carrell

Addressing the conversion of existing facilities to house offenders violating community supervision. Revised for 1st Substitute: Addressing the housing of offenders who violate community custody.

#### MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 6244 was substituted for Senate Bill No. 6244 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 6244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6244.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6244 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6251, by Senators Regala, Carrell and Kastama

Concerning the conservation of forest lands.

The measure was read the second time.

#### MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6251 was advanced to third reading, the second

THIRTY-THIRD DAY, FEBRUARY 15, 2008

reading considered the third and the bill was placed on final passage.

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

## MOTION

On motion of Senator Pridemore, Senator Weinstein was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6251.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6251 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 47

Absent: Senator Oemig - 1

Excused: Senator Weinstein - 1

SENATE BILL NO. 6251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6544, by Senators Stevens, Honeyford, Pflug, Delvin, Holmquist, McCaslin, Swecker and Roach

Increasing the sentencing range for first degree criminal mistreatment.

## MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 6544 was substituted for Senate Bill No. 6544 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 6544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6544.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6544 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon,

2008 REGULAR SESSION

Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Excused: Senator Weinstein - 1

SUBSTITUTE SENATE BILL NO. 6544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5106, by Senators Jacobsen, Kohl-Welles, Murray and Rasmussen

Requiring emergency preparedness planning for service animals and household pets. Revised for 2nd Substitute: Providing for animal emergency operations.

## MOTION

On motion of Senator Fairley, Second Substitute Senate Bill No. 5106 was substituted for Senate Bill No. 5106 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Fairley moved that the following striking amendment by Senator Fairley be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 38.52 RCW to read as follows:

(1) The Washington state military department's emergency management division, in cooperation with county and local governments, shall prepare, as part of the state comprehensive emergency management plan, animal emergency planning guidance for local jurisdictions that provides for the evacuation, transportation, and temporary sheltering of pets and service animals as defined in RCW 70.84.021 during a major disaster or an emergency.

(2) The division, in developing the guidance, shall consider:

(a) Allowing owners of service animals to be evacuated, transported, and sheltered with or near their service animals;

(b) Establishing a sufficient number of evacuation shelters equipped to temporarily shelter pets and service animals in close proximity to a human sheltering facility;

(c) Allowing owners and their pets to be evacuated together, whenever possible, provided that human life is not endangered;

(d) Transporting pets or service animals, in cages or carriers that safely and securely confine the animals, in an impending major disaster or emergency provided that such transportation does not endanger human life;

(e) Recommending that animal shelters, humane societies, veterinary offices, boarding kennels, breeders, grooming facilities, animal testing facilities, and any other entity that normally houses pets or service animals create evacuation plans for the animals housed at their facilities;

(f) Recommending guidance for holding periods for pets or service animals that are sheltered during a major disaster or an emergency; and

(g) Encouraging local jurisdictions to create an educational campaign for owners of pets or service animals that will encourage owners to plan for and incorporate their animals in the owners' personal plans in the event of a major disaster or an emergency.

NEW SECTION. Sec. 2 The code reviser shall alphabetize and renumber the definitions in RCW 38.52.010."

Senator Fairley spoke in favor of adoption of the striking amendment.

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fairley to Second Substitute Senate Bill No. 5106.

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

MOTION

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

On page 1, line 1 of the title, after "operations;" strike the remainder of the title and insert "adding a new section to chapter 38.52 RCW; and creating a new section."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Honeyford: "Would the Senator from the 43<sup>rd</sup> District yield to a question? Thank you Senator, we in the past, have used geese in the mint fields and also some people have used geese for security purposes. Are those counted as service animals?"

Senator Jacobsen: "There's a federal definition of service animals and I don't think they count. Now I can see a seeing-eye dog to take you into a bar, you'd do fine."

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5106.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 46

Voting nay: Senators Hewitt and Honeyford - 2

Excused: Senator Weinstein - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6453, by Senators Tom, McAuliffe, Rasmussen, Oemig, Kline and Shin

Clarifying the timeline for release of education records to the department of social and health services.

MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 6453 was substituted for Senate Bill No. 6453 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 6453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6453.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6453 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 47

Voting nay: Senator Morton - 1

Excused: Senator Weinstein - 1

SUBSTITUTE SENATE BILL NO. 6453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6734, by Senators Franklin, Keiser and Kohl-Welles

Establishing a process to identify best practices related to patient safety. Revised for 1st Substitute: Establishing evidence-based nurse staffing in hospitals.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 6734 was substituted for Senate Bill No. 6734 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 6734 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin, Pflug and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6734.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6734 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore,

THIRTY-THIRD DAY, FEBRUARY 15, 2008

Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Excused: Senator Weinstein - 1

SUBSTITUTE SENATE BILL NO. 6734, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5746, by Senators Jacobsen, Kohl-Welles, Murray, Keiser and Poulsen

Regarding the practice of landscape architecture.

#### MOTION

On motion of Senator Jacobsen, Substitute Senate Bill No. 5746 was substituted for Senate Bill No. 5746 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen be adopted.

On page 7, at the beginning of line 7, strike "or"

On page 7, line 11, after "architect" insert "; or

(d) Have education and experience equivalent to the qualifications in (a), (b), or (c) of this subsection as approved by the board"

On page 12, line 32, after "subordinates," insert "or individuals under his or her direct control."

On page 14, beginning on line 3, strike all of section 17 and insert the following:

**"NEW SECTION. Sec. 17** All receipts from fees under this chapter must be deposited into the business and professions account in RCW 43.24.150."

On page 14, line 30, after "designs" strike "or the installation of plant material"

On page 14, line 34, after "design" strike "or installation"

On page 14, line 34, after "systems;" strike "and"

On page 14, line 35, after "design" strike "or installation"

On page 14, line 35, after "properties" insert "; and

(10) Preparation of conceptual landscape drawings that are not for use in bidding, permitting, or construction"

On page 15, line 10, after "July 1," strike "2008" and insert "2009"

Senator Jacobsen spoke in favor of adoption of the amendment.

#### MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller to the amendment be adopted.

On page 1, beginning on line 18 of the amendment, after "(10)" strike all material through "construction" on line 19 and insert "Landscape design and installation of nonresidential projects implemented in accordance and compliance with the local regulations of governing jurisdictions"

Senators Rockefeller and Honeyford spoke in favor of adoption of the amendment to the amendment.

Senator Jacobsen spoke against adoption of the amendment to the amendment.

2008 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 1, line 18 to the amendment to Substitute Senate Bill No. 5746.

The motion by Senator Rockefeller carried and the amendment to the amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 7, line 7 as amended to Substitute Senate Bill No. 5746.

The motion by Senator Jacobsen carried and the amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute Senate Bill No. 5746 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5746.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5746 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin and Spanel - 27

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Kilmer, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli - 20

Excused: Senators Brown and Weinstein - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6620, by Senators Pridemore, Oemig, Hatfield, Fraser, Rasmussen and Shin

Regarding biological remediation technologies for on-site sewage disposal systems.

#### MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 6620 was substituted for Senate Bill No. 6620 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 6620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6620.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6620 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Excused: Senator Weinstein - 1

SUBSTITUTE SENATE BILL NO. 6620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6717, by Senators Hatfield, Pridemore, Sheldon, Hobbs, Berkey, Fairley, McDermott and Delvin

Increasing public utility district commissioner salaries.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 6717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6717.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6717 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Stevens, Tom and Zarelli - 39

Voting nay: Senators Benton, Carrell, Delvin, Honeyford, King, McCaslin, Roach, Schoesler and Swecker - 9

Excused: Senator Weinstein - 1

SENATE BILL NO. 6717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6439, by Senators Spanel and Berkey

Concerning radiologist assistants.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 6439 was substituted for Senate Bill No. 6439 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 6439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6439.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6439 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Zarelli - 42

Voting nay: Senators Benton, Carrell, Holmquist, Honeyford, Roach and Stevens - 6

Excused: Senator Weinstein - 1

SUBSTITUTE SENATE BILL NO. 6439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SUBSTITUTE SENATE BILL NO. 5517, by Senate Committee on Ways & Means (originally sponsored by Senators Berkey, Kauffman, Haugen, Eide, Kastama, Schoesler, Shin, Hatfield, Keiser, Rasmussen, Kline and Regala).

Increasing the personal needs allowance for persons receiving state-financed care.

The bill was read on Third Reading.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5517 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5517, by Senate Committee on Ways & Means (originally sponsored by Senators Berkey, Kauffman, Haugen, Eide, Kastama, Schoesler, Shin, Hatfield, Keiser, Rasmussen, Kline and Regala)

Increasing the personal needs allowance for persons receiving state-financed care.

The measure was read the second time.

## MOTION

Senator Prentice moved that the following amendment by Senator Berkey be adopted.

On page 2, line 6, after "July 1," strike "2007" and insert "2008"

On page 2, beginning on line 14, strike all of section 3

Senator Prentice spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Berkey on page 2, line 6 to Substitute Senate Bill No. 5517.

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

## MOTION

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

On page 1, beginning on line 3 of the title, after "RCW;" strike the remainder of the title and insert "and creating a new section."

## MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5517.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5517 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Excused: Senator Weinstein - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## SECOND READING

SENATE BILL NO. 6486, by Senators McAuliffe, Hobbs and Rasmussen

Regarding the career and technical education curricula

advisory committee.

The measure was read the second time.

## MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6486 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6486.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6486 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 47

Absent: Senator Fraser - 1

Excused: Senator Weinstein - 1

SENATE BILL NO. 6486, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6437, by Senators Carrell, Hargrove and Kline

Modifying provisions relating to bail bond and bail bond recovery agents.

## MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 6437 was substituted for Senate Bill No. 6437 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted.

On page 2, line 17, after "appropriate," strike "may" and insert "shall"

On page 7, line 12, after "appropriate," strike "may" and insert "shall"

Senator Carrell spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 2, line 17 to Substitute Senate Bill No. 6437.

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

## WITHDRAWAL OF AMENDMENT

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

On motion of Senator Carrell, the amendment by Senator Carrell on page 2, line 30 to Substitute Senate Bill No. 6437 was withdrawn.

MOTION

Senator Kline moved that the following amendment by Senators Kline and Carrell be adopted.

On page 2, line 30 of the bill, strike all of section 3.

On page 9, after line 31, insert the following:

"NEW SECTION. Sec. 9. The department of licensing is directed to convene a work group to evaluate the availability of the requisite surety bonds on the current market and the issue of requiring bail bond agents and bail recovery agents to provide proof of financial responsibility in order to obtain a license from the department. Members shall include representatives of the following: The bail bond industry and associations, local law enforcement, prosecuting attorneys, and criminal defense attorneys. The work group shall evaluate and make recommendations regarding whether, in order to be licensed in this state, bail bond agents and bail recovery agents should be required to provide proof of liability insurance, a surety bond, or other similar types of financial responsibility protecting persons who may suffer legal damages as a result of the operations of bail bond agents and bail recovery agents. The department of licensing shall report back to the legislature on its findings and recommendations of the work group on or before January 1, 2009."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Kline spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Carrell on page 2, line 30 to Substitute Senate Bill No. 6437.

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

MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted.

On page 4, line 5, after "A" strike "bail bond agent or"

On page 4, line 10, after "A" strike "bail bond agent or" and insert "((bail bond agent or))"

Senator Carrell spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 4, line 5 to Substitute Senate Bill No. 6437.

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

MOTION

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

On page 1, beginning on line 1 of the title, after "Relating to" strike the remainder of the title and insert "bail bond agents and bail bond recovery agents; amending RCW 18.185.030, 18.185.060, 18.185.090, 18.185.110, 18.185.250, 18.185.260, 18.185.280, and 18.185.300; and creating a new section."

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 6437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6437.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6437 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Excused: Senator Weinstein - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6322, by Senators Kohl-Welles, Fairley and Kline

Revising the definition of a weapon.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6322 was substituted for Senate Bill No. 6322 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Roach: "Would the Senator from the 36<sup>th</sup> District yield to a question?"

Senator Kohl-Welles: "No."

Senators Kohl-Welles and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6322.

ROLL CALL

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6322 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 45

Voting nay: Senators Holmquist, Honeyford and Morton - 3

Excused: Senator Weinstein - 1

SUBSTITUTE SENATE BILL NO. 6322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6464, by Senator Fairley

Addressing judicial district population estimates.

The measure was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6464 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6464.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6464 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Excused: Senator Weinstein - 1

SENATE BILL NO. 6464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6470, by Senators Kauffman, Schoesler, Marr, Prentice, Tom, Rasmussen, Kline, Kohl-Welles, Kilmer and Roach

Training medical students, nurses, and medical technicians and assistants to work with patients with developmental disabilities.

#### MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 6470 was substituted for Senate Bill No. 6470 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 6470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6470.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6470 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 47

Absent: Senator Hargrove - 1

Excused: Senator Weinstein - 1

SUBSTITUTE SENATE BILL NO. 6470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6184, by Senators Benton, Eide, Weinstein, McCaslin, Hargrove, Regala, Hatfield, Carrell, Tom, Franklin, Zarelli, Kline, Haugen, Keiser, Fairley, Hobbs, Marr, Kastama, Berkey, Delvin, Brandland, Spanel, Murray, Prentice, Holmquist, Hewitt, Rasmussen, Jacobsen, Sheldon, Oemig, Morton, Pflug, Roach, Pridemore, McAuliffe, Rockefeller, Parlette, Kauffman, Shin, Kohl-Welles, Stevens, Kilmer, Swecker, Honeyford, Schoesler, King and McDermott

Addressing most serious offenses.

#### MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 6184 was substituted for Senate Bill No. 6184 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 6184 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6184.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6184 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

THIRTY-THIRD DAY, FEBRUARY 15, 2008

2008 REGULAR SESSION

Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Excused: Senator Weinstein - 1

SUBSTITUTE SENATE BILL NO. 6184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:50 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Saturday, February 16, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**THIRTY-FOURTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Saturday, February 16, 2008

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

The Sergeant at Arms Color Guard consisting of Interns Gabrielle Stilwater and Katie Southwick, presented the Colors. Senator Morton offered the prayer.

**MOTION**

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

**MOTION**

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

**INTRODUCTION AND FIRST READING**

**SB 6950** by Senators Brown, Hewitt, Fraser, Brandland, Swecker, Hatfield, Rasmussen, Rockefeller, Stevens, Haugen, Zarelli, Pridemore, Parlette, Sheldon, Hobbs, Hargrove, Holmquist, Fairley, Prentice, Kauffman, Berkey, Kilmer, Kohl-Welles, Shin, Carrell, King, Schoesler, Morton, Delvin, Pflug, Honeyford and Eide

AN ACT Relating to limited waiver or suspension of statutory obligations during officially declared emergencies; amending RCW 43.06.220, 19.28.101, 43.22.350, 43.22.434, 43.22.480, 70.79.330, 70.87.030, 70.87.120, 74.04.660, 80.04.130, 80.28.060, 80.36.110, 81.04.130, 81.04.150, 81.28.050, 80.36.145, 80.36.320, 80.36.330, 80.36.350, 81.108.050, 81.108.060, 81.108.110, 80.36.135, 81.68.046, 81.84.070, 82.32.050, 82.32.080, 82.32.140, 83.100.050, 82.36.031, 82.38.150, 82.42.040, 84.56.020, 84.56.440, 66.20.010, and 66.20.010; adding a new section to chapter 39.34 RCW; adding a new section to chapter 82.50 RCW; adding a new section to chapter 84.33 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on State Government & Tribal Affairs.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

**SHB 1534** by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Williams, Armstrong and Moeller)

AN ACT Relating to candidates for elective office; amending RCW 29A.20.111, 29A.20.121, 29A.20.151, 29A.20.171, 29A.20.181, 29A.20.191, 29A.20.201, 29A.24.131, 29A.24.320, 29A.28.041, 29A.32.031, 29A.36.121, 29A.36.191, 29A.40.061, 29A.52.321, 29A.56.320, 29A.80.051, and 35.02.086; adding a new section to chapter 29A.24 RCW; recodifying RCW 29A.28.011 and 29A.28.021; and repealing RCW 29A.20.131, 29A.20.141, and 29A.20.161.

Referred to Committee on Government Operations & Elections.

**ESHB 1561** by House Committee on Judiciary (originally sponsored by Representatives Jarrett, Clibborn, Goodman, Springer, Eddy, Rodne and Sullivan)

AN ACT Relating to the authority of a watershed management partnership to exercise powers of its forming governments; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Judiciary.

**HB 2210** by Representatives Skinner, Campbell, Haler, Ahern, Warnick, Hailey, Bailey, Dunn and Pearson

AN ACT Relating to state contracts with veteran-owned businesses; amending RCW 43.60A.010, 43.19.536, 39.80.040, and 47.28.030; adding new sections to chapter 43.60A RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 39.29 RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

**SHB 2471** by House Committee on Appropriations (originally sponsored by Representatives Dickerson, VanDeWege, McCoy and Kenney)

AN ACT Relating to the Washington geological survey; amending RCW 43.92.010, 43.92.020, and 43.92.040; and creating a new section.

Referred to Committee on Ways & Means.

**ESHB 2480** by House Committee on Transportation (originally sponsored by Representatives Clibborn, McIntire and Simpson)

AN ACT Relating to public transportation fares; amending RCW 35.58.020 and 36.57A.010; adding new sections to chapter 35.58 RCW; adding new sections to chapter 36.57A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

**SHB 2501** by House Committee on Commerce & Labor (originally sponsored by Representatives Williams, Newhouse, Moeller and Upthegrove)

AN ACT Relating to beer and wine specialty shops; and amending RCW 66.24.371, 66.28.200, and 66.28.220.

Referred to Committee on Labor, Commerce, Research & Development.

**E2SHB 2549** by House Committee on Appropriations (originally sponsored by Representatives Seaquist, Lantz, Morrell, Lias, Barlow and Green)

AN ACT Relating to establishing patient-centered primary care pilot projects; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

**SHB 2560** by House Committee on Health Care & Wellness (originally sponsored by Representatives VanDeWege,

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

2008 REGULAR SESSION

Kessler, Cody, Morrell, Rolfes, Chase, Barlow, Green and Loomis)

VanDeWege, Green, Hurst, Pearson, Sullivan, Williams, Hankins and Kelley

AN ACT Relating to defining small employers for purposes of health insurance coverage; and reenacting and amending RCW 48.43.005.

AN ACT Relating to military department claims and accounts; amending RCW 38.24.010; and adding a new section to chapter 38.40 RCW.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Ways & Means.

SHB 2595 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Rolfes, Linville, Moeller, Appleton, Ormsby, VanDeWege, Seaquist, Hurst, Sells, Haigh, Morrell, Campbell, Upthegrove, Liias, Chase, Barlow, Green and Kelley)

SHB 2718 by House Committee on Transportation (originally sponsored by Representatives Appleton, Rolfes, Lantz, Cody, Eddy, Kenney, Quall, McIntire, Haigh, Seaquist, Eickmeyer, Linville, Ericks, Roberts, VanDeWege, Morris, Dickerson, Kessler, Bailey, Smith, Sells, Nelson and Hasegawa)

AN ACT Relating to veterans' relief; and amending RCW 73.08.005.

AN ACT Relating to reasonable fares for frequent users of Washington state ferries; and amending RCW 47.60.290 and 47.60.315.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Transportation.

EHB 2613 by Representatives Simpson, Hudgins, Ormsby, Hunt, Wood, Campbell and Chase

SHB 2727 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Pedersen, Rodne, Goodman, Williams and Green)

AN ACT Relating to reducing the environmental health impact of cleaning in state facilities; and adding a new chapter to Title 70 RCW.

AN ACT Relating to the rights of deceased personalities; amending RCW 63.60.010, 63.60.020, and 63.60.030; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

Referred to Committee on Judiciary.

E2SHB 2631 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Linville, Kretz and Sullivan)

ESHB 2758 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Morrell and Hudgins)

AN ACT Relating to the office of regulatory assistance; amending RCW 43.42.005, 43.42.020, 43.42.030, 43.42.050, 43.42.060, 43.42.070, 43.21A.690, 43.70.630, 43.300.080, and 70.94.085; reenacting and amending RCW 43.42.010 and 43.30.490; adding new sections to chapter 43.42 RCW; and creating a new section.

AN ACT Relating to adding products to the energy efficiency code; amending RCW 19.260.030, 19.260.040, and 19.260.050; and adding a new section to chapter 19.260 RCW.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Water, Energy & Telecommunications.

SHB 2676 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Morris, Quall, Linville and Pearson)

SHB 2778 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood, Condotta, Chandler and Williams)

AN ACT Relating to dairy farm nutrient management; and amending RCW 90.72.030, 90.72.045, and 90.72.070.

AN ACT Relating to real estate licensure law; amending RCW 18.85.010, 18.85.030, 18.85.040, 18.85.050, 18.85.055, 18.85.060, 18.85.071, 18.85.080, 18.85.085, 18.85.085, 18.85.090, 18.85.097, 18.85.100, 18.85.110, 18.85.120, 18.85.130, 18.85.140, 18.85.155, 18.85.165, 18.85.170, 18.85.180, 18.85.190, 18.85.200, 18.85.210, 18.85.215, 18.85.220, 18.85.225, 18.85.227, 18.85.230, 18.85.240, 18.85.261, 18.85.271, 18.85.281, 18.85.310, 18.85.315, 18.85.317, 18.85.320, 18.85.330, 18.85.340, 18.85.345, 18.85.350, 18.85.520, 18.85.530, and 18.85.560; adding new sections to chapter 18.85 RCW; recodifying RCW 18.85.010, 18.85.071, 18.85.080, 18.85.085, 18.85.040, 18.85.060, 18.85.210, 18.85.220, 18.85.030, 18.85.050, 18.85.055, 18.85.090, 18.85.560, 18.85.097, 18.85.110, 18.85.120, 18.85.130, 18.85.140, 18.85.155, 18.85.165, 18.85.170, 18.85.180, 18.85.190, 18.85.200, 18.85.215, 18.85.310, 18.85.320, 18.85.330, 18.85.315, 18.85.317, 18.85.100, 18.85.225, 18.85.227, 18.85.230, 18.85.240, 18.85.261, 18.85.271, 18.85.281, 18.85.340, 18.85.345, 18.85.350, 18.85.550, 18.85.520, 18.85.530, and 18.85.540; repealing RCW 18.85.095, 18.85.150, 18.85.400,

Referred to Committee on Water, Energy & Telecommunications.

HB 2678 by Representatives Kessler, VanDeWege, Blake, Williams and McIntire

AN ACT Relating to restoring the preferential timber industry business and occupation tax rate to the manufacture of environmentally responsible surface material products from recycled paper; reenacting and amending RCW 82.04.260; and creating a new section.

Referred to Committee on Ways & Means.

HB 2700 by Representatives O'Brien, Morrell,

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

2008 REGULAR SESSION

18.85.450, 18.85.460, 18.85.470, and 18.85.480; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2780 by Representatives Haigh, Kristiansen, Armstrong, Hunt, Conway, Lias, Takko, Ormsby, Haler and Kenney

AN ACT Relating to alternative public works; amending RCW 39.10.230, 39.10.250, 39.10.270, 39.10.300, and 39.10.330; and repealing RCW 39.10.310.

Referred to Committee on Government Operations & Elections.

SHB 2788 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives VanDeWege, Blake, Orcutt, Nelson, Grant, Williams, Eickmeyer, Linville and McCoy)

AN ACT Relating to the organization of definitions in Title 77 RCW; reenacting and amending RCW 77.08.010; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2859 by House Committee on Health Care & Wellness (originally sponsored by Representatives Williams, Hinkle, Moeller and Green)

AN ACT Relating to the regulation of massage therapy; amending RCW 18.108.025; adding a new section to chapter 18.108 RCW; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SHB 2885 by House Committee on Commerce & Labor (originally sponsored by Representatives Williams, Conway, Newhouse, Sells, Chandler, Condotta and Moeller)

AN ACT Relating to industrial insurance for geoduck harvesters; amending RCW 51.12.100; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2899 by House Committee on Appropriations (originally sponsored by Representatives Darneille, Santos, Roberts, Williams, Green, Kagi, Simpson and Kenney)

AN ACT Relating to adult literacy education; adding new sections to chapter 28B.50 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2925 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Pettigrew, Bailey, McDonald, Darneille, Upthegrove, Hasegawa, Loomis, Kelley, Hankins, Rolfes, Morrell, Schual-Berke and Santos)

AN ACT Relating to establishing a plan for improving the effectiveness of the office of minority and women's business enterprises; amending RCW 39.19.041; and creating a new section.

Referred to Committee on Ways & Means.

HB 3088 by Representatives Cody, Hinkle and Schual-Berke

AN ACT Relating to dental assistant education and training programs; and amending RCW 18.260.110.

Referred to Committee on Health & Long-Term Care.

E2SHB 3115 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Kenney, Skinner, Green, Wallace, Haler, Chase, Rodne, Conway, Morrell, Linville, VanDeWege, Loomis, Kelley, Rolfes, Lias, Ormsby and Darneille)

AN ACT Relating to small business incubators; amending RCW 43.176.010 and 43.176.020; adding new sections to chapter 43.176 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 3120 by House Committee on Finance (originally sponsored by Representatives Rolfes, Morrell, Lias and Williams)

AN ACT Relating to a sales and use tax exemption for environmentally certified residential and commercial construction; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 3121 by House Committee on Appropriations (originally sponsored by Representatives Conway, Green, Hunt, Kenney, Roberts, Haler, Morrell, Hankins, Ericks, Appleton, Eddy, Wood, Sells, Chase, Ormsby, Hasegawa, Williams, Moeller, Campbell, Simpson, Rolfes, McIntire and Darneille)

AN ACT Relating to implementing the recommendations of the joint legislative task force on the underground economy in the construction industry; amending RCW 18.27.030, 18.27.100, 51.16.070, 50.13.060, 50.12.070, 51.48.103, and 51.48.020; amending 2007 c 288 s 2 (uncodified); adding a new section to chapter 39.12 RCW; adding new sections to chapter 18.27 RCW; adding a new section to chapter 43.22 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Ways & Means.

ESHB 3122 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Green, Hunt, Kenney, Roberts, Haler, Morrell, Ericks, Hankins, Eddy, Wood, Sells, Chase, Ormsby, Hasegawa, Appleton, Williams, Moeller, Simpson, Sullivan and McIntire)

AN ACT Relating to consolidating, aligning, and clarifying exception tests for determination of independent contractor status under unemployment compensation and workers' compensation laws; amending RCW 50.04.145, 51.08.070, 51.08.180, and 51.08.195; adding a new section to chapter 51.08 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

2008 REGULAR SESSION

SHB 3126 by House Committee on Finance (originally sponsored by Representatives Loomis, Orcutt, Hunter, McIntire, Priest, Roach, Condotta, Kelley and Rolfes)

AN ACT Relating to the interaction of the streamlined sales and use tax legislation and the power of local governments to license and tax; amending RCW 35.22.280, 35.23.440, 35.27.370, and 35.102.050; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Ways & Means.

HB 3143 by Representative Liias

AN ACT Relating to increasing the membership of public transportation benefit area authorities; and amending RCW 36.57A.050.

Referred to Committee on Transportation.

HB 3210 by Representatives Jarrett, Wallace, Chase, Kenney and Seaquist

AN ACT Relating to a state comprehensive plan for workforce training and education; and amending RCW 28C.18.080.

Referred to Committee on Higher Education.

SHB 3255 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway and Ormsby)

AN ACT Relating to workers' compensation coverage for work performed outside the state of Washington; and amending RCW 51.12.120.

Referred to Committee on Labor, Commerce, Research & Development.

HB 3362 by Representative Kelley

AN ACT Relating to tax incentives to encourage businesses to purchase highly energy efficient equipment; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

HJM 4031 by Representatives Santos, Pettigrew and Kenney

Requesting that Congress and the President demand Ethiopia fulfill its human rights obligations.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Substitute House Bill No. 2676 which was referred to the Committee on Water, Energy & Telecommunications and Substitute House Bill No. 3120 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the rules were suspended and Senate Bill No. 6950 was placed on the second reading calendar.

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kilmer moved that Gubernatorial Appointment No. 9294, Edward Delmore, as a member of the Sentencing Guidelines Commission, be confirmed.

Senator Kilmer spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Parlette and Pflug were excused.

APPOINTMENT OF EDWARD DELMORE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9294, Edward Delmore as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9294, Edward Delmore as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senators Kline and Rasmussen - 2

Gubernatorial Appointment No. 9294, Edward Delmore, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTION

On motion of Senator Hewitt, Senators Kline and Rasmussen were excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9322, Michael R. Kawamura, as a member of the Sentencing Guidelines Commission, be confirmed.

Senator Marr spoke in favor of the motion.

APPOINTMENT OF MICHAEL R. KAWAMURA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9322,

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

2008 REGULAR SESSION

Michael R. Kawamura as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9322, Michael R. Kawamura as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9322, Michael R. Kawamura, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9342, Antasia Parker, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Spanel spoke in favor of the motion.

### APPOINTMENT OF ANTASIA PARKER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9342, Antasia Parker as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9342, Antasia Parker as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9342, Antasia Parker, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

## SECOND READING

### SENATE BILL NO. 6531, by Senator Haugen

Addressing environmental mitigation in highway construction.

The measure was read the second time.

### MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 6531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6531.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6531 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PARLIAMENTARY INQUIRY

Senator Honeyford: "On the order of consideration the page numbers do not match up with the book so I'm searching and hunting."

## REPLY BY THE PRESIDENT

President Owen: "Let us verify that for you Senator see what the issue is. Senator Honeyford, you are correct. They're going to, right now, get those matched up. We will try to announce them as we go along."

## SECOND READING

SENATE BILL NO. 6569, by Senators Haugen, Swecker, Hatfield and Holmquist

Permitting public transit vehicle stops at unmarked stop zones under certain circumstances.

## MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 6569 was substituted for Senate Bill No. 6569 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 6569 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray, Swecker and Haugen spoke in favor of passage of the bill.

## MOTION

On motion of Senator Delvin, Senator Carrell was excused.

## POINT OF INQUIRY

Senator Roach: "Would the good Senator from the 10<sup>th</sup> District yield to a question? You know I'm not on the Transportation Committee, didn't see this, wasn't at the hearing

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

2008 REGULAR SESSION

so this is a good faith question. What body of government decides where we are going to be putting these stops. I mean how do I know that is just isn't where you want them. You say in front of a house of a disabled person, well, does that mean if they don't have a safe spot in front of their home they would have to go some...? I'm not sure how this is going to be executed."

Senator Haugen: "Well, actually it's going to be our very safe bus drivers and all of our transit districts. It's not going to be willy nilly. They are going to pick people up everywhere. They won't be stopping where there is no shoulders but I will say that in some areas in the state of Washington there are some shoulders. There's some areas where people can get on and they don't have to go down to another spot which may be far away, but, believe me, this is done in a very safe manner. This is being done right today. All this does is authorize them. Perhaps your system, which is probably a big system, doesn't respond like the rest of our very small systems who really know the people. They arrange to pick them up. So, I don't think you're going to see it happening willy nilly across the state. I urge your support."

Senator Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6569.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6569 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Roach - 1

Excused: Senator Carrell - 1

SUBSTITUTE SENATE BILL NO. 6569, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 16, 2008."

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

The motion by Senator Eide carried and debate was limited through February 16, 2008 by voice vote.

#### SECOND READING

SENATE BILL NO. 6602, by Senators Haugen and Swecker

Modifying certain provisions of the pilotage act. Revised for 1st Substitute: Modifying pilotage act and related provisions.

#### MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 6602 was substituted for Senate Bill No. 6602 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 6602 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6602.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6602 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Carrell - 1

SUBSTITUTE SENATE BILL NO. 6602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Regala, Senator Fairley was excused.

#### SECOND READING

SENATE BILL NO. 6678, by Senators Haugen, Prentice, Hobbs, Swecker, McCaslin, Brandland, Spanel, Jacobsen, Oemig, Fairley, Franklin, Fraser, King, Eide, Marr, Brown, Carrell, Berkey, Hatfield, Rasmussen, Rockefeller, Regala, Pridemore, Tom, Sheldon, Hargrove, Weinstein, Shin, Parlette, Murray, McAuliffe, Stevens, Kohl-Welles, Roach and Holmquist

Authorizing the issuance of special license plates to mothers of United States armed forces members killed in combat. Revised for 1st Substitute: Authorizing the issuance of special license plates to parents of United States armed forces members who have died while in service to his or her country or as a result of such service.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6678 was substituted for Senate Bill No. 6678 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6678 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6678.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6678 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

2008 REGULAR SESSION

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Fairley - 2

SUBSTITUTE SENATE BILL NO. 6678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6761, by Senators Haugen, Swecker, Spanel and Rasmussen

Regarding service areas for wetlands mitigation banks.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6761 was substituted for Senate Bill No. 6761 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6761 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6761.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6761 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Voting nay: Senators Roach and Zarelli - 2

Excused: Senator Carrell - 1

SUBSTITUTE SENATE BILL NO. 6761, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6321, by Senators Marr, Swecker and Haugen

Transferring jurisdictional route transfer responsibilities from the transportation improvement board to the transportation commission.

The measure was read the second time.

## MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 6321 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6321.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6321 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Prentice - 2

SENATE BILL NO. 6321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6857, by Senators Morton, Swecker, Haugen, King, Spanel, Parlette and Delvin

Designating a select portion of state route number 97 as a heavy haul industrial corridor.

## MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6857 was substituted for Senate Bill No. 6857 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 6857 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6857.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6857 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Prentice - 1

SUBSTITUTE SENATE BILL NO. 6857, having received the constitutional majority, was declared passed. There being no

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

2008 REGULAR SESSION

objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6324, by Senators Sheldon, Haugen and Shin

Providing liability immunity for aerial search and rescue activities managed by the department of transportation.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6324 was substituted for Senate Bill No. 6324 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6324 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6324.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6324 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 47

Voting nay: Senator Weinstein - 1

Excused: Senator Prentice - 1

SUBSTITUTE SENATE BILL NO. 6324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5363, by Senator Jacobsen

Adding speed violations on arterial highways to the traffic safety camera law. Revised for 1st Substitute: Adding speed violations on certain arterial streets to the traffic safety camera law.

#### MOTION

On motion of Senator Murray, Substitute Senate Bill No. 5363 was substituted for Senate Bill No. 5363 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 18 It is the intent of the legislature that this act increase the tools available to the state's largest urban area to increase pedestrian and driver safety. More than six hundred pedestrians have been killed on Washington state streets and roadways in the past eight years. The city of Seattle

experiences more than four hundred collisions involving pedestrians each year, and an average of six pedestrian fatalities a year. Excessive driver speed is often cited as a factor in traffic fatalities.

The state's largest urban area is encouraged to use traffic safety cameras for the purpose of detecting speeding violations at locations with the highest pedestrian, bicycle, and vehicular traffic accident history.

**Sec. 19** RCW 46.63.170 and 2007 c 372 s 3 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations, or speed violations on arterial streets in cities with a population over five hundred thousand only. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.

(b) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, ~~(and)~~ school speed zones, and arterial streets in cities with a population over five hundred thousand only.

(c) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(d) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(e) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(f) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(g) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

(h) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit (~~(in a school speed zone)~~) as detected by a speed measuring device."

Senator Murray spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Jacobsen and Haugen to Substitute Senate Bill No. 5363.

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

#### MOTION

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

On page 1, line 2 of the title, after "streets;" strike the remainder of the title and insert "amending RCW 46.63.170; and creating a new section."

#### MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute Senate Bill No. 5363 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray, Swecker, Franklin, Jacobsen and Kline spoke in favor of passage of the bill.

Senators Benton and Honeyford spoke against passage of

the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5363.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5363 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 28

Voting nay: Senators Benton, Brandland, Carrell, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, King, McCaslin, Oemig, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 21

ENGROSSED SUBSTITUTE SENATE BILL NO. 5363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Brandland, Senators Hewitt and McCaslin were excused.

#### MOTION

At 11:02 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:45 a.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 6771, by Senators Haugen and Murray

Eliminating regional transportation investment districts.

#### MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6771 was substituted for Senate Bill No. 6771 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Swecker moved that the following amendment by Senators Swecker and Haugen be adopted.

On page 1, line 1 of the title, after "to", insert "temporarily"  
Senator Swecker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Swecker and Haugen on page 1, line 1 to Substitute Senate Bill No. 6771.

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

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6771 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

2008 REGULAR SESSION

Senators Haugen, Swecker, Murray and Marr spoke in favor of passage of the bill.

Senators Benton, Franklin and Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6771.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6771 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Keiser, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Prentice, Pridemore, Rockefeller, Sheldon, Shin, Spanel, Swecker and Weinstein - 27

Voting nay: Senators Benton, Brandland, Carrell, Franklin, Hewitt, Holmquist, Honeyford, Kastama, Kauffman, Kilmer, McCaslin, Morton, Oemig, Parlette, Pflug, Rasmussen, Regala, Roach, Schoesler, Stevens, Tom and Zarelli - 22

ENGROSSED SUBSTITUTE SENATE BILL NO. 6771, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6932, by Senators Haugen, Swecker, Spanel, Jacobsen, Marr, Kilmer, Rockefeller and Shin

Addressing ferry vessel and terminal planning.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6932 was substituted for Senate Bill No. 6932 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6932 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Swecker and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6932.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6932 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6932, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6777, by Senators McDermott, Brown, Murray, Kohl-Welles and Pridemore

Clarifying interests in certain state lands.

#### MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 6777 was substituted for Senate Bill No. 6777 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Honeyford moved that the following striking amendment by Senator Honeyford be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that there exists potential disagreement over the ownership of certain minerals located on land formerly owned by the state of Washington located on Maury Island in section 29, township 22N, range 03E, and conveyed by the state in deeds dated in 1910 and 1923. Although the fee simple ownership of these lands were clearly transferred into private hands, the conveyance instruments contained a mineral reservation whereby the ownership of the minerals located on the land remained in state ownership to be managed for the benefit of the state land trust beneficiaries. Although the conveyance instruments reserve to the state the ownership of all minerals of every kind, name, or description located in or upon the land, and although both the grantor and grantee have historically operated as though no there is no disagreement over the ownership status of the same, gravel, and rock, there has been no formal determination by the judicial system of the title to the sand, gravel, and rock resources located on these lands and whether sand, gravel, and rock resources are included in this mineral reservation.

(2) It is the intent of this act to fulfill the state's fiduciary duty to the state land trust beneficiaries by determining any interest it may have in the mineral resources on these lands.

(3) The department of natural resources shall initiate a judicial proceeding to determine the proper ownership of sand, gravel, and rock resources located on land formerly owned by the state of Washington and transferred into private ownership. This section applies to those parcels of land located on Maury Island within section 29, township 22N, range 03E and originally conveyed from state ownership by deeds recorded on or about February 18 1910, and January 26, 1923.

(4) Until and unless a formal and final judicial opinion finds otherwise, the department of natural resources shall continue to operate, manage land, and enter into leases consistent with its historic interpretation of the land transfers in question.

(5) This section expires January 1, 2011."

Correct the title.

Senator Honeyford spoke in favor of adoption of the striking amendment.

Senator Rockefeller spoke against adoption of the striking amendment.

Senator Honeyford demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Honeyford to Substitute Senate Bill No. 6777.

#### ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Honeyford and the amendment was not

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

2008 REGULAR SESSION

adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 6777 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McDermott, Brown and Rockefeller spoke in favor of passage of the bill.

Senators Carrell, Stevens, Honeyford, Pflug and Delvin spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6777.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6777 and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Eide, Fairley, Franklin, Fraser, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 23

Voting nay: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, King, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 26

SUBSTITUTE SENATE BILL NO. 6777, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Senator Brown gave notice of her intent to move to reconsider the vote by which Substitute Senate Bill No. 6777 failed to pass the senate.

MOTION

At 12:44 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:57 p.m. by President Owen.

MOTION

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

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5208 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5208, by Senators Swecker, Marr and Haugen

Regarding bond amounts for certain department of transportation highway construction contracts.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 39.08.030 and 2007 c 218 s 89 are each amended to read as follows:

(1) The bond mentioned in RCW 39.08.010 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, except under subsections (2) and (3) of this section, and shall be to the state of Washington, except as otherwise provided in RCW 39.08.100, and except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to whom such bond shall run: PROVIDED, The same shall not be for a less amount than twenty-five percent of the contract price of any such improvement, and may designate that the same shall be payable to such city, and not to the state of Washington, and all such persons mentioned in RCW 39.08.010 shall have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: PROVIDED, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or material supplier, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

To (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or material supplier, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of . . . . . dollars (here insert the amount) against the bond taken from . . . . . (here insert the name of the principal and surety or sureties upon such bond) for the work of . . . . . (here insert a brief mention or description of the work concerning which said bond was taken).

(here to be signed) . . . . .

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items hereinbefore specified, the claimant shall be entitled to recover in addition to all other costs, attorney's fees in such sum as the court shall adjudge

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

2008 REGULAR SESSION

reasonable: PROVIDED, HOWEVER, That no attorney's fees shall be allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice hereinbefore mentioned: PROVIDED FURTHER, That any city may avail itself of the provisions of RCW 39.08.010 through 39.08.030, notwithstanding any charter provisions in conflict herewith: AND PROVIDED FURTHER, That any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith.

(2) Under the job order contracting procedure described in RCW ((39.10.130)) 39.10.420, bonds will be in an amount not less than the dollar value of all open work orders.

(3) On highway construction contracts administered by the department of transportation with an estimated contract price of eighty million dollars or more, the department shall fix the amount of the bond to adequately protect one hundred percent of the state's exposure to loss. The amount of the bond shall not be less than eighty million dollars."

Senator Swecker spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Swecker and Haugen to Senate Bill No. 5208.

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

#### MOTION

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

On page 1, line 2 of the title, after "contracts;" strike the remainder of the title and insert "and amending RCW 39.08.030."

#### MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Senate Bill No. 5208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senators Prentice and Rasmussen were excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5208.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5208 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SENATE BILL NO. 5208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MOTION

On motion of Senator Brandland, Senator Carrell was excused.

#### SECOND READING

SENATE BILL NO. 6445, by Senator Pridemore

Allowing cost recovery for fire protection and public safety services rendered on navigable waters of the state to commercial vessels by fire protection agencies.

#### MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 6445 was substituted for Senate Bill No. 6445 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 6445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Weinstein was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6445.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6445 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 44

Voting nay: Senators Hatfield, Regala, Schoesler and Sheldon - 4

Excused: Senator Weinstein - 1

SUBSTITUTE SENATE BILL NO. 6445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Brandland, Senators Benton, Carrell and Pflug were excused.

#### SECOND READING

SENATE BILL NO. 6609, by Senators Fairley, Rasmussen, Haugen, Jacobsen, Marr, Shin and Roach

Exempting specialty agricultural structures from building code requirements. Revised for 1st Substitute: Limiting the charge for permits for specialty agricultural buildings.

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

2008 REGULAR SESSION

## MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6609 was substituted for Senate Bill No. 6609 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6609 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6609.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6609 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 47

Excused: Senators Carrell and Weinstein - 2

SUBSTITUTE SENATE BILL NO. 6609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6297, by Senators Prentice, Brandland and Sheldon

Changing prosecuting attorney salaries. Revised for 1st Substitute: Changing elected prosecuting attorney salaries.

## MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6297 was substituted for Senate Bill No. 6297 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6297.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6297 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Excused: Senator Weinstein - 1

SUBSTITUTE SENATE BILL NO. 6297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Oemig, Substitute Senate Bill No. 6818 was not substituted for Senate Bill No. 6618 and the substitute bill was not adopted.

## SECOND READING

SENATE BILL NO. 6818, by Senators Oemig, Brandland, Tom, Zarelli, Kastama, Weinstein, Kilmer, Keiser and Kohl-Welles

Promoting transparency in state expenditures.

The measure was read the second time.

## MOTION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 6818 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oemig and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6818.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6818 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Excused: Senator Weinstein - 1

SENATE BILL NO. 6818, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6317, by Senators Berkey and Kline

Requiring the payment of interest upon failure to pay death benefits that are payable under the terms of a group life insurance policy.

## MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 6317 was substituted for Senate Bill No. 6317 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 6317 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

THIRTY-FOURTH DAY, FEBRUARY 16, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6317.

At 1:39 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, February 18, 2008.

ROLL CALL

BRAD OWEN, President of the Senate

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6317 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Excused: Senator Weinstein - 1

SUBSTITUTE SENATE BILL NO. 6317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THOMAS HOEMANN, Secretary of the Senate

SECOND READING

SENATE BILL NO. 6849, by Senators Oemig, Weinstein, Tom, Delvin, Shin, Kilmer, Schoesler and Kohl-Welles

Regarding resident student classification.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 6849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oemig and Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6849.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6849 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 46

Voting nay: Senator Carrell - 1

Excused: Senators Benton and Weinstein - 2

SENATE BILL NO. 6849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

**THIRTY-SIXTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Monday, February 18, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Holmquist, Rasmussen and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Laura Pflug and Nicole Chapelle, presented the Colors. Pastor Robert Luhn of the Othello Nazarene Church offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 15, 2008

MR. PRESIDENT:

The House has passed the following bills:

- HOUSE BILL NO. 1545,
  - HOUSE BILL NO. 1775,
  - HOUSE BILL NO. 2134,
  - SECOND SUBSTITUTE HOUSE BILL NO. 2344,
  - HOUSE BILL NO. 2485,
  - SECOND SUBSTITUTE HOUSE BILL NO. 2507,
  - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2624,
  - SUBSTITUTE HOUSE BILL NO. 2639,
  - HOUSE BILL NO. 2764,
  - SUBSTITUTE HOUSE BILL NO. 2836,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 2996,
  - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3123,
  - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3180,
  - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3216,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 3259,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 15, 2008

MR. PRESIDENT:

The House has passed the following bills:

- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1621,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1773,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2449,
- SECOND SUBSTITUTE HOUSE BILL NO. 2514,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2668,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
- SUBSTITUTE HOUSE BILL NO. 2893,
- ENGROSSED HOUSE BILL NO. 2985,
- ENGROSSED HOUSE BILL NO. 3047,

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3051,
  - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3125,
  - SECOND SUBSTITUTE HOUSE BILL NO. 3129,
  - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3145,
  - SUBSTITUTE HOUSE BILL NO. 3183,
  - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3205,
  - SECOND SUBSTITUTE HOUSE BILL NO. 3227,
  - SUBSTITUTE HOUSE BILL NO. 3291,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 3329,
  - HOUSE JOINT MEMORIAL NO. 4030,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 15, 2008

MR. PRESIDENT:

The House has passed the following bills:

- ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1873,
- and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 15, 2008

MR. PRESIDENT:

The House has passed the following bills:

- SUBSTITUTE HOUSE BILL NO. 2444,
  - HOUSE BILL NO. 2527,
  - SECOND SUBSTITUTE HOUSE BILL NO. 2557,
  - SUBSTITUTE HOUSE BILL NO. 2580,
  - SUBSTITUTE HOUSE BILL NO. 2756,
  - HOUSE BILL NO. 2850,
  - HOUSE BILL NO. 2949,
  - SECOND SUBSTITUTE HOUSE BILL NO. 3104,
  - HOUSE BILL NO. 3281,
  - HOUSE JOINT MEMORIAL NO. 4029,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 15, 2008

MR. PRESIDENT:

The House has passed the following bills:

- SECOND SUBSTITUTE HOUSE BILL NO. 2537,
  - HOUSE BILL NO. 2650,
  - SECOND SUBSTITUTE HOUSE BILL NO. 2829,
  - SUBSTITUTE HOUSE BILL NO. 2963,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 3166,
  - SECOND SUBSTITUTE HOUSE BILL NO. 3274,
  - HOUSE BILL NO. 3275,
  - ENGROSSED HOUSE BILL NO. 3276,
  - SUBSTITUTE HOUSE BILL NO. 3283,
  - SECOND SUBSTITUTE HOUSE BILL NO. 3349,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 15, 2008

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 2781,  
 SUBSTITUTE HOUSE BILL NO. 2823,  
 SUBSTITUTE HOUSE BILL NO. 2838,  
 SUBSTITUTE HOUSE BILL NO. 2959,  
 SUBSTITUTE HOUSE BILL NO. 3002,  
 HOUSE BILL NO. 3106,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

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

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Marr moved that Gubernatorial Appointment No. 9308, Ann C. Heath, as a member of the Sentencing Guidelines Commission, be confirmed.

Senator Marr spoke in favor of the motion.

## MOTION

On motion of Senator Regala, Senators Brown, Eide and Rasmussen were excused.

## MOTION

On motion of Senator Brandland, Senators Holmquist and Swecker were excused.

## APPOINTMENT OF ANN C. HEATH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9308, Ann C. Heath as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9308, Ann C. Heath as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Holmquist, Rasmussen and Swecker - 4

Gubernatorial Appointment No. 9308, Ann C. Heath, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9329, Dennis Madsen, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senators Spanel and Jacobsen spoke in favor of passage of the motion.

## MOTION

On motion of Senator Marr, Senators Kastama and Regala were excused.

## APPOINTMENT OF DENNIS MADSEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9329, Dennis Madsen as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9329, Dennis Madsen as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 44

Absent: Senator Kline - 1

Excused: Senators Brown, Kastama, Rasmussen and Swecker - 4

Gubernatorial Appointment No. 9329, Dennis Madsen, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9145, Howard Lincoln, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senators Prentice and Pflug spoke in favor of passage of the motion.

## APPOINTMENT OF HOWARD LINCOLN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9145, Howard Lincoln as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9145, Howard Lincoln as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom,

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Weinstein and Zarelli - 46

Excused: Senators Brown, Kastama and Swecker - 3

Gubernatorial Appointment No. 9145, Howard Lincoln, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

## MOTION

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

## MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION  
8711

By Senators Rasmussen, Hatfield, Spanel, Schoesler, Morton, Shin, Fraser, Jacobsen, Swecker, and Honeyford

WHEREAS, The 4-H Youth Development Program of Washington State University Extension has assisted the young people in Washington develop essential "life skills" since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering citizenship, science, math and technology literacy, health and wellness, communication, and decision-making skills; and

WHEREAS, Over 80,000 young people and 10,000 adult volunteers throughout Washington participated in 4-H Youth Development Programs in 2007; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after-school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the State Capitol as part of an annual statewide educational program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government Program focused this year on the election process including building a political platform based on community issues and electing a candidate and bettering the understanding of the issues related to pivotal political happenings; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens and realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pat BoyEs, the State 4-H Director for the Washington State University Extension 4-H Youth Development Program.

Senators Rasmussen, Schoesler and Morton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8711.

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

## MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

## MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 18, 2008."

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

The motion by Senator Eide carried and debate was limited through February 18, 2008.

## MOTION

At 10:30 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:33 a.m. by President Owen.

## MOTION

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

## SECOND READING

SENATE BILL NO. 6181, by Senators McDermott, Oemig, Fairley and Kohl-Welles

Providing an employee of the county legislative authority may be appointed to the county canvassing board.

## MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 6181 was substituted for Senate Bill No. 6181 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 6181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McDermott spoke in favor of passage of the bill.

Senators Benton and Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6181.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6181 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 17

Resolution No. 8226 and Senate Bill No. 6565 and that the measures be placed on the second reading calendar.

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Eide spoke against the motion.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the Senate support the demand. The demand is sustained.

MOTION

Senator Eide moved that the Senate advanced to the ninth order of business for the purpose of reconsidering the vote by which Substitute Senate Bill No. 6777 failed to pass the senate.

The President declared the question before the Senate to be the motion by Senator Benton that the Committee on Ways & Means be relieved of further consideration of Senate Joint Resolution No. 8226 and Senate Bill No. 6565.

PARLIAMENTARY INQUIRY

MOTION

Senator Schoesler moved to amend the motion by Senator Eide and the committee also consider Senate Joint Resolution No. 8226 and Senate Bill No. 6565.

Senator Hatfield: "Are we voting on an amendment or a motion?"

REPLY BY THE PRESIDENT

REMARKS BY THE PRESIDENT

President Owen: "For both Senator Eide's motion and Senator Schoesler's subsequent motion, the President would note that if you go to the ninth order of business your not restricted on what bills you can or can not consider. You are restricted only by the mere fact that you will or will not bring them up. So, its not necessary to state which bill that you wish to deal with at this time. The motion is to go to the ninth order of business. Is that clear? If you wish to take up a bill at that time, you make a motion to take up the bill at that time."

President Owen: "You are voting on a motion by Senator Benton."

Senators Benton, Schoesler, Zarelli and Pflug spoke in favor of the motion

Senator Brown spoke against the motion.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was carried by voice vote.

REMARKS BY SENATOR BENTON

Senator Benton: "Thank you Mr. President. Not withstanding your previous comments, it does not preclude a member of this body for making a motion to amend the motion to go to the ninth order for the purpose of a particular bill. The motion would still be in order although it is not necessary. Is that correct?"

The President declared the question before the Senate to be the motion by Senator Benton the Committee on Ways & Means be relieved of further consideration of Senate Joint Resolution No. 8226 and Senate Bill No. 6565.

REMARKS BY SENATOR EIDE

Senator Eide: "Thank you Mr. President. Just for the members' information, I've discussed with the good Senator and we're going to accept them as a friendly amendment."

ROLL CALL

The Secretary called the roll on the motion by Senator Benton that the Committee on Ways & Means be relieved of further consideration of Senate Joint Resolution No. 8226 and Senate Bill No. 6565 and the motion failed by the following vote: Yeas, 18; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 18.

REMARKS BY THE PRESIDENT

President Owen: "Again, the President would just note, that it's not necessary in order to state which those are. Normally that is done to provide information to the members of the purpose of going to that particular order."

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 30.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate advance to the ninth order of business.

The motion by Senator Eide carried and the Senate advanced to the ninth order of business by voice vote.

Excused: Senator Swecker - 1.

MOTION

Senator Benton moved that the Committee on Ways & Means be relieved of further consideration of Senate Joint

MOTION FOR IMMEDIATE RECONSIDERATION

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Prior notice haven been given, Senator Brown moved to immediately reconsider the vote by which Substitute Senate Bill No. 6777 failed to pass the Senate.

## MOTION

Senator Benton moved to table the motion by Senator Brown.

Senator Benton demanded a roll call.

The President declared that one-sixth of the Senate support the demand. The demand is sustained.

The President declared the question before the Senate to be the motion by Senator Benton to table the motion by Senator Brown to immediately reconsider the vote by which Substitute Senate Bill No. 6777 failed to pass the senate.

## ROLL CALL

The Secretary called the roll on the motion by Senator Benton to table the motion by Senator Brown to immediately reconsider Substitute Senate Bill No. 6777 and the motion failed by the following vote: Yeas, 16; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 16.

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32.

Excused: Senator Swecker - 1.

## MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the motion by Senator Brown to immediately reconsider Substitute Senate Bill No. 6777.

The motion by Senator Brown carried and Substitute Senate Bill No. 6777 was immediately reconsidered by voice vote.

## MOTION

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

## THIRD READING

SUBSTITUTE SENATE BILL NO. 6777, by Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators McDermott, Brown, Murray, Kohl-Welles and Pridemore).

Clarifying interests in certain state lands.

The bill was read on Third Reading.

Senators Kastama and Prentice spoke in favor of passage of the bill on reconsideration.

Senators Schoesler, Pflug, Honeyford and Carrell spoke against passage of the bill on reconsideration.

## MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6777 on reconsideration.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6777 on reconsideration and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 25

Voting nay: Senators Benton, Berkey, Brandland, Carrell, Delvin, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens and Zarelli - 23

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6777, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, Substitute Senate Bill No. 6777 was immediately transmitted to the House of Representatives.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5100, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, McAuliffe, Regala, Fairley, Shin, Weinstein, Murray, Keiser, Prentice, Kline, Spanel, Fraser, Tom, Kohl-Welles and Rasmussen).

Regarding health insurance information for students.

The bill was read on Third Reading.

## MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5100 was returned to second reading for the purpose of amendment.

## SECOND READING

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5100, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, McAuliffe, Regala, Fairley, Shin, Weinstein, Murray, Keiser, Prentice, Kline, Spanel, Fraser, Tom, Kohl-Welles and Rasmussen)

Regarding health insurance information for students.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following striking amendment by Senators Hobbs and Brandland be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 2** A new section is added to chapter 28A.210 RCW to read as follows:

(1) By July 1, 2008, the superintendent of public instruction shall solicit and select up to six school districts to implement, on a pilot project basis, this section. The selected school districts shall include districts from urban and rural areas, and eastern and western Washington.

(2) Beginning with the 2008-09 school year, as part of a public school's enrollment process, each school participating as a pilot project shall annually inquire whether a student has health insurance. The school shall include in the inquiry a statement explaining that an outreach worker may contact families with uninsured students about options for health care coverage. The inquiry shall make provision for the parent or guardian to authorize the sharing of information for this purpose, consistent with state and federal confidentiality requirements.

(3) The school shall record each student's health insurance status in the district's student information system.

(4) By December 1, 2008, from the district's student information system, the pilot school shall develop a list of students without insurance for whom parent authorization to share information was granted. To the extent such information is available, the list shall include:

(a) Identifiers, including each student's full name and date of birth; and

(b) Parent or guardian contact information, including telephone number, e-mail address, and street address.

(5) By September 1, 2008, the department and superintendent shall develop and make available a model agreement to enable schools to share student information in compliance with state and federal confidentiality requirements.

(6) By January 1, 2009, each participating pilot school and a local outreach organization, where available, shall work to put in place an agreement to share student information in accordance with state and federal confidentiality requirements. Once an agreement is in place, the school shall share the list described in subsection (4) of this section with the outreach organization.

(7) The outreach organization shall use the information on the list to contact families and assist them to enroll students on a medical program, in accordance with chapter 74.09 RCW.

(8) Beginning July 1, 2009, pilot schools shall annually report to the superintendent of public instruction:

(a) The number of students identified without health insurance under subsection (2) of this section; and

(b) Whether an agreement as described under subsection (6) of this section is in place.

(9) Beginning December 1, 2009, the department and the superintendent shall annually submit a joint report to the legislature that provides:

(a) Summary information on the number of students identified without insurance;

(b) The number of schools with agreements with outreach organizations and the number without such agreements;

(c) The impact of such outreach efforts they can quantify; and

(d) Any recommendations for changes that would improve the efficiency or effectiveness of outreach efforts described in this section.

(10) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

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

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

(c) "Outreach organization" means a nonprofit organization or a local government entity either contracting with the department pursuant to chapter 74.09 RCW, or otherwise qualified to provide outreach, education, and enrollment services to uninsured children.

**NEW SECTION. Sec. 3** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Senator Hobbs spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hobbs and Brandland to Engrossed Substitute Senate Bill No. 5100.

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

MOTION

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

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "adding a new section to chapter 28A.210 RCW; and creating a new section."

MOTION

On motion of Senator Hobbs, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5100.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5100 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 33

Voting nay: Senators Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 15

Excused: Senator Swecker - 1

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

## MOTION

## SECOND READING

At 12:22 p.m., on motion of Senator Eide, the Senate was recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:15 p.m. by President Owen.

## MOTION

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

## SECOND READING

SENATE BILL NO. 6204, by Senator Sheldon

Dividing water resource inventory area 14 into WRIA 14a and WRIA 14b.

The measure was read the second time.

## MOTION

On motion of Senator Rockefeller, the rules were suspended, Senate Bill No. 6204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon and Honeyford spoke in favor of passage of the bill.

## MOTION

On motion of Senator Brandland, Senators Delvin, Hewitt, Holmquist, McCaslin, Morton, Parlette, Pflug, Roach, Swecker and Zarelli were excused.

## MOTION

On motion of Senator Regala, Senator Spanel was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6204.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6204 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, Weinstein and Zarelli - 43

Absent: Senators Kastama and Murray - 2

Excused: Senators Delvin, Hewitt, Spanel and Swecker - 4

SENATE BILL NO. 6204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 6677, by Senators Fraser, Roach, Fairley and McCaslin

Changing the composition of the board of directors of the Washington materials management and financing authority.

The measure was read the second time.

## MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senators Kastama, McAuliffe and Murray were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6677.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6677 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, Weinstein and Zarelli - 42

Voting nay: Senator Hatfield - 1

Excused: Senators Delvin, Hewitt, Kastama, McAuliffe, Spanel and Swecker - 6

SENATE BILL NO. 6677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6800, by Senators Hobbs, Oemig and Haugen

Concerning the disposition of publicly owned railroad infrastructure.

## MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 6800 was substituted for Senate Bill No. 6800 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 1, line 10, after "purpose district", insert ", located in a county with a population greater than one million five

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

hundred thousand, or in a county with a population greater than six hundred thousand that is located adjacent to and immediately north of a county with a population greater than one million, five hundred thousand,"

On page 2, line 2, after "district", insert ", located in a county with a population greater than one million five hundred thousand, or in a county with a population greater than six hundred thousand that is located adjacent to and immediately north of a county with a population greater than one million, five hundred thousand,"

Senator Benton spoke in favor of adoption of the amendment.

Senator Marr spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 10 to Substitute Senate Bill No. 6800.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist, Hobbs and Haugen be adopted.

On page 1, line 16, after "construction;", insert "(d) incident to a project for which thirty percent or more of the preliminary engineering is complete as of the effective date of this act;"

On page 2, line 11, after "construction;", insert "(d) incident to a project for which thirty percent or more of the preliminary engineering is complete as of the effective date of this act;"

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

Senator Holmquist spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist, Hobbs and Haugen on page 1, line 16 to Substitute Senate Bill No. 6800.

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

#### MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 2, after line 19, insert the following: "(4) When a local government, port district, rail district, or other special purpose district has received a good faith contract offer to purchase, lease, assume, or otherwise acquire the whole or any part of any railroad infrastructure and the governing body of that local government, port district, rail district, or other special purpose district has voted to approve the transaction, the department of transportation shall pay the difference between the value of the contract and the cost of fulfilling the contract to the local government, port district, rail district, or other special purpose district.

Senator Benton spoke in favor of adoption of the amendment.

Senator Marr spoke against adoption of the amendment.

Senator Hargrove spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, after line 19 to Substitute Senate Bill No. 6800.

The motion by Senator Benton failed and the amendment was not adopted by a rising voice vote.

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 6800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6800.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6800 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom, Weinstein and Zarelli - 34

Voting nay: Senators Benton, Carrell, Delvin, Hewitt, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Pridemore, Roach, Schoesler and Stevens - 14

Excused: Senator Swecker - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6799, by Senators Regala, Prentice and Fraser

Concerning the sourcing, for sales and use tax purposes, of sales of tangible personal property by florists.

The measure was read the second time.

#### MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6799 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6799.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6799 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette,

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 45

Voting nay: Senators Holmquist, McAuliffe and Tom - 3

Excused: Senator Swecker - 1

SENATE BILL NO. 6799, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5628, by Senators Oemig, Fairley, Pridemore and Kohl-Welles

Adopting the interstate agreement for the election of the president of the United States by national popular vote.

#### MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5628 was substituted for Senate Bill No. 5628 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oemig, Hatfield, Kline and Kastama spoke in favor of passage of the bill.

Senators Roach, Hargrove, Pflug, Zarelli, Benton, Schoesler, Carrell and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5628.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5628 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Tom and Weinstein - 30

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Spanel, Stevens and Zarelli - 18

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 5628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6206, by Senators Zarelli, Pflug, Hargrove and Stevens

Modifying child fatality and near fatality reviews and reports. Revised for 2nd Substitute: Concerning agency reviews and reports regarding child abuse, neglect, and near fatalities.

#### MOTIONS

On motion of Senator Zarelli, Second Substitute Senate Bill No. 6206 was substituted for Senate Bill No. 6206 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Second Substitute Senate Bill No. 6206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6206.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6206 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Absent: Senator Oemig - 1

Excused: Senator Swecker - 1

SECOND SUBSTITUTE SENATE BILL NO. 6206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the World Heritage Student Exchange Program who were seated in the gallery.

#### SECOND READING

SENATE BILL NO. 6264, by Senator Shin

Clarifying terms for workforce and economic development.

#### MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 6264 was substituted for Senate Bill No. 6264 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 6264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Oemig was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6264.

#### ROLL CALL

The Secretary called the roll on the final passage of

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Substitute Senate Bill No. 6264 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6295, by Senators Kilmer, Rockefeller, Hobbs, Shin, Franklin, Marr, Rasmussen, Kastama, Kauffman, Keiser, Kohl-Welles, Hatfield, Berkey and Regala

Creating workplace-based electronically distributed learning opportunities.

MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 6295 was substituted for Senate Bill No. 6295 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kilmer moved that the following striking amendment by Senators Kilmer, Delvin and Shin be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that there are many working adults in Washington that need additional postsecondary educational opportunities to further develop their employability. The legislature further finds that many of these people postpone or call off their personal educational plans because they are busy working and raising their families. Because the largest portion of our workforce over the next thirty years is already employed but in need of skill development, and because many low-wage, low-skilled, and mid-skilled individuals cannot take advantage of postsecondary educational opportunities as they currently exist, the legislature intends to identify and test additional postsecondary educational opportunities tailored to make postsecondary education accessible to working adults through the use of campuses extended to include workplace-based educational offerings.

**NEW SECTION. Sec. 2** A new section is added to chapter 28C.18 RCW to read as follows:

(1) To the extent funds are available for this purpose, the board shall identify and evaluate current national private employer workplace-based educational programs with distance learning components provided by public colleges and universities. The evaluation shall include:

- (a) A review of the literature and direct surveys of practitioners about promising practices and net impact analysis;
- (b) An initial determination of feasibility based on targeted populations served, subject matter, and level of education;
- (c) An overview of technological considerations and adult learning strategies for distribution of learning to employer sites; and
- (d) An overview of cost factors, including shared costs or co-investments by public and private partners.

(2) The board shall report the results of the study and evaluation to appropriate committees of the legislature by December 1, 2008.

**NEW SECTION. Sec. 3** A new section is added to chapter 28C.18 RCW to read as follows:

(1) To the extent funds are available for this purpose, the board shall use a matching fund strategy to select and evaluate up to eight pilot projects operated by Washington institutions of higher education. By September 2008, the board shall select up to eight institutions of higher education as defined in RCW 28B.92.030 including at least four community or technical colleges to develop and offer a pilot project providing employer workplace-based educational programs with distance learning components. The board shall convene a task force that includes representatives from the state board for community and technical colleges and the higher education coordinating board to select the participant institutions. At a minimum, the criteria for selecting the educational institutions shall address:

- (a) The ability to demonstrate a capacity to make a commitment of resources to build and sustain a high quality program;
- (b) The ability to readily engage faculty appropriately qualified to develop and deliver a high quality curriculum;
- (c) The ability to demonstrate demand for the proposed program from a sufficient number of students within its service area to make the program cost-effective and feasible to operate; and
- (d) The identification of available employers under subsection (3) of this section that demonstrate willingness to host an on-site program either because they demand the level of education proposed within the program or because they expect to accrue benefits of improved worker retention and productivity from employee engagement in higher education.

(2) Institutions of higher education may submit an application to become a pilot college under this section. An institution of higher education selected as a pilot college shall develop the curriculum for and design and deliver courses. However, the programs developed under this section are subject to approval by the state board for technical and community colleges under RCW 28B.50.090 and by the higher education coordinating board under RCW 28B.76.230.

(3) By September 2008, the board, in cooperation with the state board for community and technical colleges and the higher education coordinating board, shall select employers with the ability to offer employment and workplace-based educational programs with distance learning components in cooperation with the institutions selected under subsection (1) of this section. The selection criteria shall address:

- (a) Access to educational coursework and educational advice and support for entry-level and semi-skilled workers, including paid and unpaid release time, and adequate classroom space that is equipped appropriately for the selected technological distance learning methodologies to be used;
  - (b) On-site promotion and encouragement of worker participation, including employee orientations, peer support and mentoring, educational tutoring, and career planning;
  - (c) Allowance of a reasonable level of worker choice in the type and level of coursework available;
  - (d) Commitment to work with college partner to ensure the relevance of coursework to the skill demands and potential career pathways of the employer host site and other participating employers; and
  - (e) Willingness to participate in an evaluation of the pilot to analyze the net benefit to the employer host site, other employer partners, the worker-students, and the colleges.
- (4) In firms with union representation, the establishment of a labor-management committee to oversee design and participation shall be mandatory.
- (5) Joint applications from institutions of higher education and private employers shall be encouraged.

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

(6) The board shall evaluate the pilot project and report the outcomes to students and employers by December 1, 2012.

**NEW SECTION, Sec. 4** A new section is added to chapter 28C.18 RCW to read as follows:

The board may receive and expend federal funds and private gifts or grants, which funds must be expended in accordance with any conditions upon which the funds are contingent.

**NEW SECTION, Sec. 5** Sections 2 through 4 of this act expire December 31, 2012."

Senator Kilmer spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kilmer, Delvin and Shin to Substitute Senate Bill No. 6295.

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

#### MOTION

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

On page 1, line 2 of the title, after "learning;" strike the remainder of the title and insert "adding new sections to chapter 28C.18 RCW; creating a new section; and providing an expiration date."

#### MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute Senate Bill No. 6295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6295.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6295 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6341, by Senators Kauffman, Delvin and Marr

Concerning electronic data recorders in motor vehicles.

#### MOTIONS

2008 REGULAR SESSION

On motion of Senator Kauffman, Substitute Senate Bill No. 6341 was substituted for Senate Bill No. 6341 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 6341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6341.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6341 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Honeyford, McCaslin, Parlette, Schoesler, Sheldon and Stevens - 6

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6246, by Senator Honeyford

Authorizing travel expenses for certain industrial insurance medical aid claims. Revised for 1st Substitute: Authorizing travel expenses for closed industrial insurance claims.

#### MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6246 was substituted for Senate Bill No. 6246 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6246.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6246 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom,

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Weinstein and Zarelli - 46

Voting nay: Senators Holmquist and King - 2

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6498, by Senator Tom

Modifying provisions concerning real estate licensure law.

MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 6498 was substituted for Senate Bill No. 6498 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 6498 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Holmquist and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6498.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6498 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Holmquist - 1

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6400, by Senator Carrell

Establishing programs for the moral guidance of incarcerated persons.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6400 was substituted for Senate Bill No. 6400 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6400.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6400 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Brandland - 1

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Kline: "I know that a substitute was just laid on the bar. I'm wondering if there's already a first substitute and is that the second? In which case, of course, I'll move to adopt the second."

REPLY BY THE PRESIDENT

President Owen: "No, this is a striking amendment, not a substitute. So just move the substitute and then you would strike after you adopt the substitute."

SECOND READING

SENATE BILL NO. 6776, by Senators Kline, Roach, Fraser, Fairley and Swecker

Modifying state whistleblower protections.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 6776 was substituted for Senate Bill No. 6776 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline, Benton and Roach be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds and declares that government exists to conduct the people's business, and the people remaining informed about the actions of government contributes to the oversight of how the people's business is conducted. The legislature further finds that many public servants who expose actions of their government that are contrary to the law or public interest face the potential loss of their careers and livelihoods.

It is the policy of the legislature that employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions, and it is the intent of the legislature to protect the rights of state employees making these

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

disclosures. It is also the policy of the legislature that employees should be encouraged to identify rules warranting review or provide information to the rules review committee, and it is the intent of the legislature to protect the rights of these employees.

This act shall be broadly construed in order to effectuate the purpose of this act.

**Sec. 2** RCW 42.40.020 and 1999 c 361 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Abuse of authority" means an arbitrary or capricious exercise of, or willful failure to exercise, power that adversely affects the rights of any person or that results in personal gain or advantage to himself, herself, or preferred other persons.

(2) "Auditor" means the office of the state auditor.

~~((2))~~ (3) "Employee" means any individual employed or holding office in any department or agency of state government.

~~((3))~~ (4) "Good faith" means the individual providing the information or report of improper governmental activity has a reasonable basis in fact for reporting or providing the information. ~~((communication))~~ information. ("Good faith" is lacking when the employee knows or reasonably ought to know that the report is malicious, false, or frivolous.) An individual who knowingly provides or reports malicious, false, or frivolous information, or information that is provided with reckless disregard for the truth, or who knowingly omits relevant information is not acting in good faith.

~~((4))~~ (5) "Gross mismanagement" means the arbitrary or capricious exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(6) "Gross waste of funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

~~((5))~~ (7)(a) "Improper governmental action" means any action by an employee undertaken in the performance of the employee's official duties:

(i) Which is ~~((a))~~ a gross waste of public funds or resources as defined in this section;

(ii) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature; ~~((or))~~

(iii) Which is of substantial and specific danger to the public health or safety;

~~((iv))~~ (iv) Which is gross mismanagement;

~~((v))~~ (v) Which is an abuse of authority; or

~~((vi))~~ (vi) Which prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless state law or a common law privilege prohibits disclosure. This provision is not meant to preclude the discretion of agency management to adopt a particular scientific opinion or technical finding from among differing opinions or technical findings to the exclusion of other scientific opinions or technical findings. Nothing in this subsection prevents or impairs a state agency's or public official's ability to manage its public resources or its employees in the performance of their official job duties. This subsection does not apply to de minimis, technical disagreements that are not relevant for otherwise improper governmental activity. Nothing in this provision requires the auditor to contract or consult with external experts regarding the scientific validity, invalidity, or justification of a finding or opinion.

(b) "Improper governmental action" does not include personnel actions, for which other remedies exist, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor

2008 REGULAR SESSION

agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under chapter 41.06 RCW, or other disciplinary action except as provided in RCW 42.40.030.

~~((6))~~ (8) "Public official" means the attorney general or his or her designee or designees; the director, or equivalent thereof in the agency where the employee works; an appropriate number of individuals designated to receive whistleblower reports by the head of each agency; or the executive ethics board.

~~((9))~~ (9) "Substantial and specific danger" means a risk of serious injury, illness, peril, or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

~~((7))~~ (10) "Use of official authority or influence" includes threatening, taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment including but not limited to duties and office location, reassignment, reinstatement, restoration, reemployment, performance evaluation, determining any material changes in pay, provision of training or benefits, tolerance of a hostile work environment, or any adverse action under chapter 41.06 RCW, or other disciplinary action.

~~((8))~~ (11) "Whistleblower" means an employee who in good faith reports, or is perceived by the employer as reporting, whether they did or not, alleged improper governmental action to the auditor or other public official, as defined in subsection (8) of this section, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means: (a) An employee who in good faith provides information to the auditor or other public official, as defined in subsection (8) of this section, in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported asserted improper governmental action to the auditor or other public official, as defined in subsection (8) of this section, or to have provided information to the auditor or other public official, as defined in subsection (8) of this section, in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or (b) an employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

**Sec. 3** RCW 42.40.030 and 1995 c 403 s 510 are each amended to read as follows:

(1) An employee shall not directly or indirectly use or attempt to use the employee's official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence any individual for the purpose of interfering with the right of the individual to: (a) Disclose to the auditor (or representative thereof) or other public official, as defined in RCW 42.40.020, information concerning improper governmental action; or (b) identify rules warranting review or provide information to the rules review committee.

(2) Nothing in this section authorizes an individual to disclose information otherwise prohibited by law, except to the extent that information is necessary to substantiate the whistleblower complaint, in which case information may be disclosed to the auditor or public official, as defined in RCW 42.40.020, by the whistleblower for the limited purpose of providing information related to the complaint. Any information provided to the auditor or public official under the authority of this subsection may not be further disclosed.

**Sec. 4** RCW 42.40.040 and 1999 c 361 s 3 are each amended to read as follows:

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

(1)(a) In order to be investigated, an assertion of improper governmental action must be provided to the auditor or other public official within one year after the occurrence of the asserted improper governmental action. The public official, as defined in RCW 42.40.020, receiving an assertion of improper governmental action must report the assertion to the auditor within fifteen calendar days of receipt of the assertion. The auditor retains sole authority to investigate an assertion of improper governmental action including those made to a public official. A failure of the public official to report the assertion to the auditor within fifteen days does not impair the rights of the whistleblower.

(b) Except as provided under RCW 42.40.910 for legislative and judicial branches of government, the auditor has the authority to determine whether to investigate any assertions received. In determining whether to conduct either a preliminary or further investigation, the auditor shall consider factors including, but not limited to: The nature and quality of evidence and the existence of relevant laws and rules; whether the action was isolated or systematic; the history of previous assertions regarding the same subject or subjects or subject matter; whether other avenues are available for addressing the matter; whether the matter has already been investigated or is in litigation; the seriousness or significance of the asserted improper governmental action; and the cost and benefit of the investigation. The auditor has the sole discretion to determine the priority and weight given to these and other relevant factors and to decide whether a matter is to be investigated. The auditor shall document the factors considered and the analysis applied.

(c) The auditor also has the authority to investigate assertions of improper governmental actions as part of an audit conducted under chapter 43.09 RCW. The auditor shall document the reasons for handling the matter as part of such an audit.

(d) Except as provided under RCW 42.40.910, the auditor also has the authority to investigate, within available resources, reports of improper governmental activities made by whistleblowers to any public official pursuant to RCW 42.40.050.

(2) Subject to subsection (5)(c) of this section, the identity or identifying characteristics of a whistleblower is confidential at all times unless the whistleblower consents to disclosure by written waiver or by acknowledging his or her identity in a claim against the state for retaliation. In addition, the identity or identifying characteristics of any person who in good faith provides information in an investigation under this section is confidential at all times, unless the person consents to disclosure by written waiver or by acknowledging his or her identity as a witness who provides information in an investigation.

(3) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, within ~~((five))~~ fifteen working days of receipt of the information, mail written acknowledgement to the whistleblower at the address provided stating whether a preliminary investigation will be conducted. For a period not to exceed ~~((thirty))~~ sixty working days from receipt of the assertion, the auditor shall conduct such preliminary investigation of the matter as the auditor deems appropriate.

(4) In addition to the authority under subsection (3) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

(5)(a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower summarizing where the allegations are deficient, and provide a reasonable opportunity to reply. Such notification may be by electronic means.

(b) The written notification shall contain a summary of the information received and of the results of the preliminary

investigation with regard to each assertion of improper governmental action.

(c) In any case to which this section applies, the identity or identifying characteristics of the whistleblower shall be kept confidential unless the auditor determines that the information has been provided other than in good faith. If the auditor makes such a determination, the auditor shall provide reasonable advance notice to the employee.

(d) With the agency's consent, the auditor may forward the assertions to an appropriate agency to investigate and report back to the auditor no later than sixty working days after the assertions are received from the auditor. The auditor is entitled to all investigative records resulting from such a referral. All procedural and confidentiality provisions of this chapter apply to investigations conducted under this subsection. The auditor shall document the reasons the assertions were referred.

(6) During the preliminary investigation, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts and laws known at the time and the procedure for the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation. This notification does not limit the auditor from considering additional facts or laws which become known during further investigation.

~~((7))~~(a) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower, the subject or subjects of the investigation, and the agency head and either conduct a further investigation or issue a report under subsection ~~((10))~~ (9) of this section.

(b) If the preliminary investigation resulted from an anonymous assertion, a decision to conduct further investigation shall be subject to review by a three-person panel convened as necessary by the auditor prior to the commencement of any additional investigation. The panel shall include a state auditor representative knowledgeable of the subject agency operations, a citizen volunteer, and a representative of the attorney general's office. This group shall be briefed on the preliminary investigation and shall recommend whether the auditor should proceed with further investigation.

(c) If further investigation is to occur, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts known at the time and the procedure to be used by the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation.

~~((8))~~ (7) Within sixty working days after the preliminary investigation period in subsection (3) of this section, the auditor shall complete the investigation and report its findings to the whistleblower unless written justification for the delay is furnished to the whistleblower, agency head, and subject or subjects of the investigation. In all such cases, the report of the auditor's investigation and findings shall be sent to the whistleblower within one year after the information was filed under subsection (3) of this section.

~~((9))~~ (8)(a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

(c) Agencies shall cooperate fully in the investigation and shall take appropriate action to preclude the destruction of any evidence during the course of the investigation.

(d) During the investigation the auditor shall interview each subject of the investigation. If it is determined there is reasonable cause to believe improper governmental action has occurred, the subject or subjects and the agency head shall be given fifteen working days to respond to the assertions prior to the issuance of the final report.

~~((+))~~ (9)(a) If the auditor determines there is reasonable cause to believe an employee has engaged in improper governmental action, the auditor shall report, to the extent allowable under existing public disclosure laws, the nature and details of the activity to:

(i) The subject or subjects of the investigation and the head of the employing agency; ~~(and)~~

(ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate;

(iii) Electronically to the governor, secretary of the senate, and chief clerk of the house of representatives; and

(iv) Except for information whose release is specifically prohibited by statute or executive order, the public through the public file of whistleblower reports maintained by the auditor.

(b) The auditor has no enforcement power except that in any case in which the auditor submits an investigative report containing reasonable cause determinations to the agency, the agency shall send its plan for resolution to the auditor within fifteen working days of having received the report. The agency is encouraged to consult with the subject or subjects of the investigation in establishing the resolution plan. The auditor may require periodic reports of agency action until all resolution has occurred. If the auditor determines that appropriate action has not been taken, the auditor shall report the determination to the governor and to the legislature and may include this determination in the agency audit under chapter 43.09 RCW.

~~((+))~~ (10) Once the auditor concludes that appropriate action has been taken to resolve the matter, the auditor shall so notify the whistleblower, the agency head, and the subject or subjects of the investigation. If the resolution takes more than one year, the auditor shall provide annual notification of its status to the whistleblower, agency head, and subject or subjects of the investigation.

~~((+2))~~ (11) Failure to cooperate with such audit or investigation, or retaliation against anyone who assists the auditor by engaging in activity protected by this chapter shall be reported as a separate finding with recommendations for corrective action in the associated report whenever it occurs.

(12) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

**Sec. 5** RCW 42.40.070 and 1989 c 284 s 5 are each amended to read as follows:

A written summary of this chapter and procedures for reporting improper governmental actions established by the auditor's office shall be made available by each department or agency of state government to each employee upon entering public employment. Such notices may be in agency internal newsletters, included with paychecks or stubs, sent via electronic mail to all employees, or sent by other means that are cost-effective and reach all employees of the government level, division, or subdivision. Employees shall be notified by each department or agency of state government each year of the procedures and protections under this chapter.

**Sec. 6** RCW 42.40.050 and 1999 c 283 s 1 are each amended to read as follows:

(1)(a) Any person who is a whistleblower, as defined in RCW 42.40.020, and who has been subjected to workplace reprisal or retaliatory action is presumed to have established a cause of action for the remedies provided under chapter 49.60 RCW.

(b) For the purpose of this section, "reprisal or retaliatory action" means, but is not limited to, any of the following:

~~((+))~~ (i) Denial of adequate staff to perform duties;

~~((+))~~ (ii) Frequent staff changes;

~~((+))~~ (iii) Frequent and undesirable office changes;

~~((+))~~ (iv) Refusal to assign meaningful work;

~~((+))~~ (v) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;

~~((+))~~ (vi) Demotion;

~~((+))~~ (vii) Reduction in pay;

~~((+))~~ (viii) Denial of promotion;

~~((+))~~ (ix) Suspension;

~~((+))~~ (x) Dismissal;

~~((+))~~ (xi) Denial of employment;

~~((+))~~ (xii) A supervisor or superior behaving in or encouraging coworkers to behave in a hostile manner toward the whistleblower; ~~(and)~~

~~((+))~~ (xiii) A change in the physical location of the employee's workplace or a change in the basic nature of the employee's job, if either are in opposition to the employee's expressed wish;

(xiv) Issuance of or attempt to enforce any nondisclosure policy or agreement in a manner inconsistent with prior practice; or

(xv) Any other action that is inconsistent compared to actions taken before the employee engaged in conduct protected by this chapter, or compared to other employees who have not engaged in conduct protected by this chapter.

(2) The agency presumed to have taken retaliatory action under subsection (1) of this section may rebut that presumption by proving by a preponderance of the evidence showing that there have been a series of documented personnel problems or a single, egregious event, or that the agency action or actions were justified by reasons unrelated to the employee's status as a whistleblower and by showing that improper motive was not a substantial factor.

(3) Nothing in this section prohibits an agency from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. However, the agency also shall implement any order under chapter 49.60 RCW (other than an order of suspension if the agency has terminated the retaliator).

**Sec. 7** RCW 49.60.230 and 1993 c 510 s 21 and 1993 c 69 s 11 are each reenacted and amended to read as follows:

(1) Who may file a complaint:

(a) Any person claiming to be aggrieved by an alleged unfair practice may, personally or by his or her attorney, make, sign, and file with the commission a complaint in writing under oath or by declaration. The complaint shall state the name of the person alleged to have committed the unfair practice and the particulars thereof, and contain such other information as may be required by the commission.

(b) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice, the commission may issue a complaint.

(c) Any employer or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the commission a written complaint under oath or by declaration asking for assistance by conciliation or other remedial action.

(2) Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination except that complaints alleging an unfair practice in a real estate

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

transaction pursuant to RCW 49.60.222 through 49.60.225 must be so filed within one year after the alleged unfair practice in a real estate transaction has occurred or terminated and a complaint alleging whistleblower retaliation must be filed within two years.

(3) On or before the third Monday in January of each year, the commission shall report to the governor and the legislature the number of retaliation reports it has received in the past year, the number of such reports that were substantiated, and the number of such cases still under consideration as well as how long each unresolved case has been under consideration. This information shall also be posted for public review on the agency web site.

**Sec. 8** RCW 49.60.250 and 1993 c 510 s 23 and 1993 c 69 s 14 are each reenacted and amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the chairperson of the commission. The chairperson of the commission shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

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

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

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

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

(6) If a determination is made that retaliatory action, as defined in RCW 42.40.050, has been taken against a whistleblower, as defined in RCW 42.40.020, the administrative law judge may, in addition to any other remedy, require restoration of benefits, back pay, and any increases in compensation that would have occurred, with interest; impose a civil penalty upon the retaliator of up to ~~((three))~~ five thousand dollars; and issue an order to the state employer to suspend the

retaliator for up to thirty days without pay. At a minimum, the administrative law judge shall require that a letter of reprimand be placed in the retaliator's personnel file. No agency shall issue any nondisclosure order or policy, execute any nondisclosure agreement, or spend any funds requiring information that is public under the public records act, chapter 42.56 RCW, be kept confidential; except that nothing in this section shall affect any state or federal law requiring information be kept confidential. All penalties recovered shall be paid into the state treasury and credited to the general fund.

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

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

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

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

(11) Instead of filing with the commission, a complainant may pursue arbitration conducted by the American arbitration association or another arbitrator mutually agreed by the parties, with the cost of arbitration shared equally by the complainant and the respondent.

**Sec. 9** RCW 42.40.910 and 1999 c 361 s 7 are each amended to read as follows:

This act and chapter 361, Laws of 1999 ((does)) do not affect the jurisdiction of the legislative ethics board, the executive ethics board, or the commission on judicial conduct, as set forth in chapter 42.52 RCW. The senate, the house of representatives, and the supreme court shall adopt policies regarding the applicability of chapter 42.40 RCW to the senate, house of representatives, and judicial branch."

Senator Kline spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline, Benton and Roach to Substitute Senate Bill No. 6776.

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

MOTION

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

On page 1, line 1 of the title, after "protection;" strike the remainder of the title and insert "amending RCW 42.40.020, 42.40.030, 42.40.040, 42.40.070, 42.40.050, and 42.40.910; reenacting and amending RCW 49.60.230 and 49.60.250; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 6776 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6776.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6776 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6193, by Senators Hargrove and Brandland

Giving county clerks authority to withhold and deliver funds from criminal defendants who owe legal financial obligations.

The measure was read the second time.

## MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6193 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6193.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6193 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SENATE BILL NO. 6193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6060, by Senator Kline

Regarding unlawful detainer action proceedings and notice for nonpayment of rent. Revised for 1st Substitute: Addressing unlawful detainer actions based on nonpayment of rent.

## MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6060 was substituted for Senate Bill No. 6060 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6060.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6060 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6950, by Senators Brown, Hewitt, Fraser, Brandland, Swecker, Hatfield, Rasmussen, Rockefeller, Stevens, Haugen, Zarelli, Pridemore, Parlette, Sheldon, Hobbs, Hargrove, Holmquist, Fairley, Prentice, Kauffman, Berkey, Kilmer, Kohl-Welles, Shin, Carrell, King, Schoesler, Morton, Delvin, Pflug, Honeyford and Eide

Providing a limited waiver or suspension of statutory obligations during officially declared emergencies.

The measure was read the second time.

## MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6950 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6950.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6950 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford,

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SENATE BILL NO. 6950, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6308, by Senators Rockefeller, Regala, Murray, Kohl-Welles, Marr, Pridemore, Oemig, Kilmer, Jacobsen, Kline, Shin and McAuliffe

Preparing for and adapting to climate change.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 6308 was substituted for Senate Bill No. 6308 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Rockefeller be adopted.

On page 2, line 8, after "act.", insert "All members of work groups must live in the state of Washington."

Senator Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Rockefeller on page 2, line 8 to Engrossed Substitute Senate Bill No. 6308.

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

MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Rockefeller be adopted.

On page 3, line 26, after "travel.", insert "In the event that meetings are held so that interested parties may attend in person, the meetings shall alternate between eastern and western Washington."

Senator Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Rockefeller on page 3, line 26 to Engrossed Substitute Senate Bill No. 6308.

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

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 6308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

Senator Delvin spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6308.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6308 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Tom and Zarelli - 42

Voting nay: Senators Delvin, Hewitt, Holmquist, King and Schoesler - 5

Absent: Senator Weinstein - 1

Excused: Senator Swecker - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6343, by Senators Morton, Carrell and Roach

Authorizing small scale prospecting and mining in certain areas. Revised for 1st Substitute: Creating a pilot program to examine the impacts of small scale mineral prospecting on coastal areas.

MOTION

On motion of Senator Jacobsen, Substitute Senate Bill No. 6343 was substituted for Senate Bill No. 6343 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6343.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6343 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller,

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Fairley, Fraser and Kohl-Welles - 3

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6333, by Senators Keiser, Kohl-Welles, Marr and McAuliffe

Establishing a citizens' work group on health care.

## MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6333 was substituted for Senate Bill No. 6333 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Pflug moved that the following amendment by Senators Pflug and Keiser be adopted.

On page 5, beginning on line 7, after "proposal" strike all material through "connector" on line 8, and insert "to establish a health insurance exchange or connector, similar to Senate Bill No. 6574 (2008) and to the federal employee health benefit plan"

Senator Pflug spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug and Keiser on page 5, line 7 to Substitute Senate Bill No. 6333.

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

## MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6333.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6333 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 17

2008 REGULAR SESSION

Excused: Senator Swecker - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6760, by Senators Regala, Zarelli, Rasmussen, Roach and Fairley

Requiring an exchange of land parcels on the Fircrest school campus and modifying the developmental disabilities community trust account. Revised for 1st Substitute: Concerning the developmental disabilities trust account.

## MOTION

On motion of Senator Regala, Substitute Senate Bill No. 6760 was substituted for Senate Bill No. 6760 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Regala moved that the following amendment by Senator Regala and others be adopted.

On page 1, on line 7, after "the use of" delete "or disposal of"

On page 1, on line 15, after "or other" delete "~~((activities short of sale of the property))~~ means of disposal of surplus land at fair market value as provided under state law" and insert "activities short of sale of the property"

On page 2, on line 8, after "trust account" delete all material through "excess property" on line 9.

Senators Regala and Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Regala and others on page 1, line 7 to Substitute Senate Bill No. 6760.

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

## MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute Senate Bill No. 6760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

## MOTION

On motion of Senator Rockefeller, Senators Murray and Tom were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6760.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6760 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 46

Excused: Senators Murray, Swecker and Tom - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6892, by Senators Fraser, Brandland, Pridemore, McAuliffe and Rasmussen

Concerning the time limits of school impact fee expenditures.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6892 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6892.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6892 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 15; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel and Weinstein - 30

Voting nay: Senators Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli - 15

Excused: Senators Haugen, Murray, Swecker and Tom - 4

SENATE BILL NO. 6892, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6340, by Senators Rockefeller, Morton, Sheldon, Swecker, Hobbs, Berkey and Kilmer

Providing for a water system acquisition and rehabilitation

program.

MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 6340 was substituted for Senate Bill No. 6340 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 6340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6340.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6340 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 44

Excused: Senators Haugen, Kline, Murray, Swecker and Tom - 5

SUBSTITUTE SENATE BILL NO. 6340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6307, by Senators Rockefeller, Kilmer, Jacobsen and Kohl-Welles

Regarding marine managed areas.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 6307 was substituted for Senate Bill No. 6307 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 3, beginning on line 6, after "(8)" strike all material through "area." on line 10 and insert "Marine managed area" means a named, discrete geographic marine or estuarine area designated by statute, or by the action of a city, town, or county legislative body, the designation of which is intended to protect, conserve, or otherwise manage the marine life and resources within the area."

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 3, line 6 to Substitute Senate Bill No. 6307.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 3, line 8, after "action," insert "in compliance with RCW 79.105.060(1)."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 3, line 8 to Substitute Senate Bill No. 6307.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

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

**"NEW SECTION. Sec. 4** (1) The legislature finds that many sewage treatment facilities in the Puget Sound watershed manage excess capacity not by building extra containment facilities or minimizing passive introductions, but by allowing raw and untreated human sewage and storm drain collections to flow directly into the Puget Sound. This practice, although destructive to the Puget Sound's ecosystem, is a legal activity and an accepted practice under the national pollution discharge elimination system permit held by most sewage treatment facilities.

(2) The legislature further finds that recent years have brought with them significant investments in the health of Puget Sound, both by the state, federal government, tribal governments, nonprofit organizations, and the business community. These investments have come in the form of policy initiatives, financial contributions, and countless hours of volunteer labor.

(3) The legislature further finds that although sewage treatment facilities may be technically allowed to discharge untreated sewage into the Puget Sound, that does not mean that the entities responsible for the facilities should be entitled to receive recognition as a Puget Sound partner, and the benefits that come with the designation, while actively embracing policies that result in a significant undermining of the investments made to restore the health of Puget Sound.

(4) Therefore, it is the intent of the legislature to avoid the creation of a mechanism that rewards sewage treatment facilities for operating in a way that is destructive to the health of Puget Sound, and to send a strong message to sewage treatment facilities that there is a difference between how they are legally permitted to operate and how they should choose to operate as good neighbors to a treasured and imperiled aquatic ecosystem.

**Sec. 5** RCW 90.71.340 and 2007 c 341 s 16 are each amended to read as follows:

(1) The legislature intends that fiscal incentives and disincentives be used as accountability measures designed to achieve consistency with the action agenda by:

(a) Ensuring that projects and activities in conflict with the action agenda are not funded;

(b) Aligning environmental investments with strategic priorities of the action agenda; and

(c) Using state grant and loan programs to encourage consistency with the action agenda.

(2) The council shall adopt measures to ensure that funds appropriated for implementation of the action agenda and identified by proviso or specifically referenced in the omnibus appropriations act pursuant to RCW 43.88.030(1)(g) are expended in a manner that will achieve the intended results. In developing such performance measures, the council shall establish criteria for the expenditure of the funds consistent with the responsibilities and timelines under the action agenda, and require reporting and tracking of funds expended. The council may adopt other measures, such as requiring interagency agreements regarding the expenditure of provided or specifically referenced Puget Sound funds.

(3) The partnership shall work with other state agencies providing grant and loan funds or other financial assistance for projects and activities that impact the health of the Puget Sound ecosystem under chapters 43.155, 70.105D, 70.146, 77.85, 79.105, 79A.15, 89.08, and 90.50A RCW to, within the authorities of the programs, develop consistent funding criteria that prohibits funding projects and activities that are in conflict with the action agenda.

(4)(a)(i) The partnership shall develop a process and criteria by which entities that consistently achieve outstanding progress in implementing the action agenda are designated as Puget Sound partners.

(ii) No public entity may be named a Puget Sound partner if that entity operates a sewage treatment system and:

(A) Has as a condition of its national pollution discharge elimination system permit, or other government approval of its operations, a provision to discharge untreated sewage into the Puget Sound during storm events; and

(B) Has actually discharged more than one million gallons of untreated sewage in any one hour, either lawfully or unlawfully, into the Puget Sound within the previous five years.

(b) State agencies shall work with the partnership to revise their grant, loan, or other financial assistance allocation criteria to create a preference for entities designated as Puget Sound partners for funds allocated to the Puget Sound basin, pursuant to RCW 43.155.070, 70.105D.070, 70.146.070, 77.85.130, 79.105.150, 79A.15.040, 89.08.520, and 90.50A.040. This process shall be developed on a timeline that takes into consideration state grant and loan funding cycles.

(5) Any entity that receives state funds to implement actions required in the action agenda shall report biennially to the council on progress in completing the action and whether expected results have been achieved within the time frames specified in the action agenda."

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

On page 1, line 2 of the title, after "90.71.010," insert "90.71.340,"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 5, after line 34 to Substitute Senate Bill No. 6307.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 6307 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6307.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6307 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 12; Absent, 0; Excused, 5.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel and Weinstein - 32

Voting nay: Senators Benton, Delvin, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Roach, Schoesler, Stevens and Zarelli - 12

Excused: Senators Haugen, Kline, Murray, Swecker and Tom - 5

SUBSTITUTE SENATE BILL NO. 6307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6492, by Senators McAuliffe, Stevens, Brandland, Carrell, Regala and Delvin

Regarding public disclosure of civil confinement facility information.

The measure was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6492.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6492 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 45

Excused: Senators Haugen, Murray, Swecker and Tom - 4

SENATE BILL NO. 6492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6607, by Senators Spanel, Haugen and Rasmussen

Exempting certain dairy animal feeding operations from shellfish protection district wastewater discharge assessments. Revised for 1st Substitute: Regarding shellfish protection district wastewater discharge fees, rates, and charges.

#### MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 6607 was substituted for Senate Bill No. 6607 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 6607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Honeyford spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6607.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6607 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 43

Absent: Senator Pridemore - 1

Excused: Senators Fairley, Haugen, Murray, Swecker and Tom - 5

SUBSTITUTE SENATE BILL NO. 6607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6744, by Senators Fraser and Fairley

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

Concerning homeowners' associations.

The measure was read the second time.

MOTION

On motion of Senator Fraser, Substitute Senate Bill No. 6744 was not substituted for Senate Bill No. 6744 and the substitute bill was not adopted.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 (1) By December 10, 2008, the department of community, trade, and economic development shall conduct a study of improved dispute resolution processes for homeowners' association members and boards of directors. The study shall evaluate the feasibility of creating either state or local appeals boards or state or local ombudsman offices to provide dispute resolution services and information to homeowners' association members and boards of directors about their rights and duties under chapter 64.38 RCW. The study must include:

(a) Trends in the number of housing communities or cooperatives subject to chapter 64.38 RCW and the number of people living in them;

(b) The estimated number of homeowners' association members and boards of directors who would make use of the ombudsman or appeals board services;

(c) The estimated expense of providing such services and potential sources of revenue to support them;

(d) A recommendation regarding whether such services should be provided; and

(e) If such services are recommended, the structures and procedures for providing the services and potential revenues for financing them.

(2) The department of community, trade, and economic development shall appoint an advisory committee of up to twelve members to assist with the study. The speaker of the house of representatives and the majority leader of the senate may each appoint one representative and one senator from each of the two largest caucuses to serve on the advisory committee on an ex officio basis. Legislative and nonlegislative members of the advisory committee shall receive travel expense reimbursement in accordance with RCW 44.04.120, 43.03.050, and 43.03.060.

(3) Administrative and clerical support shall be provided by the department of community, trade, and economic development.

(4) Recommendations shall be reported to the legislature and governor by December 10, 2008.

NEW SECTION. Sec. 2 (1) The department of community, trade, and economic development shall create a task force of up to thirteen members to provide recommendations on model declarations and a method for distributing information on homeowners' associations to prospective buyers. The task force shall draft one or more model declarations for use by declarants forming homeowners' associations. In developing the model declarations, the task force shall review declarations creating homeowners' associations that are currently used in Washington state and other states. The task force shall also draft proposed legislation that provides an effective method for distributing

2008 REGULAR SESSION

information about a lot's homeowners' association to that lot's prospective buyer. In developing the proposed legislation, the task force shall review the methods used in Washington state and other states.

(2) The task force membership shall include:

(a) Two board members representing two different homeowners' associations;

(b) Three homeowners who own a home that is their primary residence in a community or cooperative that is governed by chapter 64.38 RCW;

(c) Two attorneys with expertise in homeowners' association formation;

(d) A representative from the department of community, trade, and economic development; and

(e) A representative of city governments.

The speaker of the house of representatives and the majority leader of the senate may each appoint one representative and one senator from each of the two largest caucuses to serve on the task force on an ex officio basis.

(3) The task force shall convene as soon as possible upon the appointment of its members. The task force shall elect a chair and adopt rules for conducting the business of the task force. Administrative and clerical support shall be provided by the department of community, trade, and economic development.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(5) By December 10, 2008, the task force shall provide a report of recommended model declarations and proposed legislation to the legislature and the governor.

NEW SECTION. Sec. 3 This act expires December 31, 2008."

Senators Fraser and Honeyford spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fraser and others to Senate Bill No. 6744.

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

MOTION

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

On page 1, line 1 of the title, after "associations;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 6744 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6744.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6744 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 44

Voting nay: Senator Schoesler - 1

Excused: Senators Haugen, Murray, Swecker and Tom - 4

ENGROSSED SENATE BILL NO. 6744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6739, by Senators Franklin, Prentice, Marr and Jacobsen

Granting authority to psychiatric advanced registered nurse practitioners.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, Senate Bill No. 6739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6739.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6739 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 45

Excused: Senators Haugen, Murray, Swecker and Tom - 4

SENATE BILL NO. 6739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:58 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9332, George Masten, as a member of the Investment Board, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Delvin, Schoesler and Swecker were excused.

MOTION

On motion of Senator Regala, Senator Brown was excused.

APPOINTMENT OF GEORGE MASTEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9332, George Masten as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9332, George Masten as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 6; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Tom and Zarelli - 41

Absent: Senators Hargrove, Jacobsen, Kline, McAuliffe, Shin and Weinstein - 6

Excused: Senators Delvin and Swecker - 2

Gubernatorial Appointment No. 9332, George Masten, having received the constitutional majority was declared confirmed as a member of the Investment Board.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9371, Mike Ragan, as a member of the Investment Board, be confirmed.

Senator Berkey spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Eide, Jacobsen, Kline, McAuliffe and Weinstein were excused.

APPOINTMENT OF MIKE RAGAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9371, Mike Ragan as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9371, Mike Ragan as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 46

Excused: Senators Kline, McAuliffe and Swecker - 3

Gubernatorial Appointment No. 9371, Mike Ragan, having received the constitutional majority was declared confirmed as a member of the Investment Board.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Parlette moved that Gubernatorial Appointment No. 9369, Glenn Gorton, as a member of the Investment Board, be confirmed.

Senator Parlette spoke in favor of the motion.

APPOINTMENT OF GLENN GORTON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9369, Glenn Gorton as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9369, Glenn Gorton as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Swecker - 2

Gubernatorial Appointment No. 9369, Glenn Gorton, having received the constitutional majority was declared confirmed as a member of the Investment Board.

SECOND READING

SENATE BILL NO. 6745, by Senator Fraser

Concerning homeowners' associations.

The measure was read the second time.

MOTION

On motion of Senator Fraser, Substitute Senate Bill No. 6745 was not substituted for Senate Bill No. 6745 and the substitute bill was not adopted.

MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser, Haugen and Weinstein be adopted:

Strike everything after the enacting clause and insert the following:

2008 REGULAR SESSION

"Sec. 1 RCW 64.38.005 and 1995 c 283 s 1 are each amended to read as follows:

The intent of this chapter is to provide consistent laws regarding the formation and legal administration of homeowners' associations. Unless otherwise provided in this chapter, this chapter applies to all homeowners' associations in the state, regardless of when the declaration was recorded or the association was established.

NEW SECTION. Sec. 2 A new section is added to chapter 64.38 RCW to read as follows:

An obligation of good faith is imposed in the performance and enforcement of all contracts and duties governed by this chapter and in all other transactions involving declarants, associations, and their members.

For purposes of this section, "good faith" means honesty in fact and the observance of reasonable standards of fair dealing.

"Sec. 3 RCW 64.38.010 and 1995 c 283 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Homeowners' association" or "association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the association's jurisdiction, as described in the governing documents, and by virtue of membership (~~or ownership of property~~), the owner is obligated to pay (~~real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned by the member~~) assessments pursuant to the governing documents. "Homeowners' association" does not mean an association created under chapter 64.32 or 64.34 RCW.

(2) "Governing documents" means the declaration, articles of incorporation, bylaws, (~~plat, declaration of covenants, conditions, and restrictions~~;) rules and regulations of the association, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

(3) "Board of directors" or "board" means the body, regardless of name, with primary authority to manage the affairs of the association.

(4) "Common areas" means property owned, or otherwise maintained, repaired or administered by the association.

(5) "Common expense" means the costs incurred by the association to exercise any of the powers provided for in this chapter.

(6) "Residential real property" means any real property, the use of which is limited by law, covenant or otherwise to primarily residential or recreational purposes.

(7) "Assessment" means all sums chargeable by the association against a lot including, without limitation:

(a) Regular and special assessments for common expenses, charges, and fines imposed by the association;

(b) Interest and late charges on any delinquent account; and

(c) Costs of collection, including reasonable attorneys' fees, incurred by the association in connection with the collection of an owner's delinquent account.

This subsection (7) supersedes any inconsistent provision in the governing documents.

(8) "Bylaws" means the code adopted for the regulation or management of the internal affairs of the association, irrespective of the designated name of that code. If an association is incorporated under Title 23 or 24 RCW, "bylaws" means the definition assigned to "bylaws" in the act pursuant to which the association is incorporated.

(9) "Community" means residential real property that is subject to a declaration under which an association is established for governance of the community.

(10) "Cooperative" means a community in which the residential real property is owned by an association where each of those members is entitled, by virtue of his or her ownership

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

interest in the association, to exclusive possession of a portion of the property.

(11) "Declarant" means any person who executes as a declarant a declaration or succeeds to the rights of a declarant pursuant to an instrument recorded in the real property records of every county in which any portion of the community is located.

(12) "Declaration" means the declaration of covenants, conditions, and restrictions or any other document, however denominated, that is recorded in every county in which any portion of the community is located and that provides for the establishment of an association to govern the community. In the case of a cooperative, "declaration" means the document or documents, however denominated, that create the cooperative housing association that owns the residential real property comprising the cooperative, whether or not the document or documents are recorded.

(13) "Lot" means a physical portion of a community designated for separate ownership or occupancy and designated for residential use, the boundaries of which are described in the real property records of every county in which any portion of the community is located. Within a cooperative, "lot" means that portion of the community designated for exclusive possession by a member of the cooperative's association. "Lot" does not mean an apartment created under chapter 64.32 RCW or a unit created under chapter 64.34 RCW.

(14) "Owner" means a declarant or other person who owns a lot, but does not include a person who has an interest in a lot solely as security for an obligation. Under a real estate contract, "owner" means the vendee, not the vendor.

(15) "Person" means a natural person, corporation, partnership, limited partnership, trust, government subdivision or agency, or other legal entity.

(16) "Rules" means the rules, regulations, and policies, irrespective of their designated name, that are adopted by the members of the board of an association in accordance with the governing documents and that supplement, but do not contradict or contravene, the governing documents.

**Sec. 4** RCW 64.38.015 and 1995 c 283 s 3 are each amended to read as follows:

The membership of an association at all times shall consist exclusively of the owners of all real property over which the association has jurisdiction, both developed and undeveloped or, in the case of a cooperative, the members of the association who by virtue of their ownership interest in the association have exclusive possession of a lot.

**Sec. 5** RCW 64.38.020 and 1995 c 283 s 4 are each amended to read as follows:

Unless otherwise provided in the ~~((governing documents))~~ declaration, an association may:

(1) Adopt and amend bylaws, resolutions, policies, rules, and regulations that are not inconsistent with the declaration or with this chapter;

(2) Adopt and amend budgets for revenues, expenditures, and reserves, and impose and collect assessments for common expenses from owners;

(3) Hire and discharge or contract with managing agents and other employees, agents, and independent contractors;

(4) Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more owners on matters affecting the homeowners' association, but not on behalf of owners involved in disputes that are not the responsibility of the association;

(5) Make contracts and incur liabilities;

(6) Regulate the use, maintenance, repair, replacement, and modification of common areas;

(7) Cause additional improvements to be made as a part of the common areas;

(8) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property;

(9) Grant easements, leases, licenses, and concessions through or over the common areas and petition for or consent to the vacation of streets and alleys;

(10) Impose and collect any payments, fees, or charges for the use, rental, or operation of the common areas;

(11) Impose and collect charges for late payments of assessments ~~((and, after notice and an opportunity to be heard by the board of directors or by the representative designated by the board of directors and in accordance with the procedures as provided in the bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association));~~

(12) Take enforcement action with respect to any violation of the governing documents;

(13) After notice and an opportunity to be heard by the board of directors or by the representative designated by the board of directors, and in accordance with the procedures provided in the governing documents, levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violations of the governing documents;

(14) Exercise any other powers conferred by the declaration, articles, or bylaws;

~~((13))~~ (15) Exercise all other powers that may be exercised in this state by the same type of ~~((corporation))~~ legal entity as the association, provided those powers do not conflict with any duties imposed on an association in this chapter; and

~~((14))~~ (16) Exercise any other powers necessary and proper for the governance and operation of the association.

**NEW SECTION. Sec. 6** A new section is added to chapter 64.38 RCW to read as follows:

(1) This section establishes voluntary procedures for the enforcement of governing documents.

(2) A homeowners' association is deemed to have provided notice and an opportunity to be heard as required under RCW 64.38.020(13) if the association fulfills the following requirements:

(a) The association must provide the owner with a notice of the violation that contains:

(i) A reference to the rule or rules that the owner allegedly violated;

(ii) A short statement of the evidence of the rule violation;

(iii) The name of a person with firsthand knowledge of the facts that support the determination that the violation occurred;

(iv) A short statement of the action that the association intends to take, including the amount of any fine, subject to the owner's right to request a hearing;

(v) A statement that if the owner wishes to contest or explain the violation, he or she must submit a written request for a hearing to the association within fifteen days of delivery of the notice of violation;

(vi) A statement of the owner's rights to a hearing, to attend the hearing, to be represented by counsel, and to review the evidence supporting the alleged violation;

(b) Upon the timely request for a hearing from an owner, the association must set a hearing date no less than thirty and no more than sixty days from the association's receipt of the request. The association must notify the owner of the hearing at least twenty days before the hearing and must include with the notification a copy of the association's rules of procedure for conducting a hearing;

(c) Upon a timely request by the owner who requested a hearing, the association must, at least ten days before the date of the hearing, either provide the owner with a copy of all its evidence concerning the alleged violation, including copies of the complaint signed by a witness with firsthand knowledge of the facts that support the determination that the violation occurred, or identify a reasonable time and place at which the owner may inspect such evidence;

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

(d) The association must permit the owner to be represented by counsel at the hearing; and

(e) The association must provide the owner with a written decision, including a statement of the reasons for the decision, within thirty days after the hearing.

(3) The chair of the hearing may adjourn or continue the hearing, if necessary, to gather additional information that the association needs in order to make a decision.

(4) If an owner does not request a hearing within fifteen days of the association's delivery of the notice of violation, the association may take the remedial action stated in the notice, including the imposition of any fine listed in the notice.

**Sec. 7** RCW 64.38.025 and 1995 c 283 s 5 are each amended to read as follows:

(1) Except as provided in the association's governing documents or this chapter, the board of directors shall act in all instances on behalf of the association. In the performance of their duties, the officers of the association and members of the board of directors shall exercise the degree of care and loyalty required of an officer or director of a corporation organized under chapter 24.03 RCW.

(2) The board of directors shall not act on behalf of the association to amend the articles of incorporation, to take any action that requires the vote or approval of the owners, to terminate the association, to elect members of the board of directors, or to determine the qualifications, powers, and duties, or terms of office of members of the board of directors; but the board of directors may fill vacancies in its membership of the unexpired portion of any term.

~~((3) Within thirty days after adoption by the board of directors of any proposed regular or special budget of the association, the board shall set a date for a meeting of the owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the owners of a majority of the votes in the association are allocated or any larger percentage specified in the governing documents reject the budget, in person or by proxy, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the owners shall be continued until such time as the owners ratify a subsequent budget proposed by the board of directors.~~

~~(4) The owners by a majority vote of the voting power in the association present, in person or by proxy, and entitled to vote at any meeting of the owners at which a quorum is present, may remove any member of the board of directors with or without cause.))~~

**NEW SECTION. Sec. 8** A new section is added to chapter 64.38 RCW to read as follows:

A board of directors may by majority vote incorporate an unincorporated homeowners' association as a nonprofit corporation.

**NEW SECTION. Sec. 9** A new section is added to chapter 64.38 RCW to read as follows:

Notwithstanding any inconsistent provision in the governing documents or other applicable statutes, any member of the board of directors may be removed with or without cause by a majority vote of the owners (1) entitled to elect the board member and present, in person or by proxy, and (2) entitled to vote at any regular or special meeting of the owners at which a quorum is present.

**Sec. 10** RCW 64.38.030 and 1995 c 283 s 6 are each amended to read as follows:

Unless provided for in the ~~((governing documents))~~ declaration, the bylaws of the association ~~((shall))~~ must contain provisions that are consistent with this chapter and provide for:

(1) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers of the association and filling vacancies;

(2) Election by the board of directors of the officers of the association as the bylaws specify;

(3) Which, if any, of its powers the board of directors or officers of the association may delegate to other persons or to a managing agent;

(4) Which of its officers may prepare, execute, certify, and record amendments to the governing documents on behalf of the association;

(5) The method of amending the bylaws; and

~~(6) ((Subject to the provisions of the governing documents,)) Any other matters the association deems necessary and appropriate.~~

**NEW SECTION. Sec. 11** A new section is added to chapter 64.38 RCW to read as follows:

(1) The association must provide the homeowner with the documents and records reasonably requested by the homeowner to furnish a buyer with the resale certificate required in this section.

(2) Unless waived in writing by the buyer and except as provided under subsection (5) of this section, in a transaction for the sale of a lot that is subject to this chapter, the seller shall furnish to the buyer a resale certificate signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate containing:

(a) A statement setting forth the amount of the annual assessment due from the seller, any unpaid assessment currently due and payable from the seller, and a statement of any special assessments that have been levied against the lot and have not been paid even though they are not yet due;

(b) A statement, which must be current to within forty-five days, of whether the sum of assessments that are delinquent under the association's reasonable delinquency policy exceeds ten percent of the association's budgeted annual expenditures and, if so, the total number of lots that are delinquent under the delinquency policy;

(c) A statement, which must be current to within forty-five days, of whether any obligation or liability of the association in excess of the lesser of ten thousand dollars or five percent of the association's budgeted annual expenditures that is sixty days or more past due and, if so, the circumstances that account for this delinquency;

(d) A statement of any anticipated repair or replacement costs approved by the board of directors that exceed five percent of the association's current budgeted annual expenditures;

(e) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(f) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year;

(g) A balance sheet and a revenue and expense statement of the association, which must be current to within one hundred twenty days;

(h) The current adopted budget of the association;

(i) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(j) A statement describing any insurance coverage maintained by the association;

(k) A statement as to whether there are any alterations or improvements to the seller's lot that the association has determined violate any provision of the governing documents;

(l) A statement of whether the association is under declarant control;

(m) A statement as to whether there are any known and currently existing violations of applicable health or building codes with respect to the lot or improvements located on the lot, or any portions of the common areas or improvements of the common areas; and

(n) A copy of the governing documents that include the following, if applicable:

(i) The plat maps and declaration;

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

- (ii) The articles of incorporation;
- (iii) Bylaws, rules, regulations, and policies, if any, including architectural and construction standards and guidelines;
- (iv) The association's current fine schedule;
- (v) A copy of the minutes of the most recent meeting of the members of the association, minutes of the previous six meetings of the board of directors, except that minutes of a board meeting that occurred more than three years before the date of the resale certificate required under this section does not need to be provided; and
- (vi) Any other information reasonably requested by the seller on behalf of the mortgagees of prospective buyers.

The association may charge a fee for photocopying costs not to exceed fifteen cents per page for providing any of the documents required to be disclosed in this subsection. The duty to provide copies of documents that are recorded in the recording office of the county in which the lot is located is satisfied if the association identifies in the resale certificate a link to a web site in which copies of the recorded documents can be obtained. The duty to provide copies of documents that are publicly available on the association's web site is satisfied if the association identifies in the resale certificate a link to its web site. The duty to provide copies of the documents required to be disclosed in this subsection is satisfied if the association provides the documents via compact disc or other electronic storage device or via electronic transmission to an email address that the seller who requests the issuance of a resale certificate shall provide to the association.

(3)(a) The association, within ten days after a request by a seller, and subject to the seller's payment of a reasonable fee not to exceed one hundred fifty dollars, shall furnish to the seller a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the seller to comply with this section.

(b) The association may charge a seller a nominal fee for updating a resale certificate within six months of the seller's request.

(4) The seller shall sign the resale certificate, but the seller is not liable to the buyer for any erroneous information provided by the association and included in the resale certificate unless, and to the extent, the seller had actual knowledge of the erroneous information.

(5) The resale certificate is not required in real property transfers that occur between commercial buyers and sellers or those transfers listed in RCW 64.06.010.

(6) The resale certificate must be attached to the seller disclosure statement required under RCW 64.06.020 unless the buyer has waived the right to receive a seller disclosure statement as provided under chapter 64.06 RCW.

(7) The timing of delivery of the seller's disclosures to the buyer under this section is governed by RCW 64.06.030. A buyer may rescind an agreement for the purchase and sale of a lot in accordance with RCW 64.06.030, and the buyer has the rights and remedies provided in RCW 64.06.070.

(8) The fee set forth in subsection (3)(a) of this section may be adjusted for inflation based on the consumer price index applicable to the geographic area in which the lot is located.

(9) An association may require the seller to obtain a signed acknowledgement from the buyer affirming that any disclosed information will not be disclosed to third parties unless such disclosure is related to the decision to purchase the lot.

**NEW SECTION. Sec. 12** A new section is added to chapter 64.38 RCW to read as follows:

(1) Except as provided under subsection (2) of this section, a seller must furnish to a purchaser before the execution of any contract for sale of residential real property in which the lot is subject to this chapter the following notice:

"BY PURCHASING THE RESIDENTIAL PROPERTY THAT IS THE SUBJECT OF THIS AGREEMENT, YOU WILL BECOME A MEMBER OF A HOMEOWNERS'

2008 REGULAR SESSION

ASSOCIATION THAT GOVERNS THE COMMUNITY IN WHICH THE PROPERTY IS LOCATED. THE ASSOCIATION MAY MAINTAIN AND REPAIR COMMON AREAS, RESTRICT THE USE OF YOUR PROPERTY, COLLECT DUES, AND APPROVE OR DISAPPROVE BUILDING PLANS. UNLESS YOU WAIVE YOUR RIGHT IN WRITING, YOU ARE ENTITLED TO RECEIVE FROM THE SELLER AS PART OF THE DISCLOSURE STATEMENT REQUIRED UNDER CHAPTER 64.06 RCW A CERTIFICATE SIGNED BY AN OFFICER OR AUTHORIZED AGENT OF THE HOMEOWNERS' ASSOCIATION DISCLOSING CERTAIN FINANCIAL AND OTHER INFORMATION ABOUT THE ASSOCIATION."

(2) The notice is not required in real property transfers that occur between commercial buyers and sellers or those transfers listed in RCW 64.06.010.

**NEW SECTION. Sec. 13** A new section is added to chapter 64.38 RCW to read as follows:

(1) Within thirty days after adoption by the board of directors of any proposed regular or special budget of the association, the board shall set a date for a meeting of the owners to consider adoption of the budget no less than ten and no more than sixty days after the mailing of the summary of the proposed regular or special budget. Notwithstanding any contrary provision in the governing documents, the board must allow members to vote on the issue of ratifying the budget either by mail-in ballot or at the meeting, in person or by proxy. Unless the proposed budget is rejected at that meeting by a majority of all the votes in the association, or any larger percentage specified in the governing documents, the proposed budget is ratified and approved whether or not there is a quorum at the meeting. If the proposed budget is rejected or the required notice is not provided, the periodic budget last adopted by the owners shall be continued until the owners adopt a subsequent budget proposed by the board of directors.

(2) To the extent authorized in the declaration, an association's lien rights may include liens to secure payment of fines validly imposed.

(3) A lien for unpaid assessments and the personal liability for the payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the amount of the assessments sought to be recovered becomes due.

(4) This section applies retroactively to any governing documents in effect on the effective date of this section.

(5) This section supersedes any provisions of the governing documents that are inconsistent with this section. All such inconsistent provisions of the governing documents are void and unenforceable.

**Sec. 14** RCW 64.38.035 and 1995 c 283 s 7 are each amended to read as follows:

(1) A meeting of the association must be held at least once each year.

(2) Special meetings of the association may be called by the president, a majority of the board of directors, or by owners having ~~((ten))~~ five percent of the votes in the association and must be held at a reasonable time and at a reasonable place. Any business may be placed on the agenda for a special meeting as long as the business does not conflict with this chapter or the association's governing documents. If the special meeting is called by the members, the members may determine the business to be placed on the agenda. The board may also place business on the special meeting agenda. This subsection supersedes any inconsistent provisions of the governing documents or other applicable statute.

(3) Not less than ~~((fourteen))~~ ten nor more than sixty days in advance of any meeting, the secretary or other officers specified in the bylaws shall cause notice to be hand-delivered or sent prepaid by first-class United States mail to the mailing address of each owner or to any other mailing address designated in writing by the owner. The notice of any meeting shall state the

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

time and place of the meeting and the business to be placed on the agenda by the board of directors for a vote by the owners, including the general nature of any proposed amendment to the articles of incorporation, bylaws, any budget or changes in the previously approved budget that result in a change in assessment obligation, and any proposal to remove a director.

~~((2) Except as provided in this subsection, all meetings of the board of directors shall be open for observation by all owners of record and their authorized agents. The board of directors shall keep minutes of all actions taken by the board, which shall be available to all owners. Upon the affirmative vote in open meeting to assemble in closed session, the board of directors may convene in closed executive session to consider personnel matters; consult with legal counsel or consider communications with legal counsel; and discuss likely or pending litigation, matters involving possible violations of the governing documents of the association, and matters involving the possible liability of an owner to the association. The motion shall state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the closed session shall be included in the minutes. The board of directors shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. No motion, or other action adopted, passed, or agreed to in closed session may become effective unless the board of directors, following the closed session, reconvenes in open meeting and votes in the open meeting on such motion, or other action which is reasonably identified. The requirements of this subsection shall not require the disclosure of information in violation of law or which is otherwise exempt from disclosure.))~~

NEW SECTION. Sec. 15 A new section is added to chapter 64.38 RCW to read as follows:

Except as provided in this section, all meetings of the board of directors shall be open for observation by all owners of record and their authorized agents. The board of directors shall keep minutes of all actions taken by the board, which must be available to all owners. Upon the affirmative vote in open meeting to assemble in closed session, the board of directors may convene in closed executive session to consider personnel matters; consult with legal counsel or consider communications with legal counsel; and discuss likely or pending litigation, matters involving possible violations of the governing documents of the association, and matters involving the possible liability of an owner to the association. The motion must state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the closed session must be included in the minutes. The board of directors shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. A motion, or other action adopted, passed, or agreed to in closed session may not become effective unless the board of directors, following the closed session, reconvenes in open meeting and votes in the open meeting on such motion, or other action that is reasonably identified. This section does not require the disclosure of information in violation of law or that is otherwise exempt from disclosure. This section supersedes any conflicting provisions in Title 23 or 24 RCW or in the association's governing documents.

Sec. 16 RCW 64.38.040 and 1995 c 283 s 8 are each amended to read as follows:

Unless the governing documents specify a ~~((different))~~ smaller percentage, a quorum is present throughout any meeting of the association if the owners to which ~~((thirty-four))~~ twenty-five percent of the votes of the association are allocated are present in person or by proxy at the beginning of the meeting.

NEW SECTION. Sec. 17 A new section is added to chapter 64.38 RCW to read as follows:

For declarations that exist before the effective date of this section:

2008 REGULAR SESSION

(1) If a declaration requires more than seventy-five percent of the votes in the association to approve any amendment to the declaration, the association shall, if so directed by owners holding at least sixty-seven percent of the votes in the association, bring an action in superior court for the county, which any portion of the real property subject to the declaration is located, to reduce the percentage of votes required to amend the declaration. The owners' decision to bring an action may, notwithstanding any provision to the contrary in the declaration, be made by votes cast at a meeting of the association duly called or by written consent, or by both. The action shall be an in rem declaratory judgment action whose title shall be the description of the property subject to the declaration.

(2) If the court finds that the percentage of votes set forth in the declaration is an unreasonable burden on the ability of the owners to amend the declaration and of the association to administer the property under its jurisdiction, the court shall enter an order striking the percentage of votes from the declaration and substituting the percentage of votes that the court determines to be appropriate in the circumstances. The court shall not mandate approval of less than sixty-seven percent of the votes in the association to amend any provision of the declaration.

NEW SECTION. Sec. 18 A new section is added to chapter 64.38 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, declarations recorded after the effective date of this section can be amended with the approval of at least sixty-seven percent of the total votes in the association, or any larger percentage specified in the declaration.

(2) A declarant may unilaterally amend the declaration, but only if the right to amend is clearly stated in the declaration and if the amendment:

(a) Subjects additional property to the declaration pursuant to a plan of expansion set forth in the declaration;

(b) Withdraws property from the declaration, if the withdrawal is allowed under the terms of the declaration and if the property to be withdrawn is not owned by any third party;

(c) Brings any provision of the declaration into compliance with any applicable statute, rule, regulation, or judicial determination;

(d) Enables any title insurance company to issue title insurance coverage for the lots;

(e) Enables any institutional or governmental lender, purchaser, insurer, or guarantor of mortgage loans, to make, purchase, insure, or guarantee mortgage loans for the lots; or

(f) Satisfies the requirements of any local, state, or federal governmental agency.

The amendment shall not adversely affect the title to any lot unless the owner of the affected lot consents to it in writing.

(3) The declaration may require all or a specified number or percentage of the eligible mortgagees who hold first lien security interests encumbering lots to approve specified actions of the owners or association as a condition to the effectiveness of those actions, but a requirement for approval may not operate to:

(a) Deny or delegate control of the general administrative affairs of the association by the owners or board of directors;

(b) Prevent the association or board of directors from commencing, intervening in, or settling any litigation or proceeding; or

(c) Prevent any insurance trustee or the association from receiving and distributing any insurance proceeds.

For purposes of this subsection, "eligible mortgagee" means the holder of a mortgage on a lot that has filed with the secretary of the association a written request for copies of notices of any action by the association that requires the consent of mortgagees that includes the lot number and address of the property subject to the mortgage. If an eligible mortgagee fails to respond to a request for approval within thirty days following the association's issuance of a notice requesting such approval, the eligible mortgagee's approval is deemed granted.

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

(4) The declaration may permit the association's members to approve an amendment through a combination of votes conducted during meetings or through a written consent process.

(5) The declaration may require that to be effective all declaration amendments must be signed by one or more officers of the association, or if applicable, by the declarant. To be effective, all declaration amendments must be acknowledged and recorded in each county in which any portion of the property is located.

**NEW SECTION. Sec. 19** A new section is added to chapter 64.38 RCW to read as follows:

An action to challenge the validity of a declaration amendment adopted by the association under this chapter and after the effective date of this section may not be brought more than one year after the amendment is recorded.

**NEW SECTION. Sec. 20** A new section is added to chapter 64.38 RCW to read as follows:

(1) This section applies to associations in which the declaration or the bylaws authorize only the board of directors to adopt, amend, or rescind bylaws and to do so without a vote of the members and, with respect to those associations, to all bylaws adopted or amended by the board of directors after the effective date of this section.

(2) A bylaw adopted, amended, or rescinded by the board of directors shall not be valid or enforceable until it is ratified by the association's members as set forth in this subsection:

(a) The board of directors shall submit all bylaws adopted, amended, or rescinded by the board to a vote of the members. The vote must be held at the next regularly scheduled annual meeting of the association, or at a special meeting held before the next annual meeting.

(b) The notice of the annual or special meeting must include the text of any existing bylaw that the board has approved for amendment or rescission, and the text of any new or amended bylaw approved by the board.

(c) Unless the governing documents specify a longer advance notice period for a meeting, notice of the meeting, at which the proposed bylaw change will be voted upon, must be provided at least ten days in advance of the meeting and shall not be given more than sixty days in advance of the meeting.

(d) The proposed bylaw change is deemed approved and ratified by the members unless a majority of all the votes in the association vote at the meeting, in person or by proxy, to reject the bylaw change approved by the board.

(3) All bylaw changes ratified by the members in accordance with this section take effect the day after the annual or special meeting at which they were ratified.

**NEW SECTION. Sec. 21** A new section is added to chapter 64.38 RCW to read as follows:

For rules, or amendments to rules, adopted after the effective date of this section:

(1) A rule adopted by the board is valid and enforceable if all the following requirements are satisfied:

(a) The rule is in writing;

(b) The rule is required by law or, within the authority of the board, conferred by law or by the declaration;

(c) The rule is consistent with the governing documents; and

(d) The rule is adopted or amended in substantial compliance with the requirements of this chapter.

(2) Except for emergency rules, the board of directors must provide the association's members with notice and an opportunity to comment on any proposed new or amended rule before the board is authorized to adopt or enforce that rule. For purposes of this section, an "emergency rule" is a rule that is necessary for the immediate preservation of health and safety or a rule that sets forth specific rights or obligations affecting the association or its members under state statutes or administrative rules. Emergency rules become effective immediately, subject to the members' right to request a ratification vote under subsection (3) of this section.

(3) Except for emergency rules, rules adopted by the board of directors following notice and an opportunity for comment become effective thirty days after notice of the rules is provided to the members in the manner authorized by the governing documents, unless a written petition signed by twenty percent of the total votes in the association is submitted to the board within that thirty-day period requesting a ratification vote on the proposed rule. If a ratification vote is requested, the association shall use the following process for the ratification vote:

(a) The board of directors must submit the rules on which a ratification vote has been requested to a vote of the members. The vote must be conducted at the next regularly scheduled annual meeting of the association, or at a special meeting held before the next annual meeting.

(b) The notice of the meeting, at which the ratification vote will be conducted, must include the text of the proposed rules.

(c) Unless the governing documents specify a longer advance notice period for an association meeting, notice of the meeting, at which the ratification vote will be conducted, must be provided at least ten days in advance of the meeting and shall not be provided more than sixty days in advance of the meeting.

(d) The proposed rule change is deemed approved and ratified by the members, unless a majority of all the votes in the association vote at the meeting, in person or by proxy, to reject the rule change approved by the board.

(e) All rule changes ratified by the members in accordance with this section take effect on the original effective date or later effective date established by the board.

(4) The board of directors is not required to use the following optional rule-making process. However, use of this process establishes compliance with the requirements of subsection (1) of this section. For purposes of this section, "rule change" means the adoption or amendment of a rule by the board.

(a) The board shall give notice of a proposed rule change to the owners. The notice must include the following information: (i) The text of the proposed rule change; (ii) a description of the purpose and effect of the proposed rule change; and (iii) the deadline for submission of a comment on the proposed rule change.

(b) For a period of at least thirty days following actual or constructive delivery of a notice of a proposed rule change, the board shall accept written comments from owners on the proposed rule change.

(c) The board shall consider any comments it receives and make a decision on a proposed rule change at a board meeting. Except for emergency rules, a decision on a rule may not be made until after the comment submission deadline.

(d) The board shall give notice of a rule change to the owners. The notice must set out the text of the rule change and state the date the rule change takes effect. Except for emergency rules, the date the rule change takes effect must not be less than thirty days after notice of the rule change is provided in the manner authorized in the governing documents.

**NEW SECTION. Sec. 22** A new section is added to chapter 64.38 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Requestor" means the party requesting mediation.

(b) "Request" means a request for mediation.

(c) "Recipient" means the party that receives the request for mediation.

(2) For disputes that arise after the effective date of this section and do not apply to any judicial or other legal proceedings pending before the effective date of this section:

(a) With the exception of the claims listed in (b) of this subsection, disputes between owners or between owners and their association that involve the governing documents must be submitted to mediation before any party may pursue the claim through court proceedings.

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

(b) The following categories of claims are exempt from the prelitigation mediation requirement under (a) of this subsection:

(i) Claims in which the statute of limitations will soon expire, except that any party to the lawsuit may file a motion with the court requesting that the judge order the parties to mediate before allowing them to proceed with the lawsuit and temporarily stay the litigation proceedings pending the outcome of mediation;

(ii) Claims for injunctive relief, except that any party to the lawsuit may file a motion with the court requesting that the judge order the parties to mediate before allowing them to proceed with the lawsuit and temporarily stay the litigation proceedings pending the outcome of mediation;

(iii) Claims for declaratory judgment;

(iv) Claims related to assessments, or the collection of assessments, or to foreclosures;

(v) Claims for defects in construction of homes and other improvements, whether individually owned or part of the common areas;

(vi) Claims that involve parties who are not subject to the association's governing documents;

(vii) Claims between members of the association that are unrelated to the association's governing documents;

(viii) Claims or issues that have been the subject of a previous mediation request, response, or mediation conference under this section within twelve months of the date of the most recent request, response, or mediation conference, whichever is sooner.

(c) Unless another reasonable alternative dispute resolution process is set forth in the declaration or adopted by a majority vote of the nondeclarant members of the association, the following procedures in this subsection govern the mediation of disputes under this chapter:

(i) The party requesting mediation must submit a request for mediation to the other parties;

(ii) The request may be made in any medium, provided that the requestor can prove the request was received by the recipient;

(iii) Mediation must be conducted by one mediator, unless the parties agree otherwise;

(iv) Unless all parties to the mediation agree otherwise, the mediation conference must be held within ninety days of the date the request is received by all recipients;

(v) The request for mediation must: State the issues that the requestor wishes to mediate; certify that the requestor is willing to meet in good faith; and propose a mediator and provide full contact information (name, address, telephone and fax numbers, and e-mail address) for the proposed mediator;

(vi) The recipients must respond to the requestor no later than thirty days after the request is received by all recipients. The response may be made in any medium as long as the recipient can prove that the response was received by the requestor;

(vii) If the recipient agrees to mediate, the response must include a statement of any additional issues that the recipient wishes to mediate, a statement of whether the mediator proposed by the requestor is acceptable to the recipient and, if not, a proposed alternative mediator and that mediator's contact information. If the recipient declines to mediate, the response must indicate this decision and include a statement of the reasons that the recipient declines to mediate;

(viii) The requestor must reply to the recipient's response within fifteen days of receipt. If the response identifies additional issues that the recipient wishes to address at mediation, the reply must state whether the requestor agrees to mediate those issues. If the requestor does not agree to mediate those issues, the reply must indicate this decision and include a statement of the reasons that the requestor declines to mediate the issues identified by the recipient. A requestor's refusal to mediate the issues identified in the reply is subject to (e) of this subsection;

(ix) If the recipient has proposed an alternative mediator, the reply must state whether the alternative mediator is acceptable to the requestor. If the alternative mediator is not acceptable, the requestor must contact the two proposed mediators within fifteen days of delivering the reply and request that the mediators choose a third person who is available within the time frame required in this section to act as mediator;

(x) The mediator may be an attorney or judge. The mediator's primary function is to assist the parties in communicating with one another and to find ways to resolve the disputed issues by agreement.

(d) Either the recipient or the requestor can decline mediation. If mediation is declined, or a party fails to participate in a scheduled mediation conference, the other party may proceed with filing a legal action. In such a case, the court may:

(i) Enter an order compelling the parties to participate in a mediation conference if the court determines that mediation would be productive or useful; and

(ii) Impose appropriate remedies for a party's unjustified failure to mediate claims subject to mandatory mediation requirements imposed under this section including, without limitation, requiring that party to pay all mediation fees and costs charged by the mediator, reimburse the plaintiff for the costs of filing suit, reimburse the plaintiff for process of service costs, and reimburse the plaintiff for some or all of the plaintiffs' attorneys' fees and costs.

This subsection (2)(d) supersedes any inconsistent provisions in an association's governing documents. The standard of review of a trial court's decision under this section is abuse of discretion.

(e) Unless the parties agree otherwise, the fees and costs of mediation must be shared equally by all parties to the mediation. For purposes of this subsection (2)(e), "fees and costs of mediation" means only those fees and costs charged by the mediator or mediation service and does not include investigation costs or fees paid to an attorney to represent a party to the mediation. If the mediator requires prepayment of all or a portion of the anticipated fees and costs, all parties to the mediation must comply with this requirement. An association may not condition mediation on a member's payment of any charges, costs, or fees.

(3) This section does not limit any party's right to seek relief in a court of competent jurisdiction after the mediation requirements in this section have been met.

**NEW SECTION. Sec. 23** A new section is added to chapter 64.38 RCW to read as follows:

Unless the governing documents permit or require other methods for providing notice, all notices required under this chapter or the governing documents must be delivered or sent by first-class mail postage prepaid to the mailing address of each owner, but not for a shorter time period for providing notice than is required under RCW 64.38.035.

**NEW SECTION. Sec. 24** A new section is added to chapter 64.38 RCW to read as follows:

(1) Except as provided under subsection (2) of this section, in a transaction for the sale of a lot that is subject to this chapter, the seller shall furnish to a buyer a homeowners' association information pamphlet that is identical, in form and substance, to the following:

#### "FREQUENTLY ASKED QUESTIONS

##### ABOUT HOMEOWNERS' ASSOCIATIONS

Buying a home is a big investment. Homeownership frequently includes automatic membership in a homeowners' association (HOA). There are rights and obligations that come with being a member of an HOA. The information below attempts to give you a basic understanding of what membership in an HOA may involve. To better understand what membership in a particular HOA might involve, you should review that HOA's governing documents and consider seeking the assistance of legal counsel to answer any questions you may have.

#### (1) WHAT IS AN HOA?

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Washington law defines an HOA as a legal entity in which each member is an owner of residential property that is subject to the HOA's jurisdiction as a result of certain recorded governing documents. The law governing homeowners' associations, chapter 64.38 RCW, provides more information in this regard.

**(2) WHAT ARE THE GOVERNING DOCUMENTS OF AN HOA?**

The principal governing document of an HOA is often known as the Declaration of Covenants, Conditions, and Restrictions and Easements (CCRs). Other important HOA documents may include Articles of Incorporation, Bylaws, Rules, and Policies.

**(3) WHAT SERVICES AND AMENITIES ARE PROVIDED BY HOAs?**

The services and amenities provided by HOAs vary greatly from community to community. These may include common areas such as a swimming pool, tennis court, playground, trails, community center, or even a golf course. Some HOAs provide landscaping services for homeowners, and some even paint and maintain the exterior of homes.

**(4) WHAT OBLIGATIONS DOES AN HOA HAVE?**

Each HOA is different, but the most common HOA roles include maintaining common areas and amenities, administering and enforcing use and architectural restrictions, adopting budgets, and collecting assessments.

**(5) AM I REQUIRED TO BE A MEMBER OF THE HOA?**

Generally, the governing documents for an HOA make membership mandatory for all owners within the community. The HOA's governing documents are essentially a legally binding contract between the owner/members and the association. If you have questions about your legal rights and obligations as a member of the HOA, you should consult an attorney.

**(6) HOW DOES MEMBERSHIP IN AN HOA AFFECT THE OWNERSHIP OF MY HOME?**

By virtue of your membership in an HOA, you will have various rights and obligations as described in the governing documents. These may include restrictions on the use of your property, architectural controls on future improvements of your property, and the obligation to pay assessments, also known as dues, to the HOA.

**(7) WHO IS IN CHARGE OF AN HOA?**

HOAs are typically governed by a board of directors or board of trustees elected by the homeowners. The board's responsibilities and power depend upon the HOA's governing documents.

**(8) HOW DOES THE HOA ENFORCE THE GOVERNING DOCUMENTS?**

The governing documents of an HOA typically give it wide-ranging powers to enforce its covenants, rules, and policies. This may include the power to file a lawsuit for damages or injunctive relief or fine an owner who does not comply with the restrictions.

**(9) WHAT HAPPENS IF I DO NOT PAY MY HOA ASSESSMENTS?**

The governing documents likely give your HOA the power to place a lien on your home or take other legal action if you fail to pay properly levied assessments. If you do not pay your assessments on time, this might result in the foreclosure of your home by the HOA.

**(10) WHAT IS THE DIFFERENCE BETWEEN AN HOA AND A CONDOMINIUM ASSOCIATION?**

A condominium association is a specialized type of homeowners' association. A condominium association is created under different statutes than those that apply to HOAs. Unless your governing documents state that your community is a condominium created pursuant to the Washington Condominium Act, chapter 64.34 RCW, or the Horizontal Property Regimes Act, chapter 64.32 RCW, it is not a condominium.

**(11) WHAT HAPPENS IF ONE OF THE COMMON AREAS OF MY HOA MUST BE REPAIRED OR REPLACED?**

Well-managed HOAs will normally include an amount for reserves in their annual budgets. In this way, a portion of the assessments you pay is set aside and builds up over time to pay for expensive repairs or replacements. You should review the HOA's financial statements to determine if this is true for your HOA.

**(12) WHAT IS THE AMOUNT OF THE ASSESSMENTS THAT CAN BE CHARGED BY MY HOA?**

If you are a new buyer, you are entitled to a resale certificate that will provide this information. Otherwise, this information should be provided to you as part of the HOA's annual budget process. If you have questions, you should consult the HOA's manager or a member of its board of directors.

**(13) CAN ASSESSMENTS BE INCREASED?**

Typically, the governing documents allow for assessments to be adjusted based on the HOA's annual budget. The law governing homeowners' associations requires that an HOA's annual budget be ratified by its members. This is a good opportunity to ask questions as to how budget changes will affect your assessments.

**(14) CAN MY HOA RESTRICT THE TYPES OF IMPROVEMENTS I CAN MAKE TO MY HOME?**

Depending on your governing documents, your HOA may have certain architectural or design guidelines and restrictions. If it does, there may be restrictions on the exterior appearance of your home, and you may be required to submit plans and specifications for approval before you make any changes to the exterior or build any additions or other structures.

**(15) WHAT TYPES OF USE RULES MIGHT AFFECT MY HOME?**

The HOA's governing documents may contain rules relating to trees, landscaping, pets, satellite dishes, clotheslines, fences, parking, home businesses, rental of homes, and other issues. You should carefully read the governing documents to understand the nature of these restrictions.

**(16) AS A MEMBER OF AN HOA, CAN I RENT MY HOME?**

The answer to this question depends on the governing documents for the particular community. Some governing documents prohibit all rentals, some limit the number of homes that can be rented at any time, while others have no restrictions on leasing.

**(17) WHEN DOES MY HOA MEET?**

In Washington state, HOAs must hold a meeting of the membership at least once each year. Notice of the date and time of the meeting must be provided to you by the officers of the association. Your HOA's board will likely meet more often. If you would like information concerning the board's meeting schedule, you should consult the HOA's manager or a member of the board.

**(18) CAN I ATTEND THE REGULAR MEETINGS OF MY HOA'S BOARD OF DIRECTORS?**

Board meetings are generally open to members of the HOA to observe, but not to participate in. The law governing homeowners' associations permits a board to consider certain sensitive topics in private (executive session), and to exclude HOA members from that part of the board's meeting. Review the HOA's governing documents, particularly its bylaws, to determine your rights.

**(19) AS A MEMBER OF AN ASSOCIATION, CAN I OBTAIN COPIES OF THE HOA'S RECORDS?**

The law governing homeowners' associations provides that the records of the HOA must be made available for review by owners during normal business hours at the office of the HOA or its managing agent.

**(20) HOW CAN I DETERMINE WHETHER THE HOA OF WHICH I AM CONSIDERING BECOMING A MEMBER FACES ANY SERIOUS FINANCIAL PROBLEMS?**

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

As a purchaser of a home within an HOA, you are entitled to receive a resale certificate that will provide you with information regarding the financial condition of the HOA and whether it is involved in any litigation. However, you should also ask the seller questions to get a clear picture of the HOA's financial condition.

**(21) DO THE BENEFITS OF BELONGING TO AN HOA OUTWEIGH THE BURDENS?**

This is a question you should consider when the home you want to buy is part of an HOA. Some of the typical benefits and burdens are described above. Studying the governing documents for the community in which you are considering purchasing a home is an important step. Consider exploring this question with your seller, real estate professional, attorney, and other advisors. You may also wish to speak with neighboring homeowners about the community and the HOA."

(2) The homeowners' association information pamphlet is not required in real property transfers that occur between commercial buyers and sellers or those transfers listed in RCW 64.06.010.

**NEW SECTION. Sec. 25** A new section is added to chapter 64.38 RCW to read as follows:

(1) Subject to subsection (2) of this section, the declaration may provide for a period of declarant control of the association, during which period a declarant or persons designated by the declarant may (a) appoint and remove the officers and members of the board of directors or (b) veto or approve a proposed action of the board or association. A declarant's failure to veto or approve the proposed action in writing within thirty days of written notice of the proposed action is deemed an approval of the proposed action by the declarant.

(2) Regardless of any period provided in the declaration, a period of declarant control terminates no later than the earliest of: (a) Sixty days after conveyance of seventy-five percent of the lots that may be created to lot owners other than a declarant; (b) two years after the last conveyance or transfer of record of a lot except as security for a debt; (c) two years after any development right to add new lots was last exercised; or (d) the date on which the declarant records an amendment to the declaration, pursuant to which the declarant voluntarily surrenders the right to further appoint and remove officers and members of the board of directors. A declarant may voluntarily surrender the right to appoint and remove officers and members of the board of directors before termination of the period of declarant control, but in that event the declarant may require, for the duration of the period of declarant control, that specified actions of the association or board of directors, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective.

(3) No later than sixty days after conveyance of twenty-five percent of the lots that may be created to lot owners other than a declarant, at least one member and at least twenty-five percent of the members of the board of directors must be elected by lot owners other than the declarant. No later than sixty days after conveyance of fifty percent of the lots that may be created to lot owners other than a declarant, at least thirty-three and one-third percent of the members of the board of directors must be elected by lot owners other than the declarant.

**NEW SECTION. Sec. 26** A new section is added to chapter 64.38 RCW to read as follows:

Owners may vote in person or by proxy or by any other method permitted by their governing documents or the law applicable to the association's legal entity.

**NEW SECTION. Sec. 27** A new section is added to chapter 64.38 RCW to read as follows:

(1) For the purposes of this section, "land use approval organization" means any legal entity, except for the original declarant or grantor, that does not meet the definition of an association under this chapter but asserts the authority to:

(a) Approve construction of structures on residential real property;

(b) Regulate the use of such residential real property; or  
(c) Grant or deny variances from any requirements pertaining to such residential real property.

(2) A land use approval organization may not exercise any authority over residential real property unless:

(a) The membership of the organization is open to the owners of all real property subject to its authority;

(b) The membership of the organization elects the organization's board of directors; and

(c) The board of directors conducts periodic open membership meetings.

(3) The board of directors of a land use approval organization shall exercise the degree of care and loyalty required of an officer or director of a corporation organized under chapter 24.03 RCW.

**NEW SECTION. Sec. 28** The code reviser shall alphabetize and renumber the definitions in RCW 64.38.010."

Senator Fraser spoke in favor of adoption of the striking amendment.

**MOTION**

Senator Tom moved that the following amendment by Senators Tom, Fraser and Benton to the striking amendment be adopted.

Beginning on page 8, line 27 of the amendment, strike all of section 11

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

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

**"Sec. 28** RCW 64.06.020 and 2007 c 107 s 4 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:  
**INSTRUCTIONS TO THE SELLER**

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any \* items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

**NOTICE TO THE BUYER**

**THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT ..... ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.**

**SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN**

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . . is/ . . . . is not occupying the property.

**I. SELLER'S DISCLOSURES:**

\*If you answer "Yes" to a question with an asterisk (\*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

**1. TITLE**

[ ] [ ] [ ] Don't A. Do you have legal  
Yes No know authority to sell  
the property? If no, please  
explain.

[ ] [ ] [ ] Don't \*B. Is title to the property  
Yes No know subject to  
any of the following?

- (1) First right of refusal
- (2) Option
- (3) Lease or rental agreement
- (4) Life estate?

[ ] [ ] [ ] Don't \*C. Are there any  
Yes No know encroachments,  
boundary agreements, or  
boundary disputes?

[ ] [ ] [ ] Don't \*D. Is there a private road or  
Yes No know easement  
agreement for access to the  
property?

[ ] [ ] [ ] Don't \*E. Are there any  
Yes No know rights-of-way,  
easements, or access  
limitations that  
may affect the Buyer's use of  
the  
property?

[ ] [ ] [ ] Don't \*F. Are there any written  
Yes No know agreements  
for joint maintenance of an  
easement or  
right-of-way?

[ ] [ ] [ ] Don't \*G. Is there any study,  
Yes No know survey project,  
or notice that would adversely  
affect the  
property?

[ ] [ ] [ ] Don't \*H. Are there any pending  
Yes No know assessments against the  
property?

[ ] [ ] [ ] Don't \*I. Are there any zoning  
Yes No know violations,  
nonconforming uses, or any  
unusual  
restrictions on the property  
that would  
affect future construction or  
remodeling?

[ ] [ ] [ ] Don't \*J. Is there a boundary  
Yes No know survey for the  
property?

[ ] [ ] [ ] Don't \*K. Are there any  
Yes No know covenants,  
conditions, or restrictions  
which affect  
the property?

**2. WATER**

**A. Household Water**

(1) The source of water  
for the  
property is:  
[ ] Private or publicly  
owned water  
system  
[ ] Private well serving  
only the  
subject property . . . . .  
\*[ ] Other water system

[ ] [ ] [ ] Don't \*If shared, are there any  
Yes No know written  
agreements?

[ ] [ ] [ ] Don't  
Yes No know

\*(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

[ ] [ ] [ ] Don't  
Yes No know

\*(a) If yes, has all or any portion of the water right not been used for five or more successive years?

[ ] [ ] [ ] Don't  
Yes No know

\*(3) Are there any known problems or repairs needed?

[ ] [ ] [ ] Don't  
Yes No know

\*(b) If so, is the certificate available? (If yes, please attach a copy.)

[ ] [ ] [ ] Don't  
Yes No know

(4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.

[ ] [ ] [ ] Don't  
Yes No know

(c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed? If so, explain:

[ ] [ ] [ ] Don't  
Yes No know

\*(5) Are there any water treatment systems for the property? If yes, are they [ ]Leased [ ]Owned

[ ] [ ] [ ] Don't  
Yes No know

(2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:

[ ] [ ] [ ] Don't  
Yes No know

\*(6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?

[ ] [ ] [ ] Don't  
Yes No know

(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

[ ] [ ] [ ] Don't  
Yes No know

C. Outdoor Sprinkler System

(1) Is there an outdoor sprinkler system for the property?

[ ] [ ] [ ] Don't  
Yes No know

(2) If yes, are there any defects in the system? . . . . .

[ ] [ ] [ ] Don't  
Yes No know

\*(3) If yes, is the sprinkler system connected to irrigation water?

(b) If yes, has all or any portion of the water right not been used for five or more successive years? (If yes, please explain.)

3. SEWER/ON-SITE SEWAGE SYSTEM

B. Irrigation Water

[ ] [ ] [ ] Don't  
Yes No know

(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?

A. The property is served by:  
[ ] Public sewer system,  
[ ] On-site sewage system (including pipes, tanks, drainfields, and all other component parts)  
[ ] Other disposal system, please describe:

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Yes  No  Don't know B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.  
.....

Yes  No  Don't know C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

D. If the property is connected to an on-site sewage system:

Yes  No  Don't know \*(1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?

(2) When was it last pumped:  
.....

Yes  No  Don't know \*(3) Are there any defects in the operation of the on-site sewage system?

Don't know (4) When was it last inspected?  
.....

By whom: .....

Don't know (5) For how many bedrooms was the on-site sewage system approved?

..... bedrooms

Yes  No  Don't know E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain: .....

Yes  No  Don't know \*F. Have there been any changes or repairs to the on-site sewage system?

Yes  No  Don't know G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.  
.....

Yes  No  Don't know H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? If yes, please explain.  
.....

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

**4. STRUCTURAL**

Yes  No  Don't know \*A. Has the roof leaked?

Yes  No  Don't know \*B. Has the basement flooded or leaked?

Yes  No  Don't know \*C. Have there been any conversions, additions, or remodeling?

Yes  No  Don't know \*(1) If yes, were all building permits obtained?

Yes  No  Don't know \*(2) If yes, were all final inspections obtained?

Yes  No  Don't know D. Do you know the age of the house? If yes, year of original construction:  
.....

Yes  No  Don't know \*E. Has there been any settling, slippage, or sliding of the property or its improvements?

Yes  No  Don't know \*F. Are there any defects with the following: (If yes, please check applicable items and explain.)

Foundations  Decks  Exterior Walls

Chimneys  Interior Walls  Fire Alarm

Doors  Windows  Patio

Ceilings  Slab Floors  Driveways

Pools  Hot Tub  Sauna

Sidewalks  Outbuildings  Fireplaces

Garage Floors  Walkways  Siding

Other  Wood Stoves

Yes  No  Don't know \*G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed? .....

Yes  No  Don't know H. During your ownership, has the property had any wood destroying organism or pest infestation?

Yes  No  Don't know I. Is the attic insulated?

Yes  No  Don't know J. Is the basement insulated?

**5. SYSTEMS AND FIXTURES**

\*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.

Yes  No  Don't know Electrical system, including wiring, switches, outlets, and service

Yes  No  Don't know Plumbing system, including pipes, faucets, fixtures, and toilets

Yes  No  Don't know Hot water tank

Yes  No  Don't know

Garbage disposal

Appliances

Sump pump

Heating and cooling systems

Security system  
 Owned  Leased

Other .....

\*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

Yes  No  Don't know

Yes  No  Don't know

Yes  No  Don't know

Security system .....

Tanks (type): .....

Satellite dish .....

**6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS**

Yes  No  Don't know

A. Is there a Homeowners' Association? If yes, provide the name of the association and contact information for the association:

.....  
 .....

Yes  No  Don't know

B. Are there regular periodic assessments:

\$ . . . per  Month  Year  
 Other .....

Yes  No  Don't know

\*C. Are there any pending special assessments?

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Yes  No  Don't know \*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

Yes  No  Don't know

\*I. Has the property been used as a legal or illegal dumping site?

Yes  No  Don't know

\*J. Has the property been used as an illegal drug manufacturing site?

Yes  No  Don't know

\*K. Are there any radio towers in the area that may cause interference with telephone reception?

**7. ENVIRONMENTAL**

Yes  No  Don't know \*A. Have there been any drainage problems on the property?

**8. MANUFACTURED AND MOBILE HOMES**

Yes  No  Don't know \*B. Does the property contain fill material?

If the property includes a manufactured or mobile home,

Yes  No  Don't know \*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes  No  Don't know

\*A. Did you make any alterations to the home? If yes, please describe the alterations: . . . . .

Yes  No  Don't know D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

Yes  No  Don't know

\*B. Did any previous owner make any alterations to the home? If yes, please describe the alterations: . . . . .

Yes  No  Don't know \*E. Are there any substances, materials, or products on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

Yes  No  Don't know

\*C. If alterations were made, were permits or variances for these alterations obtained?

**9. FULL DISCLOSURE BY SELLERS**

Yes  No  Don't know \*F. Has the property been used for commercial or industrial purposes?

A. Other conditions or defects:

Yes  No  Don't know \*G. Is there any soil or groundwater contamination?

Yes  No  Don't know

\*Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:

Yes  No  Don't know \*H. Are there transmission poles, transformers, or other utility equipment installed, maintained, or buried on the property?

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DATE . . . . SELLER . . . . . SELLER . . . . .

NOTICE TO THE BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE . . . . . BUYER . . . . . BUYER . . . . .

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction."

Renumber the remaining section consecutively.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Tom , Fraser and Benton on page 8, line 27 to the striking amendment to Senate Bill No. 6745.

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

MOTION

Senator Benton moved that the following amendment by Senators Benton and Tom to the striking amendment be adopted.

On page 12, beginning on line 28, strike all material through line 30, and insert the following:

"(2) An association's lien rights may not include liens to secure payment of fines validly imposed. However, an association's lien rights may include liens to secure payment of unpaid assessments. This subsection supersedes any inconsistent provisions in the governing documents."

Senator Benton spoke in favor of adoption of the

II. BUYER'S ACKNOWLEDGMENT

- A Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
- C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.
- D This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

THIRTY-SIXTH DAY, FEBRUARY 18, 2008  
 amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Tom on page 12, line 28 to the striking amendment to Senate Bill No. 6745.

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

MOTION

Senator Roach moved that the following amendment to the striking amendment by Senator Roach be adopted.

On page 16, following line 2, insert the following:

"NEW SECTION. Sec. 18. A new section is added to chapter 64.38 RCW to read as follows:

(1) A homeowners' association may be dissolved by an affirmative vote of sixty percent of the owners in the association in accordance with this section.

(2) If a request for dissolution is made in writing to the board by owners having at least twenty percent of votes in the association, the secretary of other officers specified in the bylaws shall cause notice of such proposal to be hand-delivered or sent prepaid by first-class United States mail to the mailing address of each owner in the association. The notice shall state the time and place of a meeting to vote on the proposal. The meeting shall not be held less than one hundred and eighty days prior to such notice being mailed. Owners may vote in person or by proxy.

(3) This section supersedes any provisions of a declaration or governing documents which either prohibit dissolution or establish a threshold to dissolve in excess of that set forth in this section. A declaration or governing document which allow for dissolution of an association with a vote less than required under this section are permitted."

Renumber the sections consecutively and correct any internal references accordingly.

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

WITHDRAWAL OF AMENDMENT

On motion of Senator Roach, the amendment by Senator Roach on page 16, line 2 to the striking amendment to Senate Bill No. 6745 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Tom to the striking amendment be adopted.

On page 18, line 14, after "members", strike "unless" and insert "if"

On page 18, line 16, after "to", strike "reject" and insert "approve"

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Tom on page 18, line 14 to the striking amendment to Senate Bill No. 6745.

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

The President declared the question before the Senate to be

the adoption of the striking amendment by Senators Fraser, Haugen and Weinstein as amended to Senate Bill No. 6745.

The motion by Senator Fraser carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "associations;" strike the remainder of the title and insert "amending RCW 64.38.005, 64.38.010, 64.38.015, 64.38.020, 64.38.025, 64.38.030, 64.38.035, and 64.38.040; adding new sections to chapter 64.38 RCW; and creating a new section."

On page 31, line 3 of the title amendment, after "64.38.035," strike "and 64.38.040" and insert "64.38.040, and 64.06.020"

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 6745 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6745.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6745 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

ENGROSSED SENATE BILL NO. 6745, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6227, by Senator Jacobsen

Providing support and resources to outer coast marine resources committees.

MOTIONS

On motion of Senator Jacobsen, Second Substitute Senate Bill No. 6227 was substituted for Senate Bill No. 6227 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Second Substitute Senate Bill No. 6227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6227.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6227 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SECOND SUBSTITUTE SENATE BILL NO. 6227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5343, by Senator Kline

Concerning crimes against property.

The measure was read the second time.

## MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Marr spoke in favor of passage of the bill.

Senators Carrell, Brandland, Honeyford, Benton and Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5343.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 26

Voting nay: Senators Benton, Berkey, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Pridemore, Rasmussen, Roach, Schoesler, Sheldon, Stevens and Zarelli - 22

Excused: Senator Swecker - 1

SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

2008 REGULAR SESSION

SENATE BILL NO. 6277, by Senators Haugen and Spanel

Requiring the accommodation of certain private transit providers at park and ride lots. Revised for 1st Substitute: Providing for the accommodation of certain private transit providers at park and ride lots.

## MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 6277 was substituted for Senate Bill No. 6277 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 6277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

## PARLIAMENTARY INQUIRY

Senator Brandland: "I'm wondering what book we're working out of? I've got two here and I, maybe I missed it."

## REPLY BY THE PRESIDENT

President Owen: "It's labeled, 'Supplemental Calendar'."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6277.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6277 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6337, by Senator Jacobsen

Regarding the management of the Puget Sound commercial salmon fishery. Revised for 1st Substitute: Regarding the state's management of the Puget Sound commercial salmon fishery.

## MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 6337 was substituted for Senate Bill No. 6337 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 6337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Senators Spanel and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6337.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6337 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6770, by Senators Kohl-Welles, Holmquist, McAuliffe, Hewitt and Delvin

Regarding alcoholic beverage regulation.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6770 was substituted for Senate Bill No. 6770 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Delvin and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6770.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6770 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Absent: Senator McAuliffe - 1

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6514, by Senators Tom, McCaslin and Kline

Regarding identifying real property.

MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 6514 was substituted for Senate Bill No. 6514 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 6514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6514.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6514 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6711, by Senators Kauffman, Kilmer, Kohl-Welles, Keiser and Kline

Creating the smart homeownership choices program.

MOTIONS

On motion of Senator Weinstein, Substitute Senate Bill No. 6711 was substituted for Senate Bill No. 6711 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Weinstein, the rules were suspended, Substitute Senate Bill No. 6711 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6711.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6711 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6711, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6347, by Senator Morton

Exempting small counties from certain day labor project requirements.

## MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6347 was substituted for Senate Bill No. 6347 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 6347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton, Murray and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6347.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6347 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6305, by Senators Kohl-Welles, Keiser, Fairley, Regala, Kline, McDermott, Murray and Tom

Granting discretion to the department of health with respect to federal funding for the prevention of teen pregnancy.

The measure was read the second time.

## MOTION

Senator Stevens moved that the following amendment by Senator Stevens and others be adopted.

On page 1, at the beginning of line 16, strike all material through "~~abortions~~)" and insert "~~(of illegitimate births)~~) and abortions"

Senators Stevens and Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens and others on page 1, line 16 to Senate Bill No. 6305.

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

## MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist and others be adopted.

On page 2, line 2, after "programs." strike all material through "received." and insert "The department is directed to identify community-based programs that are qualified to provide abstinence education and motivation programs that meet all the requirements for federal funding. If that federal funding is granted."

On page 2, line 3, after "with" insert "community-based"

Senators Holmquist and Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist and others on page 2, line 2 to Senate Bill No. 6305.

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

## MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the department of health's application for federal funding for the prevention of teen pregnancy under Title V of the federal social security act; and amending RCW 74.12.410."

## MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 6305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6305.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6305 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala,

THIRTY-SIXTH DAY, FEBRUARY 18, 2008

2008 REGULAR SESSION

Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 37

Voting nay: Senators Benton, Carrell, Delvin, Holmquist, Honeyford, McCaslin, Morton, Roach, Schoesler, Stevens and Zarelli - 11

Excused: Senator Swecker - 1

ENGROSSED SENATE BILL NO. 6305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6241, by Senators Fairley, Pflug, Kohl-Welles, Kline and Franklin

Prohibiting the sale or use of prescriber-identifiable prescription data for commercial or marketing purposes absent prescriber consent. Revised for 1st Substitute: Prohibiting the sale or use of prescriber-identifiable prescription data for commercial or marketing purposes.

#### MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6241 was substituted for Senate Bill No. 6241 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Weinstein and Fairley spoke in favor of passage of the bill.

Senators Carrell and Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6241.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6241 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McDermott, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 26

Voting nay: Senators Benton, Berkey, Brandland, Carrell, Delvin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, King, McAuliffe, McCaslin, Morton, Murray, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 22

Excused: Senator Swecker - 1

SUBSTITUTE SENATE BILL NO. 6241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 9:00 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Tuesday, February 19, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

**THIRTY-SEVENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Tuesday, February 19, 2008

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

The Sergeant at Arms Color Guard consisting of Pages Taylor Pierce and Stephanie Rae, presented the Colors. Cmdr. Ron Brown, Navy Region Northwest command chaplain, of Bremerton offered the prayer.

The Navy Band Northwest consisting of Musician 1<sup>st</sup> Class Thomas Horner; Musician 1<sup>st</sup> Class James Raasch; Musician 3<sup>rd</sup> Class Drew Williams and, Musician 3<sup>rd</sup> Class Eric Cavender performed the National Anthem.

**INTRODUCTIONS OF SPECIAL GUEST**

The President introduced former Secretary of State Ralph Munro who was present in the gallery and assisted in organizing "Navy Day."

The President welcomed and introduced Rear Admiral James A. Symonds, Commander Navy Region Northwest; Commander Naval Region Northwest's Chief of Staff, Capt T. J. Dargen; and Cmdr. Ron Brown who were seated at the rostrum.

The President also introduced members Capt. Reid Tanaka, Naval Base Kitsap commanding officer; Cmdr. George Whitbred, Naval Base Kitsap, Indian Island; Capt. Steve Shapro, Fleet and Industrial Supply Center; Capt. Catherine Wilson, Naval Hospital Bremerton; Capt. Robert Schlesinger, Naval Facilities Engineering Command; Capt. Tom Mascolo, Naval Station Everett; Cmdr. Chris Phillips, Navy Recruiting District Seattle; and Mr. Rick Tift, Executive Director, Puget Sound Naval Shipyard.

The President introduced Lt. Patrick Smith, Lt. James Udall, Petty Officer Jeremiah Brown, Petty Officer Chad Lewis, and Petty Officer Seth Von Borstel, Naval Station Whidbey Island Search and Rescue Sailors, who were present in the gallery and recognized for their heroic efforts assisting victims during the December 2007 floods in Lewis, Grays Harbor and Thurston counties.

**PERSONAL PRIVILEGE**

Senator Swecker: "Well, I just want to take this opportunity to thank these gentleman personally. I represent Lewis County and parts of Thurston County that were flooded and I can tell you the Monday morning of the flood event we had such a deluge of water come down the Chehalis River from the hurricane that occurred in the upper watershed that none of us anticipated how quickly we were going to be putting people at risk and how difficult it was going to be to get to them. Having been a helicopter pilot in the Army I think I was one of the first to seize on the idea that we needed some helicopter support and I started making phone calls. Once I finally got through I was informed within five minutes that helicopters were on their way. Thank you."

**PERSONAL PRIVILEGE**

Senator Haugen: "Thank you Mr. President. Well, these fine young men come from my area. I represent Whidbey Island and I represent that really outstanding naval base. I want to tell that over the years during my political career I've seen men from US Navy Whidbey rescue many people. They've rescued people

off mountains. They've rescued people off the sea. They use to do it a whole more than they do now but I can tell you living in an area where you can depend on these young outstanding pilots to be there in a crisis really means a lot to the people in the area. Our military base is really an outstanding base because it really is a part of our community. These young men who serve on this base and women they actually reach out in this community and serve it in many ways. We're just so fortunate to have this installation in our area but more than anything else we're really fortunate to have young men like this who are risking their lives daily for all of us. Not only in Iraq and other places around the world but here right in the state of Washington and I want to say thank you. I'm really proud to be your Senator."

**MOTION**

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

**MOTION**

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

**MESSAGE FROM THE HOUSE**

February 18, 2008

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1115,  
HOUSE BILL NO. 2470,  
SUBSTITUTE HOUSE BILL NO. 2575,  
SUBSTITUTE HOUSE BILL NO. 2609,  
SECOND SUBSTITUTE HOUSE BILL NO. 2635,  
SUBSTITUTE HOUSE BILL NO. 2675,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2712,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2767,  
HOUSE BILL NO. 2792,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2844,  
HOUSE BILL NO. 2901,  
SUBSTITUTE HOUSE BILL NO. 2904,  
HOUSE BILL NO. 3025,  
SUBSTITUTE HOUSE BILL NO. 3059,  
SUBSTITUTE HOUSE BILL NO. 3206,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 18, 2008

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1332,  
THIRD SUBSTITUTE HOUSE BILL NO. 1741,  
SUBSTITUTE HOUSE BILL NO. 2455,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2468,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2533,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592,  
SUBSTITUTE HOUSE BILL NO. 2602,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2703,  
SECOND SUBSTITUTE HOUSE BILL NO. 2713,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3012,

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 3069,  
 SUBSTITUTE HOUSE BILL NO. 3071,  
 ENGROSSED HOUSE BILL NO. 3142,  
 SUBSTITUTE HOUSE BILL NO. 3149,  
 HOUSE BILL NO. 3151,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 3186,  
 HOUSE BILL NO. 3188,  
 ENGROSSED HOUSE BILL NO. 3230,  
 SECOND SUBSTITUTE HOUSE BILL NO. 3269,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3303,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

February 18, 2008

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 2110,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2530,  
 HOUSE BILL NO. 2542,  
 SUBSTITUTE HOUSE BILL NO. 2585,  
 SUBSTITUTE HOUSE BILL NO. 2621,  
 SUBSTITUTE HOUSE BILL NO. 2666,  
 SUBSTITUTE HOUSE BILL NO. 2746,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2817,  
 HOUSE BILL NO. 2887,  
 SUBSTITUTE HOUSE BILL NO. 2917,  
 HOUSE BILL NO. 3177,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

There being no objection, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1545 by Representatives Kirby, Ericks and Ormsby

AN ACT Relating to industrial insurance death benefits for the surviving spouses of law enforcement officers; amending RCW 51.32.050; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

E2SHB 1621 by House Committee on Finance (originally sponsored by Representatives B. Sullivan, Sells, Morrell, Lovick, Ormsby, Miloscia, Springer, McCoy, Sullivan, Hasegawa, O'Brien, Roberts, Conway, Wood, Haigh, Rolfes and Simpson)

AN ACT Relating to the preservation of manufactured/mobile home communities; amending RCW 59.20.030, 82.45.010, and 59.22.050; adding new sections to chapter 59.20 RCW; creating a new section; and repealing RCW 59.23.005, 59.23.010, 59.23.015, 59.23.020, 59.23.025, 59.23.030, 59.23.035, and 59.23.040.

Referred to Committee on Consumer Protection & Housing.

E2SHB 1773 by House Committee on Transportation (originally sponsored by Representatives Clibborn and Jarrett)

AN ACT Relating to the imposition of tolls; amending RCW 47.56.030, 47.56.040, 47.56.070, 47.56.076, 47.56.078, 47.56.120, 47.56.240, 35.74.050, 36.120.050, 36.73.040, 47.29.060, 47.58.030, 47.60.010, and 53.34.010; reenacting and amending RCW 43.79A.040; adding new sections to chapter 47.56 RCW; repealing RCW 47.56.0761 and 47.56.080; and declaring an emergency.

Referred to Committee on Transportation.

HB 1775 by Representatives Hinkle, Pettigrew, Kretz, Grant, Armstrong, Pearson, Strow, Sump, Warnick and Blake

AN ACT Relating to crimes against livestock belonging to another person; amending RCW 4.24.320; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

E3SHB 1873 by House Committee on Appropriations (originally sponsored by Representatives Ormsby, Haler, Pedersen, Wood, VanDeWege, Campbell, Flannigan, Kessler, Williams and Lantz)

AN ACT Relating to actions for wrongful injury or death; amending RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2134 by Representatives VanDeWege, Linville, Grant, Walsh, Kenney, Curtis, Moeller, Conway, Fromhold, Seaquist, Sullivan, Hinkle, Ericks, Uptegrove, Schual-Berke, Hurst, Sells, Lovick, Williams, Campbell, Chase, Quall, Simpson, Hasegawa, Santos, Goodman, Haler, Ormsby and Kelley

AN ACT Relating to port district fire fighter membership in the law enforcement officers' and fire fighters' retirement system plan 2; amending RCW 41.26.030 and 41.26.030; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

2SHB 2344 by House Committee on Transportation (originally sponsored by Representatives Wallace, Rodne, Hunter and Kenney)

AN ACT Relating to preserving rail corridors; amending RCW 36.70A.070 and 64.06.020; and adding new sections to chapter 47.76 RCW.

Referred to Committee on Transportation.

SHB 2444 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Pearson, McCune, Priest, Haler, Armstrong, Kristiansen, Crouse, Rodne, Bailey, Hinkle, Hailey, Kretz, Warnick, Sump, Roach, Orcutt, Newhouse, Ahern, Alexander, Skinner, Hurst, Schindler, Walsh, Smith, Campbell, Dunn, Herrera, Kelley and McDonald)

AN ACT Relating to requiring registered sex and kidnapping offenders to submit information regarding any e-mail addresses and any web sites they create or operate; reenacting and amending RCW 9A.44.130; and creating a new section.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

Referred to Committee on Human Services &amp; Corrections.

E2SHB 2449 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Conway, Goodman, Kagi, Haler, Priest, Morrell, Green, Appleton, Sullivan, Wood, Sells, Williams, Haigh, Campbell, Simpson, Wallace, Barlow, Ormsby, Kessler, Jarrett, Dunshee, Walsh, Hudgins, Moeller, VanDeWege, Blake, Hasegawa, Hunt, Liias, Miloscia, McIntire, Kenney, Santos, Cody, Nelson, Rolfes, Chase and Darneille)

AN ACT Relating to improving quality, access, and stability of child care through providing collective bargaining for child care center directors and workers; amending RCW 41.56.028, 41.56.030, 41.56.113, 41.04.810, and 43.01.047; adding a new section to chapter 43.215 RCW; adding a new section to chapter 74.08A RCW; adding a new section to chapter 74.12 RCW; and creating new sections.

Referred to Committee on Ways &amp; Means.

HB 2485 by Representatives Fromhold, Orcutt, Wallace, Moeller, Dunn, Blake and McIntire

AN ACT Relating to definitions applicable to local infrastructure financing tool program demonstration projects; amending RCW 39.102.020; and providing an expiration date.

Referred to Committee on Economic Development, Trade &amp; Management.

2SHB 2507 by House Committee on Capital Budget (originally sponsored by Representatives O'Brien, Ormsby, Hurst, Goodman, VanDeWege, Liias, Barlow, Green, Kelley, Warnick and Simpson)

AN ACT Relating to expanding the statewide first responder building mapping information system to higher education facilities; and creating new sections.

Referred to Committee on Ways &amp; Means.

2SHB 2514 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Quall, Appleton, McCoy, Morris, McIntire, Nelson, Kagi and Uptegrove)

AN ACT Relating to protecting southern resident orca whales from disturbances by vessels; adding a new section to chapter 77.15 RCW; adding a new section to chapter 77.12 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean &amp; Recreation.

HB 2527 by Representatives Bailey, Kenney and Kretz

AN ACT Relating to modifying the definitions of rural county for certain economic development programs; and amending RCW 43.160.020.

Referred to Committee on Ways &amp; Means.

2SHB 2537 by House Committee on Appropriations (originally sponsored by Representatives Cody, Hasegawa, Kenney, Morrell, Green and Loomis)

AN ACT Relating to modifications to the health insurance partnership statute necessary for timely implementation of the health insurance partnership; amending RCW 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.070, 70.47A.110, 48.21.045, 48.44.023, and 48.46.066; and creating a new section.

Referred to Committee on Ways &amp; Means.

2SHB 2557 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Goodman, Barlow and Warnick)

AN ACT Relating to improving the operation of the trial courts; amending RCW 3.66.020, 12.40.010, 3.50.003, 3.50.020, 3.42.020, 3.34.110, and 3.50.075; adding new sections to chapter 3.50 RCW; adding a new section to chapter 35.20 RCW; adding a new section to chapter 3.46 RCW; creating a new section; repealing RCW 3.46.010, 3.46.020, 3.46.030, 3.46.040, 3.46.050, 3.46.060, 3.46.063, 3.46.067, 3.46.070, 3.46.080, 3.46.090, 3.46.100, 3.46.110, 3.46.120, 3.46.130, 3.46.140, 3.46.145, 3.46.150, 3.46.160, 3.42.030, and 3.50.007; and providing an effective date.

Referred to Committee on Judiciary.

SHB 2580 by House Committee on Appropriations (originally sponsored by Representatives Hurst, McCoy, VanDeWege, Morrell, Campbell and Roach)

AN ACT Relating to paydates for employees participating in state active military duty; and amending RCW 42.16.010.

Referred to Committee on Government Operations &amp; Elections.

E2SHB 2624 by House Committee on Appropriations (originally sponsored by Representatives McCoy, Kessler, Appleton, Ormsby, VanDeWege, Hunt, Kenney, Dameille and Chase)

AN ACT Relating to human remains; amending RCW 27.53.030; adding a new section to chapter 68.50 RCW; adding a new section to chapter 27.44 RCW; adding a new section to chapter 68.60 RCW; adding new sections to chapter 43.334 RCW; adding a new section to chapter 27.34 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Ways &amp; Means.

SHB 2639 by House Committee on Local Government (originally sponsored by Representatives Takko, Kretz, Blake, Condotta, VanDeWege and Haler)

AN ACT Relating to procurement of renewable resources by public agencies; amending RCW 39.34.030, 54.44.020, 25.15.005, 54.16.180, and 42.24.080; and creating a new section.

Referred to Committee on Water, Energy &amp; Telecommunications.

HB 2650 by Representatives Santos, Ericks, Hunter and Wood

AN ACT Relating to authorizing a cigarette tax agreement between the state of Washington and the Yakama Nation; amending RCW 82.08.0316 and 82.12.0316; adding a new

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

section to chapter 43.06 RCW; adding a new section to chapter 82.24 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

E2SHB 2668 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Green, Cody, Hunt, McCoy, Wallace, Pedersen, Campbell, McIntire, Conway, Simpson, Kenney and Darneille)

AN ACT Relating to long-term care; amending RCW 74.41.040, 18.20.350, 74.41.050, 74.38.030, 74.38.040, 18.79.260, and 18.88A.210; adding a new section to chapter 43.70 RCW; adding new sections to chapter 74.39A RCW; adding a new section to chapter 74.34 RCW; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2756 by House Committee on Appropriations (originally sponsored by Representatives Kelley, Green, Wallace, Rodne, McCune, Goodman, VanDeWege, Lantz, Seaquist, Hurst and Simpson)

AN ACT Relating to logging the telephone calls of residents of the special commitment center; adding a new section to chapter 71.09 RCW; adding a new section to chapter 42.56 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

HB 2764 by Representatives O'Brien, Pearson, Dickerson, Loomis, Hurst, Morrell, Sullivan, Kenney, McDonald, Hudgins and Kelley

AN ACT Relating to adding domestic violence court order violation to the list of offenses eligible for notification; and amending RCW 9.94A.612 and 9.94A.614.

Referred to Committee on Human Services & Corrections.

HB 2781 by Representatives Wallace, Chase, Sells, Conway, Morrell, Haigh, Hankins and Santos

AN ACT Relating to enhancing Washington state history and government course requirements for high school graduation; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SHB 2823 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Kretz)

AN ACT Relating to the Willapa harbor oyster reserve; amending RCW 70.118.140 and 77.60.160; adding a new section to chapter 77.60 RCW; and recodifying RCW 70.118.140.

Referred to Committee on Natural Resources, Ocean & Recreation.

2SHB 2829 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Kelley, Williams, Eddy, Rolfes, Lantz, Lias, Linville, Upthegrove, Green,

Anderson, Nelson, Morrell, Fromhold, Kenney, Darneille, McIntire, Kirby, Haigh, Simpson, Hasegawa, O'Brien and Ormsby)

AN ACT Relating to expanding financial literacy through education and counseling to promote greater homeownership security; adding new sections to chapter 43.320 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SHB 2836 by House Committee on Judiciary (originally sponsored by Representatives Williams, Dickerson, Upthegrove, Rodne, Simpson, Dunshee, Morrell, Haigh and Ormsby)

AN ACT Relating to protecting animals from perpetrators of domestic violence; and amending RCW 26.50.060 and 26.50.110.

Referred to Committee on Judiciary.

SHB 2838 by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Williams, Roach, Kirby, Simpson, Ericks and Haler)

AN ACT Relating to personal information associated with debit and credit cards issued by financial institutions; and adding a new section to chapter 19.255 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2850 by Representatives Rolfes, Upthegrove, Williams, Pedersen and Hunt

AN ACT Relating to Puget Sound scientific research; and amending RCW 90.71.110 and 90.71.280.

Referred to Committee on Water, Energy & Telecommunications.

ESHB 2884 by House Committee on Education (originally sponsored by Representatives Pettigrew, Kagi, Dickerson, Appleton, Roberts, Haler, Darneille, Hasegawa, Santos, Goodman, McIntire and Kenney)

AN ACT Relating to student discipline policies; amending RCW 28A.400.110; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SHB 2893 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives VanDeWege, Kessler, Moeller, Sells, Hunt, Takko, McCoy, Lias, Conway, Haigh, Blake, Ormsby, Loomis, O'Brien, Eickmeyer, Hasegawa, Green, Pearson and Nelson)

AN ACT Relating to the composition of the forest practices board; and amending RCW 76.09.030.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 2949 by Representatives Linville, Conway, Armstrong, Condotta, Fromhold and Wood

AN ACT Relating to designating nonappropriated expenses of the liquor control board paid from the liquor revolving fund; amending RCW 66.08.026; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2959 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Ormsby, Springer, Conway, Linville, Barlow, Walsh and Quall)

AN ACT Relating to craft distilleries; amending RCW 66.24.140, 66.04.010, 66.28.040, 66.28.060, 66.24.481, 66.20.300, and 66.20.310; reenacting and amending RCW 66.04.010, 66.28.010, and 66.24.210; adding a new section to chapter 66.24 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2963 by House Committee on Appropriations (originally sponsored by Representatives Conway, Campbell, Chase, Hasegawa, Sullivan, Simpson, Seaquist, Appleton, Sells, Wood, Green, Blake, Ericks, Kenney, Williams, McIntire, Pettigrew, Kirby, Moeller, Fromhold, Hunt, VanDeWege, Ormsby and Hudgins)

AN ACT Relating to collective bargaining for Washington State University employees who are enrolled in academic programs; adding a new section to chapter 41.56 RCW; and creating new sections.

Referred to Committee on Labor, Commerce, Research & Development.

EHB 2985 by Representatives Liias, Ericks, Ormsby, Appleton, Hunt, O'Brien, Loomis, Pettigrew, Kagi, Blake, Simpson and Chase

AN ACT Relating to establishing local public works assistance funds; and adding a new chapter to Title 36 RCW.

Referred to Committee on Economic Development, Trade & Management.

ESHB 2996 by House Committee on Commerce & Labor (originally sponsored by Representatives Loomis, Dunshee, Simpson and Morrell)

AN ACT Relating to placing averse agents in antifreeze; and adding new sections to chapter 19.94 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 3002 by House Committee on Commerce & Labor (originally sponsored by Representatives Williams, Sells, Ericks, Simpson, Hurst, Loomis, Conway, Liias, VanDeWege, Kenney, Linville and Ormsby)

AN ACT Relating to applying arbitration to bargaining by the state and the Washington state patrol; and amending RCW 41.56.475.

Referred to Committee on Labor, Commerce, Research & Development.

EHB 3047 by Representatives Armstrong, Newhouse and Upthegrove

AN ACT Relating to cost savings on course materials; and amending RCW 28B.10.590.

Referred to Committee on Higher Education.

ESHB 3051 by House Committee on Finance (originally sponsored by Representatives Seaquist, Lantz, Clibborn, Hunter, Liias, Rolfes and Green)

AN ACT Relating to sales and use tax on transportation projects; amending RCW 47.46.060 and 82.14.0455; adding a new section to chapter 82.32 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Ways & Means.

2SHB 3104 by House Committee on Finance (originally sponsored by Representatives Pedersen, Hankins, Moeller, Walsh, Linville, Takko, Upthegrove, Kessler, Jarrett, Ericks, Wallace, Grant, Eickmeyer, Quall, Clibborn, Dunshee, Lantz, Sullivan, Simpson, Blake, Hunter, Roberts, Rolfes, Williams, Sells, Schual-Berke, Springer, Eddy, Hunt, Hudgins, Santos, Cody, Seaquist, Fromhold, Nelson, McIntire, Chase, Hasegawa, Appleton, Darneille, Haigh, Sommers, Dickerson, Kirby, Wood, Flannigan, Conway, Goodman, Kenney, Kagi, Ormsby, Loomis, McCoy, Barlow, O'Brien, Pettigrew, Morris, Liias and VanDeWege)

AN ACT Relating to expanding rights and responsibilities of all couples recognized as domestic partners under chapter 26.60 RCW; amending RCW 42.17.241, 42.52.040, 43.03.305, 43.185A.010, 43.20B.080, 70.123.020, 70.129.140, 74.42.070, 4.22.020, 5.60.060, 5.66.010, 7.69.020, 7.69B.010, 26.50.010, 4.08.030, 4.08.040, 4.20.046, 28B.15.621, 73.08.005, 72.36.030, 72.36.040, 72.36.050, 72.36.070, 72.36.110, 73.04.120, 73.36.140, 73.04.010, 73.04.115, 26.16.010, 26.16.020, 26.16.030, 26.16.050, 26.16.060, 26.16.070, 26.16.080, 26.16.090, 26.16.095, 26.16.100, 26.16.120, 26.16.140, 26.16.150, 26.16.180, 26.16.190, 26.16.200, 26.16.205, 26.16.210, 26.16.220, 26.16.230, 26.16.240, 26.16.250, 11.84.030, 64.28.010, 64.28.020, 64.28.030, 64.28.040, 9.46.231, 9A.83.030, 69.50.505, 64.06.010, 6.13.020, 6.13.060, 6.13.080, 6.13.180, 6.13.210, 6.13.220, 6.13.230, 26.16.125, 60.04.211, 82.45.010, 84.38.030, 84.38.070, 84.38.130, 84.38.150, 84.36.381, 84.36.041, 84.36.120, 84.36.383, 84.37.080, 7.36.020, 11.88.010, 11.88.040, 11.88.090, 11.88.125, 11.76.080, 11.92.140, 11.94.090, 11.94.100, 11.94.140, 11.02.005, 11.02.070, 11.02.100, 11.02.120, 11.04.095, 11.08.300, 11.10.010, 11.11.010, 11.12.051, 11.12.095, 11.12.180, 11.28.030, 11.28.131, 11.28.185, 11.54.010, 11.54.020, 11.54.030, 11.54.040, 11.54.050, 11.54.070, 11.62.005, 11.62.010, 11.62.030, 11.68.011, 11.80.130, 11.96A.030, 11.96A.120, 11.100.025, 11.04.290, 11.10.030, 11.80.010, 11.80.050, 11.114.010, 26.60.050, 26.09.004, 26.09.010, 26.09.020, 26.09.030, 26.09.040, 26.09.050, 26.09.060, 26.09.070, 26.09.080, 26.09.090, 26.09.100, 26.09.110, 26.09.120, 26.09.170, 26.09.210, 26.09.255, 26.09.280, 26.09.290, 26.09.310, 26.10.050, 26.10.180, 26.12.190, 26.18.010, 26.18.020, 26.18.030, 26.18.040, 26.18.050, 26.18.070, 26.18.090, 26.18.100, 26.18.110, 26.18.120, 26.18.140, 26.18.150, 26.19.071, 26.19.075, 26.20.035, 26.20.071, 26.20.080, 26.09.015, 26.09.194, 26.12.172, and 26.12.260; reenacting and amending RCW 42.17.020, 11.07.010,

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

26.09.150, and 26.09.015; adding new sections to chapter 26.60 RCW; adding a new section to chapter 26.18 RCW; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

HB 3106 by Representative Grant

AN ACT Relating to changing the name of the commission on pesticide registration to the commission on integrated pest management without changing responsibilities or authority of the commission; and amending RCW 15.92.090, 15.92.095, 15.92.100, and 15.92.110.

Referred to Committee on Agriculture & Rural Economic Development.

E2SHB 3123 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Cody, Roberts, Green and Ormsby)

AN ACT Relating to establishing a process to promote evidence-based nurse staffing in hospitals; adding new sections to chapter 70.41 RCW; adding a new section to chapter 72.23 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

E2SHB 3125 by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Haler, Sullivan, Simpson, Barlow, Quall, Kagi, Flannigan, Cody, Nelson, Ormsby, Darneille and Hasegawa)

AN ACT Relating to creating the building communities fund program; amending RCW 43.63A.125; adding new sections to chapter 43.63A RCW; and creating new sections.

Referred to Committee on Ways & Means.

2SHB 3129 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Schmick, Anderson, Quall, Simpson and Ormsby)

AN ACT Relating to support for online learning for high school students to earn college credit; amending RCW 28A.600.320; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

E2SHB 3145 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Haler, Roberts, Walsh, Pettigrew, Dickerson, Conway, Green, Goodman, Kenney, Wood and Ormsby)

AN ACT Relating to implementing a program of tiered classification for foster parent licensing; adding new sections to chapter 74.13 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

ESHB 3166 by House Committee on Education (originally sponsored by Representatives Sullivan, Priest, Haler, Santos and Ormsby)

AN ACT Relating to the design of the state assessment system and the Washington assessment of student learning; amending RCW 28A.655.070; adding a new section to chapter 28A.655 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

E2SHB 3180 by House Committee on Capital Budget (originally sponsored by Representatives Ormsby, Green, Morrell, Lias, Dunn and Wood)

AN ACT Relating to housing reform policies to achieve greater efficiencies in housing investments; amending RCW 43.180.050 and 84.36.560; reenacting and amending RCW 43.180.070; adding new sections to chapter 43.185 RCW; adding a new section to chapter 43.180 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 3183 by House Committee on Transportation (originally sponsored by Representatives McDonald, Flannigan and Dunn)

AN ACT Relating to exempting park maintenance equipment operated by certain local jurisdictions from vehicle license and license plate requirements; amending RCW 46.16.010; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

E2SHB 3205 by House Committee on Appropriations (originally sponsored by Representatives Jarrett, Walsh, Kagi, Roberts, Hunter, Sullivan, Green, Kelley, Morrell, Chase, McIntire, Seaquist and Kenney)

AN ACT Relating to promoting the long-term well-being of children; amending RCW 13.34.136, 13.34.145, 43.121.185, 43.121.180, 43.121.020, 43.121.015, and 43.15.020; and creating new sections.

Referred to Committee on Ways & Means.

E2SHB 3216 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Seaquist, Morris, Upthegrove, Hudgins, Loomis, Kelley, Morrell, VanDeWege, Ericks, Hankins and Eddy)

AN ACT Relating to hydrokinetic energy; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

2SHB 3227 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Eickmeyer, Sump, Chase, Quall, Hasegawa, Appleton, Simpson, Haigh, Wallace, Dickerson, Takko, Conway, Pedersen, Kagi, Armstrong, Priest, Walsh, Hinkle, Condotta, McCoy, Roberts, Morris, Hudgins, Rolfes, Lantz, Schual-Berke, Morrell, Campbell, Sells, Sullivan, Kenney and Linville)

AN ACT Relating to protecting Hood Canal by removing nitrates and phosphates from on-site sewage disposal systems and wastewater treatment plants; amending RCW 70.118B.040; adding a new section to chapter 90.88 RCW;

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

adding a new section to chapter 70.118 RCW; adding a new section to chapter 70.118A RCW; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

ESHB 3259 by House Committee on Finance (originally sponsored by Representatives Hunter, Hudgins, Schual-Berke, Upthegrove and McIntire)

AN ACT Relating to provisions of limited duration that pertain to the financing and operation of port districts; amending RCW 84.55.092 and 53.36.030; creating a new section; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

2SHB 3274 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Simpson, Hudgins, Upthegrove, Hunter, Santos and Kenney)

AN ACT Relating to improving public contracting for public port districts; amending RCW 53.08.120, 39.30.020, 39.04.010, and 53.12.270; reenacting and amending RCW 39.04.155; adding new sections to chapter 53.08 RCW; adding a new chapter to Title 53 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

HB 3275 by Representatives Linville, Ericksen, Morris and McIntire

AN ACT Relating to the taxation of grocery distribution cooperatives; and amending RCW 82.04.298.

Referred to Committee on Ways & Means.

EHB 3276 by Representatives Eddy and Warnick

AN ACT Relating to the state horse park; and amending RCW 79A.30.020.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 3281 by Representatives Seaquist, Rolfes, Lantz, Appleton and Santos

AN ACT Relating to public notification of industrial development levies by port districts; and adding a new section to chapter 53.36 RCW.

Referred to Committee on Government Operations & Elections.

SHB 3283 by House Committee on Finance (originally sponsored by Representatives Herrera, Takko, Orcutt, Hurst, Eddy, Sump, Ericks, Fromhold, McCoy, Hudgins, Kelley, Kessler, Dunn, Ormsby, Linville, Roach and McCune)

AN ACT Relating to relieving active duty military personnel of interest and penalties on delinquent excise taxes; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

SHB 3291 by House Committee on Capital Budget (originally sponsored by Representatives Kelley, Santos, Pettigrew, Cody, Hudgins, Pedersen, Dickerson, Nelson, Quall, Kenney, Sullivan, McIntire, Green and Barlow)

AN ACT Relating to community and surplus schools; amending RCW 43.63A.135 and 28A.525.050; adding a new section to chapter 43.63A RCW; adding a new section to chapter 28A.525 RCW; and creating new sections.

Referred to Committee on Ways & Means.

ESHB 3329 by House Committee on Capital Budget (originally sponsored by Representatives Fromhold, McDonald, Ormsby, Wallace, Alexander, Sells and McIntire)

AN ACT Relating to the prioritization of public four-year institution capital project requests; amending RCW 28B.76.210; adding a new chapter to Title 43 RCW; creating new sections; and repealing RCW 28B.76.220.

Referred to Committee on Ways & Means.

2SHB 3349 by House Committee on Appropriations (originally sponsored by Representatives Ericks, Eddy, Kelley, Conway, Springer and Rolfes)

AN ACT Relating to a sunrise review of the need for single-family residential contractor licensing; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HJM 4029 by Representatives Liias, Loomis, Ericks, Sells, Rolfes, Seaquist, McCoy, Upthegrove, Hunt, Williams, Linville, Appleton, Smith, Morrell, McIntire and Pearson

Requesting that Congress fund the Northwest Straits Marine Conservation Initiative.

Referred to Committee on Natural Resources, Ocean & Recreation.

HJM 4030 by Representatives Pearson, Clibborn, Morrell, Kristiansen, Smith and Dunn

Requesting the 172nd Street overpass of Interstate 5 in Arlington to be named the "Oliver "Punks" Smith Interchange."

Referred to Committee on Transportation.

#### MOTION

Senator Eide moved that all measures listed on the Introduction and First Reading report be referred to the committees as designated.

#### MOTION

Senator Schoesler moved to amend the motion by Senator Eide to refer Engrossed Third Substitute House Bill No. 1873 to the Committee on Judiciary.

Senator Eide spoke against the motion.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Schoesler to amend the motion to refer Engrossed Third Substitute House Bill No. 1873 to the Committee on Judiciary.

Senators Schoesler, Roach and Carrell spoke in favor of the motion.

Senator Brown spoke against the motion.  
The motion by Senator Schoesler failed by voice vote.

## POINT OF INQUIRY

Senator Schoesler: "Would Senator Brown yield to a question?"

Senator Brown: "No."

The President declared the question before the Senate to be the motion by Senator Eide to refer all measures to the committees as designated.

The motion by Senator Eide carried by voice vote.

## MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 19, 2008."

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

The motion by Senator Eide carried and debate was limited through February 19, 2008.

## MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

## MOTION

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

## SECOND READING

SENATE BILL NO. 6216, by Senators Prentice, Sheldon and Kohl-Welles

Authorizing of the governor to enter into a cigarette tax contract with the Shoalwater Bay Tribe.

The measure was read the second time.

## MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

## MOTION

On motion of Senator Brandland, Senator Benton was excused.

## MOTION

On motion of Senator Regala, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6216.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6216 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Hobbs - 1

Excused: Senator Sheldon - 1

SENATE BILL NO. 6216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6580, by Senators Marr, Weinstein, Pridemore, Kauffman, Keiser, McAuliffe, Hobbs, Regala, Kline, Kohl-Welles, Fairley, Oemig, Rockefeller, Prentice and McDermott

Addressing the impacts of climate change through the growth management act.

## MOTION

On motion of Senator Marr, Substitute Senate Bill No. 6580 was substituted for Senate Bill No. 6580 and the substitute bill was placed on the second reading and read the second time.

## MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 29 (1) The legislature recognizes that the profound implications of a changed climate will affect the peoples, institutions, and economies of Washington. While no single local government can substantially influence greenhouse gas emissions or climate change trends, the legislature recognizes that the state, including its local governments and residents, must do its part to reduce greenhouse gas emissions.

(2) The legislature further recognizes that: (a) Patterns of land use development significantly influence transportation-related greenhouse gas emissions; (b) fossil fuel-based transportation is the largest source of greenhouse gas emissions in Washington; and (c) the state and its residents will not achieve emission reductions established in RCW 80.80.020 without a significant decrease in transportation emissions. To this end, the legislature finds that local land use and state and local transportation plans should be developed to: Minimize greenhouse gas emissions associated with new development and transportation improvements; and reduce overall greenhouse gas emissions in accordance with RCW 80.80.020.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

(3) The legislature finds that comprehensive land use plans of local governments can be a significant tool for meaningfully addressing these difficult issues. The legislature recognizes that locally adopted plans should: (a) Minimize land use patterns that increase vehicle usage; (b) encourage compact communities, in-filling, denser development, linkages with transit options, and other practices that reduce the number of vehicle miles traveled; and (c) encourage green jobs and the provision of affordable housing in areas near employment and service centers.

(4) The legislature also finds that the effects of global warming are becoming evident in Washington, adversely affecting its residents, economy, and environment. It is critical that Washington and its counties and cities plan to adapt to these adverse effects and take steps to prevent problematic circumstances from becoming worse.

(5) The legislature further finds that addressing land use-related climate issues will simultaneously advance many other land use planning goals and provide public dividends, including: (a) Realizing reductions in the costs of providing public facilities and services through more compact development; (b) increasing housing affordability through lower public costs and more compact patterns of growth; (c) lessening transportation costs through reductions in the number of vehicle miles traveled; and (d) accomplishing goals for the protection of the environmental resources of rural areas and resource lands by reducing sprawl. The legislature also recognizes that alternative fuels, and vehicles that use alternative fuels or have increased efficiencies, will contribute to lessening greenhouse gas emissions and will encourage investment in these fuels, energy sources, and technologies.

(6) Without prompt, effective, and comprehensive responses to the environmental and governance challenges of climate change, meaningful solutions to these borderless issues will continue to elude the state and its residents. The legislature recognizes that many Washington counties and cities have begun to independently address climate change. The legislature further finds that to achieve the state's emission reduction goals, a collaborative effort is needed. This act is the first step toward providing local governments with the tools that are necessary to accomplish the state's emission reduction goals.

**NEW SECTION. Sec. 30** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department must develop and provide advisory climate change response methodologies, computer modeling programs, and estimates to counties and cities that include a range of methodologies and estimates. The advisory methodologies, computer modeling programs, and estimates must reflect regional and local variations and the diversity of counties and cities planning under this chapter, and, at a minimum, also must:

(a) Identify the greenhouse gas emission reductions that various land use and building measures are estimated to produce. The methodologies developed under this subsection (1)(a) may be expressed as a methodology or a quantification of probable reductions. The methodologies must be capable of considering documented benefits of accommodating growth within urban centers that provide for compact development, appropriate mixes of uses, transit, nonmotorized travel choices, and a balance of employment and housing;

(b) Consider potential policies, regulatory programs, and other measures counties and cities can implement to adapt to the likely adverse effects of global warming. Policies, programs, and measures considered under this subsection (1)(b) must be consistent with the department of ecology's preparation and adaptation work group;

(c) Identify potential measures to reduce greenhouse gas emissions by lessening vehicle travel; and

(d) Estimate the number of vehicle miles traveled.

(2) The department must complete and make available the advisory climate change response methodologies and estimates required by this section by December 1, 2009. These advisory climate change response methodologies and estimates must also be updated two years before each completion date established in RCW 36.70A.130(4)(a).

(3) In preparing the methodologies and estimates, the department must periodically consult with the advisory team required by section 4(3) of this act.

**NEW SECTION. Sec. 31** (1) A local government global warming mitigation and adaptation program is established. The program must be administered by the department of community, trade, and economic development. The department must, through a competitive process, select at least three counties and six cities for the program. At least one county and one city selected for the program must have potential to be adversely impacted by global warming through sea-level increases, storms, flooding, or other adverse effects. At least one county and one city must be located east of the crest of the Cascade mountains. At least one county and one city must be located west of the crest of the Cascade mountains and outside the central Puget Sound region. Counties selected must reflect a range of opportunities to address climate change in urbanizing, resource, or agricultural areas. Cities selected must reflect a range of sizes, geographic locations, and variations between those that are highly urbanized and those that are less so and include more residential dwellings than employment positions.

(2) The program is established to assist counties and cities that are addressing climate change through their land use and transportation planning, and those that aspire to do so but lack necessary resources. The department may fund proposals to inventory global warming emissions, mitigate global warming emissions, or adapt to the adverse impacts of global warming using criteria established by the department to accomplish the objectives of this act.

(3) The department must provide grants and technical assistance to aid the selected counties and cities in their efforts to anticipate, mitigate, and adapt to global warming and its associated problems.

(4) The program must conclude by June 30, 2010.

(5) If specific funding for the purposes of this section, referencing this act by bill or chapter number and section number is not provided by June 30, 2008, in the omnibus appropriations act, this section is null and void.

(6) This section expires January 1, 2011, with a report by the department to the governor and the appropriate committees of the house of representatives and the senate on program findings and recommendations.

**NEW SECTION. Sec. 32** (1) With the use of funds provided by specific appropriation, by December 1, 2008, the department of community, trade, and economic development must provide to the governor and appropriate committees of the house of representatives and the senate, a report that includes: (a) A description of what actions counties and cities are taking to address climate change issues; (b) a recommendation of what changes, if any, to chapter 36.70A RCW and other relevant statutes that would enable state and local governments to address climate change issues through land use and transportation planning processes; (c) an assessment of state and local resources, financial and otherwise, needed to fully implement the recommendations of (b) of this subsection; and (d) recommendations for funding to implement the recommendations of (b) of this subsection that is consistent with the assessment required in (c) of this subsection.

(2) The report must address, as appropriate and with information that is readily available: (a) What counties and cities have voluntarily done to identify the greenhouse gas emissions of their communities, including those created by counties and cities through governmental activities; (b) the range of strategies chosen by jurisdictions to reduce emissions from their own activities and those of the entire community; (c) a description of obstacles and opportunities to achieve emission reductions in a variety of urban and rural areas; and (d) recommendations for statutory amendments, if any, that are necessary to facilitate emission reductions at the county and city levels.

(3) In preparing the report, the department shall convene and consult with an advisory team comprised of the following interests, at a minimum: (a) Two members of each major and minor caucus of the house of representatives and the senate; (b) one representative from the office of the governor; (c) one

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

representative from the department of ecology; (d) one representative from the department of community, trade, and economic development; (e) one representative from a city and county from each of the jurisdictional areas of a growth management hearings board; (f) one representative of an association representing real estate interests; (g) one representative from an association representing local government planners; (h) one representative from a nonprofit entity with experience in growth management and land use planning issues; (i) one representative from a statewide business association; and (j) one representative from a nonprofit entity with experience in climate change issues. With the exceptions of (a) of this subsection, which shall be appointed by the president of the senate and the speaker of the house of representatives, (b) of this subsection, which shall be nominated by the governor, and (c) of this subsection, which shall be nominated by the department of ecology, nominations from appropriate organizations shall be submitted to the climate advisory team by July 1, 2008.

(4) This section expires December 31, 2008.

NEW SECTION. Sec. 33 This act is not intended to amend or affect chapter 353, Laws of 2007."

Senators Marr and Brown spoke in favor of adoption of the striking amendment.

Senators Honeyford, Parlette, Holmquist and Morton spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Marr and others to Substitute Senate Bill No. 6580.

The motion by Senator Marr carried and the striking amendment was adopted by a rising voice vote.

#### MOTION

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

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 36.70A RCW; creating new sections; and providing expiration dates."

#### MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Substitute Senate Bill No. 6580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr, Kastama and Sheldon spoke in favor of passage of the bill.

Senators Zarelli, Hargrove, Honeyford, Hewitt, Roach and Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6580.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6580 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 18

ENGROSSED SUBSTITUTE SENATE BILL NO. 6580, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6231, by Senators Jacobsen and Shin

Improving the coordination of marine protected areas.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6231 was substituted for Senate Bill No. 6231 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6231.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6231 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6933, by Senators Marr, Hargrove, Hewitt, Franklin, Pflug, Carrell, Berkey, Kauffman, Haugen, McCaslin, Rockefeller, Fraser and Kilmer

Changing rules concerning admissibility of evidence in sex offense cases.

#### MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 6933 was substituted for Senate Bill No. 6933 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 6933 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6933.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6933 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6933, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6851, by Senators Prentice and Haugen

Concerning the documentation required in order to obtain a real estate excise tax exemption at the time of inheritance.

## MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6851 was substituted for Senate Bill No. 6851 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6851.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6851 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Delvin - 1

Excused: Senator Fairley - 1

SUBSTITUTE SENATE BILL NO. 6851, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6224, by Senator Keiser

Modifying vendor overpayment provisions. Revised for 1st Substitute: Modifying the interest accrual methodology for vendor overpayments.

## MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6224 was substituted for Senate Bill No. 6224 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

## MOTION

On motion of Senator Brandland, Senator Delvin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6224.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6224 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

SUBSTITUTE SENATE BILL NO. 6224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6235, by Senators Haugen and Keiser

Addressing public works procurement.

## MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6235 was substituted for Senate Bill No. 6235 and the substitute bill was placed on the second reading and read the second time.

## MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 39.04.155 and 2007 c 218 s 87, 2007 c 210 s 1, and 2007 c 133 s 4 are each reenacted and amended to read as follows:

(1) This section provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property that may be used by state agencies and by any local government that is expressly authorized to use these provisions. These provisions may be used in lieu of other procedures to award contracts for such work with an estimated cost of two hundred thousand dollars or less. The small works roster process includes the limited public works process authorized under subsection (3) of this section and any local government authorized to award contracts using the small works roster process under this section may award contracts using the limited public works process under subsection (3) of this section.

(2)(a) A state agency or authorized local government may create a single general small works roster, or may create a small

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

works roster for different specialties or categories of anticipated work. Where applicable, small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. A state agency or local government establishing a small works roster or rosters may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters. At least once a year, the state agency or local government shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records. Master contracts may be required to be signed that become effective when a specific award is made using a small works roster.

(b) A state agency establishing a small works roster or rosters shall adopt rules implementing this subsection. A local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing this subsection. Procedures included in rules adopted by the department of general administration in implementing this subsection must be included in any rules providing for a small works roster or rosters that is adopted by another state agency, if the authority for that state agency to engage in these activities has been delegated to it by the department of general administration under chapter 43.19 RCW. An interlocal contract or agreement between two or more state agencies or local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the provisions of this subsection.

(c) Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder as defined in RCW 39.04.010. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, a state agency or local government (~~or other than a port district~~) that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The government has the sole option of determining whether this notice to the remaining contractors is made by: (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; (ii) mailing a notice to these contractors; or (iii) sending a notice to these contractors by facsimile or other electronic means. For purposes of this subsection (2)(c), "equitably distribute" means that a state agency or local government soliciting bids may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

(d) A contract awarded from a small works roster under this section need not be advertised.

(e) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(3) In lieu of awarding contracts under subsection (2) of this section, a state agency or authorized local government may award a contract for work, construction, alteration, repair, or improvement projects estimated to cost less than thirty-five thousand dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (2) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

For limited public works projects, a state agency or authorized local government shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request. A state agency or authorized local government shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. A state agency or authorized local government shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. For limited public works projects, a state agency or authorized local government may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, material suppliers, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project, however the state agency or authorized local government shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(4) The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

(5)(a) A state agency or authorized local government may use the limited public works process of subsection (3) of this section to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return.

(b) A state agency or authorized local government may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.

(6) As used in this section, "state agency" means the department of general administration, the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the department of transportation, any institution of higher education as defined under RCW 28B.10.016, and any other state agency delegated authority by the department of general administration to engage in construction, building, renovation, remodeling, alteration, improvement, or repair activities.

**Sec. 2** RCW 39.30.020 and 1974 ex.s. c 74 s 1 are each amended to read as follows:

In addition to any other remedies or penalties contained in any law, municipal charter, ordinance, resolution, or other enactment, any municipal officer by or through whom or under whose supervision, in whole or in part, any contract is made in willful and intentional violation of any law, municipal charter, ordinance, resolution, or other enactment requiring competitive

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

bidding or procurement procedures for public work consultant services, upon such contract shall be held liable to a civil penalty of not less than three hundred dollars and may be held liable, jointly and severally with any other such municipal officer, for all consequential damages to the municipal corporation. If, as a result of a criminal action, the violation is found to have been intentional, the municipal officer shall immediately forfeit his office. For purposes of this section, "municipal officer" ~~((shall))~~ means an "officer" or "municipal officer" as those terms are defined in RCW 42.23.020(2).

**Sec. 3** RCW 39.80.010 and 1981 c 61 s 1 are each amended to read as follows:

The legislature hereby establishes a state policy, to the extent provided in this chapter, that governmental agencies publicly announce requirements for architectural ~~((and)),~~ engineering, and other construction-related services, and negotiate contracts for architectural ~~((and)),~~ engineering, and other construction-related services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

**Sec. 4** RCW 39.80.020 and 1999 c 153 s 55 are each amended to read as follows:

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

(1) "State agency" means any department, agency, commission, bureau, office, or any other entity or authority of the state government.

(2) "Local agency" means any city and any town, county, special district, municipal corporation, agency, port district or authority, or political subdivision of any type, or any other entity or authority of local government in corporate form or otherwise.

(3) "Special district" means a local unit of government, other than a city, town, or county, authorized by law to perform a single function or a limited number of functions, and including but not limited to, water-sewer districts, irrigation districts, fire districts, school districts, community college districts, hospital districts, transportation districts, and metropolitan municipal corporations organized under chapter 35.58 RCW.

(4) "Agency" means both state and local agencies and special districts as defined in subsections (1), (2), and (3) of this section.

(5) "Architectural and engineering services" ~~((or "professional services"))~~ means professional services rendered by any person, other than as an employee of the agency, contracting to perform activities within the scope of the general definition of professional practice in chapters 18.08, 18.43, or 18.96 RCW.

(6) "Other construction-related services" means consultant services provided by any person, other than as an employee of the agency, in connection with and furtherance of any public work for project management, construction supervision, or construction management. Other construction-related services do not include architectural and engineering services, legal services, accounting or auditing services, claims consultant services, or other similar services that may be required in connection with any public work.

(7) "Public work" has the meaning set forth in RCW 39.04.010.

(8) "Public work consultant services" means architectural, engineering, and other construction-related services provided by a consultant.

(9) "Person" means any individual, organization, group, association, partnership, firm, joint venture, corporation, or any combination thereof.

~~((7))~~ (10) "Consultant" means any person providing ~~((professional))~~ architectural, engineering, or other construction-related consultant services who is not an employee of the agency for which the services are provided.

~~((8))~~ (11) "Application" means a completed statement of qualifications together with a request to be considered for the award of one or more contracts for professional services.

**Sec. 5** RCW 39.80.030 and 1981 c 61 s 3 are each amended to read as follows:

Each agency shall publish in advance that agency's requirement for ~~((professional))~~ public work consultant services.

The announcement shall state concisely the general scope and nature of the project or work for which the services are required and the address of a representative of the agency who can provide further details. An agency may comply with this section by: (1) Publishing an announcement on each occasion when ~~((professional))~~ public work consultant services provided by a consultant are required by the agency; or (2) announcing generally to the public its projected requirements for any category or type of ~~((professional))~~ public work consultant services.

**Sec. 6** RCW 39.80.040 and 1981 c 61 s 4 are each amended to read as follows:

(1) In the procurement of ~~((architectural and engineering))~~ public work consultant services, the agency shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, based upon criteria established by the agency, the firm deemed to be the most highly qualified to provide the services required for the proposed project. Such agency procedures and guidelines shall include a plan to insure that minority and women-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for services. The level of participation by minority and women-owned firms shall be consistent with their general availability within the professional communities involved.

(2) In the procurement of public work consultant planning services relating to a facility outside of the district's jurisdictional boundaries, after the district purchases property for the facility, the port district or districts with responsibility for the future property development and use must make available to the public in the affected area information about:

(a) The type and scale of proposed uses on the site;

(b) The type and scale of business and industrial activities the development is likely to later attract to the site and to the nearby area;

(c) The general character and scope of impacts on air quality, noise, water resources, and recreation; and

(d) The expected impacts on local and state transportation infrastructure, including state highways, local roads, rail, shipping, and air service. Such information must be made available throughout both the planning and design phases by means of web pages, office inspection and copying, one or more property tours, and public meetings which allow interested citizens to comment to port officials on several occasions over time as the development plans evolve.

**Sec. 7** RCW 39.80.050 and 1981 c 61 s 5 are each amended to read as follows:

(1) The agency shall negotiate a contract with the most qualified firm for ~~((architectural and engineering))~~ public work consultant services at a price which the agency determines is fair and reasonable to the agency. In making its determination, the agency shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature thereof.

(2) If the agency is unable to negotiate a satisfactory contract with the firm selected at a price the agency determines to be fair and reasonable, negotiations with that firm shall be formally terminated and the agency shall select other firms in accordance with RCW 39.80.040 and continue in accordance with this section until an agreement is reached or the process is terminated.

**Sec. 8** RCW 53.08.120 and 2000 c 138 s 210 are each amended to read as follows:

All material required by a port district may be procured in the open market or by contract and all public work, as defined in RCW 39.04.010, ordered may be done by contract or day labor. All such contracts for public work, the estimated cost of which exceeds two hundred thousand dollars, shall be let at public

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

## MOTION

bidding upon notice published in a newspaper of general circulation in the district at least thirteen days before the last date upon which bids will be received, calling for sealed bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder. The competitive bidding requirements for purchases or public works may be waived pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

However, a port district may let contracts using the small works roster process under RCW 39.04.155 in lieu of calling for sealed bids. Whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section.

When awarding such a contract for public work, when utilizing proposals from the small works roster, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster.

NEW SECTION. Sec. 9 A new section is added to chapter 53.08 RCW to read as follows:

A port district shall specifically comply with chapter 39.80 RCW in the procurement of all architectural, engineering, and other construction-related services, as those terms are defined in RCW 39.80.020.

Sec. 10 RCW 53.12.270 and 1975 1st ex.s. c 12 s 1 are each amended to read as follows:

(1) The commission may delegate to the managing official of a port district such administrative powers and duties of the commission as it may deem proper for the efficient and proper management of port district operations. Any such delegation shall be authorized by appropriate resolution of the commission, which resolution must also establish guidelines and procedures for the managing official to follow.

(2) The commission shall establish, by resolution, policies to comply with RCW 39.04.280 that set forth the conditions by which competitive bidding requirements for public works contracts may be waived.

Senator Haugen spoke in favor of adoption of the striking amendment.

## MOTION

On motion of Senator Brandland, Senators Hewitt and Zarelli were excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen and others to Substitute Senate Bill No. 6235.

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

## MOTION

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

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 39.30.020, 39.80.010, 39.80.020, 39.80.030, 39.80.040, 39.80.050, 53.08.120, and 53.12.270; reenacting and amending RCW 39.04.155; and adding a new section to chapter 53.08 RCW."

## MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6235.

## PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. I'd like to have a little information on this. There's been a striker put on our desk that completely changes the bill it would appear at least it looks like that from this striker. Haven't had a chance to even read the striker yet, the maker of the motion hasn't explained the bill at all or what it's suppose to do, very vague around the edges kind of stuff. I was just hoping that somebody that sits on this committee that saw this bill can tell us exactly what it does. It affects school districts bidding procedures and architectural design for school districts and so I know that that's a big problem for school districts as the cost of construction and so is this going to increase the construction cost for school districts? Perhaps I could ask the gentle lady from the tenth to give us a little better explanation of exactly what we're trying to change in the law and why?"

## REMARKS BY SENATOR HAUGEN

Senator Haugen: Thank you Mr. President. I apologize. I don't know if you've read the State Auditor's report or not and when we decided to take a look at this issue we realized that the State Auditor would be doing audits of school districts and all the other kinds of special districts across the state and so we actually wanted to make sure that the statute was clear exactly what they are going to be doing. We talked to the school districts. They came forward with some language to clean up. We've talked to the cities. They've come forward and cleaned up the language. This actually is what the State Auditor recommended. Now, if cities and counties have a problem with it, they're going to have a problem with the State Auditor. So, this is just trying to address the legitimate concerns that the State Auditor raised dealing with the procurement process that was used by the Port of Seattle but I can't tell you one jurisdiction from another so we thought we needed to be consistent and clean up everybody's statute so everybody's working the same. So, it's a good faith effort to try to address I consider a legitimate issue. There were problems within the way the statutes were written. This cleans it up."

Senator Kastama spoke against passage of the bill.

## PERSONAL PRIVILEGE

Senator Roach: "Well, Mr. President, on some of the amendments that we get delivered to us here on the floor after the amendment is written there is an effect clause on it and I realize there are no rules that you have to do that kind of thing but would it be possible right now for me ask the members on these complicated bills where there...We..thank you. I appreciate it. We're only just now seeing it. It's a complicated issue and I appreciate it if we could at least have some brief explanation on the longer more entailed bills. Thank you Mr. President."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6235 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 1; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley,

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom, Weinstein and Zarelli - 33

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Roach, Schoesler, Stevens and Swecker - 15

Absent: Senator Murray - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6237, by Senators Kilmer, Haugen, Shin, McCaslin, Rasmussen, Hobbs and Marr

Modifying armed forces provisions.

The measure was read the second time.

## MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 6237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer, Kauffman and Shin spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senator Murray was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6237.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6237 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

SENATE BILL NO. 6237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6358, by Senators Regala, Stevens, Hargrove, Marr, Roach, Kohl-Welles and Kilmer

Adding child care providers, volunteers, and employees to the definition of "predatory" perpetrators for the purposes of filing a special allegation.

The measure was read the second time.

## MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

## MOTION

On motion of Senator Hobbs, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6358.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6358 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Murray - 2

SENATE BILL NO. 6358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6447, by Senators Hobbs, Jacobsen, Shin and Rasmussen

Allowing unpaid leaves of absence for military personnel needs.

The measure was read the second time.

## MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 6447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6447.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6447 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Murray - 2

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

SENATE BILL NO. 6447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6694, by Senators Murray and Kohl-Welles

Adjusting the fee for approval of statements of intent to pay prevailing wages and certification of affidavits of wages paid to forty dollars.

The measure was read the second time.

## MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6694 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

## MOTION

On motion of Senator Hobbs, Senator Regala was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6694.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6694 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McDermott, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Voting nay: Senators Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McAuliffe, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Excused: Senators Kline and Murray - 2

SENATE BILL NO. 6694, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

SUBSTITUTE SENATE BILL NO. 5010, by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford and Hewitt).

Creating a state park foster home pass.

The bill was read on Third Reading.

## MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5010 was returned to second reading for the purpose of amendment.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 5010, by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford and Hewitt)

Creating a state park foster home pass.

The measure was read the second time.

## MOTION

Senator Honeyford moved that the following striking amendment by Senator Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 79A.05.065 and 2007 c 441 s 1 are each amended to read as follows:

(1)(a) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall: (i) Entitle such a person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission(♣); and (ii) entitle such a person to free admission to any state park.

(b) The commission shall grant a senior citizen's pass to any person who applies for the ~~((same))~~ senior citizen's pass and who meets the following requirements:

(i) The person is at least sixty-two years of age; ~~((and))~~

(ii) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

(iii) The person and his or her spouse have a combined income ~~((which))~~ that would qualify the person for a property tax exemption pursuant to RCW 84.36.381. The financial eligibility requirements of this subsection (1)(b)(iii) ~~((shall))~~ apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

(c) Each senior citizen's pass granted pursuant to this section is valid ~~((so))~~ as long as the senior citizen meets the requirements of (b)(ii) of this subsection. ~~((Notwithstanding, any))~~ A senior citizen meeting the eligibility requirements of this section may make a voluntary donation for the upkeep and maintenance of state parks.

(d) A holder of a senior citizen's pass shall surrender the pass upon request of a commission employee when the employee has reason to believe the holder fails to meet the criteria in (b) of this subsection. The holder shall have the pass returned upon providing proof to the satisfaction of the director ~~((of the parks and recreation commission))~~ that the holder ~~((does))~~ meets the eligibility criteria for obtaining the senior citizen's pass.

(2)(a) Any resident of Washington who is disabled as defined by the social security administration and who receives social security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under RCW 71A.10.020(3) due to unemployability full time at the minimum wage, or who is legally blind or profoundly deaf, or who has been issued a card, decal, or special license plate for a permanent disability under RCW 46.16.381 shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall: (i) Entitle such a person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission(♣); and (ii) entitle such a person to free admission to any state park.

(b) A card, decal, or special license plate issued for a permanent disability under RCW 46.16.381 may serve as a pass for the holder to entitle that person and members of the person's camping unit to a fifty percent reduction in the campsite rental fee prescribed by the commission, and to allow the holder free admission to state parks.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

(3) Any resident of Washington who is a veteran and has a service-connected disability of at least thirty percent shall be entitled to receive a lifetime veteran's disability pass at no cost to the holder. The pass shall: (a) Entitle such a person, and members of his or her camping unit, to free use of any campsite within any state park; (b) entitle such a person to free admission to any state park; and (c) entitle such a person to an exemption from any reservation fees.

(4)(a) Any Washington state resident who provides out-of-home care to a child, as either a licensed foster-family home or a person related to the child, is entitled to a foster home pass.

(b) An applicant for a foster home pass must request a pass in the manner required by the commission. Upon receipt of a properly submitted request, the commission shall verify with the department of social and health services that the applicant qualifies under (a) of this subsection. Once issued, a foster home pass is valid for the period, which may not be less than one year, designated by the commission.

(c) When accompanied by a child receiving out-of-home care from the pass holder, a foster home pass: (i) Entitles such a person, and members of his or her camping unit, to free use of any campsite within any state park; and (ii) entitles such a person to free admission to any state park.

(d) For the purposes of this subsection (4):

(i) "Out-of-home care" means placement in a foster-family home or with a person related to the child under the authority of chapter 13.32A, 13.34, or 74.13 RCW;

(ii) "Foster-family home" has the same meaning as defined in RCW 74.15.020; and

(iii) "Person related to the child" means those persons referred to in RCW 74.15.020(2)(a) (i) through (vi).

(5) All passes issued pursuant to this section (~~shall be~~) are valid at all parks any time during the year. However, the pass (~~shall~~) is not (~~be~~) valid for admission to concessionaire operated facilities.

(~~(5)~~) (6) The commission shall negotiate payment and costs, to allow holders of a foster home pass free access and usage of park campsites, with the following nonoperated, nonstate-owned parks: Central Ferry, Chief Timothy, Crow Butte, and Lyons Ferry. The commission shall seek state general fund reimbursement on a biennial basis.

(7) The commission may deny or revoke any Washington state park pass issued under this section for cause, including but not limited to the following:

(a) Residency outside the state of Washington;

(b) Violation of laws or state park rules resulting in eviction from a state park;

(c) Intimidating, obstructing, or assaulting a park employee or park volunteer who is engaged in the performance of official duties;

(d) Fraudulent use of a pass;

(e) Providing false information or documentation in the application for a state parks pass;

(f) Refusing to display or show the pass to park employees when requested; or

(g) Failing to provide current eligibility information upon request by the agency or when eligibility ceases or changes.

(~~(6)~~) (8) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

(~~(7)~~) (9) The commission may engage in a mutually agreed upon reciprocal or discounted program for all or specific pass programs with other outdoor recreation agencies.

(~~(8)~~) (10) The commission shall adopt (~~such~~) those rules as it finds appropriate for the administration of this section. Among other things, (~~such~~) the rules shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a pass to stay at the campsite rented by such a person, a minimum Washington residency requirement for applicants for a senior citizen's pass, and an application form to be completed by applicants for a senior citizen's pass."

Senator Honeyford spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Honeyford to Substitute Senate Bill No. 5010.

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

## MOTION

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

On page 1, line 1 of the title, after "pass;" strike the remainder of the title and insert "and amending RCW 79A.05.065."

## MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5010.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5010 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Absent: Senators Hewitt and Zarelli - 2

Excused: Senator Murray - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## SECOND READING

SENATE BILL NO. 6753, by Senators Fraser, Swecker, Rockefeller and Pridemore

Regarding changes in calling burn bans for solid fuel burning devices.

The measure was read the second time.

## MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6753 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Honeyford and Brandland spoke in favor of passage of the bill.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008  
MOTION

2008 REGULAR SESSION

SENATE BILL NO. 5179, by Senators Kastama and Rasmussen

On motion of Senator Brandland, Senators Hewitt and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6753.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6753 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

SENATE BILL NO. 6753, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6847, by Senators Weinstein, Delvin, Haugen and Shin

Regulating real estate settlement services.

#### MOTIONS

On motion of Senator Weinstein, Substitute Senate Bill No. 6847 was substituted for Senate Bill No. 6847 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Weinstein, the rules were suspended, Substitute Senate Bill No. 6847 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6847.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6847 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

SUBSTITUTE SENATE BILL NO. 6847, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

Regarding the operation of snowmobiles. Revised for 1st Substitute: Modifying snowmobile registration provisions.

#### MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Kastama moved that the following amendment by Senator Kastama be adopted.

On page 2, beginning on line 21, after "fee" strike "as determined by the commission" and insert "~~((as determined by the commission))~~"

Senator Kastama spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kastama on page 2, line 21 to Substitute Senate Bill No. 5179.

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

#### MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Morton and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5179.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5642, by Senators Kohl-Welles, Rockefeller, Franklin and Tom

Addressing cigarette ignition propensity.

#### MOTIONS

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 5642 was substituted for Senate Bill No. 5642

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute Senate Bill No. 5642 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Roach and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5642.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5642 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Holmquist - 1

Excused: Senator Murray - 1

SECOND SUBSTITUTE SENATE BILL NO. 5642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate recessed until 1:15 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:15 p.m. by President Pro Tempore.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 18, 2008

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED HOUSE BILL NO. 2476,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2647,

SUBSTITUTE HOUSE BILL NO. 2690,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2864,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3139,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3254,

ENGROSSED HOUSE BILL NO. 3360,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth

order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Marr moved that Gubernatorial Appointment No. 9365, Joyce Westgard, as a member of the Professional Educator Standards Board, be confirmed.

Senator Marr spoke in favor of the motion.

#### MOTION

On motion of Senator Brandland, Senators Benton, Hewitt and Holmquist were excused.

#### MOTION

On motion of Senator Regala, Senators Brown and Pridemore were excused.

#### APPOINTMENT OF JOYCE WESTGARD

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9365, Joyce Westgard as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9365, Joyce Westgard as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Holmquist, Murray and Pridemore - 4

Gubernatorial Appointment No. 9365, Joyce Westgard, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Marr moved that Gubernatorial Appointment No. 9286, Lori Blanchard, as a member of the Professional Educator Standards Board, be confirmed.

Senator Marr spoke in favor of the motion.

#### APPOINTMENT OF LORI BLANCHARD

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9286, Lori Blanchard as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9286, Lori Blanchard as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 47;

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Murray - 2

Gubernatorial Appointment No. 9286, Lori Blanchard, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

## SECOND READING

SENATE BILL NO. 6242, by Senator Spanel

Addressing pesticide registration and license fees.

The measure was read the second time.

## MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6242.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6242 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McDermott, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McAuliffe, McCaslin, Morton, Parlette, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 16

Excused: Senators Brown and Murray - 2

SENATE BILL NO. 6242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6560, by Senators Honeyford, Morton, Delvin and Swecker

Regarding public utility district contracts. Revised for 1st Substitute: Increasing public utility district bid limits.

## MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 6560 was substituted for Senate Bill No. 6560 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Rockefeller moved that the following striking amendment by Senator Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 The legislature finds that public utility districts provide customer-owned, nonprofit utility services throughout Washington state. The legislature further finds that statutory bid limits for public utility districts have not been increased to address inflation and dramatic cost increases in construction materials. The legislature further finds that existing bid limits and high construction material costs often preclude public utility districts from maintaining and repairing their utility infrastructure, providing training and experience to utility workers, and accommodating high contract administrative costs. The legislature further finds that existing bid limits result in increased costs to both public utility districts and utility customers. Therefore, it is the intent of the legislature to amend the bid limits for public utility districts to address inflation and increased material costs.

Sec. 2 RCW 54.04.070 and 2002 c 72 s 2 are each amended to read as follows:

(1) Any item, or items of the same kind of materials, equipment, or supplies purchased, the estimated cost of which is in excess of ~~((ten))~~ fifteen thousand dollars, exclusive of sales tax, shall be by contract~~((PROVIDED, That))~~. However, a district may make purchases of the same kind of items of materials, equipment, and supplies not exceeding ~~((five))~~ seven thousand five hundred dollars in any calendar month without a contract, purchasing any excess thereof over ~~((five))~~ seven thousand five hundred dollars by contract.

(2) Any work ordered by a district commission, the estimated cost of which is in excess of ~~((ten))~~ twenty-five thousand dollars, exclusive of sales tax, shall be by contract~~((except that))~~. However, a district commission may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. For purposes of this section, "prudent utility management" means performing work with regularly employed personnel utilizing material of a worth not exceeding one hundred fifty thousand dollars in value without a contract~~((PROVIDED, That such))~~. This limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment purchased or acquired and used as one unit of a project.

(3) Before awarding ~~((such))~~ a contract required under subsection (1) or (2) of this section, the commission shall publish a notice once or more in a newspaper of general circulation in the district at least thirteen days before the last date upon which bids will be received, inviting sealed proposals for the work or materials~~((;))~~. Plans and specifications ((of which)) for the work or materials shall at the time of ((the)) publication be on file at the office of the district and subject to public inspection. Any published notice ordering work to be performed for the district shall be mailed at the time of publication to any established trade association which files a written request with the district to receive such notices. The commission may, at the same time and as part of the same notice, invite tenders for the work or materials upon plans and specifications to be submitted by the bidders.

~~((All contract projects equal to or in excess of one hundred thousand dollars shall be let by))~~ (4) As an alternative to the competitive bidding ~~((unless the public utility))~~ requirements of this section and RCW 54.04.080, a district may let~~((s))~~ contracts using the small works roster process under RCW 39.04.155.

(5) Whenever equipment or materials required by a district are held by a governmental agency and are available for sale but such agency is unwilling to submit a proposal, the commission may ascertain the price of such items and file a statement of such price supported by the sworn affidavit of one member of the commission, and may consider such price as a bid without a deposit or bond.

(6) Pursuant to RCW 39.04.280, the commission may waive the competitive bidding requirements of this section ~~((pursuant to RCW 39.04.280))~~ and RCW 54.04.080 if an exemption

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

contained within ~~(that section)~~ RCW 39.04.280 applies to the purchase or public work.

INTRODUCTION OF SPECIAL GUESTS

**Sec. 3** RCW 54.04.082 and 2002 c 72 s 1 are each amended to read as follows:

For the awarding of a contract to purchase any item, or items of the same kind of materials, equipment, or supplies in an amount exceeding ~~((ten))~~ fifteen thousand dollars, but less than ~~((fifty))~~ sixty thousand dollars, exclusive of sales tax, the commission may, in lieu of the procedure described in RCW 54.04.070 and 54.04.080 requiring public notice to invite sealed proposals for such materials, equipment, or supplies, pursuant to commission resolution use the process provided in RCW 39.04.190. Waiver of the deposit or bid bond required under RCW 54.04.080 may be authorized by the commission in securing such bid quotations."

Senator Rockefeller spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller to Substitute Senate Bill No. 6560.

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

MOTION

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

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 54.04.070 and 54.04.082; and creating a new section."

MOTION

On motion of Senator Honeyford the rules were suspended, Engrossed Substitute Senate Bill No. 6560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Keiser and Rockefeller spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6560.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6560 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Carrell, McCaslin and Morton - 3

Excused: Senators Murray and Prentice - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair

The President welcomed and introduced the Honorable Ambassador, Gao Zhansheng, Consul General of the People's Republic of China from the San Francisco consulate and other members of a Chinese delegation who were seated in the gallery.

SECOND READING

SENATE BILL NO. 6710, by Senators Keiser and Marr

Modifying the fire protection standards for hospitals.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6710 was substituted for Senate Bill No. 6710 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6710 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6710.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6710 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Jacobsen - 1

Excused: Senator Murray - 1

SUBSTITUTE SENATE BILL NO. 6710, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6805, by Senators Haugen, Rasmussen, McAuliffe, Kline and Kohl-Welles

Promoting farmland preservation and environmental restoration through conservation markets. Revised for 1st Substitute: Promoting farm and forest land preservation and restoration through conservation markets.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6805 was substituted for Senate Bill No. 6805 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6805 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6805.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6805 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

SUBSTITUTE SENATE BILL NO. 6805, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5271, by Senators Pridemore, Benton, Kline, Swecker, Roach and Rasmussen

Modifying when a special election may be held.

MOTION

On motion of Senator Pridemore, Second Substitute Senate Bill No. 5271 was substituted for Senate Bill No. 5271 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pridemore moved that the following striking amendment by Senator Pridemore be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. (~~Except as provided in subsection (4) of this section.~~) A special election called by the county

legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—(c))~~ The fourth Tuesday in April;

~~((d) The third Tuesday in May;~~

~~—(e))~~ (c) The day of the primary as specified by RCW 29A.04.311; or

~~((f))~~ (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ~~((through (d)))~~ and (b) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)~~((c))~~ (c) or ~~((f))~~ (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection (2)(a) through ~~((f))~~ (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(5) ~~((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~—(6))~~ This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 2 RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. ~~((Except as provided in subsection (3) of this section.))~~ Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—(c))~~ The fourth Tuesday in April;

~~((d) The third Tuesday in May;~~

~~—(e))~~ (c) The day of the primary election as specified by RCW 29A.04.311; or

~~((f))~~ (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ~~((through (d)))~~ and (b) of this section

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

most be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)~~((c))~~ (c) or ~~((d))~~ (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

~~(4) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~(5))~~ In addition to subsection (2)(a) through ~~((f))~~ (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)~~((c))~~ (c) and ~~((d))~~ (d) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

~~((6))~~ (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections."

Senator Pridemore spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Pridemore to Second Substitute Senate Bill No. 5271.

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

#### MOTION

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

On page 1, line 2 of the title, after "held," strike the remainder of the title and insert "amending RCW 29A.04.321 and 29A.04.330; and providing an effective date."

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Roach and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5271.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5271 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Voting nay: Senator Tom - 1

Absent: Senator Brown - 1

Excused: Senator Murray - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Regala, Senator Brown was excused.

#### SECOND READING

SENATE BILL NO. 6821, by Senators Hatfield and Jacobsen

Exempting certain information obtained by the department of fish and wildlife from disclosure under chapter 42.56 RCW.

The measure was read the second time.

#### MOTION

Senator Hatfield moved that the following amendment by Senator Hatfield and others be adopted.

On page 3, after line 7 insert the following:

" **Sec. 2.** RCW 77.80.010 and 2000 c 107 s 88 are each amended to read as follows:

As used in this chapter ~~((1))~~ "Case areas" means those areas of the Western district of Washington and in the adjacent offshore waters which are within the jurisdiction of the state of Washington, as defined in *United States of America et al. v. State of Washington et al.*, Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or an area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decisions;

~~((2))~~ "program" means the program established under RCW 77.80.010 through 77.80.060. **Sec. 3.** RCW 77.80.020 and 1984 c 67 s 1 are each amended to read as follows:

The department may purchase commercial fishing vessels and appurtenant gear, and the current state commercial fishing licenses, delivery permits, and charter boat licenses if the license or permit holder was substantially restricted in fishing as a result of compliance with *United States of America et al. v. State of Washington et al.*, Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976). The department may also make such purchases if the license or permit holder was substantially restricted in fishing as a result of compliance with *United States of America et al. v. State of Washington et al.*, 873 F.Supp. 1422 (W.D. Wash. 1994) as affirmed in part, reversed in part, and remanded 157 F.3d 630 (9th Cir., 1998).

The department shall not purchase a vessel without also purchasing all current Washington commercial fishing licenses and delivery permits and charter boat licenses issued to the vessel or its owner. The department may purchase current licenses and delivery permits without purchasing the vessel."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Hatfield spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hatfield and others on page 3, after line 7 to Senate Bill No. 6821.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

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

SECOND READING

## MOTION

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

On page 1, line 2 of the title, after "to the" delete everything through "42.56.430" and insert "to fish and wildlife harvest management; and amending RCW 42.56.430, 77.80.010, and 77.80.020"

## MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Senate Bill No. 6821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Morton spoke in favor of passage of the bill.

## MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Senate Bill No. 6821 was returned to second reading for the purpose of amendment.

Without objection, Senator Hatfield moved the following oral amendment to the title amendment be adopted:

On page 1, line 2 of the title amendment after "two" strike "the"

On page 1, line 8, after "insert" strike "to"

The President declared the question before the Senate to be the adoption of the oral amendment by Senator Hatfield to Senate Bill No. 6821.

The motion by Senator Hatfield carried and the oral amendment was adopted by voice vote.

## MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Senate Bill No. 6821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6821.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6821 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, McAuliffe, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Marr, McCaslin and McDermott - 3

Absent: Senator Kline - 1

Excused: Senator Murray - 1

ENGROSSED SENATE BILL NO. 6821, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 6591, by Senators Benton and Berkey

Regulating insurance producers.

The measure was read the second time.

## MOTION

Senator Benton moved that the following amendment by Senators Benton and Berkey be adopted.

On page 103, line 37, after "producer" insert "or title insurance agent"

Senator Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Berkey on page 103, line 37 to Senate Bill No. 6591.

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

## MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Senate Bill No. 6591 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6591.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6591 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SENATE BILL NO. 6591, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6389, by Senators Brown, Schoesler, Hobbs, Rasmussen, Marr, Franklin and Kilmer

Exempting certain military housing from property and leasehold excise taxes.

## MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 6389 was substituted for Senate Bill No. 6389 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 6389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6389.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6389 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5256, by Senators Prentice, Roach, Fairley, Kastama, Eide, Hobbs, Fraser, Rockefeller, Kohl-Welles, Rasmussen, Franklin, Kilmer, Honeyford and Keiser

Providing for the exclusion of veterans benefits from the income calculation for the retired person property tax relief program.

## MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5256 was substituted for Senate Bill No. 5256 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5256.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5256 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 48

Absent: Senator Tom - 1

SUBSTITUTE SENATE BILL NO. 5256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6438, by Senators Kohl-Welles, Rockefeller, Oemig, Honeyford, Murray, Delvin and Pridemore

Creating a statewide high-speed internet deployment and

adoption effort. Revised for 2nd Substitute: Creating a statewide high-speed internet deployment and adoption initiative.

## MOTION

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 6438 was substituted for Senate Bill No. 6438 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 43.105 RCW to read as follows:

(1) The legislature finds that the deployment and adoption of high-speed internet services and information technology has resulted in enhanced economic development and public safety for the state's communities, improved health care and educational opportunities, and a better quality of life for the state's residents. Further, continued progress in the deployment and adoption of high-speed internet services and other advanced telecommunications services, both land-based and wireless, is vital to ensuring Washington remains competitive and continues to create business and job growth. The legislature finds that the state must encourage and support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology for state residents and businesses, and do so through formalized and structured arrangements like the highly successful K-20 educational network.

(2) The department, as the state agency responsible for coordinating with the education sectors on the K-20 educational network, shall work to coordinate the development of a comprehensive, statewide high-speed internet deployment and adoption initiative that will be implemented through a public-private partnership with a nonprofit organization, as set forth in subsection (7) of this section, to accomplish the following goals:

(a) Ensure that all state residents and businesses have access to affordable and reliable high-speed internet services;

(b) Achieve improved technology literacy, increased computer ownership, and high-speed internet use among state residents, nonprofit organizations, and businesses;

(c) Establish and empower local technology planning teams and partnerships to plan for improved technology use across multiple community sectors;

(d) Establish and sustain an environment ripe for telecommunications and technology investment statewide, including solicitation and receipt of grants, loans, and other financial mechanisms; and

(e) Create and regularly update a geographic statewide inventory of high-speed internet service and other relevant telecommunications and information technology services through a method of geographic information system mapping and geographic information system analysis at the census block level, consistent with any federal data reporting requirements.

(3) By June 1, 2008, the department shall convene an initial work group of representatives of the department of community, trade, and economic development and the utilities and transportation commission, and representatives of public, private, and nonprofit agencies and organizations representing economic development, local community development, community planning, technology planning, education, health care, and other relevant entities as well as representatives of telecommunications providers, technology companies, telecommunications unions, community-based organizations, and relevant private sector entities.

(4) By September 1, 2008, the department and the work group in subsection (3) of this section shall develop a high-speed internet deployment and adoption strategy for

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

implementation by a nonprofit organization to accomplish the following goals:

(a) Create and regularly update a geographic statewide inventory of high-speed internet service and other relevant telecommunications and information technology services. The inventory must:

(i) Identify geographic gaps in high-speed internet service through a method of geographic information system mapping of service availability and geographic information system analysis at the census block level;

(ii) Provide a baseline assessment of statewide high-speed internet deployment in terms of percentage of households and businesses with high-speed internet availability;

(iii) Provide updates to these data every six months; and

(iv) Build upon the initial utilities and transportation commission broadband disparity study authorized by the legislature in 2007;

(b) Track statewide residential and business adoption of high-speed internet, computers, and related information technology through data collected directly from end-users through telephone surveys or similar methods; identify barriers to adoption; and measure progress on these data annually;

(c) Build and facilitate local technology planning teams and partnerships with members representing cross-sections of the community, including but not limited to representatives of business, telecommunications unions, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture. Local technology planning teams shall benchmark technology use across relevant community sectors, set goals for improving technology use within each sector, and develop tactical business plans for achieving identified goals, with specific recommendations for online application development and demand creation;

(d) Work collaboratively with high-speed internet providers and technology companies across the state to encourage deployment and use, through use of local demand aggregation, mapping analysis, and creation of market intelligence to improve the investment rationale and business case for providers to deploy; and

(e) Establish programs to improve computer ownership, technology literacy, and internet access for disenfranchised populations across the state.

(5) The department and the work group in subsection (3) of this section shall provide a report to the fiscal and telecommunications committees in the senate and the house of representatives on or before December 1, 2008. The report shall identify and make recommendations as appropriate for:

(a) Benchmarks, performance measures, milestones, deliverables, timelines, and such other indicators of performance and progress as are necessary to guide development and implementation of the statewide high-speed internet deployment and adoption effort;

(b) A strategic plan to structure and appropriately scale and phase development and implementation of the effort so as to link to, leverage, and otherwise synchronize with other relevant and related funding, technology, capital initiatives, investments, and opportunities;

(c) Budget and legislation to be considered before the 2009 legislature in order to implement the strategic high-speed internet deployment and adoption strategy;

(d) Safeguards to protect proprietary and confidential information from unintended disclosure under chapter 42.56 RCW, which may be based upon existing models developed by other state broadband efforts to protect proprietary information;

(e) A plan to complete baseline mapping of high-speed internet resources in the state in an eighteen-month period, subject to approval of the plan and appropriation by the legislature; and

(f) A plan to launch community teams across the state.

(6) The department shall provide an annual progress report together with any recommendations for strengthening the program to the fiscal and telecommunications committees in the

senate and the house of representatives not later than December 1st, beginning in 2009, and cover the preceding fiscal year.

(7) The department shall contract with a nonprofit organization to accomplish the objectives set forth in this act. The nonprofit organization shall:

(a) Be qualified under section 501(c)(3) of the internal revenue code of 1986 and exempt from tax under section 501(a) of such code;

(b) Have no part of the net earnings inure to the benefit of any member, founder, contributor, or individual;

(c) Have a board of directors that is not composed of a majority of individuals who are also employed by, or otherwise associated with, any federal, state, or local government or any federal, state, or local agency;

(d) Have an established competency in working on a statewide basis with public and private sectors to accomplish the deployment and adoption of high-speed internet services and information technology;

(e) Have an established competency working directly with high-speed internet providers in the handling, storage, and use of proprietary and competitively sensitive data for the purposes set forth in this act; and

(f) Enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers and other entities. Private entities submitting data in connection with efforts to develop the high-speed internet deployment strategy referenced in this act may elect to provide such data to the extent and in the format the data is maintained in the normal course of business. Any information designated by the providing entity as confidential or proprietary shall be treated as such, and governed by an appropriate nondisclosure agreement. To the extent any data which is submitted pursuant to this act would otherwise be deemed a public record, the data is excepted from disclosure under chapter 42.56 RCW if designated as confidential by the providing entity.

(8) This section expires June 30, 2011.

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

(1) By January 1, 2009, the department, in consultation with the utilities and transportation commission and other relevant agencies, shall identify and make publicly available a web directory of public facilities that provide community technology programs throughout the state.

(2) For the purposes of this section, "community technology program," also known as a digital inclusion program, means a program engaged in diffusing information and communications technology in local communities, particularly in unserved areas. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software ownership, internet connectivity, and development of locally relevant content and delivery of vital services through technology.

**NEW SECTION. Sec. 3** Nothing in this act shall be construed as giving the department of information services or any other entities any additional authority, regulatory or otherwise, over providers of telecommunications and information technology."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles and others to Second Substitute Senate Bill No. 6438.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

#### MOTION

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

On page 1, line 2 of the title, after "initiative;" strike the remainder of the title and insert "adding new sections to chapter 43.105 RCW; creating a new section; and providing an expiration date."

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6438.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6438 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Benton: "I am hosting a luncheon and I wanted to invite all the members to the luncheon in Senate Hearing Room Two tomorrow between twelve and one. Lunch will be provided. It's for members only. We have a guest speaker coming from Washington D. C. It's for the American Legislative Exchange Counsel and I know many members belong to that organization on both sides of the aisle. You have received notices in your mail and you received emails to that effect. I just wanted to notify you here today usually within twenty-four hours because I know how we keep things in our mind so, if you know about it tomorrow, you may remember to come tomorrow. So, please come to the luncheon tomorrow at noon in Hearing Room Two. Thank you Mr. President."

## SECOND READING

SENATE BILL NO. 6426, by Senators Hobbs, Shin, Swecker, Rasmussen, Fairley, Berkey, Rockefeller, Eide, Schoesler, Fraser, Kauffman, Kohl-Welles and McAuliffe

Enacting the Interstate Compact on Educational Opportunity for Military Children.

## MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 6426 was substituted for Senate Bill No. 6426 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 6426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6426.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6426 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Brandland, Senators Honeyford and Zarelli were excused.

## SECOND READING

SENATE BILL NO. 6466, by Senators Roach, Tom, Rasmussen, McAuliffe, Hobbs, Stevens, Delvin, Shin and Carrell

Creating a task force to study teaching Spanish and Chinese in public schools.

## MOTION

On motion of Senator Roach, Substitute Senate Bill No. 6466 was substituted for Senate Bill No. 6466 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Roach moved that the following amendment by Senator Roach and McAuliffe be adopted.

On page 1, line 1 of the title, after "in" strike "Spanish and Chinese" and insert "world"

Senator Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach and McAuliffe on page 1, line 1 to Substitute Senate Bill No. 6466.

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

## MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute Senate Bill No. 6466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6466.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6466 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

Pursuant to Rule 18, on motion of Senator Eide moved Senate Bill No. 6809 was made the special order of business of the day at 4:55 p.m.

## PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. I believe that the measure before us Senate Bill No. 6638 requires a super majority vote under the provisions of the law enacted last year, Initiative 960. Last year, Mr. President, you issued a ruling involving Initiative 601 which I believe is....."

## REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, I need to interrupt you at this moment because I don't believe we've read the bill in yet. You're just a jump ahead."

## SECOND READING

SENATE BILL NO. 6638, by Senators Murray, Roach, McAuliffe, Kohl-Welles, Fairley, Kline, Kauffman, Jacobsen, Eide and Pflug

Reallocating existing lodging taxes for heritage and arts programs in a county with a population of one million or more.

The measure was read the second time.

## PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. Last year you issued a ruling involving Initiative 601 which I believe is instructive for this measure. In that ruling you indicated that changing the purpose for which a fee was originally collected could trigger the supermajority vote provisions of Initiative 601 because it converted that fee into a tax. Similarly the bill before us does not necessarily impose a new tax. It does, however, similarly allow it to continue and changes the way that the proceeds are spent. The tax at issue was originally enacted to pay off bonds issued to repair the now demolished King dome. This bill would change this allowing the money that was used to pay off these bonds to instead be dedicated to arts and heritage programs. I submit to you that this effectively imposes a new tax for a new purpose and therefore triggers the supermajority vote

provisions of Initiative 960. Even though the Legislature is allowing a portion of the lodging tax to be allowed for specific expenditures for local government, the Legislature recognizes and authorizes that and the state controls this tax. Therefore, Initiative 960 should apply to Senate Bill No. 6638 because it re-authorizes that tax as a state shared lodging revenue. And for these reasons I believe the measure contains a new tax that requires a two-thirds vote of this body and would appreciate a respectfully request a ruling thereon."

Senator Murray spoke against the parliamentary inquiry.

## MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 6638 was deferred and the bill held its place on the second reading calendar.

The President Pro Tempore assumed the chair.

## SECOND READING

SENATE BILL NO. 6471, by Senators Weinstein, Kauffman, Tom, Fairley, McAuliffe, Kohl-Welles, Keiser and Kline

Protecting consumers by regulating loans under the consumer loan act and mortgage broker practices act.

The measure was read the second time.

## MOTION

On motion of Senator Weinstein, the rules were suspended, Senate Bill No. 6471 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Honeyford spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senators Fairley and Haugen were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6471.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6471 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Haugen - 2

SENATE BILL NO. 6471, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6527, by Senators Kastama and Kline

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

Addressing the failure to transfer motor vehicle title and registration.

## MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 6527 was substituted for Senate Bill No. 6527 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6527 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6527.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6527 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Haugen - 2

SUBSTITUTE SENATE BILL NO. 6527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6220, by Senators Keiser, Parlette, Pflug, Prentice and Kohl-Welles

Allowing the delegation of nursing tasks to care for persons with diabetes.

## MOTIONS

On motion of Senator Keiser, Second Substitute Senate Bill No. 6220 was substituted for Senate Bill No. 6220 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 6220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Pflug and Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6220.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6220 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray,

Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Haugen - 1

SECOND SUBSTITUTE SENATE BILL NO. 6220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6502, by Senators Oemig, Rasmussen and Kline

Reducing the release of mercury into the environment.

## MOTION

On motion of Senator Oemig, Second Substitute Senate Bill No. 6502 was substituted for Senate Bill No. 6502 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Oemig moved that the following amendment by Senator Oemig be adopted.

On page 6, beginning on line 4, strike all of subsection (7)

Senator Oemig spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Oemig on page 6, line 4 to Second Substitute Senate Bill No. 6502.

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

## MOTION

On motion of Senator Oemig, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6502.

## MOTION

On motion of Senator Regala, Senator Prentice was excused.

## POINT OF INQUIRY

Senator Benton: "Would the Senator from the 45th yield to a question? Thank you. Senator Oemig, does this bill prohibit the sale of light bulbs and mercury-filled light bulbs in the state of Washington?"

Senator Oemig: "Thank you Senator. No, this bill in no way limits or reduces the sale of light bulbs. It merely creates a study to find out more effective ways to recycle light bulbs today in this state. There's only one place where you can recycle light bulbs."

Senator Benton: "So it turned your bill into a study bill essentially with the adoption of your amendment?"

Senator Oemig: "Yes."

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6502 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 40

Voting nay: Senators Brandland, Delvin, Hatfield, Holmquist, Honeyford, Parlette, Schoesler and Stevens - 8

Excused: Senator Haugen - 1

SECOND SUBSTITUTE SENATE BILL NO. 6502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

## RULING BY THE PRESIDENT

President Owen: "In ruling on the inquiry raised by Senator Benton as to the application of Initiative Number 960 to Senate Bill 6638, the President finds and rules as follows.

The President does believe that many of his prior rulings on Initiative Number 601 are good precedent and instruction for applying similar provisions of I-960. The President has reviewed past I-601 rulings for application to the situation presented by this measure. Consistent with that past precedent, the President notes that the tax at issue—whatever its purpose—is purely local in nature, and is a preexisting local tax, at that. It is true that state law originally authorized this tax, but its collection and usage remain local. I-960 relates to state taxes and fees, and thus it has no application to this measure's distribution of proceeds from a local tax.

For these reasons, Senator Benton's point is not well-taken, and this measure will need only a simple majority vote of this body for final passage."

The Senate resumed consideration of Senate Bill No. 6638.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Tom, the amendment by Senator Tom on page 6, line 6 to Senate Bill No. 6638 was withdrawn.

## MOTION

Senator Benton moved that the following amendment by Senator Tom and others be adopted.

On page 6, line 6, after "subsection" insert "art programs in the public schools of the county, and for enhanced foreign language education programs in the public schools of the county. The funds from the account shall be distributed equally between the three allowable purposes.

In consultation with the public school districts in the county, the county treasurer shall develop a method for distributing the funds for arts programs and enhanced foreign language education programs in the public schools. In deciding the specific amounts and distribution method to each respective school district, the county treasurer shall consider the number of full-time-equivalent students, the need for additional support to sustain and implement these programs, and current resources being utilized for these programs. Beginning December 1,

2009, each year thereafter, the office of superintendent of public instruction shall provide a report summarizing the amounts received by each public school district in the county from the distributions in this section and specific activities funded with these fund sources."

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tom and others on page 6, line 6 to Senate Bill No. 6638.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

## MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 6638 was deferred and the bill held its place on the second reading calendar.

## SECOND READING

SENATE BILL NO. 6448, by Senators Marr, Zarelli, Keiser, Delvin, Kline, Brown, Brandland, Kohl-Welles, Fairley, Shin, Pflug, McAuliffe, Rasmussen and Kilmer

Providing for intensive behavior support services for children with developmental disabilities.

## MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 6448 was substituted for Senate Bill No. 6448 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 6448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6448.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6448 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Haugen - 1

SUBSTITUTE SENATE BILL NO. 6448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Senate Bill No. 6638.

## MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 5, line 6, after "subsection" insert "subject to voter approval under (e) of this subsection"

On page 5, line 14, after "subsection" insert "subject to

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

voter approval under (e) of this subsection"

ROLL CALL

On page 5, line 15, after "(e)" insert "On or after the date the debt on the stadium is retired, revenues under this section may not be expended without the approval of the voters of a county of a million or more residents by at least a simply majority vote.

(f)"

Reletter the remaining subsections and correct any internal references accordingly.

Senator Benton spoke in favor of adoption of the amendment.

Senator Murray spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 5, line 6 to Senate Bill No. 6638.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

## MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 6638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray, Keiser and Kauffman spoke in favor of passage of the bill.

Senator Tom spoke against the passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6638.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6638 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Voting nay: Senators Benton, Carrell, McCaslin, Morton and Tom - 5

SENATE BILL NO. 6638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6722, by Senators Regala, Delvin, Schoesler, Pridemore and Shin

Creating the cleanup settlement account.

The measure was read the second time.

## MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6722 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6722.

The Secretary called the roll on the final passage of Senate Bill No. 6722 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6730, by Senators Kilmer, Delvin, Shin and Kohl-Welles

Regarding child care at institutions of higher education.

## MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 6730 was substituted for Senate Bill No. 6730 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Kilmer moved that the following amendment by Senator Kilmer and others be adopted.

On page 2, line 8, after "institutions.", insert:

"The grants shall be used exclusively for the provision of quality childcare services for students at institutions of higher education."

Senator Kilmer spoke in favor of adoption of the amendment.

## POINT OF INQUIRY

Senator Hewitt: "Would the Senator from the 26th yield to a question? Senator, does this mean that faculty and staff will not be able to use this money?"

Senator Kilmer: "There are existing capacities for faculty and staff to have child care. This sets up a new grant program where students would put in dollars and they would be matched by the state. It is specifically for students."

The President declared the question before the Senate to be the adoption of the amendment by Senator Kilmer and others on page 2, line 8 to Substitute Senate Bill No. 6730.

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

## MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute Senate Bill No. 6730 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Shin spoke in favor of passage of the bill.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6730.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6730 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 6730, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6573, by Senators Kilmer, Brandland, Kauffman, Delvin, Benton, Roach, McAuliffe and Rasmussen

Providing additional revenues for public safety.

#### MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 6573 was substituted for Senate Bill No. 6573 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Pridemore moved that the following striking amendment by Senators Pridemore and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that local governments need additional revenues to provide public safety resources in order to protect the citizens of Washington from fire and crime. The legislature finds that the current benefit formula and contributions for the law enforcement officers and firefighters plan 2 are inadequate to modify that formula in recognition of the shorter working careers for firefighters and police officers. The legislature recognizes that although some officers and firefighters are able to work comfortably beyond twenty-five years, the combat nature of fire suppression and law enforcement generally require earlier retirement ages. In recognition of the physical demands of the professions and the inherent risks faced by law enforcement officers and firefighters, eligibility for retirement in the law enforcement officers and firefighters plan 2 system has been set at age fifty-three. However, the benefit formula is designed for careers of thirty-five to forty years, making retirement at age fifty-three an unrealistic option for many.

Therefore, the legislature declares that it is the purpose of this act to provide local government public safety employers and the law enforcement officers and firefighters plan 2 pension plan with additional shared revenues when state general fund revenues increase by at least one percent over the prior year's collections.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.26 RCW to read as follows:

The local public safety enhancement account is created in the state treasury. Moneys in the account may be spent only after appropriation. All receipts from section 4 of this act must

be deposited into the account. Expenditures from the account may be used as follows:

(1) Following appropriation, fifty percent of the money in the account shall be transferred to the law enforcement officers' and firefighters' retirement system benefits improvement account established in section 3 of this act.

(2) Following appropriation, the balance shall be distributed by the state treasurer to all jurisdictions with law enforcement officers and firefighters plan 2 members on a proportionate share basis based on the number of plan 2 members each jurisdiction has on June 1st of the prior year divided by the total number of plan 2 members in the system. The department of retirement systems shall provide the distribution allocation to the state treasurer. Distributions by the state treasurer shall be made annually beginning on January 1, 2011. Jurisdictions that contract with other eligible jurisdictions for law enforcement services or fire protection services must agree on the distribution of funds between the contracting parties and must inform the department of retirement systems as to how the distribution is to be made. Distributions will continue to be made under the terms of the agreement until the department of retirement systems is notified by the eligible jurisdiction of any agreement revisions. If there is no agreement within six months of the distribution date, the monies lapse to the state treasury. Moneys distributed from the balance of the public safety enhancement account may be used for the following purposes: (a) Criminal justice, including those where an ancillary benefit to the civil justice occurs, and includes domestic violence programs; (b) information and assistance to parents and families dealing with at-risk or runaway youth; or (c) public safety.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.26 RCW to read as follows:

(1) The local law enforcement officers' and firefighters' retirement system benefits improvement account (benefits account) is created within the law enforcement officers' and firefighters' retirement system plan 2 fund. All receipts from section 2(1) of this act must be deposited into the account.

(2) The funds in the benefits account shall not be included by the state actuary in the calculation of the market value of assets of the law enforcement officers' and firefighters' retirement system plan 2 fund until the board directs the state actuary in writing to do so for purposes of financing benefits adopted by the board pursuant to and consistent with RCW 41.26.720. The board, in consultation with the state investment board, shall provide the state actuary, in writing, the market value of the amount directed from the benefits account for inclusion in the calculation of the market value of assets of the law enforcement officers' and firefighters' retirement system plan 2 fund. The market value of the amount directed from the benefits account shall be determined as of the date of the direction from the board to include this amount for purposes of financing benefits adopted by the board pursuant to and consistent with RCW 41.26.720.

(3) The law enforcement officers' and firefighters' plan 2 retirement board shall administer the fund in an actuarially sound manner.

(4) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the benefits account. The state investment board is authorized to adopt investment policies for the money in the benefits account. All investment and operating costs associated with the investment of money within the benefits account shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the benefits account.

(5) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policy established by the state investment board.

(6) When appropriate for investment purposes, the state investment board may commingle money in the fund with other funds.

(7) The authority to establish all policies relating to the benefits account, other than the investment policies set forth in this section, resides with the law enforcement officers' and

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

firefighters' plan 2 retirement board. Other than investments by and expenses of the state investment board, disbursements from this fund may be made only on the authorization of the law enforcement officers' and firefighters' plan 2 retirement board for purposes of funding the member, employer, and state cost of financing benefits adopted by the board pursuant to and consistent with RCW 41.26.720.

(8) The state investment board shall routinely consult with and communicate with the law enforcement officers' and firefighters' plan 2 retirement board on the investment policy, earnings of the trust, and related needs of the benefits account.

**NEW SECTION, Sec. 4.** A new section is added to chapter 41.26 RCW to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than three percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2013, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than three percent, subject to appropriation by the legislature, the state treasurer shall transfer ten million dollars to the local public safety enhancement account.

(3) By September 30, 2015, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than three percent, subject to appropriation by the legislature, the state treasurer shall transfer twenty million dollars to the local public safety enhancement account.

(4) By September 30, 2017, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than three percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account."

Senator Pridemore spoke in favor of adoption of the striking amendment.

#### MOTION

Without objection, Senator Spanel moved that the following oral amendment to the striking amendment be adopted:

On page 1, section 1, line 24, after the word "least" strike "one" and insert "three"

The President declared the question before the Senate to be the adoption of the oral amendment by Senator Spanel to the striking amendment to Substitute Senate Bill No. 6573.

The motion by Senator Spanel carried and the oral amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment as amended by Senators Pridemore and Zarelli to Substitute Senate Bill No. 6573.

The motion by Senator Pridemore carried and the striking amendment as amended was adopted by voice vote.

#### MOTION

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

On page 1, line 3 of the title, after "benefits", strike the remainder of the title and insert "adding new sections to chapter 41.26 RCW; and creating a new section."

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 6573 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6573.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6573 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Spanel - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6573, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6898, by Senators Kline and Hargrove

Modifying criminal sentencing requirements.

#### MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6898 was substituted for Senate Bill No. 6898 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6898.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6898 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6641, by Senators Regala, Zarelli and Carrell

Providing that voter-approved increases in property tax levy limitations for a multiyear period of up to six years do not

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

permanently increase a taxing district's levy base, unless otherwise provided in the ballot proposition.

The measure was read the second time.

#### MOTION

Senator Regala moved that the following striking amendment by Senators Regala and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 84.55.050 and 2007 c 380 s 2 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the ~~((specific))~~ limited purposes for which the proposed annual increases during the specified period of up to six consecutive years shall be used, and funds raised under the levy shall not supplant existing funds used for these purposes. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy ~~((shall))~~ may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, ~~((except as provided in subsection (5) of this section))~~ unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

~~((b))~~ (c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

~~((c))~~ (d) Set the levy or levies at a rate less than the maximum rate allowed for the district; or

2008 REGULAR SESSION

~~((d))~~ (e) Include any combination of the conditions in this subsection.

(5) Except as otherwise ~~((provided))~~ expressly stated in an approved ballot measure under this section, ~~((after the expiration of a limited period under subsection (4)(a) of this section or the satisfaction of a limited purpose under subsection (4)(b) of this section, whichever comes first,))~~ subsequent levies shall be computed as if:

(a) The ~~((limited))~~ proposition under ~~((subsection (4) of))~~ this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the ~~((limited))~~ proposition.

NEW SECTION. Sec. 2 This act applies prospectively only to levy lid lift ballot propositions under RCW 84.55.050 that receive voter approval on or after the effective date of this act.

NEW SECTION. Sec. 3 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Regala spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Regala and Zarelli to Senate Bill No. 6641.

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

#### MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "providing that voter-approved property tax increases do not permanently increase a taxing district's levy base, unless expressly stated in the ballot proposition; amending RCW 84.55.050; creating a new section; and declaring an emergency."

#### MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Senate Bill No. 6641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6641.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6641 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SENATE BILL NO. 6641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

SENATE BILL NO. 6313, by Senators McAuliffe, Rasmussen, Tom, Delvin, Shin, Kohl-Welles, Fairley and Fraser

Recognizing disability history in the public education system.

The measure was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6313.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6313 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8028, by Senators Shin, Berkey, Honeyford, Hobbs, Swecker, Delvin, Roach, Rasmussen and Benton

Requesting that the President and Congress support the participation of Taiwan in the World Health Organization.

The measure was read the second time.

#### MOTION

On motion of Senator Shin, the rules were suspended, Senate Joint Memorial No. 8028 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8028.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8028 and the memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore,

2008 REGULAR SESSION

Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE JOINT MEMORIAL NO. 8028, having received the constitutional majority, was declared passed.

#### MOTION

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

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5566, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Franklin and Kohl-Welles).

Providing for privacy protection for certain voter registration information.

The bill was read on Third Reading.

Senator Franklin spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5566.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Carrell, Hewitt, Holmquist and Honeyford - 4

SUBSTITUTE SENATE BILL NO. 5566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6891, by Senators Stevens, Hargrove, Carrell, Brandland and Roach

Requiring certain hiring and training practices for children's administration social workers.

The measure was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6891.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6891 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6210, by Senator Benton

Requiring the registration of sex offender e-mail addresses or other internet communication names or identities. Revised for 1st Substitute: Providing for the registration of sex offender or kidnapping offender e-mail addresses or other internet communication names or identities.

## MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6210 was substituted for Senate Bill No. 6210 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6210.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6210 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6653, by Senators Murray, Holmquist, Schoesler, Roach and Rasmussen

Allowing department of fish and wildlife enforcement officers to transfer service credit.

The measure was read the second time.

## MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 6653 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6653.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6653 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6360, by Senators Pflug, Keiser, Swecker, Fairley, Hewitt, Schoesler and Kohl-Welles

Establishing a task force on primary care medical practice.

## MOTION

On motion of Senator Pflug, Substitute Senate Bill No. 6360 was substituted for Senate Bill No. 6360 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Pflug moved that the following striking amendment by Senators Pflug and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that the citizens of Washington deserve primary care physicians that they can trust and rely upon for their health and illness care.

**NEW SECTION. Sec. 2 (1)(a)** The work group on primary care medical practice is established, with members as provided in this subsection:

(i) The president of the senate shall appoint one member from each caucus of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each caucus of the house of representatives.

(iii) The director of the health care authority shall appoint:

(A) Four persons representing primary care physicians practicing in the state, one of whom practices in a rural county, as defined in RCW 82.14.370;

(B) One member representing community clinics;

(C) Two members representing health plans, including one representing a fee-for-service provider and one representing a managed care provider; and

(D) One member representing the health care authority.

(b) The health care authority representative shall chair the work group.

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

(2) The work group shall examine ways to recruit and retain primary care physicians in the state, including, but not limited to, such strategies as:

(a) Providing greater reimbursement rates for primary care physicians;

(b) Ensuring that all patients have access to and know how to use a nurse consultant;

(c) Encouraging female patients to have a mammogram on the evidence-based recommended schedule;

(d) Effectively implementing strategies designed to reduce patients' use of nonemergent emergency room care;

(e) Communicating with patients through electronic means; and

(f) Effectively managing blood sugar levels of patients with diabetes.

(3) The work group may consult with individuals from the public and private sector or ask such persons to establish an advisory committee. Members of the advisory committee are not entitled to expense reimbursement.

(4) The work group shall use legislative facilities, and staff support shall be provided by senate committee services and the house of representatives office of program research.

(5) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The expenses of the work group shall be paid jointly by the senate and the house of representatives. Work group expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(7) The work group shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2008.

(8) The work group shall report its findings and recommendations to the office of financial management by December 1, 2008, for consideration in the office of financial management's study of the primary care system, pursuant to Substitute Senate Bill No. 6282 (2008).

(9) This section expires December 31, 2008."

Senator Pflug spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Pflug and Keiser to Substitute Senate Bill No. 6360.

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

#### MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "establishing a work group on primary care medical practice; creating new sections; and providing an expiration date."

#### MOTION

On motion of Senator Pflug, the rules were suspended, Engrossed Substitute Senate Bill No. 6360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pflug and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6360.

#### ROLL CALL

The Secretary called the roll on the final passage of

Engrossed Substitute Senate Bill No. 6360 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Franklin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6809, by Senators Pridemore, McAuliffe, Rockefeller, Eide, Oemig, Hatfield, Regala, Fraser, Brown, Fairley, Tom, Kilmer, Keiser, Franklin, Kauffman, Kline, Rasmussen, Spanel, Jacobsen and Kohl-Welles

Providing a tax exemption for working families measured by the federal earned income tax credit.

#### MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 6809 was substituted for Senate Bill No. 6809 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore be adopted.

On page 2, after line 24, insert the following:

"(4) For any fiscal period, the remittance required by this section shall be suspended if the suspension is directed by the state omnibus appropriations act."

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

Senator Pridemore spoke in favor of adoption of the amendment.

Senator Zarelli spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 2, after line 24 to Substitute Senate Bill No. 6809.

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

#### MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 3, after line 19, insert the following:

"(h) The department shall only issue remittances under this section during those tax years the earned income tax credit compliance program has been rated as adequate or higher under the federal office of management and budget program assessment rating tool (PART) process."

Senator Zarelli spoke in favor of adoption of the amendment.

Senators Pridemore and Brown spoke against adoption of the amendment.

#### MOTION

On motion of Senator Brandland, Senator Stevens was

THIRTY-SEVENTH DAY, FEBRUARY 19, 2008

2008 REGULAR SESSION

excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, after line 19 to Substitute Senate Bill No. 6809.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 3, after line 23, insert the following:

"(7) By September 1, 2008, the department shall request an opinion from the attorney general as to whether subsection (3) of this section constitutes an unconstitutional delegation of legislative authority in violation of Article II, section 1 of the state constitution."

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, after line 23 to Substitute Senate Bill No. 6809.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 6809 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Rockefeller and Brown spoke in favor of passage of the bill.

Senator Zarelli spoke against the passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6809.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6809 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 16

Excused: Senator Swecker - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6809, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. We are having a Lebanese dinner in Senator Brown's office. You are all invited. The donations will go to the flood victims in our state and, of course, Lt. Governor you are invited as well. I urge you all to attend."

#### MOTION

At 5:23 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 20, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-EIGHTH DAY, FEBRUARY 20, 2008

2008 REGULAR SESSION

**THIRTY-EIGHTH DAY**

SECOND SUBSTITUTE HOUSE BILL NO. 2822,  
 SUBSTITUTE HOUSE BILL NO. 2879,  
 HOUSE BILL NO. 3019,  
 HOUSE BILL NO. 3027,  
 SUBSTITUTE HOUSE BILL NO. 3224,  
 HOUSE BILL NO. 3249,  
 SUBSTITUTE HOUSE BILL NO. 3289,  
 and the same are herewith transmitted.

**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 20, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Fairley, Hargrove, Jacobsen, Murray, Sheldon and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Kyle Boersen and William Corbit, presented the Colors. Pastor Bob McGregor of City Harvest Church offered the prayer.

**MOTION**

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

**MOTION**

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

**MESSAGE FROM THE HOUSE**

February 19, 2008

**MR. PRESIDENT:**

The House has passed the following bills:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2143,  
 SUBSTITUTE HOUSE BILL NO. 2452,  
 SUBSTITUTE HOUSE BILL NO. 2525,  
 SUBSTITUTE HOUSE BILL NO. 2554,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2597,  
 SUBSTITUTE HOUSE BILL NO. 2611,  
 HOUSE BILL NO. 2651,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2709,  
 ENGROSSED HOUSE BILL NO. 2734,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2807,  
 HOUSE BILL NO. 2813,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2818,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2882,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2903,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938,  
 ENGROSSED HOUSE BILL NO. 3117,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3131,  
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 3133,  
 ENGROSSED HOUSE BILL NO. 3137,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3148,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3160,  
 HOUSE BILL NO. 3261,  
 ENGROSSED HOUSE BILL NO. 3317,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 19, 2008

**MR. PRESIDENT:**

The House has passed the following bills:  
 HOUSE BILL NO. 2263,  
 HOUSE BILL NO. 2564,  
 HOUSE BILL NO. 2699,  
 SUBSTITUTE HOUSE BILL NO. 2779,

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 19, 2008

**MR. PRESIDENT:**

The House has passed the following bills:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2438,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2809,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2815,  
 ENGROSSED HOUSE BILL NO. 3181,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

E2SHB 1115 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Miloscia, Pettigrew, Morrell, Ormsby, Green, Darneille, Haigh, Moeller, Wallace, Santos and Simpson)

AN ACT Relating to programs to end homelessness; amending RCW 43.185C.005, 43.185C.010, 43.185C.020, 43.185C.040, 43.185C.050, 43.185C.070, 43.185C.080, 43.185C.090, 43.185C.100, 43.185C.130, 43.185C.160, 43.185C.900, 36.22.179, 36.22.1791, 43.185C.170, 43.185C.180, 43.185B.030, 43.20A.790, 36.18.010, and 43.185C.150; adding new sections to chapter 43.185C RCW; creating new sections; and recodifying RCW 36.22.179, 36.22.1791, 43.20A.790, and 43.63A.650.

Referred to Committee on Consumer Protection &amp; Housing.

E2SHB 1332 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Dunn, Miloscia, Springer, McCune, Ormsby, Kenney, Roberts, Wood, Santos and Chase)

AN ACT Relating to affordable housing development; amending RCW 43.63A.510, 35.21.687, 36.34.137, 43.20A.037, 47.12.063, 47.12.064, 72.09.055, 43.19.19201, 79A.05.170, 79A.05.175, 79.11.005, 79.22.060, and 28A.335.120; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.31 RCW; creating new sections; and recodifying RCW 43.63A.510.

Referred to Committee on Consumer Protection &amp; Housing.

3SHB 1741 by House Committee on Appropriations Subcommittee on General Government & Audit Review

THIRTY-EIGHTH DAY, FEBRUARY 20, 2008

2008 REGULAR SESSION

(originally sponsored by Representatives Hunt, Skinner and Conway)

AN ACT Relating to the oral history program; amending RCW 43.07.220, 43.07.230, 43.07.240, 43.07.365, 43.07.370, 43.07.380, and 42.52.802; adding a new section to chapter 42.52 RCW; adding new sections to chapter 44.04 RCW; adding a new section to chapter 43.07 RCW; creating new sections; and recodifying RCW 43.07.220, 43.07.230, and 43.07.240.

Referred to Committee on Government Operations & Elections.

HB 2110 by Representatives Simpson, Ericks, Dunshee, Sullivan and Ormsby

AN ACT Relating to allowing all fire protection facilities to use impact fees; and amending RCW 82.02.090.

Referred to Committee on Government Operations & Elections.

SHB 2455 by House Committee on Transportation (originally sponsored by Representatives Appleton, Hudgins, Hasegawa, McIntire, Nelson and Rolfes)

AN ACT Relating to the expiration of monetary value of fare media; amending RCW 47.60.315; and creating a new section.

Referred to Committee on Transportation.

ESHB 2468 by House Committee on Appropriations (originally sponsored by Representatives VanDeWege, Warnick, Blake, Dickerson, Linville, Upthegrove, McCoy, Hinkle, Appleton, Lantz, Ormsby, McIntire, Roberts, Kenney, Hudgins, Loomis, Kretz, Kagi and Chase)

AN ACT Relating to improving community and urban forest conditions in Washington state; amending RCW 76.15.005, 76.15.020, 76.15.010, and 76.15.007; adding a new section to chapter 76.15 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 2470 by Representatives Upthegrove, Dickerson, Hinkle, VanDeWege, Kenney, Kretz, Chase and Warnick

AN ACT Relating to clarifying the authority of the department of natural resources to issue lesser contractual agreements within existing authorities for state-owned aquatic lands; amending RCW 79.105.210; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

EHB 2476 by Representatives McCoy, Simpson, Lantz, Appleton, O'Brien, Kenney, Sells, Moeller, Hudgins, Dunn, Upthegrove and Chase

AN ACT Relating to authorizing tribal police officers to act as general authority Washington state peace officers; adding a new chapter to Title 10 RCW; and providing an effective date.

Referred to Committee on Judiciary.

2SHB 2530 by House Committee on Appropriations (originally sponsored by Representatives Nelson, Cody and Upthegrove)

AN ACT Relating to studying the effectiveness of the existing hydraulic project approval process under chapter 77.55 RCW in protecting fish life; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

E2SHB 2533 by House Committee on Appropriations (originally sponsored by Representatives McCoy, Chase and Quall)

AN ACT Relating to attachments to utility poles of locally regulated utilities; amending RCW 54.04.045; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

HB 2542 by Representative Ericks

AN ACT Relating to enforcement of cigarette taxes through regulation of stamped and unstamped cigarettes; amending RCW 82.24.080, 82.24.020, 82.24.110, and 82.24.250; creating a new section; and prescribing penalties.

Referred to Committee on Ways & Means.

SHB 2575 by House Committee on Local Government (originally sponsored by Representatives Simpson, Ormsby and Wood)

AN ACT Relating to fire sprinkler systems in private residences; and creating new sections.

Referred to Committee on Government Operations & Elections.

SHB 2585 by House Committee on Finance (originally sponsored by Representatives McIntire and Kessler)

AN ACT Relating to the business and occupation taxation of newspaper-labeled supplements; amending RCW 82.04.214; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2592 by House Committee on Appropriations (originally sponsored by Representatives Morrell and VanDeWege)

AN ACT Relating to vendor overpayments; and amending RCW 43.20B.695.

Referred to Committee on Ways & Means.

SHB 2602 by House Committee on Commerce & Labor (originally sponsored by Representatives Kessler, Dickerson, Williams, O'Brien, Hurst, Lantz, Moeller, Hasegawa, Pedersen, Ormsby, VanDeWege, Conway, Goodman, Hudgins, Santos, Campbell, Upthegrove, Chase, Darneille, Barlow, Green and Simpson)

AN ACT Relating to increasing the safety and economic security of victims of domestic violence, sexual assault, or

THIRTY-EIGHTH DAY, FEBRUARY 20, 2008

2008 REGULAR SESSION

stalking; amending RCW 7.69.030; adding a new chapter to Title 49 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2609 by House Committee on Finance (originally sponsored by Representatives McIntire and Condotta)

AN ACT Relating to the use of digital image technology in property revaluation plans; amending RCW 84.41.041 and 84.40.045; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 2621 by House Committee on Judiciary (originally sponsored by Representatives Hurst, Lantz and Simpson)

AN ACT Relating to requiring certain sentences for vehicular homicide and vehicular assault to run consecutively; and amending RCW 9.94A.589.

Referred to Committee on Judiciary.

ESHB 2626 by House Committee on Commerce & Labor (originally sponsored by Representatives VanDeWege, Kessler, Blake, Takko, DeBolt, Ormsby, Roberts, Kenney, Morrell, Simpson and Chase)

AN ACT Relating to authorizing the governor to suspend the waiting week for individuals who are unemployed because of an emergency or disaster; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

2SHB 2635 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representative Quall)

AN ACT Relating to school district boundaries and organization; amending RCW 28A.315.195, 28A.315.205, 28A.315.085, 28A.315.105, 28A.323.020, and 28A.343.070; adding a new section to chapter 28A.315 RCW; creating a new section; recodifying RCW 28A.323.020; and repealing RCW 28A.315.125, 28A.315.135, 28A.315.145, and 28A.323.030.

Referred to Committee on Early Learning & K-12 Education.

E2SHB 2647 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Hudgins, Hunt, Morrell, Pedersen, Williams, Cody, Green, Campbell, VanDeWege, Hasegawa, Roberts, Loomis, Upthegrove, Lias, Hunter, Chase, Smith, McIntire, Barlow, Conway, Priest, Schual-Berke, Simpson, Kenney, Goodman, Sells, Rolfes, Darneille and Lantz)

AN ACT Relating to the children's safe products act; amending RCW 43.70.660; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Ways & Means.

SHB 2666 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell,

Cody, McCoy, Green, Hunt, Wallace, Pedersen, Moeller, McIntire, Barlow, Conway, Simpson and Darneille)

AN ACT Relating to long-term care insurance; amending RCW 48.84.010 and 48.85.010; reenacting and amending RCW 48.43.005; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SHB 2675 by House Committee on Finance (originally sponsored by Representatives Hasegawa and Chase)

AN ACT Relating to a property tax exemption for the administrative offices of certain nonprofit organizations; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Ways & Means.

SHB 2690 by House Committee on Appropriations (originally sponsored by Representatives Cody, Hasegawa, Morrell, Green, McIntire and Simpson)

AN ACT Relating to mental health first aid; adding a new section to chapter 71.24 RCW; and creating new sections.

Referred to Committee on Ways & Means.

ESHB 2693 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Darneille, Moeller, Hudgins, Eddy, Upthegrove, Campbell, McIntire, Conway, O'Brien, Simpson, Kenney, Wood and Sells)

AN ACT Relating to required basic training and certification of long-term care workers; amending RCW 74.39A.009, 74.39A.340, 74.39A.360, 74.39A.240, 74.39A.050, 70.127.100, 18.20.110, 18.20.270, 70.128.090, 70.128.120, and 70.128.230; reenacting and amending RCW 18.130.040 and 18.130.040; adding new sections to chapter 74.39A RCW; adding a new section to chapter 70.128 RCW; adding a new chapter to Title 18 RCW; creating new sections; repealing RCW 18.20.230 and 70.128.210; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

E2SHB 2703 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Morris, Morrell and Hudgins)

AN ACT Relating to encouraging energy efficiency; amending RCW 19.260.020; creating new sections; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

E2SHB 2712 by House Committee on Appropriations (originally sponsored by Representatives Hurst, Ross, Dickerson, Newhouse, Conway, Morrell, Roach, Kelley and Ormsby)

AN ACT Relating to criminal street gangs; amending RCW 42.56.240, 9.94A.533, 9.94A.535, 9.94A.545, and 10.22.010; reenacting and amending RCW 9.94A.715 and 9.94A.030; adding a new section to chapter 43.20A RCW; adding new sections to chapter 36.28A RCW; adding a new section to chapter 43.43 RCW; adding a new section to

THIRTY-EIGHTH DAY, FEBRUARY 20, 2008

2008 REGULAR SESSION

chapter 9.94A RCW; adding a new section to chapter 9A.48 RCW; adding a new section to chapter 4.24 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 72.09 RCW; adding a new chapter to Title 9 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Ways & Means.

2SHB 2713 by House Committee on Appropriations (originally sponsored by Representatives Seaquist, Hurst, Lantz, Pearson, Conway, Morrell, Miloscia, Priest, Kenney, Schual-Berke, Haler, McDonald, Loomis, Smith, Bailey, Kristiansen, Hudgins, McCune, Simpson, VanDeWege, Ericks, Kelley, Ormsby and Rolfes)

AN ACT Relating to DNA identification of convicted sex offenders and other persons; and amending RCW 43.43.753, 43.43.754, 43.43.7541, and 43.43.756.

Referred to Committee on Human Services & Corrections.

SHB 2746 by House Committee on Transportation (originally sponsored by Representatives Jarrett, Morris and McIntire)

AN ACT Relating to the purchasing of fuel; adding new sections to chapter 35.58 RCW; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

ESHB 2767 by House Committee on Local Government (originally sponsored by Representatives Blake, Kretz, Grant, VanDeWege, Orcutt, McCoy, Hailey, Pettigrew, Kenney, Loomis, Pearson and Newhouse)

AN ACT Relating to specialty agricultural structures; amending RCW 19.27.100; adding a new section to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 2792 by Representatives Wood, Condotta, Grant, Conway and Quall

AN ACT Relating to computing breaks in the parimutuel system; and amending RCW 67.16.060.

Referred to Committee on Labor, Commerce, Research & Development.

E2SHB 2817 by House Committee on Transportation (originally sponsored by Representatives Campbell, Green, Morrell, Hudgins and McCune)

AN ACT Relating to contaminated motor vehicles, vehicles, and vessels; amending RCW 64.44.050; adding a new section to chapter 64.44 RCW; adding a new section to chapter 46.55 RCW; and creating a new section.

Referred to Committee on Transportation.

E2SHB 2844 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Priest, Upthegrove, Campbell, Simpson, Hunt, Blake, Jarrett, Nelson, Rolfes, Dickerson, Appleton, Takko, Loomis, Lantz, Pettigrew,

Hunter, Moeller, Hudgins, Quall, O'Brien, Anderson, Kenney, Pedersen, McIntire and Roberts)

AN ACT Relating to preventing air and water pollution through urban forestry partnerships; amending RCW 76.15.020, 35.92.390, 35A.80.040, 80.28.300, 76.15.010, 89.08.520, 79.105.150, and 80.28.010; reenacting and amending RCW 43.155.070, 70.146.070, and 79A.15.040; adding new sections to chapter 76.15 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 43.155 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 89.08 RCW; adding a new section to chapter 79.105 RCW; adding a new section to chapter 79A.15 RCW; adding a new chapter to Title 35 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

ESHB 2864 by House Committee on Commerce & Labor (originally sponsored by Representatives Ormsby, Wood, Barlow, Hasegawa and Simpson)

AN ACT Relating to filing certified payroll records on public works projects; amending RCW 39.12.030 and 39.12.040; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2887 by Representatives Fromhold, Crouse, Conway, Wood and Kessler

AN ACT Relating to purchasing an increased benefit multiplier for past judicial service for judges in the public employees' retirement system; and amending RCW 41.40.124, 41.40.127, 41.40.870, and 41.40.873.

Referred to Committee on Ways & Means.

HB 2901 by Representatives Springer, Orcutt, Ormsby, Wallace, Sells, Roberts, Kelley, Santos and Goodman

AN ACT Relating to the property taxation of organizations operated exclusively for art, scientific, or historical purposes or engaged in the production and performance of musical, dance, artistic, dramatic, or literary works; and amending RCW 84.36.060.

Referred to Committee on Ways & Means.

SHB 2904 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Haler and Hailey)

AN ACT Relating to the use of publicly funded television stations in city and county elections; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Government Operations & Elections.

SHB 2917 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Upthegrove, Warnick, Wallace, Hasegawa, Roberts and Liias)

AN ACT Relating to voter registration and informational activities at institutions of higher education; amending RCW

THIRTY-EIGHTH DAY, FEBRUARY 20, 2008

2008 REGULAR SESSION

29A.08.105 and 29A.08.260; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

ESHB 3012 by House Committee on Judiciary (originally sponsored by Representatives Ross, Lantz, Rodne and Williams)

AN ACT Relating to estate distribution documents; and amending RCW 19.295.010.

Referred to Committee on Judiciary.

HB 3025 by Representatives Fromhold, Conway, Crouse, Hurst and Kenney

AN ACT Relating to higher education employees' annuities and retirement income plans; and amending RCW 28B.10.400.

Referred to Committee on Ways & Means.

SHB 3059 by House Committee on Appropriations (originally sponsored by Representatives Hudgins, Hasegawa and Roberts)

AN ACT Relating to lead blood level assessments; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 3069 by House Committee on Transportation (originally sponsored by Representative Wallace)

AN ACT Relating to the regulation of driver improvement schools; amending RCW 46.82.300; reenacting and amending RCW 46.63.020; adding a new chapter to Title 46 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Transportation.

SHB 3071 by House Committee on Housing (originally sponsored by Representatives Goodman, Rodne and Williams)

AN ACT Relating to harmonizing statutes dealing with the termination of condominiums; and amending RCW 64.34.010, 64.32.150, and 64.32.010.

Referred to Committee on Consumer Protection & Housing.

E2SHB 3139 by House Committee on Appropriations (originally sponsored by Representatives Conway, Wood, Green, Moeller, Simpson and Ormsby)

AN ACT Relating to industrial insurance benefits on appeal; amending RCW 51.52.050 and 51.32.240; adding a new section to chapter 51.32 RCW; adding a new section to chapter 51.44 RCW; adding a new section to chapter 51.52 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

EHB 3142 by Representatives Liias, Chase, Walsh, Ericks, Loomis, Miloscia, Rolfes, Linville, Dickerson, Green, Morrell, Kelley, Wood, Nelson, Santos and Ormsby

AN ACT Relating to affordable housing loan programs; amending RCW 43.185A.110; and adding a new section to chapter 43.185A RCW.

Referred to Committee on Ways & Means.

SHB 3149 by House Committee on Appropriations (originally sponsored by Representatives Sommers, Haler, Conway, Kenney, Fromhold, McIntire, Anderson and Darneille)

AN ACT Relating to compensation of state investment board personnel; and amending RCW 43.33A.100.

Referred to Committee on Ways & Means.

HB 3151 by Representatives Alexander, DeBolt, Hunt and McCune

AN ACT Relating to an extension of the commencement-of-construction date for a sales and use tax for public facilities districts in national disaster area counties; reenacting and amending RCW 82.14.390; and providing an effective date.

Referred to Committee on Ways & Means.

HB 3177 by Representatives Sommers and Dunshee

AN ACT Relating to membership of the state expenditure limit committee; and amending RCW 43.135.025.

Referred to Committee on Ways & Means.

E2SHB 3186 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representative Nelson)

AN ACT Relating to beach management districts; amending RCW 36.61.010, 36.61.020, 36.61.025, 36.61.030, 36.61.040, 36.61.050, 36.61.060, 36.61.070, 36.61.080, 36.61.090, 36.61.100, 36.61.110, 36.61.115, 36.61.120, 36.61.140, 36.61.160, 36.61.170, 36.61.190, 36.61.200, 36.61.220, 36.61.230, 36.61.260, 36.61.270, 36.94.020, 39.34.190, 86.09.151, and 35.21.403; adding a new section to chapter 36.61 RCW; adding a new section to chapter 43.21A RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

HB 3188 by Representatives Roach, Hurst, McCune and Dunn

AN ACT Relating to exempting waste vegetable oil from excise tax; amending RCW 82.38.080; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 3206 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Haler, Rolfes and Santos)

AN ACT Relating to the information required to be reported in the annual economic impact report on lodging tax revenues; and amending RCW 67.28.1816.

Referred to Committee on Economic Development, Trade & Management.

THIRTY-EIGHTH DAY, FEBRUARY 20, 2008

2008 REGULAR SESSION

EHB 3230 by Representatives Conway, Darneille and Flannigan

AN ACT Relating to public notification and hearing requirements for permits issued under the shoreline management act; and amending RCW 90.58.140.

Referred to Committee on Water, Energy & Telecommunications.

E2SHB 3254 by House Committee on Transportation (originally sponsored by Representatives Goodman, Pedersen, Simpson, Morrell, Green, Kelley, Kagi and Roberts)

AN ACT Relating to accountability for persons driving under the influence of intoxicating liquor or drugs; amending RCW 46.20.342, 46.20.380, 46.20.391, 46.20.400, 46.20.410, 46.20.720, 46.20.740, 46.61.5055, 10.05.010, 10.05.020, 10.05.090, 10.05.160, 46.61.502, and 46.61.504; reenacting and amending RCW 46.20.308 and 46.63.020; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.68 RCW; adding new sections to chapter 46.20 RCW; adding a new section to chapter 10.05 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

2SHB 3269 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Roach, Haler, Williams, Campbell, Rodne and Ross)

AN ACT Relating to the roving early intervention specialist pilot program; adding a new section to chapter 43.215 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 3303 by House Committee on Finance (originally sponsored by Representatives Grant, Walsh, Haler and Linville)

AN ACT Relating to a business and occupation tax credit for qualified preproduction development expenditures for polysilicon manufacturers; amending RCW 82.32.545; adding a new section to chapter 82.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

EHB 3360 by Representatives Hasegawa and Santos

AN ACT Relating to the time certificate of deposit investment program; amending RCW 43.60A.190, 43.86A.030, and 43.86A.060; and creating a new section.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### MOTION

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

#### INTRODUCTIONS OF SPECIAL GUESTS

The President introduced the La Conner High School Girls' Volleyball Team, State 2B Champions, led by Coach Suzanne Marble present in the gallery.

#### PERSONAL PRIVILEGE

Senator Haugen: "Well, thank you Mr. President. We've already done a resolution on this floor honoring these very exceptional young women as we did last year. This is their second year and I am extremely proud of them as I know you are. I want to especially say that the Head Coach who led this team to reported victories has been named Class Two Associated Press All State Coach of the Year. The hitter, Cora Kellerman, was named Class 2B, Most Valuable Player of the year by the Associated Press All State Team. You know this repeated victory more amazing given the fact that the entire school body, high school population of O'Connor, is just over two hundred students and the city itself has just eight hundred residents. We know this is in the middle of a large farming community so we have lots of people both within the small community and the surrounding area that really are very supported of these outstanding young women. In fact, when the team bus returned from the championship, it was escorted by a fire truck and a police car through the town and eventually everyone else just joined in and followed after them to welcome these really outstanding young women back into our community. These young women are not only leaders on the court but I expect them to be leaders in our community in the future. I'm just more than delighted to have them here today and I appreciate your acknowledging them. Thank you."

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Franklin moved that Gubernatorial Appointment No. 9334, Donald Meyer, as a member of the Board of Trustees, Pierce Community College District No. 11, be confirmed. Senator Franklin spoke in favor of the motion.

#### MOTION

On motion of Senator Brandland, Senator Swecker was excused.

#### MOTION

On motion of Senator Regala, Senators Fairley and Jacobsen were excused.

#### APPOINTMENT OF DONALD MEYER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9334, Donald Meyer as a member of the Board of Trustees, Pierce Community College District No. 11.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9334, Donald Meyer as a member of the Board of Trustees, Pierce Community College District No. 11 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman,

THIRTY-EIGHTH DAY, FEBRUARY 20, 2008

2008 REGULAR SESSION

Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 43

Absent: Senators Hargrove, Murray and Sheldon - 3  
Excused: Senators Fairley, Jacobsen and Swecker - 3

Gubernatorial Appointment No. 9334, Donald Meyer, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

Senator Regala moved that Gubernatorial Appointment No. 9261, Myra Johnson, as a member of the Professional Educator Standards Board, be confirmed.

Senator Regala spoke in favor of the motion.

### MOTION

On motion of Senator Rockefeller, Senator Hargrove was excused.

### APPOINTMENT OF MYRA JOHNSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9261, Myra Johnson as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9261, Myra Johnson as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 44

Absent: Senator Sheldon - 1

Excused: Senators Fairley, Hargrove, Jacobsen and Swecker - 4

Gubernatorial Appointment No. 9261, Myra Johnson, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

### MOTION

On motion of Senator Regala, Senator Sheldon was excused.

## SECOND READING

HOUSE BILL NO. 2437, by Representatives Seaquist, McDonald, Fromhold, Armstrong, Takko, Hankins, Blake, Lantz, Morrell, McCoy, McIntire, Kenney, Schual-Berke, Appleton, Kagi, Sullivan, Dunn, Chase, Upthegrove, Liias, Simpson, Barlow, Ericks, Green and Warnick

Authorizing public works board projects.

The measure was read the second time.

### MOTION

Senator Fraser moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 1, on line 7, after "account" insert the following: ", and no loan authorized in this act shall bear on interest rate of greater than one half of one percent"

Senator Fraser spoke in favor of adoption of the committee amendment.

### POINT OF INQUIRY

Senator Honeyford: "Would the Senator from the twenty-second yield to a question? Thank you Senator. Is this retroactive or should we have an oral amendment to make it retroactive?"

Senator Fraser: "That might fit within the scope of the bill but it sounds like you hardly agree with the premise of the amendment."

### POINT OF ORDER

Senator McCaslin: "Perhaps I threw it away yesterday but I don't have a copy of the bill, I don't know if anyone else does. Shouldn't we have a copy of the bill if we're going to pass it and the amendment?"

### REPLY BY THE PRESIDENT

President Owen: "Senator, they were distributed last night or prior. Well they were distributed."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to House Bill No. 2437.

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

### MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 2437 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2437 as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2437 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 46

Excused: Senators Fairley, Sheldon and Swecker - 3

HOUSE BILL NO. 2437 as amended by the Senate, having received the constitutional majority, was declared passed. There

THIRTY-EIGHTH DAY, FEBRUARY 20, 2008

being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. This morning in Minnesota a school bus was in a very serious accident. Four children have died. There are some that are critically injured and I would like to have, do a moment of silence for these children and their families. I would like to recognize that we grieve for them and they are in our thoughts and prayers."

#### MOMENT OF SILENCE

The Senate observed a moment of silence in honor of the students that have lost their lives and those injured in a school bus accident in the Lakeview School District near Cottonwood, Minnesota.

#### MOTION

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

#### MOTION

Senator McAuliffe moved adoption of the following resolution:

#### SENATE RESOLUTION 8705

By Senators McAuliffe, Brandland, Oemig, Pridemore, Franklin, Prentice, Benton, Pflug, Weinstein, Zarelli, Eide, Keiser, Kohl-Welles, and Fraser

WHEREAS, Civic education is the foundation for an educated citizenry and a representative democracy; and

WHEREAS, In order to adequately prepare our state's youth for meaningful participation in our democratic institutions and processes, it is important to have strong educational resources aimed at teaching students and the public about the fragile nature of our Constitution; and

WHEREAS, Civic education is part of the fabric of our country and for all students in our public schools; and

WHEREAS, Civic education is a vital tool to promote greater understanding of the role of legislators in a representative democracy and the legislative process; and

WHEREAS, Civic Education Day recognizes the value of civic education in Washington state; and

WHEREAS, Civic Education Day establishes a forum for civic educators across the state to collaborate with legislators and other supporters; and

WHEREAS, Many organizations such as the Legislative Youth Advisory Council, We the People Foundation, Washington Media Association, Washington State Council of Social Studies, 4-H, YMCA Youth & Government, Washington State Bar Association, Office of the Secretary of State, Service Learning of Washington, Washington State Historical Society, Legislative Scholars Program, World Affairs Council, League of Women Voters, the UW Center for Communication and Civic Engagement, and Project Citizen state winners from Touchet School are dedicated to making civic education a priority for Washington state and its citizens; and

WHEREAS, The contributions of committed teachers, principals, community leaders, parents, state employees, and volunteers contribute to the goals of these laudable organizations to create an engaged citizenry; and

WHEREAS, Governor Gregoire is declaring February 20, 2008, as Washington State Civic Education Day;

2008 REGULAR SESSION

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the responsibility of civic educators across the state to serve and inform all Washingtonians; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington hereby honor, thank, and celebrate the civic educators of the state.

Senators McAuliffe and Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8705.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President recognized fifteen teachers from the Legislative Scholars Program representing seventeen various civic education organizations, and a number of state citizens who have been nominated by the Legislature for the 2008 Civic Educator of the Year Award who were all present in the gallery.

The President also recognized Miss Emma Northup from the seventeen Legislative District near Vancouver, the 2007 recipient of the Daniel J. Evans Award for civic education.

#### PERSONAL PRIVILEGE

Senator Franklin: "Well we certainly at this point in time have honored these great students and we are privileged to be in a place where we are able to debate the issues, to be able to work with each other but this morning in Kentucky a school is locked down because of potential gun violence, someone bringing a gun to school. We across this nation and with our kids in school are really in more or less a sort of troubling times. Our kids should be in a place where in an environment, where they are able to learn without having to be fearful. Mr. President, ladies and gentlemen of the Senate, so many times I think about Dr. Martin Luther King and his nonviolence and nonviolence was not just for the civil rights movement, its nonviolence today. As we debate issues and as we try to provide a place and safe place for our kids in order to learn so they may be able to learn the principles of government, to be able to be engaged in civic debate, that we work very, very hard that our kids will have a safe place in the school environment in which to learn. I think that should be also a top priority for us because a lot of these kids are fearful and any kid that is in an environment that they cannot learn, I think it has a negative impact and we have to think about the future. What is going to happen to our future generations and our kids today so to my colleagues lets continue to work very, very hard in order that our kids may have safe environment in which to learn. Thank you."

#### MOTION

At 10:48 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 21, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**THIRTY-NINTH DAY****NOON SESSION**

Senate Chamber, Olympia, Thursday, February 21, 2008

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 20, 2008

SHB 1295 Prime Sponsor, Committee on Select Committee on Puget Sound: Dividing water resource inventory area 14 into WRIA 14a and WRIA 14b. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton and Regala.

Passed to Committee on Rules for second reading.

February 20, 2008

ESHB 1453 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding points of diversion under a water right. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton and Regala.

Passed to Committee on Rules for second reading.

February 20, 2008

ESHB 1623 Prime Sponsor, Committee on Technology, Energy & Communications: Concerning fees for easements on state-owned aquatic lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Rockefeller; Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2008

SHB 1879 Prime Sponsor, Committee on Agriculture & Natural Resources: Authorizing the department of natural resources to offer nominally valuable materials to nonprofit organizations. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Rockefeller; Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2008

SHB 2107 Prime Sponsor, Committee on Agriculture & Natural Resources: Authorizing the use of innovative settlement agreements in lieu of appeal for violations of chapters 90.48 and 90.56 RCW. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton and Regala.

Passed to Committee on Rules for second reading.

February 20, 2008

HB 2540 Prime Sponsor, Representative Warnick: Regarding the advisory committee that represents the interest of hunters and fishers with disabilities. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Rockefeller; Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2008

HB 2799 Prime Sponsor, Representative Loomis: Correcting references to the state wildlife account. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Rockefeller; Spanel and Stevens.

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

February 20, 2008

SGA 9290 HAROLD COCHRAN, appointed on February 15, 2007, for the term ending September 30, 2009, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Schoesler.

Passed to Committee on Rules for second reading.

February 20, 2008

SGA 9291 CRAIG W. COLE, reappointed on October 1, 2007, for the term ending September 30, 2013, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Schoesler.

Passed to Committee on Rules for second reading.

February 20, 2008

THIRTY-NINTH DAY, FEBRUARY 21, 2008

2008 REGULAR SESSION

SGA 9327 ERIN LENNON, appointed on June 30, 2007, for the term ending May 31, 2008, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Berkey.

Passed to Committee on Rules for second reading.

February 20, 2008

SGA 9372 CELESTE STRAHL, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Technical College District #26 (Lake Washington). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Marr, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGES FROM STATE OFFICES

February 1, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Agriculture, Pesticides Investigations and Enforcement Report. This report is mandated under RCW 15.58, 420 and RCW 17.21.350.

If you have any questions about the report, please call 360-902-2036.

Sincerely,

Valoria Loveland, Director

The Dept. of Agriculture, Pesticides Investigations and Enforcement Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

February 18, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is The Joint Legislative Task Force, Underground Economy report. This report is mandated under SB 5926.

The Joint Legislative Task Force, Underground Economy report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

February 14, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Community Trade & Economic Development report on Growth Management Services.

If you have any questions about the report, please call 360-725-3000.

Sincerely,

Leonard Bauer, Managing Director

The Growth Management Services Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

February 12, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. Social & Health Services, Washington State Kinship Oversight Committee Report. This report is mandated under RCW 74.13.620.

If you have any questions about the report, please call 360-902-7986.

Sincerely,

Robin Arnold-William, Secretary

The Dept. Social & Health Services, Washington State Kinship Oversight Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

February 19, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. Social & Health Services, Quarterly Child Fatality Report. This report is mandated under RCW 74.13.640.

THIRTY-NINTH DAY, FEBRUARY 21, 2008

2008 REGULAR SESSION

If you have any questions about the report, please call 360-902-7858.

Sincerely,

Robin Arnold-Williams, Secretary

The Dept. Social & Health Services, Quarterly Child Fatality Report is on file in the Office of the Secretary of the Senate.

## MESSAGES FROM STATE OFFICES

February 19, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. Social & Health Services, Planned Implementation of Direct Care Wage Increase Report. This report is mandated under SHB 1128.

If you have any questions about the report, please call 360-725 1828.

Sincerely,

Robin Arnold-Williams, Secretary

The Dept. Social & Health Services, Planned Implementation of Direct Care Wage Increase Report is on file in the Office of the Secretary of the Senate.

## MESSAGES FROM STATE OFFICES

February 20, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. Social & Health Services, Children's Healthcare Improvement System Report. This report is mandated under Chapter 5, Laws of 2007 (2SSB 5093).

If you have any questions about the report, please call 360-725-1640.

Sincerely,

Robin Arnold-Williams, Secretary

The Dept. Social & Health Services, Children's Healthcare Improvement System Report is on file in the Office of the Secretary of the Senate.

## MESSAGES FROM STATE OFFICES

February 20, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. Social & Health Services, Expanded Community Services Proviso Report. This report is mandated under Chapter 518, Laws of 2007, Section 205(1)(c).

If you have any questions about the report, please call 360-725-3452.

Sincerely,

Robin Arnold-Williams, Secretary

The Dept. Social & Health Services, Expanded Community Services Proviso Report is on file in the Office of the Secretary of the Senate.

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 6951 by Senators Prentice and Oemig

AN ACT Relating to providing for and enforcing the taxation of moist snuff; amending RCW 82.26.010, 82.26.190, 82.26.030, 82.26.230, and 82.04.601; adding new sections to chapter 82.26 RCW; and providing an effective date.

Referred to Committee on Ways &amp; Means.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2143 by House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Campbell, Hunt, Chase, Flannigan, Hudgins, Morrell and Ormsby)

AN ACT Relating to requiring the use of alternatives to lead wheel weights that reduce environmental health impacts; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Water, Energy &amp; Telecommunications.

HB 2263 by Representatives Blake, Moeller, Orcutt and Newhouse

AN ACT Relating to the phosphorus content in dishwashing detergent; and amending RCW 70.95L.020.

Referred to Committee on Water, Energy &amp; Telecommunications.

ESHB 2438 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Williams, Blake, McCune, Newhouse, Takko, Chandler, Condotta, Armstrong, Dunn, McDonald, Warnick and Pearson)

AN ACT Relating to adding permanency to a pilot project that allowed for the use of dogs in cougar hunting; and amending 2007 c 178 ss 1 and 2 (uncodified).

Referred to Committee on Natural Resources, Ocean &amp; Recreation.

SHB 2452 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Appleton, Campbell, Rolfes, Seaquist, Barlow, McCoy, Upthegrove, Hunt, Chase, Lantz, McIntire, Haigh and Nelson)

THIRTY-NINTH DAY, FEBRUARY 21, 2008

2008 REGULAR SESSION

AN ACT Relating to wildlife rehabilitation; amending RCW 77.12.467, 77.12.469, and 90.56.110; adding a new section to chapter 77.12 RCW; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2525 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Pearson, Kretz, Kristiansen and Ross)

AN ACT Relating to mitigating flood damage; and amending RCW 77.55.021.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2554 by House Committee on Finance (originally sponsored by Representatives Dickerson and McIntire)

AN ACT Relating to levy lid lift ballot propositions; and amending RCW 84.55.050.

Referred to Committee on Ways & Means.

HB 2564 by Representatives Upthegrove, Pedersen, VanDeWege, Ormsby, Hunt, Wood, McIntire, Roberts, Hudgins, Jarrett, Rolfes, Kagi, Chase and Simpson

AN ACT Relating to adding bicyclist and pedestrian safety information to drivers' education curriculum; amending RCW 46.82.420; adding a new section to chapter 28A.220 RCW; and creating new sections.

Referred to Committee on Transportation.

2SHB 2597 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Sullivan, Pedersen, Hasegawa, Ormsby, Haigh, Chase, Green and Simpson)

AN ACT Relating to creating a kindergarten readiness assessment; adding a new section to chapter 43.215 RCW; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2611 by House Committee on Finance (originally sponsored by Representatives McIntire, Condotta, Hunt, Lantz, Haigh and Chase)

AN ACT Relating to annual revaluations of property for property tax purposes; amending RCW 84.41.030 and 84.41.041; adding a new section to chapter 84.41 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2651 by Representatives Fromhold, Morrell, Chase, McIntire and Kenney

AN ACT Relating to modifying requirements for participation in public employees' benefits board programs by K-12 school districts and educational service districts; amending RCW 41.05.050, 41.05.050, and 41.05.065; reenacting and amending RCW 41.05.065; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2699 by Representatives Moeller and Conway

AN ACT Relating to recodifying RCW 19.48.130 as a section in the Washington minimum wage act; adding a new section to chapter 49.46 RCW; and recodifying RCW 19.48.130.

Referred to Committee on Labor, Commerce, Research & Development.

E2SHB 2709 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Hurst, Pettigrew, Appleton, Sells, Green, Conway, Morrell, Anderson, Sullivan, Kenney, Schual-Berke, McIntire, Wood, Hudgins, Simpson, Goodman, VanDeWege, Ormsby and Rolfes)

AN ACT Relating to locally grown foods; reenacting and amending RCW 28A.335.190; adding a new section to chapter 28A.335 RCW; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

EHB 2734 by Representatives Newhouse and Hudgins

AN ACT Relating to encouraging the removal of artificial vertical shoreline bank structures by redefining for certain projects the point from where the two hundred feet of shoreline is calculated; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SHB 2779 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt, Blake, Chase, McCoy, Lantz and Skinner)

AN ACT Relating to the sale of wild huckleberries; amending RCW 76.48.050, 76.48.060, 76.48.085, 76.48.086, 76.48.110, 76.48.120, 76.48.200, and 76.48.020; and adding a new section to chapter 76.48 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

2SHB 2807 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Schual-Berke, Hunt, Lantz, Cody, Hudgins, Ormsby, Miloscia, Appleton, Green, Wood, Hankins and Kagi)

AN ACT Relating to voters' pamphlets; amending RCW 29A.32.010, 29A.32.031, 29A.32.110, and 29A.32.210; adding new sections to chapter 29A.32 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

E2SHB 2809 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Sullivan, Haler, Kelley and Ormsby)

AN ACT Relating to mathematics and science teachers; and creating new sections.

THIRTY-NINTH DAY, FEBRUARY 21, 2008

2008 REGULAR SESSION

Referred to Committee on Ways &amp; Means.

HB 2813 by Representatives Quall, Upthegrove, Sullivan, Santos and Ormsby

AN ACT Relating to teachers of visually impaired and blind birth to age twenty-one public school students; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

E2SHB 2815 by House Committee on Appropriations (originally sponsored by Representatives Dunshee, Priest, Linville, Upthegrove, Nelson, Goodman, Hurst, Lantz, Hunt, Cody, McCoy, Quall, Pettigrew, Fromhold, Dickerson, Darneille, Appleton, Green, Sells, Pedersen, Jarrett, Conway, Morrell, Miloscia, Sullivan, Schual-Berke, McIntire, Williams, Hudgins, Simpson, Ericks, VanDeWege and Ormsby)

AN ACT Relating to creating a framework for reducing greenhouse gases emissions in the Washington economy; amending RCW 70.94.151, 70.94.161, and 28B.50.273; adding a new section to chapter 47.01 RCW; adding a new section to chapter 43.330 RCW; adding a new chapter to Title 70 RCW; creating a new section; and repealing RCW 80.80.020.

Referred to Committee on Ways & Means.

ESHB 2818 by House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Campbell and Hudgins)

AN ACT Relating to the duties of the office of waste reduction and sustainable production within the department of ecology; amending RCW 70.95C.010, 70.95C.020, 70.95C.030, 70.95C.040, and 70.95C.070; and adding a new section to chapter 70.95C RCW.

Referred to Committee on Water, Energy & Telecommunications.

2SHB 2822 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Walsh, Lantz, Dickerson, Haler, Sullivan, Seaquist and Kenney)

AN ACT Relating to the family and juvenile court improvement program; amending RCW 2.56.030; adding new sections to chapter 2.56 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 2847 by House Committee on Finance (originally sponsored by Representatives Ormsby, Schindler, Barlow, Simpson, Springer, Wood and Santos)

AN ACT Relating to the sales and use tax exemption of materials and services used in the weatherization assistance program; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SHB 2879 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Ericksen, Hasegawa, Morrell and Kelley)

AN ACT Relating to spyware; amending RCW 19.270.010, 19.270.020, 19.270.040, 19.270.050, and 19.270.060; and repealing RCW 19.270.030.

Referred to Committee on Consumer Protection & Housing.

E2SHB 2882 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Wood, Hudgins, Hasegawa and Ormsby)

AN ACT Relating to labeling of lead-containing products; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Ways & Means.

2SHB 2903 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Lantz, Rodne, McCoy, Wallace, Moeller, Williams, O'Brien and Goodman)

AN ACT Relating to providing equal access to courts for persons with disabilities; adding a new section to chapter 2.56 RCW; and creating a new section.

Referred to Committee on Judiciary.

ESHB 2938 by House Committee on Local Government (originally sponsored by Representatives Simpson, Schindler, Wood, Hankins and VanDeWege)

AN ACT Relating to clarifying annexation procedures between cities and fire districts; amending RCW 35.13.215 and 35.13.225; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW.

Referred to Committee on Government Operations & Elections.

HB 3019 by Representatives Fromhold, Conway, Bailey, Crouse, Hurst and Simpson

AN ACT Relating to service credit for members working a partial year in plans 2 and 3 of the teachers' retirement system and the school employees' retirement system; amending RCW 41.35.180; and reenacting and amending RCW 41.32.010.

Referred to Committee on Ways & Means.

HB 3027 by Representatives Cody, Fromhold, Conway, Crouse, Hurst, Simpson and Morrell

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; reenacting and amending RCW 41.05.011; and providing an effective date.

Referred to Committee on Ways & Means.

EHB 3117 by Representatives Hunter, Sullivan and McIntire

AN ACT Relating to transparency in state funding for K-12 public schools; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Ways & Means.

THIRTY-NINTH DAY, FEBRUARY 21, 2008

2008 REGULAR SESSION

ESHB 3131 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Goodman, Williams, Kelley and Ormsby)

AN ACT Relating to school safety; amending RCW 9.41.280; adding a new section to chapter 28A.320 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Judiciary.

2ESHB 3133 by House Committee on Housing (originally sponsored by Representatives Liias, Ormsby, Miloscia, Sells, Roberts, Priest, Hunt, Appleton, Rolfes, Loomis, Sullivan, Goodman, Morrell, McIntire, Wood, Hurst, Nelson and Santos)

AN ACT Relating to minimum terms for closure or conversion notices for mobile home parks and manufactured housing communities; amending RCW 59.20.060, 59.20.080, 59.21.030, 59.20.073, and 59.21.070; creating a new section; and declaring an emergency.

Referred to Committee on Consumer Protection & Housing.

EHB 3137 by Representatives DeBolt, Kessler, Orcutt, Alexander, Hunt, Blake, Williams, Rolfes, Loomis, Sullivan, VanDeWege, Haler, Kelley, Dunn, Kretz, Ross, Bailey, McCune, Skinner, Herrera and Ormsby

AN ACT Relating to property tax relief for property damaged in the 2007 floods; amending RCW 84.69.020; adding a new section to chapter 84.36 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 3148 by House Committee on Judiciary (originally sponsored by Representative Moeller)

AN ACT Relating to firearm licenses for persons from different countries; amending RCW 9.41.070 and 9.41.097; adding a new section to chapter 9.41 RCW; repealing RCW 9.41.170; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

ESHB 3160 by House Committee on Commerce & Labor (originally sponsored by Representatives Springer, Newhouse, Ericks, Goodman, Armstrong, Linville, McDonald, Kessler, Dickerson, Wood, Wallace, Hunter, Blake, Clibborn, Morrell, Williams, Loomis, Liias, Kelley, Eddy, Takko, Warnick, Jarrett, Rodne, Sullivan, Roach, VanDeWege, Kenney and Ormsby)

AN ACT Relating to the availability of nutrition information; and creating new sections.

Referred to Committee on Government Operations & Elections.

EHB 3181 by Representatives Wood, Ahern, Ormsby, Barlow, Crouse and Schindler

AN ACT Relating to authority of the board of directors of a public facilities district; and amending RCW 36.100.160 and 35.57.060.

Referred to Committee on Government Operations & Elections.

SHB 3224 by House Committee on Transportation (originally sponsored by Representatives Loomis, Hunter, Sells and Liias)

AN ACT Relating to a feasibility study on commuter rail services; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

HB 3249 by Representatives Cody, Fromhold and Hunt

AN ACT Relating to administering benefits under the public employees' benefits board; amending RCW 41.05.008; reenacting and amending RCW 41.05.065 and 41.05.021; and providing an effective date.

Referred to Committee on Ways & Means.

HB 3261 by Representatives Flannigan, Wallace, Jarrett, Schindler, Simpson, Clibborn, Appleton and Wood

AN ACT Relating to excluding public transit communication systems from the definition of a wireless communications device; amending RCW 46.61.667; and providing an effective date.

Referred to Committee on Transportation.

SHB 3289 by House Committee on Transportation (originally sponsored by Representatives Simpson, Kelley, Sells, Dunn, Linville and Barlow)

AN ACT Relating to special license plates for family members of United States armed forces members killed in combat; amending RCW 46.16.725; reenacting and amending RCW 46.16.305; and creating a new section.

Referred to Committee on Transportation.

EHB 3317 by Representatives Hunter, Anderson, McIntire and Santos

AN ACT Relating to revising the timelines and process for approving the mathematics and science standards and curriculum; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

#### MOTION

On motion of Senator Marr, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### MOTION

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

#### MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION  
8712

THIRTY-NINTH DAY, FEBRUARY 21, 2008

2008 REGULAR SESSION

By Senators Rasmussen, Hatfield, Schoesler, Morton, Shin, Jacobsen, Swecker, and Honeyford

WHEREAS, Washington has been blessed with local granges since 1873 and a statewide grange organization since shortly before the admission of Washington Territory to statehood in 1889; and

WHEREAS, The Washington State Grange enjoys the distinction of having more Grangers than any other state -- currently around 40,000 members of a nationwide total of 350,000 members in 37 states; and

WHEREAS, The Washington State Grange coordinates the activities of the state's 281 subordinate granges; and

WHEREAS, The Washington State Grange invites all state residents to consider becoming members of this progressive, active, and concerned organization; and

WHEREAS, The Grange continues to honor its long-standing commitment to boosting the standard of living for farmers and other rural residents; and

WHEREAS, The Washington State Grange, a nonpartisan, grass roots organization, takes pride in sponsoring a multitude of activities ranging from presenting college scholarships to legislative involvement and coordinating projects and contests; and

WHEREAS, Dedicated to community building and involvement, many Pomona Granges organize countywide events such as softball or bowling leagues, camping clubs, or fund-raising drives for food banks, charities, or other community services; and

WHEREAS, The Grange maintains a strong and abiding interest in quality of life issues important to rural and urban residents of our state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate the Grange on more than 130 years of service in Washington Territory and the State of Washington; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor the Washington State Grange for its many positive contributions to our communities and encourage officers and members to keep up the good and useful work they do; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Grange President Rob Horgen at the Washington State Grange headquarters in Olympia.

Senator Rasmussen spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8712.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members and officers of the State Grange who were seated in the gallery.

#### MOTION

Senator Jacobsen moved adoption of the following resolution:

#### SENATE RESOLUTION 8727

By Senators Jacobsen, Fraser, and Kohl-Welles

WHEREAS, Tom Lantos was born in 1928 in Budapest, Hungary, and was 16 years old when Nazi Germany occupied his native country; and

WHEREAS, Mr. Lantos survived the war after escaping from a labor camp, even as most of his family members died and most Jews in his community were sent to Auschwitz; and

WHEREAS, Mr. Lantos was awarded an academic scholarship to study in the United States and arrived in Seattle in 1947; and

WHEREAS, Mr. Lantos received a Bachelor's degree and a Master's degree in Economics from the University of Washington; and

WHEREAS, Mr. Lantos was elected to the United States House of Representatives in 1980, representing the 12th Congressional District of California, where he served for 28 years; and

WHEREAS, Representative Lantos is the only Holocaust survivor to ever serve in the United States Congress; and

WHEREAS, Representative Lantos had a strong record on protecting our natural environment, fighting for reform of our nation's energy policy, and supporting public education; and

WHEREAS, Representative Lantos cared passionately about human rights issues, founding the Congressional Human Rights Caucus in 1983 and serving as the Cochairman of the Human Rights Caucus from 1983 to 2008; and

WHEREAS, Representative Lantos, as the Chairman of the United States House of Representatives Foreign Relations Committee, was a strong voice for responsible international involvement, for human rights wherever they were threatened, and against global poverty and HIV/AIDS; and

WHEREAS, Representative Lantos called himself "an American by choice"; and

WHEREAS, Representative Lantos passed away on February 11, 2008, leaving behind his wife Annette, two daughters, seventeen grandchildren, and two great grandchildren; and

WHEREAS, Representative Lantos is a symbol of what courage, hard work, and perseverance can achieve in one's lifetime;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate remember and honor Representative Tom Lantos for his service, patriotism, and dedication to his family, country, and human rights around the world; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family and the congressional office of Representative Lantos, the University of Washington, and the Washington State Holocaust Education Resource Center.

Senator Jacobsen spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8727.

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

#### MOTION

Senator Rasmussen moved adoption of the following resolution:

#### SENATE RESOLUTION 8728

By Senators Rasmussen, Honeyford, King, Hatfield, Stevens, Zarelli, Benton, Pridemore, Tom, Haugen, Prentice, Morton, Oemig, Jacobsen, McAuliffe, Schoesler, Swecker, Kauffman, Kastama, Kilmer, Holmquist, Hewitt, Roach, Brown, Spanel, McCaslin, Sheldon, McDermott, Fairley, Rockefeller, Hargrove, Delvin, Brandland, Shin, Berkey, Fraser, and Kohl-Welles

WHEREAS, Future Farmers of America was founded in 1928, changing its name in 1988 to the National FFA Organization to represent the growing diversity of agriculture; and

THIRTY-NINTH DAY, FEBRUARY 21, 2008

2008 REGULAR SESSION

WHEREAS, The Washington FFA Organization is an integral part of the future of the food, fiber, and natural resource systems of the Washington agriculture industry; and

WHEREAS, The FFA boasts 500,823 members nationally and approximately 8,000 members in Washington state; and

WHEREAS, Agricultural education and the Washington FFA ensure a steady supply of young professionals to meet growing demands in science, business, and technology of Washington agriculture; and

WHEREAS, The FFA Motto "Learning to Do, Doing to Learn, Earning to Live, Living to Serve" gives direction of purpose to these students who take an active role in succeeding in agricultural education; and

WHEREAS, The FFA promotes character, citizenship, volunteerism, patriotism, and cooperation; and

WHEREAS, Washington FFA emphasizes premier leadership, personal growth, and career success among its members; and

WHEREAS, The FFA offers diverse educational opportunities such as land judging, expos, fairs, agricultural mechanics, public speaking, skills contests, chapter meetings, award and recognition programs, committees, and community projects; and

WHEREAS, FFA Agriculture Education Programs provide a strong foundation for the youth of Washington to grow careers in the field of agriculture; and

WHEREAS, FFA celebrates national recognition during the week of February 16-23, 2008;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate support the role of the Washington FFA and Agriculture Education in the educational system of the great state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to H. Wayne Gilman, Washington State FFA Adviser and Washington FFA Foundation President Clarence Pearson.

Senators Rasmussen and Schoesler spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8728.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Future Farmers of America who were seated in the gallery.

MOTION

Senator Roach moved adoption of the following resolution:

SENATE RESOLUTION  
8729

By Senators Roach, Kline, Zarelli, McCaslin, Franklin, McAuliffe, Stevens, Kastama, Benton, Oemig, Carrell, Brown, Holmquist, Shin, Rasmussen, Fraser, and Kohl-Welles

WHEREAS, The state of Washington recognizes the severe impact that violent crime, namely homicide, has on a family, friends, and the community; and

WHEREAS, A homicide impacts the financial stability of a family due to the loss of income where the victim was the family wage earner, and that of the employer that has lost a valued employee; and

WHEREAS, A homicide financially impacts family members, friends, and coworkers due to lost hourly wages,

travel expenses, and other related expenses regarding the funeral and court hearings; and

WHEREAS, A homicide may financially and physically impact the family and/or close friends due to stress-related illness and counseling sessions; and

WHEREAS, The state of Washington is financially impacted with the cost of providing crime victim's compensation to the covictim or covictims if approved, the housing cost for the defendant at the averaged rate of 25,000 dollars per year, and insurmountable court costs especially through the appeal process; and

WHEREAS, Nationally there are more than 25,000 homicides committed every year, and in 2006, Washington state had a reported 81,936 violent crimes, with a total 240 nontraffic related homicides; and

WHEREAS, The citizens of Washington state will have a better understanding to consider the emotional and financial toll that these murders inflict on the victims' relatives, and also consider joining efforts to reduce violent crime and the number of murders in our state, as well as supporting those already impacted by this violent act; and

WHEREAS, To protect the citizens of Washington state, support efforts at all levels of government should be put in place to help educate people on the impact that violent crime, namely homicide, has on the community, and to put in place any feasible resources available;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate encourage citizens to recognize the impact that violent crimes have on our society, especially the tremendous heartbreak and loss that murders cause for victims' families, friends, and coworkers.

MOTION

On motion of Senator Roach and without objection, all remarks on Senate Resolution No. 8729 were spread upon the Journal.

REMARKS BY SENATOR ROACH

Senator Roach: "Thank you Madam President. You know, we have an opportunity in the Senate to recognize a lot of different things and sometimes those things are happy things. I think the Grange, the FFA, I think these are happy things. I think memorializing of an individual's life like we did today, those are happy things. Sometimes we talk about things that aren't so happy because they are a part of our society and in this case of this resolution unfortunate parts of our society, but things, none the less, that we experience to one degree or another, sometimes vicariously and on some occasions it's a personal thing. Now, you know the victims of violent crime are not only those that die by murder but they're also people who are maimed or otherwise handicapped or their life, have had life altering situations. Today we're here to talk about really those that are left behind. In this case someone who has been a loved one who has been murdered. Sometimes they use to call it 'foul play', and foul play comes in lots of categories, many ways and all we have to do unfortunately is turn on the news on almost any given evening. Certainly, if your looking at a national perspective, it is every given evening, every given day where someone dies violently leaving behind individuals whether its co-workers, or mother, or spouse or child, parent as a father behind. It's those people that we'd like to recognize today and that their living a part of life that hopefully that most of us will not have to live. But we do this vicariously sometimes. How many of us, whether. Gee, do we know someone whose been affected by this? And sometimes we do and sometimes we don't, but the ones that maybe don't can look and vicariously feel just

THIRTY-NINTH DAY, FEBRUARY 21, 2008

2008 REGULAR SESSION

a little bit. How many of us remember when Bill Cosby's son was murdered? How many of us still remember oh Marlon Brando's child was murdered? How many of us remember that Michael Jordan's father was murdered? How many of us remember that Kelsey Grammar's, I believe, it was sister was murdered? Every once in a while it resonates because we have heard of that person. Well, ladies and gentlemen members of the Senate and our community, there are many, many hundreds of what we call ordinary individuals in our society and here amongst us in Washington State who've had a loved one murdered. It's the purpose of this resolution that we take and pause and remember the suffering that comes from that kind of an event because it's certainly nothing that's anticipated and certainly nothing that one ever prepares for, no matter how a passing occurs within a family, within a workplace. You don't know how you respond, but I want to commend those that are here today because in some ways you've found each other. You have something in common and that you've had and suffered a loss and I want to give my heartfelt appreciation for your coming forward with a resolution so that we can all be a little more tuned to the issue because I think it's an important issue and also that I wanted to express my sincere sorrow for the losses that you've incurred and do my best as a legislator to try to get tough on people that do these things. Not in a sense of vengeance but in a sense of preventing things in the future. May we all be reminded that life is a transitory thing. We're here on earth just for a period of time and may we remind ourselves and our children and loved ones to stay away from anything that looks, last night I was driving home, this is a little aside, but never know what may happen. I was driving home along the Enumclaw Plateau, I'd been to a community meeting and a big huge truck came up behind me and it was big. It was a big truck to begin with, we're talking a pick-up truck, big wheels on it and it sat real high from my kind low to the ground car and it had it's bright lights on. It was so bright with all the lights that this thing had that on this country road where there were no edges but just ditches, I pulled over slowed down and stopped so the vehicle could go around me and it did. Then it was going ahead and I turned my brights on. I thought it was far enough away, I don't know what he thought but he slowed down and made me slow down. Now, here I'm on a country road, there isn't a light to be seen and what ended up happening is I ended up calling actually the police because he pulled into a driveway and then backed up blocking my roadway. I could not move. I could not go forward and with deep ditches on both sides of the road, I didn't dare to be in a position to have to go backwards either. I was afraid. I was afraid, I was afraid. Now, individuals like you and I and others traverse life in situations that come up we have no way of knowing what may or may not happen. So, I just want you to know how much I value life, value the lives of everyone and pray for your recovery. It won't ever be perfect. It won't ever be complete and we'll do our best here to do what we can to make sure these things don't happen in the future. I urge adoption of the resolution."

## REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you Madam President. Well, I rise in support of this resolution too and I commend Senator Roach for bringing it to us and also for her eloquent remarks, very heartfelt. I also have worked with individuals and groups who either have been victims of violent crimes or their family members or close friends have been or they work with advocacy groups to help out those family and friends following the murder of a loved one. Yesterday in the Senate Judiciary Committee

there was a hearing on a bill that passed the Senate unanimously last week, Senate Bill 6357, and we had speak on, testified to the committee the mother and sister of Rebecca Jane Griego who was murdered at the University of Washington last April by a former boyfriend who then shot himself as well. A huge tragedy and we're addressing what could be accomplished in statute to make it a little easier to get protection orders actually served that might of helped Rebecca. Also her sister, who was threatened by the individual, received taunting calls and the shooter ended up evading them and the authorities so the protection order could never be served. I'd like to commend the many organizations who help out in advocacy work and that there are many, of course, that we have in this state. I'd like to mention just a few if I may, Madam President? The Coalition of Crime Victim Advocacy, the Washington State Coalition against Domestic Violence and the Family and Friends of Missing Persons and Violent Crime Victims and there are many others as well. We also have the Office of Crime Victim Advocacy in the state Community Trade Economic Development agency and I would appreciate it Madam President and the good Senator that brought this resolution to us if we could transmit the resolution to these and the other organizations that come before the legislature to help out the family and friends."

## REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you Madam President. I'm a little short of voice but not short of heart. It's really hard to imagine what kind of devastation people feel when this happens to a family member or friend. It's a devastation really they'll never get over. It's also a devastation to communities. These horrible crimes have occurred in my own community and even if I don't know the person which is usually the case, I remember it. It goes to my heart. It goes to my inside. It goes to my memory and it does to other people and so the communities are never the same where these crimes happen. So, it is appropriate to recognize this horrible crime and what really would not recognize the crime but recognize what it does to people and to communities. So my sympathy and prayers goes to all victims and families and friends and I commend all those who assist the families and friends of those who've experienced this devastation. It's so important that we all continue to join together to improve our laws, improve our services and improve our human relationships that lead to these crimes and to care for the victims."

## REMARKS BY SENATOR KEISER

Senator Keiser: "Thank you Madam President. Well, I want to join with the others. First of all thanking the good Senator from the Thirtieth District for bringing this resolution forward. I was reminded today that it was already seven years ago, which is unbelievable to me, that Officer Steven Underwood was killed in my community of Des Moines and it did affect our entire community. I'm also really amazed to know that one of our police department's, deputy chaplains has used his own personal family's tragedy to, in a very productive and positive way, provide services to victims through the violent crimes victims services organization. It is amazing to me that someone who has been so hurt, so assaulted by violent crime, can become so productive and such a healing power for other families who suffer such a trauma. So, as the Senator from the Thirtieth District said, 'Not everything we do here is happy,' it's good to remember that we also be together on issues when it effects our hearts and we can work together. Thank you."

THIRTY-NINTH DAY, FEBRUARY 21, 2008

2008 REGULAR SESSION

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8729.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced family and friends of victims of violent crimes, guests of Senator Roach who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Rasmussen: "Madam President, in the Rotunda we have a wonderful group of musicians from this family high school, orchestra and they are out performing in the Rotunda. I just wanted to acknowledge that they are there and hope that we would all go out and listen to the beautiful music."

MOTION

At 12:40 p.m., on motion of Senator Marr, the Senate adjourned until 10:00 a.m. Friday, February 22, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTIETH DAY, FEBRUARY 22, 2008

2008 REGULAR SESSION

**FORTIETH DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, February 22, 2008

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Jacobsen, Kohl-Welles and McCaslin.

The Sergeant at Arms Color Guard consisting of Pages Haley Budigan and Tyler Shepard, presented the Colors. Chaplain Rajan Zed of the Hindu Temple of Northern Nevada in Reno, Nevada offered the prayer.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 21, 2008

SHB 1148 Prime Sponsor, Committee on Housing: Addressing the restriction of mobile home or manufactured home locations. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 21, 2008

ESHB 1394 Prime Sponsor, Committee on Higher Education: Authorizing incentive grants to support medical research and products to improve services to persons with developmental disabilities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Schoesler.

Passed to Committee on Rules for second reading.

February 21, 2008

ESHB 1865 Prime Sponsor, Committee on Judiciary: Limiting the obligations of landlords under writs of restitution. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 21, 2008

E2SHB 2082 Prime Sponsor, Committee on Appropriations: Establishing the field of dreams program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Schoesler.

Passed to Committee on Ways & Means.

February 20, 2008

2E2SHB 2176 Prime Sponsor, Committee on Appropriations: Revising provisions involving court interpreters. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Ways & Means.

February 21, 2008

HB 2283 Prime Sponsor, Representative Hunter: Concerning the joint legislative audit and review committee performance reviews of the home care quality authority. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 2469 Prime Sponsor, Representative Uptegrove: Eliminating references to pierhead lines and regarding authorizing structures within waterways. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 20, 2008

HB 2499 Prime Sponsor, Representative Pedersen: Addressing the materials required to accompany notice under the Washington business corporation act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 21, 2008

SHB 2541 Prime Sponsor, Committee on Judiciary: Concerning reserve accounts and studies for condominium associations. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin; Jacobsen; Kilmer; McCaslin and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

FORTIETH DAY, FEBRUARY 22, 2008

2008 REGULAR SESSION

February 21, 2008

SHB 2560 Prime Sponsor, Committee on Health Care & Wellness: Defining small employers for purposes of health insurance coverage. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 2571 Prime Sponsor, Representative Seaquist: Modifying armed forces provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline and McDermott.

Passed to Committee on Transportation.

February 21, 2008

SHB 2582 Prime Sponsor, Committee on Higher Education: Regarding child care at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Schoesler.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 2761 Prime Sponsor, Representative Schual-Berke: Renaming the children's trust of Washington as the council for children and families. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Marr.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 2834 Prime Sponsor, Representative Roberts: Modifying a foster parent license due to a change of residence. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Marr.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 2909 Prime Sponsor, Representative Orcutt: Extending the study of the state's specialized forest product resources. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

## REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 21, 2008

SGA 9239 STEPHEN THARINGER, reappointed on January 9, 2006, for the term ending July 15, 2009, as Member of the Salmon Recovery Funding Board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 21, 2008

SGA 9315 DONALD HOVER, appointed on October 3, 2007, for the term ending July 15, 2011, as Member of the Salmon Recovery Funding Board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 21, 2008

SGA 9337 BOB NICHOLS, appointed on October 25, 2007, for the term ending July 15, 2011, as Member of the Salmon Recovery Funding Board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

### MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Second Engrossed Second Substitute House Bill No. 2176 which was referred to the Committee on Ways & Means.

### MOTION

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

### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 11, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HARRY BARBER, appointed February 6, 2008, for the term ending July 15, 2009, as Member of the Salmon Recovery Funding Board.

Sincerely,

FORTIETH DAY, FEBRUARY 22, 2008

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6952 by Senators Marr, Keiser and Kohl-Welles

AN ACT Relating to establishing fees for certain health professions; amending RCW 18.250.080, 18.260.020, 18.74.030, 18.74.070, and 18.74.073; adding a new section to chapter 18.74 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Kastama moved adoption of the following resolution:

SENATE RESOLUTION  
8730

By Senators Kastama, Rasmussen, Regala, Eide, Franklin, Roach, Kilmer, and Carrell

WHEREAS, Fred Oldfield was born on March 18, 1918, in Alfalfa, Washington, and raised on the Yakima Indian Reservation near Toppenish, where his youth was filled with the cowboy life of covered wagons, horses, farming, and trail rides; and

WHEREAS, His experiences as a young man and a cowhand would later populate his paintings; and

WHEREAS, As one of the granddaddies of Western Art, *The Fred Oldfield Western Heritage Center* was built in 2002 and is dedicated to the preservation of Fred's dream - sharing his love of life, Western Art, and the history of the American West for all generations; and

WHEREAS, The title of an "unconventional man" has been given to Fred as he has gone against all odds to spend his life working at his passion - painting; and

WHEREAS, Fred has won numerous awards for his work and at almost age 90, PBS has just released the series "Painting the West with Fred Oldfield"; and

WHEREAS, Fred Oldfield remains very active in his Pacific Northwest community and has raised over a million dollars by donating his paintings to causes that benefit children and community needs; and

WHEREAS, His favorite recognition is the look in the eyes of children as he tells them about his days on the range, time

2008 REGULAR SESSION

around the campfire, eating from the chuck wagon, helping your neighbors with old time barn raisings, all while they are painting together; and

WHEREAS, There will be a 90th birthday gala to be held at the Puyallup Fairgrounds on March 29th, preceded by two weeks of Whooping! Whistling! Shouting! & Stomping!; and

WHEREAS, The Governor will proclaim March 18, 2008, "Fred Oldfield Day";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate join in celebrating Fred Oldfield Day to honor this remarkable man; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Fred Oldfield, The Fred Oldfield Western Heritage Center, the City of Puyallup, the Governor, and the Lieutenant Governor.

Senators Kastama, Rasmussen, Honeyford and Eide spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8730.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Mr. Fred Oldfield, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Mr. Oldfield to address the Senate.

REMARKS BY FRED OLDFIELD

Fred Oldfield: "I don't know what to say after that. Somebody gave you folks the wrong information, that's all I can say. Well, you know, I am very honored I have to say that but you know there my daughter is the one that really instigated that Heritage Center and many other people should be honored for that is the people that, the teachers and the volunteers and the people that backed us, the sponsorships and all that. There's a lot of people out there that need that. I get all the fun. I get to teach the kids and I learn things every day from kids and if you got a minute, I'll tell you a couple of jokes. You know I was inside the Center and I was painting there one day and it had a mural there and I got about a dozen kids watching me and there's a couple of girls about nine years old standing there. You could tell they were buddies and they're watching me paint and pretty quick one of them, I was sitting on a stool because it way down low, she leaned down and said 'Cowboy Fred, how old are you?' I said 'I'll tell you what, you guess how old I am.' She thought a minute and she said 'I think fifty or sixty; and the other little girl leaned down and said, 'she's sucking up.' You never know what your going to get from them kids. There was one other cute thing that happened to me that shows you how kids are. They're thinking all the time. We get the kids up to about twelve through thirteen years old and maybe we start on oils. So I had a class going one day, I had about twelve kids and I'd go around and help them with the oils and stuff. It's kind of tough with the oils. There was a girl there, she was about twelve years old and she was just really puzzled and disgusted, you could tell. So, I set down and I said 'Do you mind if I paint on there a little bit and show you?' she said, 'No, go ahead.' And so I mixed a little paint and dabbed it on there and tried to show her something and told her that it gave it depth. She looked at it for a little bit and she said, 'You know I respect you and I know you're a great painter but I don't like that.' You get it from them kids. That's why I'm having all the fun, getting all the accolades all these people up here are the ones been doing the work. But anyway, I want to tell you how honored I am and I'd like to have you people bring out a new law though. I would like to have you pass a law that will not let children keep you working after your ninety. I think you guys can do it. Well, I don't have too much to say only that I am just really honored to be here and right now probably the tax payers want me to get down off here

FORTIETH DAY, FEBRUARY 22, 2008

2008 REGULAR SESSION

and let you people get to some work you need to do. So, I will say thank you again.”

9333, Julie McCulloch as a member of the Board of Trustees, Peninsula Community College District No. 1.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced friends and family of Fred Oldfield who were seated in the gallery.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9333, Julie McCulloch as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

REMARKS BY THE PRESIDENT PRO TEMPORE

Senator Franklin: “While we are in a happy mood, there is someone here today, someone whom we really love and care for. That person is warm, caring and that person wields a big stick. We would like to recognize that person and there is a gentleman here who will do that.”

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Mr. Job Pozos-Avila, an intern with Senator Franklin’s office: “Senadora Margarita Prentice, le queremos desear Feliz Cumpleanos.”

Excused: Senators Jacobsen, Kohl-Welles and McCaslin - 3  
Gubernatorial Appointment No. 9333, Julie McCulloch, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

Senator Franklin: “Happy Birthday to Senator Margarita Prentice.”

PERSONAL PRIVILEGE

Senator Prentice: “Madam President, I rise to a point of personal privilege. Si, Senora Presidente. Lo agredesco mucho y pero tantos anos que no quiero....I’m thanking him very much and I’ve said that I’ve had so many birthdays..... After awhile you wonder if anybody’s going to notice but I do want to thank everyone of you and it’s been truly my pleasure to be here serving with you and I’m constantly amazed at how each one of us, each one of you that I’m looking at right now, brings a separate kind of skill that we blend and put together in order to serve the people of Washington. I’m just very grateful to have the opportunity to be here with you. Thank you very, very much.”

MOTION

On motion of Senator Eide, Senator Regala was excused.

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9108, Rosemarie Duffy, as a member of the Board of Pharmacy, be confirmed.

Senator Marr spoke in favor of the motion.

APPOINTMENT OF ROSEMARIE DUFFY

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9108, Rosemarie Duffy as a member of the Board of Pharmacy.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9333, Julie McCulloch, as a member of the Board of Trustees, Peninsula Community College District No. 1, be confirmed.

Senator Marr spoke in favor of the motion.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9108, Rosemarie Duffy as a member of the Board of Pharmacy and the appointment was confirmed by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 31

MOTION

On motion of Senator Brandland, Senator McCaslin was excused.

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 15

MOTION

On motion of Senator Regala, Senators Jacobsen and Kohl-Welles were excused.

Excused: Senators Jacobsen, McCaslin and Regala - 3  
Gubernatorial Appointment No. 9108, Rosemarie Duffy, having received the constitutional majority was declared confirmed as a member of the Board of Pharmacy.

APPOINTMENT OF JULIE MCCULLOCH

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

FORTIETH DAY, FEBRUARY 22, 2008

Senator Keiser moved that Gubernatorial Appointment No. 9122, Gary Harris, as a member of the Board of Pharmacy, be confirmed.

Senator Keiser spoke in favor of the motion.

Senator Parlette spoke on the Gubernatorial Appointment.

#### MOTION

On motion of Senator Sheldon, Senator Rockefeller was excused.

#### APPOINTMENT OF GARY HARRIS

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9122, Gary Harris as a member of the Board of Pharmacy.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9122, Gary Harris as a member of the Board of Pharmacy and the appointment was confirmed by the following vote: Yeas, 29; Nays, 16; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Sheldon, Shin, Spanel, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 16

Excused: Senators Jacobsen, McCaslin, Regala and Rockefeller - 4

Gubernatorial Appointment No. 9122, Gary Harris, having received the constitutional majority was declared confirmed as a member of the Board of Pharmacy.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Keiser moved that Gubernatorial Appointment No. 9259, Dan Connolly, as a member of the Board of Pharmacy, be confirmed.

Senator Keiser spoke in favor of the motion.

#### APPOINTMENT OF DAN CONNOLLY

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9259, Dan Connolly as a member of the Board of Pharmacy.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9259, Dan Connolly as a member of the Board of Pharmacy and the appointment was confirmed by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 31

Voting nay: Senators Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 14

2008 REGULAR SESSION

Excused: Senators Jacobsen, McCaslin, Regala and Rockefeller - 4

Gubernatorial Appointment No. 9259, Dan Connolly, having received the constitutional majority was declared confirmed as a member of the Board of Pharmacy.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Benton gave notice of his intent to move to reconsider the vote by which Gubernatorial Appointment No. 9259 was confirmed by the Senate.

#### MOTION

At 10:53 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 a.m. Monday, February 25, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-THIRD DAY, FEBRUARY 25, 2008

2008 REGULAR SESSION

**FORTY-THIRD DAY****NOON SESSION**

Senate Chamber, Olympia, Monday, February 25, 2008

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 22, 2008

SHB 1032 Prime Sponsor, Committee on Technology, Energy & Communications: Creating a sustainable energy trust. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Holmquist and Morton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Hatfield.

Passed to Committee on Rules for second reading.

February 22, 2008

SHB 1141 Prime Sponsor, Committee on Human Services: Modifying diversion records provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland and Carrell.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 1149 Prime Sponsor, Representative O'Brien: Eliminating advance property tax payments for binding site plans. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline and McDermott.

Passed to Committee on Rules for second reading.

February 21, 2008

SHB 1346 Prime Sponsor, Committee on Commerce & Labor: Allowing the exclusion of certain people from licensed gambling premises. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 1493 Prime Sponsor, Representative Hudgins: Clarifying the definition of development activity in respect to construction by a regional transit authority. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey; Delvin; Eide; Holmquist; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 22, 2008

SHB 1605 Prime Sponsor, Committee on Select Committee on Puget Sound: Regarding the extension of sewer services in aquatic rehabilitation zone one. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 1923 Prime Sponsor, Representative Hunt: Modifying requirements for motor vehicle transporter license applications. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Benton; Berkey; Delvin; Eide; Holmquist; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 2048 Prime Sponsor, Representative O'Brien: Modifying the requirements for executing assignment and warranty of title when the purchaser or transferee is a dealer. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Benton; Berkey; Delvin; Eide; Holmquist; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 22, 2008

HB 2090 Prime Sponsor, Representative Dickerson: Adding the director of the department of early learning to the family policy council. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland and Carrell.

FORTY-THIRD DAY, FEBRUARY 25, 2008

2008 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 22, 2008

SHB 2337 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding services provided by television reception improvement districts. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Fraser; Hatfield; Holmquist; Morton and Regala.

Passed to Committee on Rules for second reading.

February 22, 2008

HB 2436 Prime Sponsor, Representative Rolfe: Allowing crime victims to submit input to the department of corrections regarding whether an offender should be placed into work release. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland and Carrell.

Passed to Committee on Rules for second reading.

February 22, 2008

HB 2478 Prime Sponsor, Representative McCoy: Addressing the custody of children of parents deployed in the military. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland and Carrell.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 2489 Prime Sponsor, Representative Moeller: Increasing raffle ticket prices. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Hewitt; King and Murray.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 2492 Prime Sponsor, Representative Takko: Modifying the date for establishing school district boundaries for excess property tax levies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline and McDermott.

Passed to Committee on Ways & Means.

February 22, 2008

SHB 2522 Prime Sponsor, Committee on Select Committee on Environmental Health: Regarding civil penalty provisions for on-site sewage disposal systems administered by

local health jurisdictions. Reported by Committee on Water, Energy & Telecommunications.

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Hatfield; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and Morton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 22, 2008

HB 2558 Prime Sponsor, Representative Uptegrove: Exempting certain minor new construction associated with construction storm water general permits from SEPA. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 2656 Prime Sponsor, Representative Conway: Correcting statutory references in the calculation of predecessor and successor employer contribution rates. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 21, 2008

SHB 2661 Prime Sponsor, Committee on Commerce & Labor: Allowing for reasonable self-storage facility late fees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 22, 2008

HB 2786 Prime Sponsor, Representative Kelley: Including level I offenders who fail to maintain registration as required by RCW 9A.44.130 to the statewide notification web site. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland and Carrell.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 2813 Prime Sponsor, Representative Quall: Requiring an assessment of the need for teacher preparation programs for teachers of visually impaired and blind public

FORTY-THIRD DAY, FEBRUARY 25, 2008

2008 REGULAR SESSION

school students. Reported by Committee on Early Learning & K-12 Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 21, 2008

Passed to Committee on Rules for second reading.

SGA 9307 PAULA HAMMOND, appointed on November 5, 2007, for the term ending at the governors pleasure, as Secretary of the Department of Transportation. Reported by Committee on Transportation

February 21, 2008  
HB 2825 Prime Sponsor, Representative Conway: Allowing certain alcohol permit holders to obtain alcohol in nonbeverage form directly from suppliers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

MOTION

February 22, 2008  
HB 2850 Prime Sponsor, Representative Rolfes: Regarding Puget Sound scientific research. Reported by Committee on Water, Energy & Telecommunications

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Fraser; Hatfield; Holmquist; Morton and Regala.

MOTION

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE HOUSE

February 22, 2008

February 21, 2008  
HB 2923 Prime Sponsor, Representative Hinkle: Providing an alternative method for weight tickets for transporting hay or straw. Reported by Committee on Agriculture & Rural Economic Development

MR. PRESIDENT:

The House has passed the following bills:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2878,  
and the same is herewith transmitted.

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Morton and Shin.

BARBARA BAKER, Chief Clerk

Passed to Committee on Rules for second reading.

MOTION

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

February 21, 2008  
HB 2941 Prime Sponsor, Representative Moeller: Concerning licensing fees under the explosives act. Reported by Committee on Labor, Commerce, Research & Development

INTRODUCTION AND FIRST READING

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

SB 6953 by Senator Stevens

AN ACT Relating to using existing revenue sources for highway purposes; adding a new section to chapter 46.68 RCW; adding a new section to chapter 82.32 RCW; and providing an effective date.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Referred to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

SUPPLEMENTAL INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

February 21, 2008  
SHB 3297 Prime Sponsor, Committee on Commerce & Labor: Concerning professional athletics regulated by the department of licensing. Reported by Committee on Labor, Commerce, Research & Development

ESHB 2878 by House Committee on Transportation (originally sponsored by Representative Clibborn)

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.110; amending 2007 c 518 ss 101, 102, 103, 104, 105, 106, 107, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403,

FORTY-THIRD DAY, FEBRUARY 25, 2008

404, 405, 406, 407, 501, 502, 503, and 713 (uncodified); adding new sections to 2007 c 518 (uncodified); making appropriations and authorizing capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading and Supplemental Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon. Tuesday, February 26, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-FOURTH DAY, FEBRUARY 26, 2008

2008 REGULAR SESSION

**FORTY-FOURTH DAY**

**NOON SESSION**

Senate Chamber, Olympia, Tuesday, February 26, 2008

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 22, 2008

HB 1127 Prime Sponsor, Representative Morrell: Extending military leaves for public employees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Ways & Means.

February 25, 2008

HB 1345 Prime Sponsor, Representative Wood: Prohibiting minors from participating in gambling activities. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 1391 Prime Sponsor, Representative Eddy: Clarifying that councilmembers are eligible to be appointed to the office of mayor. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 22, 2008

SHB 1421 Prime Sponsor, Committee on State Government & Tribal Affairs: Modifying address confidentiality program provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 25, 2008

2SHB 1734 Prime Sponsor, Committee on State Government & Tribal Affairs: Recodifying campaign funding and disclosure laws. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 25, 2008

SHB 2427 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions for the cosmetology apprenticeship program. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 2448 Prime Sponsor, Representative Hunt: Changing the time frame covered by the twenty-one day preelection campaign finance report. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 22, 2008

EHB 2459 Prime Sponsor, Representative Kelley: Creating the uniform real property electronic recording act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 2467 Prime Sponsor, Representative Warnick: Regulating fertilizers. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen and Morton.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 2473 Prime Sponsor, Representative Hunt: Eliminating the requirement that auditors send a ballot or an application to receive a ballot to inactive voters. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

FORTY-FOURTH DAY, FEBRUARY 26, 2008

2008 REGULAR SESSION

February 25, 2008  
SHB 2475 Prime Sponsor, Committee on Health Care & Wellness: Regarding the scope of practice of health care assistants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 22, 2008  
SHB 2482 Prime Sponsor, Committee on Local Government: Addressing the signature validation process for petitions that seek annexation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 22, 2008  
HB 2485 Prime Sponsor, Representative Fromhold: Modifying definitions applicable to local infrastructure financing tool program demonstration projects. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

February 22, 2008  
HB 2495 Prime Sponsor, Representative Simpson: Repealing provisions addressing the sale, lease, or conveyance of municipal property in commercial areas to private parties for free public parking facilities in cities with populations over three hundred thousand. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 25, 2008  
SHB 2496 Prime Sponsor, Committee on Commerce & Labor: Enhancing the mobility of certified public accountants. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 25, 2008  
SHB 2501 Prime Sponsor, Committee on Commerce & Labor: Regarding malt liquor sold by beer and/or wine specialty

shops. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 22, 2008  
SHB 2567 Prime Sponsor, Committee on State Government & Tribal Affairs: Increasing the civil penalty for violating the open public meetings act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 25, 2008  
HB 2655 Prime Sponsor, Representative Conway: Concerning the imposition of delinquency tax rates for qualified employers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Hewitt; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 25, 2008  
E2SHB 2709 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Authorizing school districts to establish a price preference to purchase locally grown food. (REVISED FOR ENGROSSED: Exempting purchases of Washington grown food from school district competitive bid procedures. ) Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Agriculture & Rural Economic Development.

February 21, 2008  
HB 2738 Prime Sponsor, Representative Ormsby: Creating a five-member option for civil service commissions for sheriffs' offices. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 22, 2008  
HB 2755 Prime Sponsor, Representative Kelley: Adjusting veterans' scoring criteria. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by

FORTY-FOURTH DAY, FEBRUARY 26, 2008

2008 REGULAR SESSION

Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 3088 Prime Sponsor, Representative Cody: Limiting the scope of chapter 18.260 RCW over certain dental assistant and education and training programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles and Marr.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 3106 Prime Sponsor, Representative Grant: Changing the name of the commission on pesticide registration to the commission on integrated pest management without changing responsibilities or authority of the commission. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen and Morton.

Passed to Committee on Rules for second reading.

February 25, 2008

2SHB 3121 Prime Sponsor, Committee on Appropriations: Implementing the recommendations of the joint legislative task force on the underground economy in the construction industry. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Ways & Means.

February 22, 2008

EHB 3181 Prime Sponsor, Representative Wood: Addressing the authority of the board of directors of a public facilities district. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 22, 2008

HB 3200 Prime Sponsor, Representative Schmick: Establishing a cemetery district in a county. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 22, 2008

SHB 3206 Prime Sponsor, Committee on Community & Economic Development & Trade: Concerning the information required to be reported in the annual economic impact report on lodging tax revenues. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Marr, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 25, 2008

MR. PRESIDENT:

The House has passed the following bills:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2687,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 25, 2008

MR. PRESIDENT:

The House has passed the following bills:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2765,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 25, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SUBSTITUTE HOUSE BILL NO. 3374,  
HOUSE BILL NO. 3375,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2687 by House Committee on Appropriations (originally sponsored by Representative Sommers)

FORTY-FOURTH DAY, FEBRUARY 26, 2008

2008 REGULAR SESSION

AN ACT Relating to fiscal matters; amending RCW 28B.105.110, 38.52.106, 41.45.230, 41.50.110, 43.08.190, 43.08.250, 43.330.250, 50.16.010, 67.40.025, 67.40.040, 70.96A.350, 70.105D.070, 70.105D.070, 74.08A.340, 77.32.010, 83.100.230, 90.48.390, 90.71.310, and 90.71.370; reenacting and amending RCW 70.105D.070; amending 2007 c 522 ss 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 513, 514, 515, 516, 517, 519, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 701, 702, 703, 704, 705, 706, 716, 718, 719, 722, 1621, 728, 801, 805, 910, 911, 912, and 913 (uncodified); adding new sections to 2007 c 522 (uncodified); repealing 2007 c 522 s 713 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 2765 by House Committee on Capital Budget (originally sponsored by Representative Fromhold)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.155.050, 79.64.020, 40.14.024, 36.22.175, 43.09.282, 67.40.040, 79.17.010, 43.19.501, and 43.99N.060; reenacting and amending RCW 48.02.190, 70.105D.070, and 79.17.020; amending 2007 c 520 ss 1020, 1030, 1034, 1031, 1035, 1036, 1041, 1039, 1021, 1042, 1045, 1048, 1050, 1049, 1058, 1065, 1066, 1067, 1073, 1068, 1075, 1090, 2007, 2021, 2037, 2029, 2032, 2042, 2045, 2061, 2054, 2056, 2058, 2075, 3001, 3019, 3036, 3037, 3045, 3046, 3048, 3050, 3049, 3060, 3072, 3087, 3084, 3092, 3095, 3102, 3134, 3146, 3144, 3155, 3161, 3175, 3179, 3187, 3198, 3211, 3204, 3214, 3219, 4004, 5008, 5010, 5014, 5016, 5017, 5086, 5100, 5117, 5118, 5119, 5128, 5145, 5217, 5255, 5275, 6013, 6032, and 6016 (uncodified); adding new sections to 2007 c 520 (uncodified); creating new sections; repealing 2007 c 520 s 6006 (uncodified); providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 3374 by House Committee on Capital Budget (originally sponsored by Representatives Fromhold, McDonald, VanDeWege, Alexander and DeBolt)

AN ACT Relating to state general obligation bonds for flood hazard mitigation projects and school facilities; amending RCW 39.42.060 and 28A.245.030; adding a new chapter to Title 43 RCW; adding a new chapter to Title 28A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 3375 by Representatives Alexander, Hunt, VanDeWege, DeBolt, Takko and Blake

AN ACT Relating to catastrophic flood relief; making an appropriation; and declaring an emergency.

Referred to Committee on Ways & Means.

## MOTION

On motion of Senator Marr, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

## MOTION

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

## MOTION

Senator Carrell moved adoption of the following resolution:

## SENATE RESOLUTION

8717

By Senators Carrell, Pflug, Hargrove, Zarelli, Rasmussen, Delvin, Honeyford, Hewitt, Benton, King, McCaslin, Holmquist, Stevens, Roach, Parlette, Brandland, Swecker, Morton, Franklin, and Schoesler

WHEREAS, Kathy McEntee, who passed away January 12, 2008, was a dedicated mother of six, a resident of University Place, one of the founders of the Washington State March for Life and a tireless, visionary leader for the respect life movement in Washington state; and

WHEREAS, The McEntee family, comprised of her husband Dick McEntee and children Rich McEntee, Ann Wiegman, Paul McEntee, Aileen Carrell, Kate McEntee DeWeese, and Noreen Hobson and their spouses, shared their mother with the citizens of Washington state so that she could provide a voice for those who had none; and

WHEREAS, Kathy McEntee stood as a principled example of what hard work, perseverance, and commitment to fundamental truths and principles can accomplish; and

WHEREAS, The Washington State March for Life organization under Kathy McEntee's founding and continued direction grew into an effective advocate for the rights of the unborn, elderly, and terminally ill, and promoted a culture that respects and cherishes the uniqueness and intrinsic value of every individual life; and

WHEREAS, Kathy McEntee was a vocal and inspirational leader, not only in Olympia, but around the country; and

WHEREAS, Kathy McEntee sacrificed of herself for the betterment of Washington state and our nation; and

WHEREAS, Kathy McEntee's volunteerism and passion for a worthy cause spread over several years of meetings, speaking engagements and rallies, providing a strong example of civic leadership that others were inspired to follow; and

WHEREAS, Kathy McEntee acted on her deeply held beliefs in such a manner that she brought honor and dignity to herself and to our state, and resulted in her gaining the respect of even those who most vehemently disagreed with her on policy;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize Kathy McEntee for her time and effort to represent society's weakest and most vulnerable members; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to J. Richard "Dick" McEntee and family and to the Washington State March for Life Organization.

Senators Carrell, Stevens and Rasmussen spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8717.

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

## INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced

FORTY-FOURTH DAY, FEBRUARY 26, 2008

2008 REGULAR SESSION

members of the family of Mrs. McEntee who were seated in the gallery.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION  
8733

By Senators Kohl-Welles and Spanel

WHEREAS, The Washington state commercial fishing fleet begins leaving in March for the Pacific and Alaskan waters, and the Blessing of the Fleet will occur March 9, 2008, at Fisherman's Terminal in Ballard; and

WHEREAS, This is the eightieth year that the Ballard First Lutheran Church has held the blessing; and

WHEREAS, The Washington state commercial fishing fleet begins leaving Blaine waters in May, and the Blessing of the Fleet will occur at Saw Tooth Dock in Blaine Harbor, May 4, 2008; and

WHEREAS, The Washington state commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people and is one of the largest industries in Washington state; and

WHEREAS, The harvest annually contributes significantly to the Washington state economy; and

WHEREAS, The life of a fisher is fraught with danger and hardship that most people will never face; and

WHEREAS, Strength and courage are requirements for anyone who chooses to work on the sea, braving the elements in order to harvest the ocean's resources; and

WHEREAS, The men and women who work on fishing boats, at times in dangerous circumstances, deserve our admiration, thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers lose their lives, and their deaths devastate not only the close-knit community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and express its hope that all of our fishers will return home safely to their families, friends, and communities.

Senators Kohl-Welles and Spanel spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8733.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION  
8734

By Senators Kohl-Welles, Keiser, Fraser, Pridemore, Prentice, Zarelli, Parlette, and Roach

WHEREAS, Colorectal cancer is the third most common cancer found in men and women in this country; and

WHEREAS, More than 145,000 Americans will be diagnosed with colorectal cancer and more than 55,000 Americans will die from colorectal cancer this year; and

WHEREAS, In Washington state, it is estimated that 3,000 people are diagnosed with colon cancer each year, and 1,000 people will die from the disease; and

WHEREAS, Colorectal cancer affects people regardless of their age, race, or sex; and

WHEREAS, Men have a slightly higher rate of colorectal cancer than women; and

WHEREAS, African-Americans have a 10 percent higher rate of colorectal cancer incidence and are 30 percent more likely to die from it than Caucasians; and

WHEREAS, The five-year survival rate is 90 percent when colorectal cancer is diagnosed at the localized stage, but the survival rate is only 10 percent when colorectal cancer is not diagnosed until the distant stage; and

WHEREAS, Screening and early detection saves lives; and

WHEREAS, Many incidences of colorectal cancer, and deaths resulting from colorectal cancer, could be prevented if more people took advantage of colorectal cancer screening; and

WHEREAS, Colorectal cancer can be prevented through early identification and removal of precancerous polyps, detectable only through screening; and

WHEREAS, Early detection is the key to survival against colorectal cancer and more than half of all colorectal cancers can be prevented by early screening; and

WHEREAS, 9 out of 10 colorectal cancer cases are diagnosed in people over the age of 50, yet less than half of all Washingtonians age 50 or older have had recommended colorectal cancer screening in the past 5 years; and

WHEREAS, Many factors contribute to the low screening rate for colorectal cancer, such as lack of public education and awareness about prevention and screening, negative attitudes about screening procedures, and the absence of symptoms;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize victims of cancer, cancer survivors, and those fighting for a cure in March, Colorectal Cancer Awareness Month, and urge Washingtonians to become more aware of the risks facing them regarding this disease and actively fight it by getting regular screenings for colorectal cancer; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the American Cancer Society.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8734.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

At 12:21 p.m., on motion of Senator Marr, the Senate adjourned until 10:00 a.m. Wednesday, February 27, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

**FORTY-FIFTH DAY**Addressing the regulation of conversion condominiums.  
Reported by Committee on Consumer Protection & Housing**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 27, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Matthew Burns and Christine Catton, presented the Colors. Reverend Jim Head-Corliss of Gig Harbor United Methodist Church offered the prayer.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 26, 2008

EHB 1057 Prime Sponsor, Representative Hudgins: Requesting information on the use of alternative fuels. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Hatfield; Holmquist; Morton; Oemig and Regala.

Passed to Committee on Rules for second reading.

February 25, 2008

4SHB 1103 Prime Sponsor, Committee on Appropriations: Increasing the authority of regulators to remove health care practitioners who pose a risk to the public. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

February 25, 2008

2EHB 1743 Prime Sponsor, Representative Kretz: Requiring the appointment of county noxious weed control boards. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen and Morton.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Passed to Committee on Rules for second reading.

February 26, 2008

SHB 2014 Prime Sponsor, Committee on Housing:

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 25, 2008

SHB 2219 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding forest practices regulations that apply to small forest landowners. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Rockefeller; Spanel and Stevens.

Passed to Committee on Ways & Means.

February 25, 2008

2SHB 2537 Prime Sponsor, Committee on Appropriations: Modifications to the health insurance partnership act. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Kastama; Kohl-Welles and Marr.

MINORITY recommendation: Do not pass. Signed by Senators Pflug; Carrell and Parlette.

Passed to Committee on Ways & Means.

February 26, 2008

SHB 2551 Prime Sponsor, Committee on Human Services: Expanding the types of treatment programs provided under the suspended disposition alternative for juveniles. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 25, 2008

SHB 2575 Prime Sponsor, Committee on Local Government: Forming a technical advisory group on fire sprinkler systems in private residences. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach; Benton and Swecker.

Passed to Committee on Rules for second reading.

February 25, 2008

2SHB 2598 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Regarding an online mathematics curriculum. Reported by Committee on Early Learning & K-12 Education

FORTY-FIFTH DAY, FEBRUARY 27, 2008

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

February 22, 2008

EHB 2613 Prime Sponsor, Representative Simpson: Reducing the environmental impact of cleaning state facilities. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Hatfield; Oemig and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 2629 Prime Sponsor, Representative Kagi: Providing for the delivery of educational services to children who are deaf and hearing impaired. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

February 26, 2008

SHB 2654 Prime Sponsor, Committee on Health Care & Wellness: Creating a process for certifying community-based mental health services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 26, 2008

SHB 2676 Prime Sponsor, Committee on Agriculture & Natural Resources: Exempting dairy farms subject to the national pollutant discharge elimination system from shellfish protection district charges. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Hatfield; Holmquist; Morton; Oemig and Regala.

Passed to Committee on Rules for second reading.

February 25, 2008

SHB 2679 Prime Sponsor, Committee on Appropriations: Creating programs to improve educational outcomes for students in foster care. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair;

2008 REGULAR SESSION

King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Ways & Means.

February 25, 2008

2SHB 2722 Prime Sponsor, Committee on Appropriations: Creating an advisory committee to address the achievement gap for African-American students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Ways & Means.

February 26, 2008

HB 2764 Prime Sponsor, Representative O'Brien: Adding domestic violence court order violation to the list of offenses eligible for notification. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 25, 2008

SHB 2810 Prime Sponsor, Committee on Appropriations: Enhancing resources and assistance in school districts with concentrations of English language learners. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zarelli.

Passed to Committee on Ways & Means.

February 26, 2008

ESHB 2878 Prime Sponsor, Committee on Transportation: Making 2008 transportation supplemental appropriations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Berkey; Delvin; Eide; Jacobsen; Kauffman; Kilmer; King; Sheldon and Spanel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist and Pflug.

February 26, 2008

HB 2894 Prime Sponsor, Representative Campbell: Adding questions about wood burning appliances to the seller's disclosure statement for residential real property transfers. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin; Haugen; Jacobsen; Kilmer and McCaslin.

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Tom.

Passed to Committee on Rules for second reading.

February 26, 2008

SHB 2902 Prime Sponsor, Committee on Commerce & Labor: Conditioning the collection of the lemon law arbitration fee upon registration of new motor vehicles in Washington state. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 25, 2008

2SHB 3104 Prime Sponsor, Committee on Finance: Expanding rights and responsibilities for domestic partnerships. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach; Benton and Swecker.

Passed to Committee on Rules for second reading.

February 26, 2008

EHB 3142 Prime Sponsor, Representative Liias: Creating the affordable housing and community facilities rapid response loan program. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Ways & Means.

February 26, 2008

SHB 3144 Prime Sponsor, Committee on Technology, Energy & Communications: Creating a consumer protection web site. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 25, 2008

2SHB 3168 Prime Sponsor, Committee on Appropriations: Regarding the creation of the Washington head start program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senators King; Holmquist and Zarelli.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and McDermott.

Passed to Committee on Ways & Means.

February 26, 2008

E2SHB 3186 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Authorizing the creation of beach management districts. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Delvin; Hatfield; Oemig and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 26, 2008

E2SHB 3216 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Developing wave and tidal energy technologies in Washington. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Delvin; Hatfield; Holmquist; Oemig and Regala.

MINORITY recommendation: Do not pass. Signed by Senator Morton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Ways & Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 26, 2008

SGA 9381 RICHARD K WALLACE, appointed on February 16, 2008, for the term ending January 15, 2011, as Member of the Northwest Power and Conservation Council. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Rules for second reading.

February 26, 2008

SGA 9382 BILL WILKERSON, appointed on June 26, 2007, for the term ending June 25, 2010, as Member of the Puget Sound Partnership. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed House Bill No. 3142 which was referred to the Committee on Ways & Means and Engrossed Substitute House Bill No. 2878 which under suspension of the rules was placed on the second reading calendar..

MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RAUL ALMEIDA, reappointed February 7, 2008, for the term ending September 25, 2011, as Member of the Clemency and Pardons Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

MOTION

Senator Stevens moved adoption of the following resolution:

SENATE RESOLUTION  
8735

By Senators Stevens, Hewitt, Benton, King, Carrell, McCaslin, Morton, Holmquist, Swecker, Schoesler, Brandland, McAuliffe, Parlette, Honeyford, Zarelli, Roach, and Delvin

WHEREAS, Andrea Peterson, a dedicated and inspiring teacher for the Granite Falls School District, was named the 2007 National Teacher of the Year; and

WHEREAS, Andrea Peterson comes from a family of educators and obtained a Bachelor of Music in Education and a Bachelor of Arts in Music graduating cum laude; and

WHEREAS, Andrea Peterson, with the collaboration of her principal, created a five-year plan to improve music learning in the Granite Falls School District that proved to be very successful; and

WHEREAS, Andrea Peterson has the amazing ability to reach students who are faltering in the traditional classroom setting and provide them with inspiration; and

WHEREAS, Andrea Peterson has brought to light the critical importance of music in our educational system and developed an innovative approach to teaching that includes

cross-curricular learning where she integrates subject matter from other disciplines to enhance music education; and

WHEREAS, Andrea Peterson has demonstrated exceptional initiative and musical talent through her participation in the Northwest Wind Symphony and by composing original music which she has incorporated into student productions; and

WHEREAS, Andrea Peterson's platform for the past year has been to emphasize the importance of community involvement in education; and

WHEREAS, Andrea Peterson has served as the ambassador for education and representative of the teaching profession over the past year and has made the citizens of Washington proud;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Andrea Peterson; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Andrea Peterson.

Senators Stevens, Kohl-Welles and Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8735.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Andrea Peterson, 2007 National Teacher of the Year and her parents, Victor and Darlene Rahn who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. Terry Bergeson, Superintendent of Public Instruction; Kari Henderson-Burke, Principal of Monte Cristo Elementary School; Joel Thaut, Superintendent of Granite Falls School District; and Mr. Ross Londerville, School Board Member of Granite Falls School District who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 2007 Mentor of the Year from Big Brothers/Big Sisters, Marlene Baltrom and her sister Gail who were seated at the rostrum.

MOTION

At 10:20 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:54 a.m. by President Owen.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 27, 2008."

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

The motion by Senator Eide carried and debate was limited through February 27, 2008.

MOTION

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

FORTY-FIFTH DAY, FEBRUARY 27, 2008  
SECOND READING

2008 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2878, by House Committee on Transportation (originally sponsored by Representative Clibborn)

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

Sec. 105 2007 c 518 s 105 (uncodified) is amended to read as follows:

Making 2008 transportation supplemental appropriations.

**FOR THE DEPARTMENT OF AGRICULTURE**

The measure was read the second time.

Motor Vehicle Account--State Appropriation . . . ~~(\$1,358,000)~~  
\$1,355,000

MOTION

The appropriation in this section is subject to the following conditions and limitations:

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

Strike everything after the enacting clause and insert the following:

(2) ~~(\$1,007,000)~~ \$1,004,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

**"2007-09 BIENNIUM**

Sec. 106 2007 c 518 s 106 (uncodified) is amended to read as follows:

**GENERAL GOVERNMENT AGENCIES--OPERATING**

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Sec. 101 2007 c 518 s 101 (uncodified) is amended to read as follows:

Motor Vehicle Account--State Appropriation . . . . . ~~(\$223,000)~~  
\$340,000

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for ~~(staffing costs to be dedicated to state)~~ transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

Grade Crossing Protective Account--State  
Appropriation . . . . . ~~(\$505,000)~~  
\$504,000

**TRANSPORTATION AGENCIES--OPERATING**

Sec. 102 2007 c 518 s 102 (uncodified) is amended to read as follows:

Sec. 201 2007 c 518 s 201 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Motor Vehicle Account--State Appropriation . . . ~~(\$3,054,000)~~  
\$3,177,000  
Puget Sound Ferry Operations Account--State  
Appropriation . . . . . \$100,000  
TOTAL APPROPRIATION . . . ~~(\$3,154,000)~~  
\$3,277,000

Highway Safety Account--State Appropriation . . . ~~(\$2,609,000)~~  
\$2,605,000  
Highway Safety Account--Federal Appropriation ~~(\$15,880,000)~~  
\$15,849,000  
School Zone Safety Account--State Appropriation ~~(\$3,300,000)~~  
\$3,376,000  
TOTAL APPROPRIATION . . . ~~(\$21,789,000)~~  
\$21,830,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,545,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$75,000 of the motor vehicle account state appropriation is provided solely to address transportation budget and reporting requirements.

The appropriations in this section are subject to the following conditions and limitations: \$76,000 of the school zone safety account--state appropriation is provided solely for contracting with the office of the superintendent of public instruction (OSPI) to conduct pilot programs in three school districts for road safety education and training for children, in order to teach children safe walking, bicycling, and transit use behavior. The pilot projects shall be conducted during the 2008-09 academic year, and shall be modeled after a program and curriculum successfully implemented in the Spokane school district. Funds are provided for curriculum resources, bicycle purchases, teacher training, other essential services and equipment, and OSPI administrative expenses which may include contracting out pilot program administration. The participating school districts shall be located as follows: One in Grant county, one in Island county, and one in Kitsap county. The OSPI shall evaluate the pilot programs, and report to the transportation committees of the legislature no later than December 1, 2009, on the outcomes of the pilot programs. The report shall include a survey identifying barriers to, interest in, and the likelihood of students traveling by biking, walking, or

Sec. 103 2007 c 518 s 103 (uncodified) is amended to read as follows:

**FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--State  
Appropriation . . . . . ~~(\$422,000)~~  
\$419,000

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$6,000 may be expended to pay the department of personnel for conducting the 2007 salary survey.

Sec. 104 2007 c 518 s 104 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation . . . . . ~~(\$985,000)~~  
\$983,000

FORTY-FIFTH DAY, FEBRUARY 27, 2008  
transit both prior to and following completion of the pilot program.

**Sec. 202** 2007 c 518 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation	<del>(\$907,000)</del>
	\$901,000
Motor Vehicle Account--State Appropriation	<del>(\$2,075,000)</del>
	\$2,060,000
County Arterial Preservation Account--State Appropriation	<del>(\$1,399,000)</del>
	\$1,389,000
TOTAL APPROPRIATION	<del>(\$4,381,000)</del>
	\$4,350,000

The appropriations in this section are subject to the following conditions and limitations: \$481,000 of the county arterial preservation account--state appropriation is provided solely for continued development and implementation of a maintenance management system to manage county transportation assets.

**Sec. 203** 2007 c 518 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation	<del>(\$1,793,000)</del>
	\$1,780,000
Transportation Improvement Account--State Appropriation	<del>(\$1,795,000)</del>
	\$1,781,000
TOTAL APPROPRIATION	<del>(\$3,588,000)</del>
	\$3,561,000

**Sec. 204** 2007 c 518 s 204 (uncodified) is amended to read as follows:

**FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation	<del>(\$1,156,000)</del>
	\$1,153,000

**Sec. 205** 2007 c 518 s 205 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation	<del>(\$2,103,000)</del>
	\$2,364,000
State Patrol Highway Account--State Appropriation	\$100,000
Multimodal Transportation Account--State Appropriation	\$550,000
TOTAL APPROPRIATION	<del>(\$2,653,000)</del>
	\$3,014,000

The appropriations in this section ~~(is)~~ are subject to the following conditions and limitations:

(1) ~~(\$500,000)~~ \$750,000 of the motor vehicle account--state appropriation is for establishing a work group to implement Engrossed Substitute House Bill No. 2358 (regarding state ferries) and review other matters relating to Washington state ferries. The cochairs of the committee shall establish the work group comprising committee members or their designees, an appointee by the governor, and other stakeholders as appointed by the cochairs, to assist in the committee's work. The work group shall present a report ~~(the progress)~~ of its tasks to the transportation committees of the legislature by December ~~(+5, 2007)~~ 1, 2008. The work group is tasked with the following:

(a) Implementing the recommendations of Engrossed Substitute House Bill No. 2358 (regarding state ferries). As

directed by Engrossed Substitute House Bill No. 2358, the committee work group shall participate in and provide a review of the following:

(i) The Washington transportation commission's development and interpretation of a survey of ferry customers;

(ii) The department of transportation's analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration must be given to whether boat wait is the appropriate measure;

(iii) The department's development of pricing policy proposals. In developing these policies, the policy, in effect on some routes, of collecting fares in only one direction must be evaluated to determine whether one-way fare pricing best serves the ferry system;

(iv) The department's development of operational strategies;

(v) The department's development of terminal design standards; and

(vi) The department's development of a long-range capital plan;

(b) Reviewing the following Washington state ferry programs:

(i) Ridership demand forecast;

(ii) Updated life cycle cost model, as directed by Engrossed Substitute House Bill No. 2358;

(iii) Administrative operating costs, nonlabor and nonfuel operating costs, Eagle Harbor maintenance facility program and maintenance costs, administrative and systemwide capital costs, and vessel preservation costs; and

(iv) The Washington state ferries' proposed capital cost allocation plan methodology, as described in Engrossed Substitute House Bill No. 2358;

(c) Making recommendations regarding:

(i) The most efficient timing and sizing of future vessel acquisitions beyond those currently authorized by the legislature. Vessel acquisition recommendations must be based on the ridership projections, level of service standards, and operational and pricing strategies reviewed by the committee and must include the impact of those recommendations on the timing and size of terminal capital investments and the state ferries' long range operating and capital finance plans; and

(ii) Capital financing strategies for consideration in the 2009 legislative session. This work must include confirming the department's estimate of future capital requirements based on a long range capital plan and must include the department's development of a plan for codevelopment and public private partnership opportunities at public ferry terminals; and

(d) Evaluate the capital cost allocation plan methodology developed by the department to implement Engrossed Substitute House Bill No. 2358.

(2) \$250,000 of the motor vehicle account--state appropriation and \$250,000 of the multimodal transportation account--state appropriation are for the continuing implementation of ~~(Substitute Senate Bill No. 5207))~~ chapter 514, Laws of 2007.

(3) \$300,000 of the multimodal transportation account--state appropriation is for implementing Substitute House Bill No. 1694 (coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$100,000 of the state patrol highway account--state appropriation is for a study of the most cost-effective means of ensuring that the pension concerns of the members of the Washington state patrol retirement system are adequately and appropriately considered and submitted to the legislature. The committee shall solicit participation and guidance from the senate ways and means committee, the house of representatives appropriations committee, the department of retirement systems, the office of financial management, the Washington state patrol troopers association, the Washington state patrol lieutenants association, the Washington state patrol, and the office of the

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

state actuary, and report the study recommendations to the legislature by November 1, 2008.

Sec. 206 2007 c 518 s 206 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation . . .	(\$2,276,000))
	\$2,469,000
Multimodal Transportation Account--State Appropriation	\$12,000
TOTAL APPROPRIATION . . .	(\$2,388,000))
	\$2,581,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the motor vehicle account--state appropriation is provided solely for the commission to conduct a survey of ferry customers as described in Engrossed Substitute House Bill No. 2358. Development and interpretation of the survey must be done with participation of the joint transportation committee work group established in section 205(1) of this act.

(2) (\$100,000) \$300,000 of the motor vehicle account--state appropriation is provided solely for a study to identify and evaluate long-term financing alternatives for the Washington state ferry system. The study shall incorporate the findings of the initial survey described in subsection (1) of this section, and shall consider the potential for state, regional, or local financing options. The commission shall submit a draft final report of its findings and recommendations to the transportation committees of the legislature no later than December 2008.

(3) The commission shall conduct a planning grade tolling study that is based on the recommended policies in the commission's comprehensive tolling study submitted September 20, 2006.

(4) Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the transportation commission shall establish, periodically review, and, if necessary, modify a schedule of toll charges applicable to the state route 167 high-occupancy toll lane pilot project, as required by RCW 47.56.403.

Sec. 207 2007 c 518 s 207 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation . . .	(\$695,000))
	\$692,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

(2) The freight mobility strategic investment board and the department of transportation shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2008, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by chapter 47.06A RCW for the board and as required by this act for the department. When developing its list of proposed freight highway and rail projects, the freight mobility strategic investment board shall use the priorities identified in section 309(7)(a) of this act to the greatest extent possible.

Sec. 208 2007 c 518 s 208 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State

Appropriation . . . . .	(\$225,445,000))
	\$227,172,000
State Patrol Highway Account--Federal	
Appropriation . . . . .	\$10,602,000
State Patrol Highway Account--Private/Local	
Appropriation . . . . .	\$410,000
TOTAL APPROPRIATION . . . . .	(\$236,457,000))
	\$238,184,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the governor and transportation committees of the senate and house of representatives by September 30th of each year.

(4) \$1,662,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (commercial vehicle enforcement). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) During the fiscal year 2008, the Washington state patrol shall continue to perform traffic accident investigations on Thurston, Mason, and Lewis county roads, and shall work with the counties to transition the traffic accident investigations on county roads to the counties by July 1, 2008.

(6) \$100,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1417 (health benefits for surviving dependents). If Substitute House Bill No. 1417 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) \$3,300,000 of the state patrol highway account--state appropriation is provided solely for the salaries and benefits associated with accretion in the number of troopers employed above 1,158 authorized commissioned troopers, or solely for training new cadets; however, the amount provided in this subsection is contingent on the Washington state patrol submitting a 2009-11 budget request that fully funds field force operations without reliance on a projected vacancy rate.

(8) By July 1, 2008, the Washington state patrol shall assign six additional troopers to the Monroe detachment from among troopers requesting transfer to Monroe or graduating cadet classes.

Sec. 209 2007 c 518 s 209 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL-- INVESTIGATIVE SERVICES BUREAU

State Patrol Highway Account--State Appropriation

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

..... (~~\$1,300,000~~)  
\$1,553,000

TOTAL APPROPRIATION (~~(\$232,370,000)~~)  
\$237,402,000

**Sec. 210** 2007 c 518 s 210 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--  
TECHNICAL SERVICES BUREAU**

State Patrol Highway Account--State Appropriation  
..... (~~(\$103,157,000)~~)  
\$102,891,000  
State Patrol Highway Account--Private/Local  
Appropriation ..... \$2,008,000  
TOTAL APPROPRIATION (~~(\$105,165,000)~~)  
\$104,899,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(2) (~~(\$12,641,000)~~) \$9,981,000 of the total appropriation is provided solely for automobile fuel in the 2007-2009 biennium.

(3) (~~(\$8,678,000)~~) \$7,461,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) (~~(\$5,254,000)~~) \$6,328,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(6) The Washington state patrol may submit information technology related requests for funding only if the patrol has coordinated with the department of information services as required by section 602 of this act.

(7) \$630,000 of the total appropriation is provided solely for the ongoing software maintenance and technical support for the digital microwave system. The Washington state patrol shall coordinate with the other members of the Washington state interoperability executive committee to ensure compatibility between emergency communication systems.

**Sec. 211** 2007 c 518 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account--State Appropriation \$32,000  
Motorcycle Safety Education Account--State  
Appropriation ..... (~~(\$3,905,000)~~)  
\$3,899,000  
Wildlife Account--State Appropriation ..... (~~(\$843,000)~~)  
\$831,000  
Highway Safety Account--State Appropriation (~~(\$141,953,000)~~)  
\$145,570,000  
Highway Safety Account--Federal Appropriation ... \$233,000  
Motor Vehicle Account--State Appropriation . (~~(\$79,230,000)~~)  
\$78,424,000  
Motor Vehicle Account--Private/Local Appropriation \$1,372,000  
Motor Vehicle Account--Federal Appropriation . . (~~(\$117,000)~~)  
\$1,354,000  
Department of Licensing Services Account--State  
Appropriation ..... (~~(\$3,540,000)~~)  
\$4,542,000  
Washington State Patrol Highway Account--State  
Appropriation ..... \$1,145,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,941,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(2) \$716,000 of the motorcycle safety education account--state appropriation is provided solely for the implementation of Senate Bill No. 5273 (modifying motorcycle driver's license endorsement and education provisions). If Senate Bill No. 5273 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) (~~(\$8,872,000)~~) \$12,322,000 of the highway safety account--state appropriation is provided solely for costs associated with the (systems development and issuance of) processing costs of issuing enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. ((If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend funds only after prior written approval of the director of financial management. Of the amount provided in this subsection, up to \$1,000,000 is for a statewide educational campaign, which must include coordination with existing public and private entities, to inform the Washington public of the benefits of the new enhanced drivers' licenses and identicards.))

(4) \$91,000 of the motor vehicle account--state appropriation and \$152,000 of the highway safety account--state appropriation are provided solely for contracting with the office of the attorney general to investigate criminal activity uncovered in the course of the agency's licensing and regulatory activities. Funding is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with measurable data indicating the department's progress in meeting its goal of increased prosecution of illegal activity.

(5) \$350,000 of the highway safety account--state appropriation is provided solely for the costs associated with the systems development of the interface that will allow insurance carriers and their agents real time, online access to drivers' records. If Substitute Senate Bill No. 5937 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$1,145,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (modifying commercial motor vehicle carrier provisions). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

(8) (Within the amounts appropriated in this section, the department shall, working with the legislature, develop a proposal to) \$116,000 of the motor vehicle account--state appropriation is provided solely to, in consultation with the legislature, streamline title and registration statutes to specifically address apparent conflicts, fee distribution, and

FORTY-FIFTH DAY, FEBRUARY 27, 2008

other recommendations by the department that are revenue neutral and which do not change legislative policy. The department shall ~~((report the results of this review to the transportation committees of the legislature by December 1, 2007))~~ submit recommended changes to the transportation committees of the legislature by the end of the biennium.

(9) \$246,000 of the department of licensing services account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6836 (secure vehicle licensing system). If Substitute Senate Bill No. 6836 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) \$960,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1046 (motor vehicle insurance). If Second Substitute House Bill No. 1046 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(11) \$277,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6885 (driving record abstracts). If Senate Bill No. 6885 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$417,000 of the highway safety account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6546 (ignition interlock drivers' license). If Engrossed Second Substitute Senate Bill No. 6546 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) The department shall investigate instituting a program whereby individual registered vehicle owners can have license plates tested for reflectivity to determine whether the department's requirement that the license plates be replaced after seven years can be waived for that particular set of license plates.

Sec. 212 2007 c 518 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
TOLL OPERATIONS AND MAINTENANCE--PROGRAM  
B**

High-Occupancy Toll Lanes Account--State	
Appropriation .....	<del>(\$2,596,000)</del>
	\$2,253,000
Motor Vehicle Account--State Appropriation ..	<del>(\$5,600,000)</del>
	\$1,018,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation .....	<del>(\$28,218,000)</del>
	\$28,249,000
TOTAL APPROPRIATION .	<del>(\$36,414,000)</del>
	\$31,520,000

The appropriations in this section are subject to the following conditions and limitations:

~~((1) \$5,000,000 of the motor vehicle account--state is provided solely to provide a reserve for the Tacoma Narrows Bridge project. This appropriation shall be held in unallotted status until the office of financial management deems that revenues applicable to the Tacoma Narrows Bridge project are not sufficient to cover the project's expenditures.~~

~~(2) The department shall solicit private donations to fund activities related to the opening ceremonies of the Tacoma Narrows bridge project.) The department shall develop incentives to reduce and control tolling operations costs. These incentives may be directed at the public, the tolling contractor, or the department. Incentives to be considered should include, but not be limited to: Incentives to return unneeded transponders, incentives to close inactive accounts, incentives to reduce printed account statements, incentives to reduce labor costs, and incentives to reduce postage and shipping costs.~~

2008 REGULAR SESSION

These incentives shall be presented for review by the transportation commission by September 30, 2008.

Sec. 213 2007 c 518 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
INFORMATION TECHNOLOGY--PROGRAM C**

Transportation Partnership Account--State	
Appropriation .....	<del>(\$4,556,000)</del>
	\$5,892,000
Motor Vehicle Account--State Appropriation .	<del>(\$67,613,000)</del>
	\$67,744,000
Motor Vehicle Account--Federal Appropriation ...	\$1,096,000
Puget Sound Ferry Operations Account--State	
Appropriation .....	<del>(\$9,192,000)</del>
	\$9,147,000
Multimodal Transportation Account--State	
Appropriation .....	\$363,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation .....	<del>(\$4,000,000)</del>
	\$5,337,000
TOTAL APPROPRIATION .	<del>(\$86,820,000)</del>
	\$89,579,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

(3) ~~(\$2,300,000)~~ \$3,300,000 of the motor vehicle account--state appropriation is provided solely for preliminary work needed to transition the department to the state government network. In collaboration with the department of information services the department shall complete an inventory of the current network infrastructure, ~~(and)~~ develop an implementation plan for transition to the state government network, improve security, and initiate connection to the state government network.

(4) \$1,000,000 of the motor vehicle account--state appropriation, ~~(\$4,556,000)~~ \$5,892,000 of the transportation partnership account--state appropriation, and ~~(\$4,000,000)~~ \$5,337,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. Beginning September 1, 2007, and on a quarterly basis thereafter, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. The first report shall include a detailed work plan for the

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

development and integration of the system including timelines and budget milestones. At a minimum the ensuing reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(5) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

(6) \$1,600,000 of the motor vehicle account--state appropriation is provided solely for the critical application assessment implementation project. The department shall submit a progress report on the critical application assessment implementation project to the house of representatives and senate transportation committees on or before December 1, 2007, and December 1, 2008, with a final report on or before June 30, 2009.

Sec. 214 2007 c 518 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
FACILITY MAINTENANCE, OPERATIONS AND  
CONSTRUCTION--PROGRAM D--OPERATING**

Motor Vehicle Account--State Appropriation . . . ~~(\$34,569,000)~~  
\$34,030,000

Sec. 215 2007 c 518 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation . . . . ~~(\$6,889,000)~~  
\$7,868,000  
Aeronautics Account--Federal Appropriation . . . . \$2,150,000  
Multimodal Transportation Account--State Appropriation  
..... \$631,000  
TOTAL APPROPRIATION . . . ~~(\$9,670,000)~~  
\$10,649,000

The appropriations in this section are subject to the following conditions and limitations: The entire multimodal transportation account--state appropriation ~~(is)~~ and \$400,000 of the aeronautics account--state appropriation are provided solely for the aviation planning council as provided for in RCW 47.68.410.

Sec. 216 2007 c 518 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
PROGRAM DELIVERY MANAGEMENT AND  
SUPPORT--PROGRAM H**

Transportation Partnership Account--State  
Appropriation . . . . . \$2,422,000  
Motor Vehicle Account--State Appropriation . . ~~(\$50,446,000)~~  
\$52,317,000  
Motor Vehicle Account--Federal Appropriation . . . . \$500,000  
Multimodal Transportation Account--State  
Appropriation . . . . . \$250,000  
Transportation 2003 Account (Nickel Account)--State  
Appropriation . . . . . \$2,422,000  
TOTAL APPROPRIATION . . ~~(\$56,040,000)~~  
\$57,911,000

The appropriation in this section is subject to the following conditions and limitations: \$2,422,000 of the transportation partnership account appropriation and \$2,422,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for consultant contracts to assist the department in the delivery of the capital construction program by identifying improvements to program delivery, program management, project controls, program and project

monitoring, forecasting, and reporting. The consultants shall work with the department of information services in the development of the project management and reporting system.

The consultants shall provide an updated copy of the capital construction strategic plan to the legislative transportation committees and to the office of financial management on June 30, 2008, and each year thereafter.

The department shall coordinate its work with other budget and performance efforts, including Roadmap, the findings of the critical applications modernization and integration strategies study, including proposed next steps, and the priorities of government process.

The department shall report to the transportation committees of the house of representatives and senate, and the office of financial management, by December 31, 2007, on the implementation status of recommended capital budgeting and reporting options. Options must include: Reporting against legislatively-established project identification numbers and may include recommendations for reporting against other appropriate project groupings; measures for reporting progress, timeliness, and cost which create an incentive for the department to manage effectively and report its progress in a transparent manner; and criteria and process for transfers of funds among projects.

Sec. 217 2007 c 518 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
ECONOMIC PARTNERSHIPS--PROGRAM K**

Motor Vehicle Account--State Appropriation . . . ~~(\$1,151,000)~~  
\$1,142,000  
Multimodal Transportation Account--State Appropriation  
..... \$300,000  
TOTAL APPROPRIATION . . ~~(\$1,451,000)~~  
\$1,442,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$300,000 of the multimodal account--state appropriation is provided solely for the department to hire a consultant to develop a plan for codevelopment and public-private partnership opportunities at public ferry terminals.

(2) The department shall conduct an analysis and, if determined to be feasible, initiate requests for proposals involving the distribution of alternative fuels along state department of transportation rights-of-way.

Sec. 218 2007 c 518 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Account--State Appropriation . . ~~(\$321,888,000)~~  
\$331,565,000  
Motor Vehicle Account--Federal Appropriation . . ~~(\$2,000,000)~~  
\$5,000,000  
Motor Vehicle Account--Private/Local Appropriation  
..... \$5,797,000  
TOTAL APPROPRIATION . . ~~(\$329,685,000)~~  
\$342,362,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) ~~(\$1,500,000)~~ \$5,000,000 of the motor vehicle account--federal appropriation is provided for unanticipated federal funds that may be received during the 2007-09 biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(5) Funding is provided for maintenance on the state system to deliver service level targets as listed in LEAP Transportation Document 2007-C, as developed April 20, 2007. In delivering the program and aiming for these targets, the department should concentrate on the following areas:

(a) Eliminating the number of activities delivered in the "f" level of service at the region level; and

(b) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs.

(8) The department shall prepare a comprehensive listing of maintenance backlogs and related costs and report to the office of financial management and the transportation committees of the legislature by December 31, 2008.

(9) \$79,266,000 of the motor vehicle account--state appropriation is for snow and ice related expenses, within which is a one-time increase of \$3,250,000 provided solely for extraordinary snow and ice removal expenses incurred during the winter of 2007-08.

**Sec. 219** 2007 c 518 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

Motor Vehicle Account--State Appropriation . . .	<del>(\$52,040,000)</del>
	<u>\$51,478,000</u>
Motor Vehicle Account--Federal Appropriation . . .	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation	\$127,000
TOTAL APPROPRIATION . . .	<del>(\$54,217,000)</del>
	<u>\$53,655,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$654,000 of the motor vehicle account--state appropriation is provided solely for the department to time state-owned and operated traffic signals. This funding may also be used to program incident, emergency, or special event signal timing plans.

(2) \$346,000 of the motor vehicle account--state appropriation is provided solely for the department to implement a pilot tow truck incentive program. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks.

(3) \$6,800,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By January 1, 2008, and January 1, 2009, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized

on a statewide rather than regional basis completed in the prior year.

(4) The department, in consultation with the Washington state patrol, may conduct a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways when workers are present.

(a) In order to ensure adequate time in the 2007-09 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the department must be authorized by December 31, 2007.

(b) The department shall use the following guidelines to administer the program:

(i) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(iii) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(iv) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(v) For purposes of the 2007-09 biennium pilot project, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account;

(vi) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use; and

(vii) By June 30, 2009, the department shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding the pilot project.

(5) The traffic signal operations along 164th Street SE at the intersections of Mill Creek Boulevard and SR 527 should be optimized to minimize vehicle delay on both corridors based on traffic volumes and not only on functional classification or designation.

**Sec. 220** 2007 c 518 s 221 (uncodified) is amended to read as follows:

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

**FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION MANAGEMENT AND SUPPORT--  
PROGRAM S**

Motor Vehicle Account--State Appropriation . . . . .	<del>((28,215,000))</del>
	\$27,392,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$30,000
Puget Sound Ferry Operations Account--State Appropriation . . . . .	\$1,321,000
Multimodal Transportation Account--State Appropriation . . . . .	\$1,223,000
TOTAL APPROPRIATION . . . . .	<del>((30,789,000))</del>
	\$29,966,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall work with staffs from the legislative evaluation and accountability program committee, the transportation committees of the legislature, and the office of financial management on developing a new capital budgeting system to meet identified information needs.

(2) \$250,000 of the multimodal account--state appropriation is provided solely for implementing a wounded combat veteran's internship program, administered by the department. The department shall seek federal funding to support the continuation of this program.

Sec. 221 2007 c 518 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION PLANNING, DATA, AND  
RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation . . . . .	<del>((30,698,000))</del>
	\$27,700,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$19,163,000
Multimodal Transportation Account--State Appropriation . . . . .	<del>((1,029,000))</del>
	\$1,941,000
Multimodal Transportation Account--Federal Appropriation . . . . .	\$2,809,000
Multimodal Transportation Account--Private/Local Appropriation . . . . .	\$100,000
TOTAL APPROPRIATION . . . . .	<del>((53,799,000))</del>
	\$51,713,000

The appropriations in this section are subject to the following conditions and limitations:

~~(1) ((3,900,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds, including those expended since 2003, are provided as a loan to the RTID and shall be repaid to the state within one year following formation of the RTID. \$2,391,000 of the amount provided under this subsection shall lapse, effective January 1, 2008, if voters fail to approve formation of the RTID at the 2007 general election, as determined by the certification of the election results.)) \$1,559,000 of the motor vehicle account--state appropriation is provided solely for costs incurred for the 2007 regional transportation investment district election.~~

(2) ~~((300,000))~~ \$1,080,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community-based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b)

employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

(3) \$320,000 of the motor vehicle account--state appropriation and \$128,000 of the motor vehicle account--federal appropriation are provided solely for development of a freight database to help guide freight investment decisions and track project effectiveness. The database will be based on truck movement tracked through geographic information system technology. TransNow will contribute an additional \$192,000 in federal funds which are not appropriated in the transportation budget. The department shall work with the freight mobility strategic investment board to implement this project.

(4) By December 1, 2008, the department shall require confirmation from jurisdictions that plan under the growth management act, chapter 36.70A RCW, and that receive state transportation funding under this act, that the jurisdictions have adopted standards for access permitting on state highways that meet or exceed department standards in accordance with RCW 47.50.030. The objective of this subsection is to encourage local governments, through the receipt of state transportation funding, to adhere to best practices in access control applicable to development activity significantly impacting state transportation facilities. By January 1, 2009, the department shall submit a report to the appropriate committees of the legislature detailing the progress of the local jurisdictions in adopting the highway access permitting standards.

(5) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

(6) The department shall add a position within the freight systems division to provide expertise regarding the trucking aspects of the state's freight system.

(7) The department shall evaluate the feasibility of developing a freight corridor bypass from Everett to Gold Bar on US 2, including a connection to SR 522. US 2 is an important freight corridor, and is an alternative route for I-90. Congestion, safety issues, and flooding concerns have all contributed to the need for major improvements to the corridor. The evaluation shall consider the use of toll lanes for the project. The department must report to the transportation committees of the legislature by December 1, 2007, on its analysis and recommendations regarding the benefit of a freight corridor and the potential use of freight toll lanes to improve safety and congestion in the corridor.

(8) The department shall work with the department of ecology, the county road administration board, and the transportation improvement board to develop model procedures and municipal and state rules in regard to maximizing the use of recycled asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2008, with recommendations on increasing the use of recycled asphalt at the state and local level.

(9) \$140,000 of the multimodal transportation account--state appropriation is provided solely for a full-time employee to develop vehicle miles traveled and other greenhouse gas emissions benchmarks.

(10) \$80,000 of the motor vehicle account--state appropriation is provided solely to study the feasibility of a new interchange on interstate 5 between the city of Rochester and harrison avenue.

Sec. 222 2007 c 518 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
CHARGES FROM OTHER AGENCIES--PROGRAM U**

Motor Vehicle Account--State Appropriation . . . . .	<del>((66,342,000))</del>
	\$66,428,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$400,000

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

Multimodal Transportation Account--State	
Appropriation .....	\$259,000
TOTAL APPROPRIATION . . . . .	<del>(\$67,001,000)</del>
	<u>\$67,087,000</u>

Multimodal Transportation Account--State	
Appropriation .....	<del>(\$85,202,000)</del>
	<u>\$85,606,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,665,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

DIVISION OF RISK MANAGEMENT FEES . . . . \$1,520,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE

AUDITOR .....

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL

ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED

MAIL SERVICES .....

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF

PERSONNEL .....

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION .....

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL

ADMINISTRATION CAPITAL PROJECTS SURCHARGE .....

(g) FOR ARCHIVES AND RECORDS MANAGEMENT .....

(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS

ENTERPRISES .....

(i) FOR USE OF FINANCIAL SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT .....

(j) FOR POLICY ASSISTANCE FROM THE DEPARTMENT

OF INFORMATION SERVICES .....

(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY

GENERAL'S OFFICE .....

(l) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY

GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT

LITIGATION .....

(m) FOR DEPARTMENT OF PERSONNEL ONLINE RECRUITING .....

Sec. 223 2007 c 518 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

Regional Mobility Grant Program Account--State	
Appropriation .....	\$40,000,000

Multimodal Transportation Account--Federal

Appropriation .....

Multimodal Transportation Account--Private/Local

Appropriation .....

TOTAL APPROPRIATION .....

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2005 as reported in the "Summary of Public Transportation - 2005" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2005 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$8,600,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$40,000,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-B as developed April 20, 2007. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed April 20, 2007. The department shall provide annual status reports on December 15, 2007, and December 15, 2008, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants.

(5) \$17,168,087 of the multimodal transportation account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, regional mobility grant program projects as developed March 8, 2006. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed April 20, 2007, or the LEAP Transportation Document 2006-D as developed March 8, 2006.

(6) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to study and then develop pilot programs aimed at addressing commute trip reduction strategies for K-12 students and for college and university students. The department shall submit to the legislature by January 1, 2009, a summary of the program results and recommendations for future student commute trip reduction strategies. The pilot programs are described as follows:

(a) The department shall consider approaches, including mobility education, to reducing and removing traffic congestion in front of schools by changing travel behavior for elementary, middle, and high school students and their parents; and

(b) The department shall design a program that includes student employment options as part of the pilot program applicable to college and university students.

(7) \$2,400,000 of the multimodal account--state appropriation is provided solely for establishing growth and transportation efficiency centers (GTEC). Funds are appropriated for one time only. The department shall provide in its annual report to the legislature an evaluation of the GTEC concept and recommendations on future funding levels.

(8) \$381,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1694 (reauthorizing the agency council on coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) ~~(\$136,000)~~ \$504,000 of the multimodal transportation account--private/local appropriation is provided solely for the implementation of Senate Bill No. 5084 (updating rail transit safety plans). If Senate Bill No. 5084 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$60,000 of the multimodal transportation account--state appropriation is provided solely for low-income car ownership programs. The department shall collaborate with interested regional transportation planning organizations and metropolitan planning organizations to determine the effectiveness of the programs at providing transportation solutions for low-income persons who depend upon cars to travel to their places of employment.

(11) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for additional funding for the trip reduction performance program, including telework enhancement projects. Funds are appropriated for one time only.

(12) ~~(\$2,000,000)~~ \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(13) \$150,000 of the multimodal transportation account--state appropriation is provided solely as a grant for a telework pilot project to be developed, administered, and monitored by the Kitsap regional coordinating council. Funds are appropriated for one time only. The primary purposes of the pilot project are to educate employers about telecommuting, develop telework policies and resources for employers, and reduce traffic congestion by encouraging teleworking in the workplace. As part of the pilot project, the council shall recruit public and private sector employer participants throughout the county, identify telework sites, develop an employer's toolkit consisting of teleworking resources, and create a telecommuting template that may be applied in other communities. The council shall submit to the legislature by July 1, 2009, a summary of the program results and any recommendations for future telework strategies.

Sec. 224 2007 c 518 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State	
Appropriation .....	<del>(\$412,189,000)</del>
	\$425,009,000
Multimodal Transportation Account--State	
Appropriation .....	<del>(\$1,830,000)</del>
	\$1,914,000
<b>TOTAL APPROPRIATION</b>	<del><b>(\$414,019,000)</b></del>
	<b>\$426,923,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$79,191,000)~~ \$90,299,000 of the Puget Sound ferry operations--state appropriation is provided solely for auto ferry vessel operating fuel in the 2007-2009 biennium.

(2) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semiannual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(3) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(4) ~~(\$1,830,000)~~ \$1,914,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle through June 30, 2008. Ferry system management shall continue to implement its agreement with the inlandboatmen's union of the pacific and the international organization of masters, mates and pilots providing for part-time passenger-only work schedules.

(5) \$932,000 of the Puget Sound ferries operations account--state appropriation is provided solely for compliance with department of ecology rules regarding the transfer of oil on or near state waters. Funding for compliance with on-board fueling rules is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with an alternative compliance plan filed with the department of ecology, as allowed by rule.

(6) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(7) \$378,000 of the Puget Sound ferry operations account--state appropriation is provided solely to meet the United States coast guard requirements for appropriate rest hours between shifts for vessel crews on the Bainbridge to Seattle and Edmonds to Kingston ferry routes.

(8) \$694,000 of the Puget Sound ferries operating account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2358 as follows:

(a) The department shall allow the joint transportation committee work group established in section 205(1) of this act to participate in the following elements as they are described in Engrossed Substitute House Bill No. 2358:

(i) Development and implementation of a survey of ferry customers;

(ii) Analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration shall be given to whether boat wait is the appropriate measure. The level of service standard shall be reestablished in conjunction with or after the survey has been implemented;

(iii) Development of pricing policy proposals. In developing these policies, the policies, in effect on some routes, of collecting fares in only one direction shall be evaluated to determine whether one-way fare pricing best serves the ferry system. The pricing policy proposals must be developed in conjunction with or after the survey has been implemented;

(iv) Development of operational strategies. The operational strategies shall be reestablished in conjunction with the survey or after the survey has been implemented;

(v) Development of terminal design standards. The terminal design standards shall be finalized after the provisions of subsections (a)(i) through (iv) and subsection (b) of this section have been developed and reviewed by the joint transportation committee; and

(vi) Development of a capital plan. The capital plan shall be finalized after terminal design standards have been developed by the department and reviewed by the joint transportation committee.

(b) The department shall develop a ridership demand forecast that shall be used in the development of a long-range capital plan. If more than one forecast is developed they must be reconciled.

(c) The department shall update the life cycle cost model to meet the requirements of Engrossed Substitute House Bill No. 2358 no later than August 1, 2007.

(d) The department shall develop a cost allocation methodology proposal to meet the requirements described in Engrossed Substitute House Bill No. 2358. The proposal shall be completed and presented to the joint transportation committee no later than August 1, 2007.

(9) \$200,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the initial acquisition of transportation worker identification credentials required by the United States department of homeland security for unescorted access to secure areas of ferries and terminals.

(10) The legislature finds that a rigorous incident investigation process is an essential component of marine safety. The department is directed to review its accident and incident investigation procedures and report the results of its review with any proposals for changes to the legislature by November 1, 2008.

Sec. 225 2007 c 518 s 226 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

Multimodal Transportation Account--State  
Appropriation . . . . . ((~~\$37,034,000~~))  
\$37,012,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall publish a final long-range plan for Amtrak Cascades by September 30, 2007. By December 31, 2008, the department shall submit to the office of financial management and the transportation committees of the legislature a midrange plan for Amtrak Cascades that identifies specific steps the department would propose to achieve additional service beyond current levels.

(2)(a) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.

(c) When Amtrak Cascades expands the second roundtrip between Vancouver, B.C. and Seattle, the department shall negotiate for the second roundtrip to leave Bellingham southbound no later than 8:30 a.m.

(3) No Amtrak Cascade runs may be eliminated.

(4) \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

(5) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

Sec. 226 2007 c 518 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING**

Motor Vehicle Account--State Appropriation . . . ((~~\$8,630,000~~))  
\$8,745,000  
Motor Vehicle Account--Federal Appropriation . . . \$2,567,000  
TOTAL APPROPRIATION . . . ((~~\$11,197,000~~))  
\$11,312,000

The appropriations in this section are subject to the following conditions and limitations: The department of transportation shall provide up to \$3,450,000 in toll credits to Kitsap transit for passenger-only ferry service. The number of toll credits provided to Kitsap transit must be equal to, but no more than, a number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but shall not exceed the amount authorized under this section. The department may not allocate, grant, or utilize any state or state appropriated or managed federal funds as match to the federal grant funding on projects to which these toll credits are applied.

**TRANSPORTATION AGENCIES--CAPITAL**

Sec. 301 2007 c 518 s 301 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account--State Appropriation  
..... ((~~\$2,934,000~~))  
\$4,234,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,200,000 is provided solely for the following minor works projects: \$195,000 for HVAC renovation at the Chehalis, Kelso, Okanogan, and Ellensburg detachments; \$50,000 for roof replacements at the Toppenish, SeaTac NB, SeaTac SB, and Plymouth weigh stations; \$35,000 for replacement of the Shelton academy roof drain and downspout; \$100,000 for parking lot repairs at Okanogan, Goldendale, Ritzville, and

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

Moses Lake detachment offices and the Wenatchee 6 headquarters; \$290,000 for replacement of the weigh station scales at Brady and Arctic; \$152,000 for carpet replacement at the Ritzville, Moses Lake, Morton, Kelso, Chehalis, Walla Walla, Kennewick, South King, and Hoquiam detachment offices; \$185,000 for HVAC replacement at Tacoma and Marysville detachment offices; \$330,000 for repair and upgrade of the Bellevue tower; \$473,000 for replacement of twenty-one communication site underground fuel tanks; \$240,000 for replacement of communication site buildings at Lind, Scoggans Mountain, and Lewiston Ridge; and \$150,000 for unforeseen emergency repairs.

(2) \$687,000 is provided solely for design and construction of regional waste water treatment systems for the Shelton academy of the Washington state patrol.

(3) \$47,000 is provided solely for predesign of a single, consolidated aviation facility at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources (DNR), and the department of fish and wildlife, and the rotary operations of the DNR.

(4) \$1,300,000 of the state patrol highway account--state appropriation is provided solely for the acquisition of land adjacent to the Shelton training academy for anticipated expansion; however, the amount provided in this subsection is contingent on the Washington state patrol adding a surcharge to the rates charged to any other agency or entity that uses the academy in an amount sufficient to defray a share of the expansion costs that is proportionate to the relative volume of use of the academy by such agencies or entities. The surcharge imposed must be sufficient to recover the requisite portion of the academy expansion costs within ten years of the effective date of this subsection.

**Sec. 302** 2007 c 518 s 302 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation	\$64,000,000
Motor Vehicle Account--State Appropriation	.. (( <del>\$2,368,000</del> ))
	<u>\$2,370,000</u>
County Arterial Preservation Account--State	
Appropriation	..... (( <del>\$32,861,000</del> ))
	<u>\$32,641,000</u>
TOTAL APPROPRIATION	. (( <del>\$99,229,000</del> ))
	<u>\$99,011,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((~~\$2,069,000~~))~~ \$2,370,000 of the motor vehicle account--state appropriation may be used for county ~~(ferries. The board shall review the requests for county ferry funding in consideration with other projects funded from the board. If the board determines these projects are a priority over the projects in the rural arterial and county arterial preservation grant programs, then they may provide funding for these requests))~~ ferry projects as set forth in RCW 47.56.725(4).

(2) The appropriations contained in this section include funding to counties to assist them in efforts to recover from winter storm and flood damage, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall specifically identify any such selected projects and shall include information concerning them in its next annual report to the legislature.

**Sec. 303** 2007 c 518 s 303 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account--State	
Appropriation	..... (( <del>\$4,500,000</del> ))

Urban Arterial Trust Account--State Appropriation	<u>\$5,900,000</u>
.....	(( <del>\$129,600,000</del> ))
	<u>\$128,200,000</u>
Transportation Improvement Account--State	
Appropriation	..... (( <del>\$90,643,000</del> ))
	<u>\$87,143,000</u>
TOTAL APPROPRIATION	(( <del>\$224,743,000</del> ))
	<u>\$221,243,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394. If Substitute House Bill No. 2394 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 304** A new section is added to 2007 c 518 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION.** The nickel and transportation partnership revenue packages were created in 2003 and 2005 to finance transportation construction over a sixteen year period. Since the adoption of the 2003 and 2005 transportation project lists, significant cost increases have resulted from extraordinary inflation. At the same time, motor vehicle fuel prices have risen dramatically, and state and federal gas tax revenues dedicated to paying for these programs are forecasted to decrease over the sixteen year time period. Additional cost increases and eroding revenues will be difficult, if not impossible, to accommodate in the sixteen year financial plan.

As part of its budget submittal for the 2009-2011 biennium, the department of transportation shall prepare information regarding the nickel and transportation partnership funded projects for consideration by the office of financial management and the legislative transportation committees that:

- (1) Compares the original project cost estimates approved in the 2003 and 2005 project list to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed;
- (2) Identifies highway projects that may be reduced in scope and still achieve a functional benefit;
- (3) Identifies highway projects that have experienced scope increases and that can be reduced in scope;
- (4) Identifies highway projects that have lost significant local or regional contributions which were essential to completing the project; and
- (5) Identifies contingency amounts allocated to projects.

**Sec. 305** 2007 c 518 s 304 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation	.. (( <del>\$6,202,000</del> ))
	<u>\$7,157,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$584,000 of the motor vehicle account--state appropriation is for statewide administration.
- (2) ~~((~~\$750,000~~))~~ \$803,000 of the motor vehicle account--state appropriation is for regional minor projects.
- (3) \$568,000 of the motor vehicle account--state appropriation is for the Olympic region headquarters property payments.
- (4) By September 1, 2007, the department shall submit to the transportation committees of the legislature predesign plans,

FORTY-FIFTH DAY, FEBRUARY 27, 2008

developed using the office of financial management's predesign process, for all facility replacement projects to be proposed in the facilities 2008 budget proposal.

(5) \$1,600,000 of the motor vehicle account--state appropriation is for site acquisition for the Tri-cities area maintenance facility.

(6) \$2,700,000 of the motor vehicle account--state appropriation is for site acquisition for the Vancouver light industrial facility.

(7) The department shall work with the office of financial management and staff of the transportation committees of the legislature to develop a statewide inventory of all department-owned surplus property that is suitable for development for department facilities or that should be sold. By December 1, 2008, the department shall report to the joint transportation committee on the findings of this study.

(8) \$902,000 of the motor vehicle account--state appropriation is for reimbursing the miscellaneous transportation programs account for expenditures for the Olympic region headquarters complex that were incurred in the 2005-07 biennium.

Sec. 306 2007 c 518 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Transportation Partnership Account--State	
Appropriation . . . . .	<del>(\$1,226,516,000)</del>
	\$1,118,357,000
Motor Vehicle Account--State Appropriation . . . . .	<del>(\$82,045,000)</del>
	\$85,345,000
Motor Vehicle Account--Federal Appropriation <del>(\$404,090,000)</del>	\$458,332,000
Motor Vehicle Account--Private/Local	
Appropriation . . . . .	<del>(\$49,157,000)</del>
	\$64,487,000
Special Category C Account--State Appropriation	
. . . . .	<del>(\$29,968,000)</del>
	\$29,125,000
<u>Multimodal Transportation Account--Federal</u>	
<u>Appropriation . . . . .</u>	<u>\$86,100,000</u>
Tacoma Narrows Toll Bridge Account--State	
Appropriation . . . . .	<del>(\$142,484,000)</del>
	\$32,277,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation . . . . .	<del>(\$1,100,746,000)</del>
	\$1,147,530,000
<del>(Freight Congestion Relief Account--State</del>	
<del>Appropriation . . . . .)</del>	<del>\$40,000,000)</del>
<u>Freight Mobility Multimodal Account--State</u>	
<u>Appropriation . . . . .</u>	<u>\$208,000</u>
<u>TOTAL APPROPRIATION</u> <del>(\$3,075,006,000)</del>	<u>\$3,021,761,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~(2007-1)~~ 2008-1, Highway Improvement Program (I) as developed ~~(April 20, 2007)~~ February 25, 2008. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect

against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) Within the amounts provided in this section, ~~(\$1,991,000)~~ \$1,895,000 of the transportation partnership account--state appropriation, ~~(\$1,656,000)~~ \$2,147,000 of the motor vehicle account--federal appropriation, and ~~(\$8,343,000)~~ \$10,331,000 of the transportation 2003 account (nickel account)--state appropriation are for project 109040T as identified in the LEAP transportation document referenced in subsection (1) of this section: I-90/Two Way Transit-Transit and HOV Improvements - Stage 1. Expenditure of the funds on construction is contingent upon revising the access plan for Mercer Island traffic such that Mercer Island traffic will have access to the outer roadway high occupancy vehicle (HOV) lanes during the period of operation of such lanes following the removal of Mercer Island traffic from the center roadway and prior to conversion of the outer roadway HOV lanes to high occupancy toll (HOT) lanes. Sound transit may only have access to the center lanes when alternative R8A is complete.

(4) The Tacoma Narrows toll bridge account--state appropriation includes up to ~~(\$131,016,000)~~ \$18,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(5) The funding described in this section includes ~~(\$8,095,541)~~ \$36,693,000 of the transportation 2003 account (nickel account)--state appropriation and ~~(\$237,241 of the motor vehicle account--private/local)~~ \$208,000 of the freight mobility multimodal account--state appropriation, which are for the SR 519 project identified as project number 851902A in the LEAP Transportation Document referenced in subsection (1) of this section. The total project is expected to cost no more than \$74,400,000 including ~~(\$11,950,000)~~ \$10,402,000 in contributions from project partners.

(6) To promote and support community-specific noise reduction solutions, the department shall:

(a) Prepare a draft directive that establishes how each community's priorities and concerns may be identified and addressed in order to allow consideration of a community's preferred methods of advanced visual shielding and aesthetic screening, for the purpose of improving the noise environment of major state roadway projects in locations that do not meet the criteria for standard noise barriers. The intent is for these provisions to be supportable by existing project budgets. The directive shall also include direction on the coordination and selection of visual and aesthetic options with local communities. The draft directive shall be provided to the standing transportation committees of the legislature by January 2008; and

(b) Pilot the draft directive established in (a) of this subsection in two locations along major state roadways. If practicable, the department should begin work on the pilot projects while the directive is being developed. One pilot project shall be located in Clark county on a significant capacity improvement project. The second pilot project shall be located in urban King county, which shall be on a corridor highway project through mixed land use areas that is nearing or under construction. The department shall provide a written report to the standing transportation committees of the legislature on the findings of the Clark county pilot project by January 2009, and the King county pilot project by January 2010. Based on results of the pilot projects, the department shall update its design manual, environmental procedures, or other appropriate documents to incorporate the directive.

~~((8))~~ (7) If the "Green Highway" provisions of Engrossed Second Substitute House Bill No. 1303 (cleaner energy) are enacted, the department shall erect signs on the interstate

FORTY-FIFTH DAY, FEBRUARY 27, 2008

highways included in those provisions noting that these interstates have been designated "Washington Green Highways."

~~((9))~~ (8) If on the I-405/I-90 to SE 8th Street Widening project the department finds that there is an alternative investment to preserve reliable rail accessibility to major manufacturing sites within the I-405 corridor that are less expensive than replacing the Wilburton Tunnel, the department may enter into the necessary agreements to implement that alternative provided that costs remain within the approved project budget.

~~((10))~~ (9) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

~~((11))~~ (10) \$250,000 of the motor vehicle account--state appropriation ~~((is))~~ and \$213,000 of the motor vehicle account--federal appropriation are provided solely for an inland pacific hub study to develop an inland corridor for the movement of freight and goods to and through eastern Washington; and \$500,000 of the motor vehicle account--state appropriation is provided solely for the SR3/SR16 corridor study to plan and prioritize state and local improvements needed over the next 10-20 years to support safety, capacity development, and economic development within the corridor.

~~((12))~~ (11) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

~~((13))~~ (12) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the SR 520 bridge replacement and HOV project. The federal funds described in this subsection shall not include those federal transit administration funds distributed by formula.

~~((14))~~ (13) Funding provided by this act for the Alaskan Way Viaduct project shall not be spent for preliminary engineering, design, right-of-way acquisition, or construction on the project if completion of the project would more likely than not reduce the capacity of the facility. Capacity shall be measured by including the consideration of the efficient movement of people and goods on the facility.

~~((15))~~ (14) The governor shall convene a collaborative process involving key leaders to determine the final project design for the Alaskan Way Viaduct.

(a) The process shall be guided by the following common principles: Public safety must be maintained; the final project shall meet both capacity and mobility needs; and taxpayer dollars must be spent responsibly.

(b) The state's project expenditures shall not exceed \$2,800,000,000.

(c) A final design decision shall be made by December 31, 2008.

~~((16))~~ (15) During the 2007-09 biennium, the department shall proceed with a series of projects on the Alaskan Way

2008 REGULAR SESSION

Viaduct that are common to any design alternative. Those projects include relocation of two electrical transmission lines, Battery Street tunnel upgrades, seismic upgrades from Lenora to the Battery Street tunnel, viaduct removal from Holgate to King Street, and development of transit enhancements and other improvements to mitigate congestion during construction. However, the department shall not be responsible for funding any cost increases on any early action projects for which it is not the lead agency, and funds shall not be expended by the department on the early action item project six - transit enhancements and other capital improvements until the following conditions have been met:

(a) The city of Seattle signs an agreement with the department waiving construction permit fees and lost parking meter revenue that will likely occur during construction of the Alaskan Way viaduct replacement projects; and

(b) The city of Seattle and the department determine the appropriate cost allocation for public utilities removal and replacement on the Alaskan Way viaduct replacement project, and report to the joint transportation committee by September 30, 2008, on a proposed cost sharing allocation.

~~((18))~~ The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

~~((19))~~ (16) The transportation 2003 account (nickel account)--state appropriation includes up to ~~((8874,610,000))~~ \$817,264,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

~~((20))~~ (17) The transportation partnership account--state appropriation includes up to ~~((900,000,000))~~ \$722,170,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

~~((21))~~ (18) The special category C account--state appropriation includes up to ~~((22,080,000))~~ \$22,517,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394. If Substitute House Bill No. 2394 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((22))~~ (19) \$4,500,000 of the motor vehicle account--federal appropriation is provided solely for cost increases on the SR 304/Bremerton tunnel project.

~~((23))~~ ~~((3,000,000))~~ (20) \$2,071,000 of the motor vehicle account-- ~~((state))~~ federal appropriation is provided solely for initial design and right of way work on a new southbound SR 509 to eastbound SR 518 freeway-to-freeway elevated ramp.

~~((24))~~ (21) \$500,000 of the motor vehicle account--federal appropriation to the SR 543/I-5 to Canadian border project is provided solely for retaining wall fascia improvements.

~~((25))~~ ~~((1,400,000))~~ (22) \$950,000 of the motor vehicle account--federal appropriation ~~((is))~~ and \$24,000 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall.

~~((26))~~ (23) \$1,600,000 of the motor vehicle account-- ~~((federal))~~ state appropriation is provided solely for two noise walls on SR 161 in King county.

~~((27))~~ (24) ~~((900,000))~~ \$20,000 of the motor vehicle account--state appropriation and ~~((100,000))~~ \$280,000 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A street and tank farm road.

(25) The funding described in this section includes \$19,939,000 of the transportation partnership account--state appropriation, \$29,000 of the motor vehicle account--state appropriation, \$308,000 of the motor vehicle account--private/local appropriation, and \$17,900,000 of the motor vehicle account--federal appropriation for the I-5/Columbia

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

river crossing/Vancouver project. The funding described in this subsection includes up to \$15,000,000 awarded to Washington and Oregon jointly through the U.S. department of transportation corridors of the future program in the 2007 federal highway authority discretionary fund allocations.

(26) The department shall study any outstanding issues, including financial issues that may apply to the I-5/Columbia river crossing/Vancouver project. The department's efforts must include an analysis of current bi-state efforts in planning, coordination, and funding for the project; opportunities for the joining of state and local government agencies and the private sector in a strong partnership that contributes to the completion of the project; and opportunities to work with the congressional delegations of Oregon and Washington to provide federal funding and other assistance that will advance this project of national and regional significance.

(27) \$1,500,000 of the motor vehicle account--federal appropriation and \$4,908,000 of the transportation partnership account--state appropriation are provided solely for project 109040Q as identified in the LEAP transportation document in subsection (1) of this section: I-90/Two-Way Transit-Transit and HOV Improvements, Stages 2 and 3. Of these amounts, up to \$550,000 of the transportation partnership account--state appropriation is to provide funding for an independent technical review, overseen by the joint transportation committee, of light rail impacts on the Interstate 90 - Homer Hadley Floating Bridge. The technical review shall complement sound transit's current and planned engineering design work to expand light rail in the central Puget Sound region. The department shall coordinate its work with sound transit and seek contributions from sound transit for the review.

(28) \$700,000 of the motor vehicle account--state appropriation is provided solely for a westbound passing lane west of Sultan on US Highway 2. Additional project funding of \$4,300,000 is assumed in the 2009-2011 biennium, bringing the total project funding to \$5,000,000. This high priority safety project will provide a safe passing lane, reducing head-on and crossover collisions as well as improving safety and mobility.

(29) An additional \$500,000 of the transportation partnership account--state appropriation is provided solely for SR 302/Elgin Clifton road to SR 16 (330216A).

(30) An additional \$1,000,000 of the motor vehicle account--state appropriation is provided solely for the SR 28/ E End of the George Sellar bridge (202802V).

Sec. 307 2007 c 518 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
PRESERVATION--PROGRAM P**

Transportation Partnership Account--State Appropriation .....	(\$220,164,000)
	\$181,666,000
Motor Vehicle Account--State Appropriation .	(\$71,392,000)
	\$86,540,000
Motor Vehicle Account--Federal Appropriation	(\$425,161,000)
	\$463,338,000
Motor Vehicle Account--Private/Local Appropriation .....	(\$15,285,000)
	\$18,138,000
Transportation 2003 Account (Nickel Account)--State Appropriation .....	(\$5,122,000)
	\$11,136,000
Puyallup Tribal Settlement Account--State Appropriation .....	(\$11,000,000)
	\$12,500,000
<b>TOTAL APPROPRIATION</b>	<b>(\$748,124,000)</b>
	<b>\$773,318,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2007+) 2008-1, Highway Preservation Program (P) as developed ((April 20, 2007) February 25, 2008. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) ((295,000)) \$287,000 of the motor vehicle account--federal appropriation and ((5,000)) \$11,000 of the motor vehicle account--state appropriation are provided solely for the department to determine the most cost efficient way to replace the current Keller ferry. Options reviewed shall not include an expansion of the current capacity of the Keller ferry.

(3) ((5,513,000)) \$5,308,000 of the transportation partnership account--state appropriation is provided solely for the purposes of settling all identified and potential claims from the Lower Elwha Klallam Tribe related to the construction of a graving dock facility on the graving dock property. In the matter of *Lower Elwha Klallam Tribe et al v. State et al*, Thurston county superior court, cause no. 05-2-01595-8, the Lower Elwha Klallam Tribe and the state of Washington entered into a settlement agreement that settles all claims related to graving dock property and associated construction and releases the state from all claims related to the construction of the graving dock facilities. The expenditure of this appropriation is contingent on the conditions and limitations set forth in subsections (a) and (b) of this subsection.

(a) \$2,000,000 of the transportation partnership account--state appropriation is provided solely for the benefit of the Lower Elwha Klallam Tribe to be disbursed by the department in accordance with terms and conditions of the settlement agreement.

(b) ((3,513,000)) \$3,308,000 of the transportation partnership account--state appropriation is provided solely for the department's remediation work on the graving dock property in accordance with the terms and conditions of the settlement agreement.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(5) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(6) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(7) ((2,604,501)) \$13,257,000 of the motor vehicle account--federal appropriation and ((3,000,000)) \$5,000,000 of

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

the motor vehicle account--state appropriation are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events.

(8) ~~(\$9,665)~~ \$188,000 of the motor vehicle account--state appropriation, ~~(\$12,652,812)~~ \$28,749,000 of the motor vehicle account--federal appropriation, and ~~(\$138,174,581)~~ \$105,653,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(9) \$12,500,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. If the city agrees to accept ownership of the bridge, the department may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and related mitigation. In no event shall the department's participation exceed \$27,451,000. No funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provides that the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

Sec. 308 2007 c 518 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

Motor Vehicle Account--State Appropriation . . . . .	<del>(\$9,212,000)</del>
	\$9,462,000
Motor Vehicle Account--Federal Appropriation . . . . .	\$15,951,000
Motor Vehicle Account--Private/Local Appropriation . . . . .	\$74,000
TOTAL APPROPRIATION . . . . .	<del>(\$25,237,000)</del>
	\$25,487,000

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes ~~(\$8,833,000)~~ \$8,959,335 provided solely for state matching funds for federally selected competitive grant or congressional earmark projects. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 309 2007 c 518 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State Appropriation . . . . .	<del>(\$139,139,000)</del>
	\$143,155,000
Puget Sound Capital Construction Account--Federal Appropriation . . . . .	<del>(\$66,145,000)</del>
	\$43,979,000
<u>Puget Sound Capital Construction Account--Private/Local Appropriation . . . . .</u>	<u>\$2,089,000</u>
Multimodal Transportation Account--State Appropriation . . . . .	\$4,100,000
Transportation 2003 Account (Nickel Account)--State Appropriation . . . . .	<del>(\$76,525,000)</del>
	\$51,431,000
TOTAL APPROPRIATION <del>(\$285,909,000)</del>	<u>\$244,754,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$6,432,000)~~ \$36,500,000 of the Puget Sound capital construction account--state appropriation is provided solely for ~~(emergency capital costs)~~ project 944470A as identified in the LEAP Transportation Document 2008-1, Ferries Construction

Program (W) as developed February 25, 2008, for the construction of three marine vessels to replace the steel electric auto ferry vessels. The document includes a total of \$84,500,000 for these replacement vessels.

(2) ~~(\$16,567,000)~~ \$22,922,823 of the Puget Sound capital construction account--state appropriation ~~(and)~~, \$4,100,000 of the multimodal transportation account--state appropriation, \$5,410,000 of the transportation 2003 account (nickel account)--state appropriation, \$4,490,000 of the Puget Sound capital construction account--federal appropriation, and \$2,089,000 of the Puget Sound capital construction account--private/local appropriation are provided solely for the terminal projects listed:

(a) Anacortes ferry terminal - utilities work; right-of-way purchase for a holding area during construction; and completion of design and permitting on the terminal building, pick-up and drop-off sites, ~~(and)~~ pedestrian and bicycle facilities, and paving;

(b) Bainbridge Island ferry terminal - environmental planning and a traffic signalization project in the vicinity of SR 305 Harborview drive;

(c) Bremerton ferry terminal - overhead loading control system and moving the terminal agent's office;

(d) Clinton ferry terminal - septic system replacement;

(e) Edmonds ferry terminal - right-of-way acquisition costs ~~(and)~~, federal match requirements, and removal of Unocal Pier;

(f) Friday Harbor ferry terminal - parking resurfacing;

(g) Keystone and Port Townsend ferry terminals - route environmental planning;

(h) Kingston ferry terminal - transfer span retrofit and overhead vehicle holding control system modifications;

(i) Mukilteo ferry terminal - right-of-way acquisition, archaeological studies, ~~(and)~~ environmental planning, and additional vehicle holding;

(j) Orcas ferry terminal - dolphin replacement;

(k) Port Townsend ferry terminal - wingwall replacement, interim holding, tie-up slip, and initial reservation system;

~~((k))~~ (l) Seattle ferry terminal - environmental planning, coordination with local jurisdictions, ~~(and)~~ coordination with highway projects, and contractor payment for automated re-entry gates; ~~(and)~~

~~((h))~~ (m) Southworth ferry terminal - federal grant to conduct preliminary studies and planning for a 2nd operating slip; and

(n) Vashon Island and Seattle ferry terminals - modify the passenger-only facilities.

~~((4))~~ ~~(\$76,525,000)~~ (3) \$46,020,666 of the transportation 2003 account (nickel account)--state appropriation and ~~(\$50,985,000)~~ \$3,750,000 of the Puget Sound capital construction account--~~(state)~~ federal appropriation are provided solely for the procurement of ~~((four))~~ up to three 144-vehicle auto-passenger ferry vessels.

~~((5))~~ (4) \$18,716,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor maintenance facility preservation project. These funds may not be used for relocating any warehouses not currently on the Eagle Harbor site.

~~((6))~~ (5) The department shall research an asset management system to improve Washington state ferries' management of capital assets and the department's ability to estimate future preservation needs. The department shall report its findings regarding a new asset management system to the governor and the transportation committees of the legislature no later than January 15, 2008.

~~((7))~~ (6) The department shall sell the M.V. Chinook and M.V. Snohomish passenger-only fast ferries as soon as practicable and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645. Once the department ceases to provide passenger-only ferry service, the department shall sell the M.V. Kalama and M.V. Skagit

FORTY-FIFTH DAY, FEBRUARY 27, 2008

passenger-only ferries and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645.

~~((8))~~ (7) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2007-09 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(8) The department of transportation is authorized to sell up to \$90,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

(9) The department shall review the costs and benefits of continued use of the primavera scheduling system in the Washington state ferries marine division and include that review with its 2009-2011 budget submittal.

(10) The department shall review staffing in its capital engineering divisions to ensure core competency in, and a focus on, terminal and vessel preservation, with staffing sufficient to implement the preservation program in the capital plan. The department shall not fill any current or future vacancies in the capital program until the completion of the capital plan.

(11) The department shall submit a plan for the disposal or sale of the four steel electric auto-ferry vessels to the joint transportation committee by July 1, 2008.

Sec. 310 2007 c 518 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State Appropriation	\$500,000
<del>(Freight Congestion Relief Account--State Appropriation)</del>	<del>(\$25,000,000)</del>
Transportation Infrastructure Account--State Appropriation	<del>(\$2,500,000)</del>
	\$1,713,000
Transportation Infrastructure Account--Federal Appropriation	\$787,000
Multimodal Transportation Account--State Appropriation	<del>(\$154,637,000)</del>
	\$165,492,000
Multimodal Transportation Account--Federal Appropriation	<del>(\$30,450,000)</del>
	\$33,906,000
Multimodal Transportation Account--Private/Local Appropriation	<del>(\$7,894,000)</del>
	\$2,659,000
TOTAL APPROPRIATION	<del>(\$220,981,000)</del>
	\$205,057,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in ~~(subsection (8) of)~~ this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2007-7) 2008-1, Rail Capital Program (Y) as developed ~~(April 20, 2007)~~ February 25, 2008. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b) Within the amounts provided in this section, ~~(\$2,500,000)~~ \$1,500,000 of the transportation infrastructure account--state appropriation ~~((s))~~ and \$787,000 of the transportation infrastructure account--federal appropriation are for low-interest loans for rail capital projects through the freight

rail investment bank program. The department shall issue a call for projects based upon the legislative priorities specified in subsection (7)(a) of this section. Application must be received by the department by ~~((November 1, 2007))~~ October 1, 2008. By ~~((December 1, 2007))~~ November 1, 2008, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature. The department shall award low-interest loans to the port of Moses Lake in the amount of \$213,000, and based upon the prioritized list of rail capital projects most recently submitted to the legislature pursuant to this subsection, as follows: Port of Benton County (\$250,000); Port of Everett (\$250,000); Central Terminals, LLC (\$250,000); Tacoma Rail--Maintenance Facility (\$250,000); NW Container Service (\$250,000); Port of Chehalis (\$250,000); Ballard Terminal Railroad (\$250,000); Eastern Washington Gateway Railroad (\$36,875); Spokane County (\$250,000); Tacoma Rail--Locomotive Idling (\$250,000).

(c) Within the amounts provided in this section, ~~(\$3,335,000)~~ \$2,561,000 of the multimodal transportation account--state appropriation is for statewide - emergent freight rail assistance projects. However, the department shall perform a cost/benefit analysis of the projects according to the legislative priorities specified in subsection (7)(a) of this section, and shall give priority to the following projects: Rail - Tacoma rail yard switching upgrades (\$500,000); Rail - Port of Ephrata spur rehabilitation (\$127,000); Rail - Lewis and Clark rail improvements (\$1,100,000); Rail - Port of Grays Harbor rail access improvements (\$543,000); and Rail - Port of Longview rail loop construction (\$291,000) ~~(and Rail - Port of Chehalis (\$774,000))~~. If the relative cost of any of the six projects identified in this subsection (1)(c) is not substantially less than the public benefits to be derived from the project, then the department shall not assign the funds to the project, and instead shall use those funds toward those projects identified by the department in the attachments to the "Washington State Department of Transportation FREIGHT RAIL ASSISTANCE FUNDING PROGRAM: 2007-2009 Prioritized Project List and Program Update" dated December 2006 for which the proportion of public benefits to be gained compared to the cost of the project is greatest.

~~(d) (Within the amounts provided in this section, \$25,000,000 of the freight congestion relief account--state appropriation is for modifications to the Stampede Pass rail tunnel to facilitate the movement of double stacked rail cars. The department shall quantify and report to the legislature by December 1, 2007, the volume of freight traffic that would likely be shipped by rail rather than trucks if the Stampede Pass rail tunnel were modified to accommodate double stacked rail cars.~~

~~(e))~~ Within the amounts provided in this section, ~~(\$200,000)~~ \$339,000 of the multimodal transportation account--state appropriation is for rescoping and completion of a programmatic EIS for the Kelso to Martin's Bluff - 3rd Mainline and Storage Tracks project. The rescoped project may include funds that are committed to the project by local or private funding partners. However, the rescoped project must be capable of being completed with not more than \$49,470,000 in future state funding, inclusive of inflation costs. Subject to this funding constraint, the rescoped project must maximize capacity improvements along the rail mainline.

~~((f))~~ (e) Within the amounts provided in this section, \$3,600,000 of the multimodal transportation account--state appropriation is for work items on the Palouse River and Coulee City Railroad lines.

(2) The multimodal transportation account--state appropriation includes up to ~~(\$137,620,000)~~ \$144,500,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

Program Y, including, but not limited to the "Tacoma -- bypass of Pt. Defiance" project.

(4) If new federal funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature and the office of financial management prior to spending the funds on existing or additional projects.

(5) The department shall sell any ancillary property, acquired when the state purchased the right-of-ways to the PCC rail line system, to a lessee of the ancillary property who is willing to pay fair market value for the property. The department shall deposit the proceeds from the sale of ancillary property into the transportation infrastructure account.

~~(6) ((The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.~~

(7)(a) The department shall develop and implement the benefit/impact evaluation methodology recommended in the statewide rail capacity and needs study finalized in December 2006. The benefit/impact evaluation methodology shall be developed using the following priorities, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

(b) The department shall convene a work group to collaborate on the development of the benefit/impact analysis method to be used in the evaluation. The work group must include, at a minimum, the freight mobility strategic investment board, the department of agriculture, and representatives from the various users and modes of the state's rail system.

(c) The department shall use the benefit/impact analysis and priorities in (a) of this subsection when submitting requests for state funding for rail projects. The department shall develop a standardized format for submitting requests for state funding for rail projects that includes an explanation of the analysis undertaken, and the conclusions derived from the analysis.

(d) The department and the freight mobility strategic investment board shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2008, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by this act for the department and as required by chapter 47.06A RCW for the board. When developing its list of proposed freight highway and rail projects, the freight mobility strategic investment board shall use the priorities identified in (a) of this subsection to the greatest extent possible.

~~((8) \$5,000,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely for the costs of acquisition of the PCC railroad associated with the memorandum of understanding (MOU), which was executed between Washington state and Watco. Total costs associated with the MOU shall not exceed \$10,937,000.))~~

(7) The department shall apply at the earliest possible date for grants, pursuant to the new competitive intercity rail grant

program announced by the federal railroad administration on February 19, 2008, for any projects that may qualify for such federal grants and are currently identified on the project list referenced in subsection (1)(a) of this section.

(8) Up to \$8,500,000 of any state funding designated on the project list referenced in subsection (1)(a) of this section for the "Vancouver-Rail Bypass and W 39th Street Bridge" project may be used to upgrade, to class 2 condition, track owned by Clark county between Vancouver and Battle Ground.

Sec. 311 2007 c 518 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
LOCAL PROGRAMS--PROGRAM Z-- CAPITAL**

Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal	
Appropriation	\$1,602,000
Freight Mobility Investment Account--State	
Appropriation	<del>(\$12,500,000)</del>
	\$12,378,000
<del>((Freight Congestion Relief Account--State</del>	
<del>    Appropriation</del>	<del>\$46,720,000)</del>
Transportation Partnership Account--State	
Appropriation	<del>(\$2,906,000)</del>
	\$3,906,000
Motor Vehicle Account--State Appropriation	<del>(\$9,854,000)</del>
	\$12,273,000
Motor Vehicle Account--Federal Appropriation	<del>(\$60,150,000)</del>
	\$62,222,000
Freight Mobility Multimodal Account--State	
Appropriation	<del>(\$12,100,000)</del>
	\$12,750,000
<u>Freight Mobility Multimodal Account--</u>	
<u>    Private/Local Appropriation</u>	<u>\$3,755,000</u>
Multimodal Transportation Account--Federal	
Appropriation	<del>(\$3,500,000)</del>
	\$4,180,000
Multimodal Transportation Account--State	
Appropriation	<del>(\$33,158,000)</del>
	\$32,134,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	<del>(\$2,706,000)</del>
	\$2,721,000
Passenger Ferry Account--State Appropriation	\$8,500,000
<b>TOTAL APPROPRIATION</b>	<del>(\$193,903,000)</del>
	\$156,628,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) \$8,500,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

(3) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

(5) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2007, and December 1, 2008.

(6) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account--state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(7) ~~(\$7,000,000)~~ \$11,591,224 of the multimodal transportation account--state appropriation, ~~(\$7,000,000)~~ \$8,640,239 of the motor vehicle account--federal appropriation, and \$4,000,000 of the motor vehicle account--federal appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed April 20, 2007. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(8) Up to a maximum of \$5,000,000 of the multimodal transportation account--state appropriation and up to a maximum of \$2,000,000 of the motor vehicle account--federal appropriation are reappropriated for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP transportation document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(9) ~~(The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.~~

~~(10))~~ \$3,500,000 of the multimodal transportation account--federal appropriation is provided solely for the Museum of Flight pedestrian bridge safety project.

~~((11))~~ (10) \$250,000 of the multimodal transportation account--state appropriation is provided solely for the icicle rail station in Leavenworth.

~~((12))~~ (11) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for the Union Gap city road project.

~~((13) \$350,000)~~ (12) \$250,000 of the motor vehicle account--state appropriation is provided solely for the Saltwater state park bridge project and off-site traffic control costs.

~~((14))~~ (13) \$1,000,000 of the motor vehicle account--state appropriation ~~((is))~~ and \$4,688,000 of the motor vehicle account--federal appropriation are provided solely for the coal creek parkway project.

~~((15))~~ (14) \$250,000 of the multimodal transportation account--state appropriation is provided solely for a streetcar feasibility study in downtown Spokane.

~~((16))~~ (15) \$500,000 of the motor vehicle account--~~(state))~~ federal appropriation is provided solely for ~~((the))~~ slide repairs completed during 2007 and 2008 at or in the vicinity of marine view drive bridge ~~(project))~~ on Marine View Drive and on Des Moines Memorial Drive in Des Moines.

(16) \$1,100,000 of the motor vehicle account--state appropriation is provided solely for local road improvements that connect to the SR I-82 valley mall boulevard project (5082010). Planned funding of an additional \$2,000,000 shall be made available to this project in the 2009-11 biennium.

(17) \$2,400,000 of the motor vehicle account--state appropriation is provided solely for completion of the riverside avenue extension project in the city of Spokane.

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 401** 2007 c 518 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation	(( <del>\$570,030,000</del> ))
	\$530,160,000
Ferry Bond Retirement Account Appropriation	(( <del>\$38,059,000</del> ))
	\$37,380,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	(( <del>\$27,749,000</del> ))
	\$26,462,000
Nondebt-Limit Reimbursable Account Appropriation	(( <del>\$19,359,000</del> ))
	\$11,194,000
Transportation Partnership Account--State Appropriation	(( <del>\$6,694,000</del> ))
	\$4,838,000
Motor Vehicle Account--State Appropriation	(( <del>\$986,000</del> ))
	\$1,011,000
Transportation Improvement Account--State Appropriation	(( <del>\$68,000</del> ))
	\$59,000
Multimodal Transportation Account--State Appropriation	(( <del>\$1,032,000</del> ))
	\$1,373,000
Transportation 2003 Account (Nickel Account)--State Appropriation	(( <del>\$6,560,000</del> ))
	\$5,468,000
Urban Arterial Trust Account--State Appropriation	(( <del>\$473,000</del> ))
	\$113,000
Special Category C Account Appropriation	(( <del>\$160,000</del> ))
	\$233,000

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

TOTAL APPROPRIATION ~~((671,170,000))~~  
\$618,291,000

**FOR THE STATE TREASURER--TRANSFERS**

**Sec. 402** 2007 c 518 s 402 (uncodified) is amended to read as follows:

Motor Vehicle Account--State  
Appropriation: For motor vehicle fuel tax  
refunds and statutory transfers ~~..... ((937,181,000))~~  
\$918,908,000

**Sec. 406** 2007 c 518 s 406 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

**FOR THE DEPARTMENT OF LICENSING--TRANSFERS**

Transportation Partnership Account--State  
Appropriation ~~..... ((2,254,000))~~  
\$315,000  
Motor Vehicle Account--State Appropriation ~~.... ((329,000))~~  
\$60,000  
Transportation Improvement Account--State Appropriation  
~~..... ((5,000))~~  
\$3,000  
Multimodal Transportation Account--State Appropriation  
~~..... ((130,000))~~  
\$72,000  
Transportation 2003 Account (Nickel Account)--State  
Appropriation ~~..... ((2,187,000))~~  
\$357,000  
Urban Arterial Trust Account--State Appropriation ~~.. ((38,000))~~  
\$7,000  
Special Category C Account--State Appropriation ~~.. ((53,000))~~  
\$13,000  
TOTAL APPROPRIATION ~~.. ((4,996,000))~~  
\$827,000

Motor Vehicle Account--State  
Appropriation: For ~~((motor vehicle fuel tax refunds and transfers))~~ statutory license, permit, and fee distributions to other accounts ~~..... ((346,657,000))~~  
\$333,207,000

**Sec. 407** 2007 c 518 s 407 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

**Sec. 403** 2007 c 518 s 403 (uncodified) is amended to read as follows:

(1) Recreational Vehicle Account--State  
Appropriation: For transfer to the Motor Vehicle Account--State ~~..... ((3,005,000))~~  
\$4,505,000

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

(2) License Plate Technology Account--State  
Appropriation: For the Multimodal Transportation Account--State ~~..... ((3,500,000))~~  
\$4,500,000

(1) Motor Vehicle Account--State Reappropriation:  
For transfer to the Tacoma Narrows Toll Bridge Account ~~..... ((131,016,000))~~  
\$18,000,000

(3) Motor Vehicle Account--State Appropriation:  
For transfer to the High-Occupancy Toll Lanes Operations--State Account ~~..... ((3,000,000))~~  
\$3,000,000

~~((The department of transportation is authorized to sell up to \$131,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.))~~

(4) Motor Vehicle Account--State Appropriation:  
For transfer to the Puget Sound Capital Construction Account--State ~~..... ((20,000,000))~~  
\$28,000,000

(2) Motor Vehicle Account--State Appropriation:  
For transfer to the Puget Sound Capital Construction Account ~~..... ((131,500,000))~~  
\$83,000,000

(5) Multimodal Transportation Account--State  
Appropriation: For transfer to the Puget Sound Ferry Operations Account--State ~~..... ((39,000,000))~~  
\$66,000,000

~~((The department of transportation is authorized to sell up to \$131,500,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.))~~

(6) Advanced Right-of-Way Revolving Account--State  
Appropriation: For transfer to the Motor Vehicle Account--State ~~..... ((30,000,000))~~  
\$30,000,000

**Sec. 404** 2007 c 518 s 404 (uncodified) is amended to read as follows:

(7) Waste Tire Removal Account--State Appropriation:  
For transfer to the Motor Vehicle Account--State ~~.. ((5,600,000))~~  
\$5,600,000

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

(8) Motor Vehicle Account--State Appropriation:  
For transfer to the Transportation Partnership Account--State ~~..... ((25,000,000))~~  
\$18,000,000

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties ~~..... ((526,320,000))~~  
\$501,783,827

~~((+))~~ (9) Multimodal Transportation Account--State  
Appropriation: For transfer to the Transportation Infrastructure Account--State ~~..... ((7,000,000))~~  
\$6,000,000

**Sec. 405** 2007 c 518 s 405 (uncodified) is amended to read as follows:

~~((+))~~ (10) Highway Safety Account--State Appropriation:  
For transfer to the Multimodal Transportation Account--State ~~..... ((9,500,000))~~  
\$9,500,000

(11) Urban Arterial Trust Account--State Appropriation:  
For transfer to the Small City Pavement and Sidewalk Account--State ~~..... ((1,400,000))~~  
\$1,400,000

(12) Multimodal Transportation Account--Federal  
Appropriation: For transfer to the Transportation Infrastructure Account--Federal ~~..... ((1,000,000))~~  
\$1,000,000

The transfers identified in this section are subject to the following conditions and limitations: ~~((+))~~ The amount transferred in subsection (3) of this section may be spent only on "highway purposes" as that term is construed in Article II, section 40 of the Washington state Constitution.

**COMPENSATION**

FORTY-FIFTH DAY, FEBRUARY 27, 2008

**Sec. 501** 2007 c 518 s 501 (uncodified) is amended to read as follows:

**COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS.** The appropriations for state agencies, are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed (~~(\$732)~~) \$575 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$165.31. Starting January 1, 2009, the subsidy shall be \$184.26 per month.

**Sec. 502** 2007 c 518 s 502 (uncodified) is amended to read as follows:

**COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS.** The appropriations for state agencies, are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed (~~(\$732)~~) \$575 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$165.31. Starting January 1, 2009, the subsidy shall be \$184.26 per month.

**Sec. 503** 2007 c 518 s 503 (uncodified) is amended to read as follows:

2008 REGULAR SESSION

**COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION.** Collective bargaining agreements negotiated as part of the super coalition under chapter 41.80 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and (~~(\$732)~~) \$575 per month for fiscal year 2009. The agreements also include a one-time payment of \$756 for each employee who is eligible for insurance for the month of June, 2007, and is covered by a 2007-2009 collective bargaining agreement pursuant to chapter 41.80 RCW, as well as continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

#### MISCELLANEOUS

**Sec. 601** RCW 46.68.110 and 2007 c 148 s 1 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums distributed under RCW 46.68.090 shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds distributed under RCW 46.68.090 shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds distributed under RCW 46.68.090 shall be deducted monthly, as such funds accrue, to be deposited in the small city pavement and sidewalk account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program under this subsection as of July 1st of each odd-numbered year thereafter, shall be retained in the account and used for maintenance, repair, and resurfacing of city and town streets for cities and towns with a population of less than five thousand.

(4) Except as provided in RCW 47.26.080, after making the deductions under subsections (1) through (3) of this section and RCW 35.76.050, the balance remaining to the credit of incorporated cities and towns shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

**NEW SECTION. Sec. 602** A new section is added to 2007 c 518 (uncodified) to read as follows:

In order to promote the receipt of federal enhancement funds, or other applicable federal or state grant funds, the following portions of highway are designated as part of the scenic and recreational highway system: Beginning at the Anacortes ferry landing, the Washington state ferries Anacortes/San Juan Islands route, which includes stops at Lopez, Shaw, Orcas, and San Juan Islands; and the roads on San Juan and Orcas Islands as described in San Juan Island county council resolution no. 7, adopted February 5, 2008.

**NEW SECTION. Sec. 603** If any provision of this act or its application to any person or circumstance is held invalid, the

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 604** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

INDEX	PAGE #
BOARD OF PILOTAGE COMMISSIONERS .....	4
COMPENSATION	
NONREPRESENTED EMPLOYEES--INSURANCE	
BENEFITS .....	68
REPRESENTED EMPLOYEES OUTSIDE--SUPER	
COALITION INSURANCE BENEFITS .....	69
REPRESENTED EMPLOYEES--SUPER COALITION .	69
COUNTY ROAD ADMINISTRATION BOARD .....	4, 38
DEPARTMENT OF AGRICULTURE .....	2
DEPARTMENT OF ARCHAEOLOGY AND HISTORIC	
PRESERVATION .....	2
DEPARTMENT OF LICENSING .....	11
TRANSFERS .....	66
DEPARTMENT OF TRANSPORTATION .....	39
AVIATION--PROGRAM F .....	18
CHARGES FROM OTHER AGENCIES--PROGRAM U	27
ECONOMIC PARTNERSHIPS--PROGRAM K .....	19
FACILITIES--PROGRAM D--OPERATING .....	17
HIGHWAY MAINTENANCE--PROGRAM M .....	20
IMPROVEMENTS--PROGRAM I .....	41
INFORMATION TECHNOLOGY--PROGRAM C .....	15
LOCAL PROGRAMS--PROGRAM Z--CAPITAL .....	59
LOCAL PROGRAMS--PROGRAM Z--OPERATING .	36
MARINE--PROGRAM X .....	32
PRESERVATION--PROGRAM P .....	48
PROGRAM D (DEPARTMENT OF TRANSPORTATION-	
ONLY PROJECTS)--CAPITAL .....	40
PROGRAM DELIVERY MANAGEMENT AND	
SUPPORT--PROGRAM H .....	18
PUBLIC TRANSPORTATION--PROGRAM V .....	28
RAIL--PROGRAM Y--CAPITAL .....	55
RAIL--PROGRAM Y--OPERATING .....	35
TOLL OPERATIONS AND MAINTENANCE--PROGRAM	
B .....	14
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING	21
TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL .	51
TRANSPORTATION MANAGEMENT AND SUPPORT--	
PROGRAM S .....	24
TRANSPORTATION PLANNING, DATA, AND	
RESEARCH--PROGRAM T .....	24
WASHINGTON STATE FERRIES CONSTRUCTION--	
PROGRAM W .....	52
FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD	8
JOINT TRANSPORTATION COMMITTEE .....	5
MARINE EMPLOYEES COMMISSION .....	2
OFFICE OF FINANCIAL MANAGEMENT .....	1
STATE PARKS AND RECREATION COMMISSION .....	2
STATE TREASURER	
ADMINISTRATIVE TRANSFERS .....	66
BOND RETIREMENT AND INTEREST .....	64, 65
STATE REVENUES FOR DISTRIBUTION .....	66
TRANSFERS .....	66
TRANSPORTATION COMMISSION .....	7
TRANSPORTATION IMPROVEMENT BOARD .....	4, 38
UTILITIES AND TRANSPORTATION COMMISSION .	1
WASHINGTON STATE PATROL .....	37
FIELD OPERATIONS BUREAU .....	8
INVESTIGATIVE SERVICES BUREAU .....	10
TECHNICAL SERVICES BUREAU .....	10
WASHINGTON TRAFFIC SAFETY COMMISSION .....	3"

MOTION

Senator Kilmer moved that the following amendment by Senators Kilmer, Haugen and Swecker to the committee striking amendment be adopted.

On page 8, after line 11 of the amendment, insert the following:

"(5) The transportation commission shall consider revisions to the toll rates and other user fees for the Tacoma Narrows Bridge. This review shall ensure that the revenues are sufficient to: (a) Meet the operating costs of the eligible toll facilities, including necessary maintenance, preservation, toll collection, administration, and toll enforcement by public law enforcement; (b) meet obligations for the repayment of debt and interest on the eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves, minimum debt coverage or other appropriate contingency funding, and insurance; and (c) meet any other obligations of the tolling authority. A report on this review shall be submitted to the legislature by September 30, 2008."

Senators Kilmer and Haugen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kilmer, Haugen and Swecker on page 8, after line 11 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

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

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and others to the committee striking amendment be adopted.

On page 29, line 1 of the amendment, strike "\$85,606,000", and insert "\$85,831,000"

On page 29, line 8 of the amendment, strike "\$128,847,000", and insert "\$129,072,000"

On page 32, after line 31 of the amendment, insert the following:

"(14) \$225,000 of the multimodal transportation account--state appropriation is provided solely for the commute trip reduction program. The department shall work with the commute trip reduction board to provide grants to car-sharing organizations for the benefit of their members for the purpose of reducing congestion and improving air quality."

Senators Kohl-Welles, Benton, Murray, Kline and Kastama spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Haugen, Marr and Sheldon spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles and others on page 29, line 1 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

The motion by Senator Kohl-Welles failed and the amendment to the committee striking amendment was not adopted by a rising vote.

MOTION

Senator Hatfield moved that the following amendment by Senator Hatfield to the committee striking amendment be adopted.

On page 36, line 22 of the amendment, strike "\$8,745,000", and insert "\$8,989,000"

On page 36, line 25 of the amendment, strike "\$11,312,000", and insert "\$11,556,000"

Senators Hatfield and Haugen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hatfield on page 36, line 22 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

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

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Swecker to the committee striking amendment be adopted.

On page 41, line 15 of the amendment, increase the Transportation Partnership Account--State Appropriation by \$5,071,004

On page 42, line 1 of the amendment, adjust the total

On page 42, line 10 of the amendment, after "2008", insert ", except that funding for project SR 510/Yelm Loop - New alignment (351025A) shall be provided as follows: \$17,697,433 of the transportation partnership account--state appropriation and \$1,293,274 of the motor vehicle account--state appropriation for the 2007-09 biennium, and an additional \$4,346,150 of the transportation partnership account--state appropriation shall also be provided for the 2009-11 biennium"

Senator Rasmussen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Swecker on page 41, line 15 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

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

MOTION

Senator Parlette moved that the following amendment by Senator Parlette to the committee striking amendment be adopted.

On page 41, line 17 of the amendment, strike "\$85,345,000", and insert "\$86,845,000"

On page 42, line 1 of the amendment, strike "\$3,021,761,000", and insert "\$3,023,261,000"

On page 48, after line 26 of the amendment, insert the following:

"(31) An additional \$1,500,00 of the motor vehicle account--state appropriation is provided solely for the SR 28/E End of the George Sellar bridge (202802V) for the purpose of funding a pedestrian tunnel connection. This funding is provided in anticipation of a federal grant specific to this project, which, if received, must be used to reimburse the state funding provided in this subsection."

Senators Parlette and Haugen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 41,

line 17 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

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

MOTION

Senator Stevens moved that the following amendment by Senators Stevens and Hobbs to the committee striking amendment be adopted.

On page 41, after line 24 of the amendment, insert the following:

"Multimodal Transportation Account--State Appropriation . . . . . \$12,950,000"

On page 42, line 1 of the amendment, strike "\$3,021,761,000", and insert "\$3,034,711,000"

On page 48, after line 26 of the amendment, insert the following:

"(31) Within the amounts provided in this section, \$12,950,000 of the multimodal transportation account--state appropriation is provided solely for right of way, engineering and construction costs to widen US 2 to four lanes between Snohomish and Monroe."

On page 55, line 21 of the amendment, strike "\$165,492,000", and insert "\$152,542,000"

On page 55, line 29 of the amendment, strike "\$205,057,000", and insert "\$192,107,000"

On page 59, after line 33 of the amendment, insert the following:

"(9) The amounts designated on the project list referenced in subsection (1)(a) of this section for the "Stanwood - Siding Upgrades" project are reduced by \$12,950,000."

Senators Stevens, Hobbs, Pflug and Benton spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Sheldon spoke on adoption of the amendment to the committee striking amendment.

Senators Haugen and Murray spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF ORDER

Senator Pflug: "Thank you Mr. President, I object to the word 'snide.' That wasn't snide and I feel that the member is impugning another member, mainly me. It is not a snide remark to point out that....."

REPLY BY THE PRESIDENT

President Owen: "Senator Pflug, you're going into debate now. The President feels that your point is, Senator Murray, your walking awful close to the line there. You didn't say anybody in particular....."

The President declared the question before the Senate to be the adoption of the amendment by Senators Stevens and Hobbs on page 41, after line 24 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

ROLL CALL

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

The Secretary called the roll on the adoption of the amendment by Senators Stevens and Hobbs to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 30

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 55, line 21 of the amendment, strike "\$165,492,000", and insert "\$152,542,000"

On page 55, line 29 of the amendment, strike "\$205,057,000", and insert "\$192,107,000"

On page 59, after line 33 of the amendment, insert the following:

"(9) The amounts designated on the project list referenced in subsection (1)(a) of this section for the "Stanwood - Siding Upgrades" project are reduced by \$12,950,000."

On page 60, line 27 of the amendment, strike "\$32,134,000", and insert "\$45,084,000"

On page 60, line 33 of the amendment, strike "\$156,628,000", and insert "\$169,578,000"

On page 63, after line 33 of the amendment, insert the following:

"(18) Within the amounts provided in this section, \$12,950,000 of the multimodal transportation account--state appropriation is provided solely for the construction of the following bicycle/pedestrian safety projects, listed in order of priority:

(A) Construct a new pedestrian and bicycle bridge across I-5 at NE 47th Street;

(B) Construct a new pedestrian and bicycle bridge across I-90 at SR 900;

(C) Construct a new pedestrian and bicycle bridge across railroad tracks at Military Road in south Seattle."

Senator Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 55, line 21 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

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

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 71, after line 20 of the amendment, insert the following:

"NEW SECTION. **Sec 603.** A new section is added to chapter 81.112 RCW to read as follows:

In consideration of the independent technical review of the light rail impacts on the Interstate 90 - Homer Hadley Floating bridge required under section 306(27) of this act, a regional transit authority shall not submit a ballot proposition to impose taxes to support additional phases of a system and financing plan until 60 days after the joint transportation committee has heard a report of the review."

Senators Pflug and Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Murray spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

MOTION

On motion of Senator Regala, Senator Brown was excused.

MOTION

On motion of Senator Benton, Senator Roach was excused.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 71, after line 20 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pflug to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 17; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 17

Voting nay: Senators Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 31

Excused: Senator Brown - 1

MOTION

Senator Stevens moved that the following amendment by Senators Stevens and Hobbs to the committee striking amendment be adopted.

On page 71, after line 20 of the amendment, insert the following:

"NEW SECTION. **Sec. 603.** A new section is added to chapter 46.68 to read as follows:

The one Washington road account is created in the motor vehicle fund. Money in the account shall be spent only after appropriation. Expenditures from the account shall be used only for highway purposes identified in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for Washington road account projects or improvements. Because state route number 2 between Everett and Stevens pass continues to experience a disproportionate

FORTY-FIFTH DAY, FEBRUARY 27, 2008

number of fatality and serious injury accidents and has been designated as a safety corridor by the governor, this corridor must receive priority consideration for any expenditures from this account. For the purposes of this section "highway purposes" has the same meaning as in Article II, section 40 of the Washington State Constitution.

**NEW SECTION. Sec. 604.** A new section is added to chapter 82.32 to read as follows:

(1) The department shall deposit into the one Washington road account all revenue received from taxes imposed under chapters 82.08 and 82.12 RCW, as provided in subsection (2) of this section, upon the sale of, use of, or charge made for:

(a) Motor vehicles, trailers, and semitrailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire, or otherwise of persons or property, including fixed loads and facilities for human habitation; but not including: (i) Dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets or highways, (ii) motor vehicles or their trailers used entirely upon private property, or (iii) mobile homes, as defined in RCW 46.04.302; (b) Travel trailers, as defined in RCW 46.04.623;

(c) Campers, as defined in RCW 46.04.085;

(d) Materials, labor, equipment, contracts, and components used for building, repairing, or improving of any publicly owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle as described in RCW 82.04.050; and

(e) Construction, improvement, or repair of a ferry, ferry terminal, or other facility operated by the Washington state ferries or for the repair, overhaul, or the dry docking of any ferry operated by the Washington state ferries.

(2) The department must deposit revenue received under subsection (1) of this section into the one Washington road account, created under section 1 of this act, as follows:

(a) Twenty percent of all revenue received during fiscal year 2008;

(b) Forty percent of all revenue received during fiscal year 2009;

(c) Sixty percent of all revenue received during fiscal year 2010;

(d) Eighty percent of all revenue received during fiscal year 2011; and

(e) One hundred percent of all revenue received during fiscal year 2012 and thereafter."

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

Senators Stevens, Pflug and Hobbs spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Murray and Prentice spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Stevens and Hobbs on page 71, after line 20 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

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

MOTION

2008 REGULAR SESSION

Senator Benton moved that the following amendment by Senators Benton and Zarelli to the committee striking amendment be adopted.

On page 24, line 36 of the amendment, strike "\$1,941,000" and insert "\$1,801,000"

On page 25, line 6 of the amendment, strike "\$51,713,000" and insert "\$51,573,000"

On page 27, beginning on line 6 of the amendment, strike everything through line 8.

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

Senator Murray spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Zarelli on page 24, line 36 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

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

MOTION

Senator Carrell moved that the following amendment by Senator Carrell to the committee striking amendment be adopted.

On page 35, after line 19, insert the following: "(11) Any ferry put into service after the date of this act must have the capacity to hold at least one hundred vehicles."

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

Senator Carrell spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Spanel spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 35, after line 19 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

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

MOTION

Senator Carrell moved that the following amendment by Senator Carrell to the committee striking amendment be adopted.

On page 35, after line 19, insert the following: "(11) The legislature finds that the Steilacoom II ferry is inadequate to operate between Port Townsend and Kingston. The department is directed to return the Steilacoom II ferry to Pierce County."

Senator Carrell spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Spanel spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 35, after line 19 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

FORTY-FIFTH DAY, FEBRUARY 27, 2008

2008 REGULAR SESSION

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

## MOTION

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

On page 36, after line 25 of the amendment, strike all material through the end of line 35.

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

Senator Kilmer spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 36, after line 25 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

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

## MOTION

Senator Benton moved that the following amendment by Senators Benton and Zarelli to the committee striking amendment be adopted.

On page 47, line 34 of the amendment, after "project:" insert: "the eventual need for an additional Clark County Columbia river crossing:"

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

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Zarelli on page 47, line 34 to the committee striking amendment to Engrossed Substitute House Bill No. 2878.

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to Engrossed Substitute House Bill No. 2878.

The motion by Senator Haugen carried and the committee striking amendment as amended was adopted by voice vote.

## MOTION

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

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.110; amending 2007 c 518 ss 101, 102, 103, 104, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 501, 502, and 503 (uncodified); adding new sections to 2007 c 518 (uncodified); making appropriations and authorizing capital improvements; and declaring an emergency."

## MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2878 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Swecker, Murray, Hobbs and Sheldon spoke in favor of passage of the bill.

Senators Pflug and Stevens spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2878 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2878 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 39

Voting nay: Senators Benton, Carrell, Hewitt, Holmquist, Honeyford, McCaslin, Pflug, Roach, Schoesler and Stevens - 10

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2878 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:31 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 28, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

**FORTY-SIXTH DAY****NOON SESSION**

Senate Chamber, Olympia, Thursday, February 28, 2008

The Senate was called to order at 12:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brandland and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Josh Isbey and David Nelson, presented the Colors. Senator Morton offered the prayer.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 27, 2008

**SB 6111** Prime Sponsor, Senator Hobbs: Concerning electricity generation from tidal and wave energy. Reported by Committee on Ways & Means

**MAJORITY recommendation:** That Second Substitute Senate Bill No. 6111 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller and Tom.

**MINORITY recommendation:** That it be referred without recommendation. Signed by Senator Schoesler.

Passed to Committee on Rules for second reading.

February 27, 2008

**SB 6218** Prime Sponsor, Senator Hatfield: Concerning historic vessels. Reported by Committee on Ways & Means

**MAJORITY recommendation:** That Substitute Senate Bill No. 6218 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Zarelli; Brandland; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Parlette; Rasmussen; Regala and Schoesler.

**MINORITY recommendation:** That it be referred without recommendation. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Kohl-Welles and Rockefeller.

Passed to Committee on Rules for second reading.

February 27, 2008

**SB 6323** Prime Sponsor, Senator Kilmer: Improving the effectiveness of tax incentives for eligible business projects in rural counties and community empowerment zones. Reported by Committee on Ways & Means

**MAJORITY recommendation:** That Substitute Senate Bill No. 6323 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice

Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

**SB 6375** Prime Sponsor, Senator Hatfield: Providing a sales tax exemption for certain trail grooming services. Reported by Committee on Ways & Means

**MAJORITY recommendation:** Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

**SB 6423** Prime Sponsor, Senator Brown: Strengthening the tax credit and modifying the governing board of a Washington motion picture competitiveness program. Reported by Committee on Ways & Means

**MAJORITY recommendation:** That Substitute Senate Bill No. 6423 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland; Hewitt; Honeyford; Keiser; Kohl-Welles; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

**SB 6460** Prime Sponsor, Senator Fraser: Authorizing state general obligation bonds for the state's share of the Centralia-Chehalis flood control project. Reported by Committee on Ways & Means

**MAJORITY recommendation:** That Substitute Senate Bill No. 6460 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland; Carrell; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

**MINORITY recommendation:** That it be referred without recommendation. Signed by Senators Zarelli and Parlette.

Passed to Committee on Rules for second reading.

February 27, 2008

**SB 6468** Prime Sponsor, Senator King: Concerning the taxation of honey beekeepers. Reported by Committee on Ways & Means

**MAJORITY recommendation:** That Second Substitute Senate Bill No. 6468 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Oemig; Parlette; Regala; Roach; Rockefeller; Schoesler and Tom.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6626 Prime Sponsor, Senator Kilmer: Creating a sales and use tax deferral program for eligible investment projects in community empowerment zones. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6626 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6828 Prime Sponsor, Senator Marr: Concerning the excise taxation of the aerospace industry. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6828 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Carrell; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6844 Prime Sponsor, Senator Spanel: Revising the taxation of grocery distribution cooperatives. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6866 Prime Sponsor, Senator Delvin: Providing a business and occupation tax credit for qualified preproduction development expenditures for polysilicon manufacturers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6866 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

SB 6912 Prime Sponsor, Senator Haugen: Providing property tax relief for senior citizens and persons retired by

reason of physical disability by increasing the income thresholds. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller and Tom.

Passed to Committee on Rules for second reading.

March 30, 2007

SHB 1102 Prime Sponsor, Committee on Finance: Modifying property tax exemption provisions for veterans of the armed forces. Reported by Committee on Government Operation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott; Pridemore and Swecker.

Passed to Committee on Ways & Means.

February 26, 2008

HB 1403 Prime Sponsor, Representative O'Brien: Modifying snowmobile registration requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 27, 2008

2ESHB 1637 Prime Sponsor, Committee on Health Care & Wellness: Creating the revised uniform anatomical gift act. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 26, 2008

SHB 1675 Prime Sponsor, Committee on Appropriations: Providing certain public notices in a language other than English. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline and McDermott.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Ways & Means.

February 22, 2008

ESHB 1727 Prime Sponsor, Committee on Local Government: Planning to ensure sufficient land and densities

FORTY-SIXTH DAY, FEBRUARY 28, 2008

available to accommodate growth. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Roach.

Passed to Committee on Ways & Means.

February 26, 2008

E3SHB 1873 Prime Sponsor, Committee on Appropriations: Changing the requirements for, and recoveries under, a wrongful injury or death cause of action, or a survival action. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Ways & Means.

February 26, 2008

EHB 1887 Prime Sponsor, Representative Linville: Allowing identicard renewal by mail or electronic commerce for individuals over the age of seventy. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 26, 2008

HB 2110 Prime Sponsor, Representative Simpson: Allowing all fire protection facilities to use impact fees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach; Benton and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2008

HB 2263 Prime Sponsor, Representative Blake: Regarding the phosphorus content in dishwashing detergent. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 2431 Prime Sponsor, Committee on Health Care & Wellness: Regarding cord blood banking. Reported by Committee on Health & Long-Term Care

2008 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 27, 2008

HB 2470 Prime Sponsor, Representative Upthegrove: Clarifying the authority of the department of natural resources to issue lesser contractual agreements within existing authorities for state-owned aquatic lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Stevens.

Passed to Committee on Rules for second reading.

February 26, 2008

ESHB 2480 Prime Sponsor, Committee on Transportation: Concerning public transportation fares. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 26, 2008

HB 2483 Prime Sponsor, Representative Moeller: Modifying assessed valuation requirements for the direct petition method of annexation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach; Benton and Swecker.

Passed to Committee on Rules for second reading.

February 27, 2008

2SHB 2507 Prime Sponsor, Committee on Capital Budget: Expanding the statewide first responder building mapping information system to higher education facilities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Ways & Means.

February 26, 2008

HB 2527 Prime Sponsor, Representative Bailey: Modifying the definitions of rural county for certain economic development programs. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman and King.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Passed to Committee on Ways & Means.

Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

February 27, 2008

2SHB 2530 Prime Sponsor, Committee on Appropriations: Studying the effectiveness of the existing hydraulic project approval process under chapter 77.55 RCW in protecting fish life. Reported by Committee on Natural Resources, Ocean & Recreation

Passed to Committee on Rules for second reading.

February 27, 2008

HB 2593 Prime Sponsor, Representative Kirby: Reporting insurance premiums for tax purposes. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Stevens.

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 2542 Prime Sponsor, Representative Ericks: Providing for the enforcement of cigarette taxes through regulation of stamped and unstamped cigarettes. Reported by Committee on Ways & Means

February 27, 2008

HB 2594 Prime Sponsor, Representative Kirby: Distributing the insurance commissioner's examination reports. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 2544 Prime Sponsor, Representative Hunter: Concerning tax exemptions for temporary medical housing provided by health or social welfare organizations. Reported by Committee on Ways & Means

February 27, 2008

EHB 2608 Prime Sponsor, Representative Hasegawa: Clarifying terms for workforce and economic development. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2008

E2SHB 2549 Prime Sponsor, Committee on Appropriations: Establishing a patient-centered primary care collaborative program. Reported by Committee on Health & Long-Term Care

February 25, 2008

HB 2650 Prime Sponsor, Representative Santos: Authorizing a cigarette tax agreement between the state of Washington and the Yakama Nation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 2670 Prime Sponsor, Committee on Health Care & Wellness: Modifying disclosure provisions under the adverse health events and incident reporting system. Reported by Committee on Health & Long-Term Care

February 25, 2008

SHB 2554 Prime Sponsor, Committee on Finance: Requiring lid lift ballot propositions to expressly indicate a permanent increase to the levy base. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield;

Passed to Committee on Rules for second reading.

February 25, 2008

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

2SHB 2674 Prime Sponsor, Committee on Appropriations: Modifying credentialing standards for counselors. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell; Fairley; Kastama and Marr.

MINORITY recommendation: Do not pass. Signed by Senator Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug and Parlette.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 2678 Prime Sponsor, Representative Kessler: Restoring the preferential timber industry business and occupation tax rate to the manufacture of environmentally responsible surface material products from recycled paper. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

ESHB 2687 Prime Sponsor, Committee on Appropriations: Making 2008 operating supplemental appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Hewitt; Honeyford; Parlette and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Brandland.

Passed to Committee on Rules for second reading.

February 26, 2008

HB 2730 Prime Sponsor, Representative Rolfes: Addressing the provision of ferry service by port districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey; Delvin; Eide; Holmquist; Kastama; Kauffman; Kilmer; King; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 27, 2008

ESHB 2765 Prime Sponsor, Committee on Capital Budget: Making 2008 supplemental capital appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland; Carrell; Fairley; Hatfield; Hewitt; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 2770 Prime Sponsor, Committee on Insurance, Financial Services & Consumer Protection: Enacting the governor's homeownership security task force recommendations regarding responsible mortgage lending and homeownership. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

February 27, 2008

E2SHB 2783 Prime Sponsor, Committee on Appropriations: Regarding transfer and articulation between institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Ways & Means.

February 27, 2008

E2SHB 2815 Prime Sponsor, Committee on Appropriations: Providing a framework for reducing greenhouse gas emissions in the Washington economy. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Hatfield; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Ways & Means.

February 27, 2008

E2SHB 2817 Prime Sponsor, Committee on Transportation: Concerning motor vehicles, vehicles, and vessels contaminated with methamphetamines. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Oemig and Pridemore.

Passed to Committee on Transportation.

February 27, 2008

SHB 2823 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding the Willapa harbor oyster reserve. Reported by Committee on Natural Resources, Ocean & Recreation

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Stevens.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 2881 Prime Sponsor, Committee on Health Care & Wellness: Concerning the practice of dentistry. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 2893 Prime Sponsor, Committee on Agriculture & Natural Resources: Modifying the composition of the forest practices board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Stevens.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 2899 Prime Sponsor, Committee on Appropriations: Promoting and providing resources for adult literacy education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Ways & Means.

February 27, 2008

SHB 2917 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Regarding voter registration and informational activities at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 3005 Prime Sponsor, Representative Conway: Transferring public employees' retirement system plan 2 members to the school employees' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 3006 Prime Sponsor, Representative Bailey: Extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

HB 3011 Prime Sponsor, Representative Loomis: Safeguarding securities owned by insurers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 3019 Prime Sponsor, Representative Fromhold: Addressing service credit for members working a partial year in plans 2 and 3 of the teachers' retirement system and the school employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 3020 Prime Sponsor, Representative Chase: Providing benefits for the survivors of certain firefighters. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 3024 Prime Sponsor, Representative Conway: Purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government. Reported by Committee on Ways & Means

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 26, 2008

SHB 3029 Prime Sponsor, Committee on Transportation: Providing access to a secure system to generate temporary permits to operate vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 3097 Prime Sponsor, Representative Quall: Specifying authority of the executive director of the state board of education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

February 27, 2008

E2SHB 3123 Prime Sponsor, Committee on Appropriations: Establishing evidence-based nurse staffing in hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 25, 2008

2SHB 3129 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Regarding online learning programs for high school students to earn college credit. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2008

ESHB 3131 Prime Sponsor, Committee on Judiciary: Addressing school safety. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Holmquist; Kauffman; McDermott and Rasmussen.

Passed to Committee on Judiciary.

February 25, 2008

HB 3151 Prime Sponsor, Representative Alexander: Extending the commencement-of-construction date for a sales and use tax for public facilities districts in national disaster counties. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Tom.

Passed to Committee on Rules for second reading.

February 26, 2008

SHB 3183 Prime Sponsor, Committee on Transportation: Exempting park maintenance equipment operated by certain local jurisdictions from vehicle license and license plate requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 27, 2008

HB 3210 Prime Sponsor, Representative Jarrett: Requiring the workforce training and education coordinating board to develop a state comprehensive plan. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2008

SHB 3212 Prime Sponsor, Committee on Education: Monitoring and addressing achievement of groups of students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 2008

HB 3275 Prime Sponsor, Representative Linville: Revising the taxation of grocery distribution cooperatives. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette;

FORTY-SIXTH DAY, FEBRUARY 28, 2008

Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

EHB 3276 Prime Sponsor, Representative Eddy: Allowing a city to own land provided for the state horse park. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Stevens.

Passed to Committee on Rules for second reading.

February 27, 2008

E2SHB 3306 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Regarding eLearning at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2008

HJM 4029 Prime Sponsor, Representative Liias: Requesting that Congress fund the Northwest Straits Marine Conservation Initiative. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Stevens.

Passed to Committee on Rules for second reading.

February 26, 2008

HJM 4030 Prime Sponsor, Representative Pearson: Requesting the 172nd Street overpass of Interstate 5 in Arlington to be named the "Oliver "Punks" Smith Interchange." Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

February 27, 2008

ESHCR 4408 Prime Sponsor, Committee on Higher Education: Requesting approval of the statewide strategic master plan for higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Ways & Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 27, 2008

2008 REGULAR SESSION

SGA 9273 DAVID VALDEZ, appointed on November 20, 2006, for the term ending September 30, 2012, as Member of the Board of Trustees, Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey; Schoesler and Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2008

SGA 9274 PAUL WINTERS, appointed on March 14, 2007, for the term ending September 30, 2008, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2008

SGA 9302 DIANA GALE, appointed on June 26, 2007, for the term ending June 25, 2009, as Member of the Puget Sound Partnership. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Rules for second reading.

February 27, 2008

SGA 9305 WILLIAM J GORDON, appointed on June 30, 2007, for the term ending May 31, 2008, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2008

SGA 9340 VICKI ORRICO, appointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Bellevue Community College District No. 8. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2008

SGA 9349 STEVE SAKUMA, appointed on June 26, 2007, for the term ending June 25, 2009, as Member of the Puget Sound Partnership. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Murray,

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore and Regala.

Passed to Committee on Rules for second reading.

February 22, 2008

SGA 9355 CAROL SEXTON, appointed on October 22, 2007, for the term ending October 1, 2010, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

February 26, 2008

SGA 9363 ROBYN TODD, appointed on April 12, 2007, for the term ending October 1, 2010, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

February 27, 2008

SGA 9373 MARTINA WHELSHULA, appointed on October 23, 2007, for the term ending September 30, 2009, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Sheldon.

Passed to Committee on Rules for second reading.

## MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Engrossed Second Substitute House Bill No. 3123 and, Engrossed Second Substitute House Bill No. 3306 which were referred to the Committee on Rules and Engrossed Substitute House Concurrent Resolution No. 4408 which was referred to the Committee on Ways & Means.

## MOTION

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

## MESSAGES FROM STATE OFFICES

February 25, 2008

## STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the Dept. of Social & Health Services, Health Services for Children's Health Care Coverage Report. This report is mandated under 2SSB 5093, Section 2(2).

If you have any questions about the report, please call 360-725-1413.

Sincerely,

Robin Arnold-Williams, Secretary  
The Dept. of Social & Health Services, Health Services for Children's Health Care Coverage Report is on file in the Office of the Secretary of the Senate.

## MESSAGES FROM STATE OFFICES

February 25, 2008

## STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the Dept. of Social & Health Services, Children's Services Annual Quality Assurance Report. This report is mandated under RCW 43.20A.870 & RCW 74.13.031(5).

If you have any questions about the report, please call 360-902-7929.

Sincerely,

Robin Arnold-Williams, Secretary  
The Dept. of Social & Health Services, Children's Services Annual Quality Assurance Report is on file in the Office of the Secretary of the Senate.

## MESSAGES FROM STATE OFFICES

February 25, 2008

## STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the Dept. of Health, "Methamphetamine Work Group Report & Recommendations Report". This report is mandated under Chapter 388, Laws of 2005.

If you have any questions about the report, please call 360-236-2902.

Sincerely,

Mary Selecky, Secretary  
The Dept. of Health, "Methamphetamine Work Group Report & Recommendations" Report is on file in the Office of the Secretary of the Senate.

## MOTION

On motion of Senator Eide, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per

FORTY-SIXTH DAY, FEBRUARY 28, 2008  
day during regular daily sessions.

2008 REGULAR SESSION  
8732

## MOTION

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

## MOTION

Senator Franklin moved adoption of the following resolution:

SENATE RESOLUTION  
8702

By Senators Franklin, Marr, Hobbs, Fairley, Berkey, Kohl-Welles, McDermott, Shin, Rockefeller, Honeyford, McAuliffe, Haugen, Fraser, Pridemore, Kilmer, Kauffman, Keiser, Spanel, Murray, Parlette, Regala, and Eide

WHEREAS, The Washington State Achievers Scholarship Program was founded in 2000 to assist high school students striving for higher education; and

WHEREAS, The Achievers Scholarship Program was created through a collaborative effort by the Bill & Melinda Gates Foundation and the Washington Education Foundation; and

WHEREAS, Sixteen high schools in Washington are Achievers schools with a focus on preparing students for a college education with mentors and scholarship opportunities; and

WHEREAS, The Achievers Scholarship Program aims to create a positive environment and provide funding for children of low-income families to attend college; and

WHEREAS, The Achievers Scholarship Program works actively with teachers to enforce the three Rs: Rigor in courses, relevance of the courses and coursework, and relationships in creating a college-going culture; and

WHEREAS, Before the creation of the program, only nine percent of children from low-income families earned a bachelor's degree, yet with the creation of the Achievers Scholarship Program, seventy-five percent of the participants are expected to receive a bachelor's degree; and

WHEREAS, The Achievers Scholarship Program is a highly successful effort to increase college enrollment of students in Washington and has earned recognition for its contributions to education and youth;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate support the role of the Washington State Achievers Scholarship Program; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to all sixteen Achievers high schools, the Bill & Melinda Gates Foundation, and the Washington Education Foundation.

Senators Franklin and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8702.

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

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington State Achievers Scholarship Program who were seated in the gallery.

## MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION

By Senator Benton

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, tissues, and eyes; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and enhance the lives of others through organ, tissue, and eye donation and transplantation; and

WHEREAS, There are nearly 100,000 courageous Americans awaiting a lifesaving organ transplant, with 18 individuals losing their lives every day because of the shortage of donations; and

WHEREAS, Every 13 minutes a person is added to the national organ donation waiting list; and

WHEREAS, The organ, tissue, and eye donation from one individual can save or enhance the lives of up to 50 people; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, tissue, and eye donation another person's life has been saved or enhanced; and

WHEREAS, Organ donation offers the recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, Through organ, tissue, and eye donation a donor and donor's family receives gratitude from the recipient's family and is honored by the enhancement of the recipient's life; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize April as National Donate Life Month as declared by the Governor and honor those who have donated and celebrate the lives of the recipients.

Senators Benton and Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8732.

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

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Living Legacy Foundation and Life Center Northwest, organ donor organizations who were seated in the gallery.

## MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

## MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 28, 2008."

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

The motion by Senator Eide carried and debate was limited through February 28, 2008.

## MOTION

At 12:28 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:40 p.m. by President Owen.

REMARKS BY THE PRESIDENT

President Owen: "Before we start the President would like to ask the Senate to join him in wishing Senator Eide and Mark a very happy anniversary."

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2765, by House Committee on Capital Budget (originally sponsored by Representative Fromhold)

Making 2008 supplemental capital appropriations.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 605 A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2009, out of the several funds specified in this act.

**PART 1  
GENERAL GOVERNMENT**

NEW SECTION. Sec. 1001 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

K-12 Inventory Pilot Project (08-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding is provided solely for the joint legislative audit and review committee to define and develop a pilot facility condition and inventory system for K-12 public school facilities. In developing and conducting the pilot, the joint legislative audit and review committee shall seek input from the superintendent of public instruction, participating school districts, the construction services group within educational service district 112, the state board for community and technical colleges, the office of financial management, the department of information services, and other entities as determined by the joint legislative audit and review committee. It is the intent of the legislature to build on the experience of the community and

technical college capital facility assessment and inventory process, which includes an independent condition assessment of facilities, to establish a baseline of basic public school facility building data and information.

(2) The joint legislative audit and review committee shall select up to ten public school districts to participate in the pilot. The school districts must represent a cross-section of large and small districts, urban and rural districts, districts with facilities of varying age and condition, districts with varying fiscal capacity, and at least one district that serves as the host for a skills center.

(3) The facility condition and inventory system must include facility and site information necessary for facility assessment and maintenance. The facility condition and inventory system must also inform statewide policy options related to: (a) Class size; (b) all-day kindergarten; (c) specialized educational spaces, including math and science classrooms and labs, as well as other specialized spaces; (d) environmental health and safety improvements; (e) joint use of school facilities beyond the traditional school day; (f) high performance buildings; (g) use of portables; and (h) other policy options as identified by the joint legislative audit and review committee.

(4) Data elements in the facility condition and inventory system may include, but are not limited to, facility location, facility condition including health and safety considerations, type, size, current use, enrollment and space by grade level, information on specialized educational spaces, functionality of space, energy efficiency information, date and cost of original construction, date and cost of any major remodeling or renovation, operations and maintenance information and expenditures, and other data elements as determined by the joint legislative audit and review committee.

(5) By January 1, 2009, the joint legislative audit and review committee shall provide a report to the appropriate legislative fiscal committees on the following: (a) A proposed scope of work for the facility condition and inventory system pilot project; (b) identification of current sources of school district facility information and where the data resides; (c) recommended criteria for evaluating school facilities; (d) potential school district participants; (e) an implementation plan for the pilot group of school districts; and (f) a review of other states' scope and use of public school facility condition and inventory information.

(6) By January 1, 2010, the joint legislative audit and review committee shall submit findings and recommendations on the pilot program to the appropriate legislative fiscal committees. At a minimum, the final report must include the following: (a) A summary of data collected and analyzed for each participating school district; (b) an analysis of study and survey data for several participating school districts compared to an independent facility assessment; (c) a cost/benefit analysis of expanding the pilot to school districts statewide, including potential timelines; (d) possible methods and frequency for collecting, inventorying, updating, and sharing facility information; (e) possible interaction of a facility condition and inventory system with the statewide first responder building mapping system and other data collection efforts that are ongoing; (f) methods that allow for the efficient transfer of information between school districts and the facility condition and inventory system; and (g) other recommendations as determined by the joint legislative audit and review committee.

Appropriation:

Education Construction Account--State . . . . .	\$230,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$230,000

**Sec. 1002** 2007 c 520 s 1020 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Housing Assistance, Weatherization, and Affordable Housing (06-4-851)

The reappropriations in this section are subject to the following conditions and limitations:

(1) \$7,800,000 of the reappropriation from the Washington housing trust account is provided solely for the backlog, as defined by the department, of projects determined by the department to be eligible under chapter 43.185 or 43.185A RCW.

(2) \$4,500,000 of the reappropriation from the Washington housing trust account is provided solely for weatherization administered through the energy matchmakers program.

(3) \$850,000 of the reappropriation from the Washington housing trust account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(4) \$500,000 of the reappropriation from the Washington housing trust account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$3,000,000 of the reappropriation from the Washington housing trust account is provided solely for farm worker housing projects and programs to meet the full spectrum of housing needs of Washington's farm workers and their families. The department shall work with stakeholders representing a diversity of farm worker housing interests to develop a strategic plan in implementing this provision.

(6) \$200,000 of the reappropriation from the Washington housing trust account is provided solely for the implementation and management of a manufactured/mobile home landlord-tenant ombudsman conflict resolution program by the office of mobile home affairs as generally described in section 3, chapter 429, Laws of 2005. The office of mobile home affairs shall also determine the number of complaints made to the department since May of 2005 that, in the best estimate of the department, do in fact present violations of chapter 59.20 RCW and shall produce a summary of the number and types of complaints. The office of mobile home affairs shall also continue to maintain and update a database with information about all mobile home parks and manufactured housing communities. The office of mobile home affairs shall provide a report regarding the activities and results of the program to the appropriate committees of the house of representatives and the senate by December 31, 2007.

(7) \$150,000 of the appropriation from the Washington housing trust account is provided solely for a program to assist individuals and communities in the home-buying process, including, but not limited to: Homebuyer education classes, credit and budget counseling, financial literacy training, and down payment assistance programs. The department shall contract with a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code or similar successor provision that has experience and expertise in addressing language access barriers in the home-buying process to implement this program.

(8) The reappropriation in this section must be included in the calculation of annual funds available for determining the administrative costs of the department, which shall not exceed five percent of the annual funds available for the housing assistance program and the affordable housing program as authorized under RCW 43.185.050 and 43.185A.030.

Reappropriation:

Washington Housing Trust Account--State . . .	\$16,502,000
<del>(Homeless Families Services Account--State . . .</del>	<del>\$4,000,000</del>
<del>Subtotal Reappropriation . . . . .</del>	<del>\$20,502,000</del>
	\$16,502,000
Prior Biennia (Expenditures) . . . . .	\$499,000
Future Biennia (Projected Costs) . . . . .	\$0

TOTAL . . . . .	<del>(\$21,001,000)</del>
	\$17,001,000

Sec. 1003 2007 c 520 s 1030 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water Assistance Program (07-4-004)

Appropriation:

Drinking Water Assistance Account--State . . .	<del>(\$7,200,000)</del>
	\$10,800,000
Drinking Water Assistance Repayment Account--State	
.....	\$21,100,000
Subtotal Appropriation . . . . .	<del>(\$28,300,000)</del>
	\$31,900,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$155,400,000
TOTAL . . . . .	<del>(\$183,700,000)</del>
	\$187,300,000

Sec. 1004 2007 c 520 s 1034 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (07-4-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the appropriation is for the public works board, in consultation with the house of representatives capital budget committee, the senate ways and means committee, and the office of financial management, to implement an infrastructure interest rate buy-down pilot program. The purpose of the program is to demonstrate options for the most efficient use of the state's investment in local infrastructure by funding more projects at an accelerated rate.

(2) The pilot program must provide grants to local governments to offset the difference in interest rates between one-half of one percent, as offered by the public works board, and the interest rate the local government may receive on issuance of their own debt, as estimated by the office of the state treasurer.

(3) The pilot program must include the following projects:

(a) Those with high scores from the list of projects that were not funded, as identified in the public works board 2008 legislative report;

(b) Projects located in economically distressed areas or that may be significantly impacted by a possible upcoming recession; and

(c) Projects located in jurisdictions that have unused debt capacity and are willing and able to acquire additional debt to finance the proposed infrastructure project.

Appropriation:

Public Works Assistance Account--State . . . . .	\$327,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,400,000,000
TOTAL . . . . .	\$1,727,000,000

Sec. 1005 2007 c 520 s 1031 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (07-4-009)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,500,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$14,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. The operation of the facilities built under this section shall be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects. Any of this appropriation that is not obligated by June 30, 2009, shall be added to the amount appropriated for the general pool of projects.

(6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.

(7) \$4,000,000 of the appropriation is provided solely for the development of farm infrastructure improvements. Any of this appropriation that is not obligated by June 30, 2009, shall be added to the amount appropriated for the general pool of projects.

(8) \$1,500,000 of the appropriation is provided solely for the development of housing for low-income or homeless Native Americans. The department shall work with Native American tribes, not-for-profit organizations with experience in serving Native American populations, and Native American housing development organizations to prioritize projects located in the areas of highest identified need.

(9) \$4,000,000 of the appropriation is provided solely for loans and grants to eligible organizations to purchase manufactured/mobile home communities with the intent of preserving the communities for affordable housing.

(10) Up to \$10,000,000 of the appropriation is for the creation and development of low-income housing within areas declared disasters by the governor after November 2007.

(11) \$2,000,000 of the appropriation from the state taxable building construction account is provided solely for the development or preservation of farmworker housing for migrant and seasonal farmworkers located on private farms. This appropriation is subject to appropriate agreements to protect the public investment. Any of this appropriation that is not obligated by June 30, 2009, shall be added to the amount appropriated for the general pool of projects.

(12) The appropriations in this section from the state building construction account shall be distributed as grants.

(13) The appropriation in this section shall not be used for the administrative costs of the department. The amount of the appropriation shall be included in the calculation of annual funds available for determining the administrative costs authorized under RCW 43.185.050.

((++)) (14) Within available funding provided in this section, the department shall prepare an inventory of housing assistance programs. The inventory shall include all state funded programs, the housing finance commission programs, all programs funded by local governments and housing authorities, including a description of expenditures from fees and taxes specifically authorized by state law for housing assistance and homeless programs, all property tax and sales tax provisions that are intended to support housing assistance programs, and all federally funded housing assistance programs provided in the state. The inventory shall include a description of the program, biennial appropriation and expenditure levels since the 1999-

2001 biennium through the 2007-2009 biennium, a description of eligibility criteria and the amount of benefit provided per unit or per family, and the number of units or families assisted. The department shall coordinate with the joint legislative audit and review committee to reduce duplicative efforts that may be required by legislation.

Appropriation:

State Taxable Building Construction Account--	
State .....	(\$130,000,000)
	\$110,000,000
State Building Construction Account--State . . .	\$46,500,000
Washington Housing Trust Account--State . . .	\$3,500,000
<u>Subtotal Appropriation . . . . .</u>	<u>\$160,000,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	(\$560,000,000)
	\$520,000,000
TOTAL .....	(\$600,000,000)
	\$680,000,000

**Sec. 1006** 2007 c 520 s 1035 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Rural Washington Loan Fund (07-4-008)

Appropriation:

Rural Washington Loan Account--State . . .	(\$4,127,000)
	\$2,027,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$16,508,000
TOTAL .....	(\$20,635,000)
	\$18,535,000

**Sec. 1007** 2007 c 520 s 1036 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Youth Recreational Facilities Grants (07-4-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.135.

(2) The appropriation is provided solely for the following list of projects:

<b>Projects</b>	<b>Location</b>	<b>Recommendation</b>
YMCA of the inland northwest	Spokane	\$800,000
Boys and girls clubs of south Puget Sound	Lakewood	\$300,000
YMCA of Snohomish county	Mukilteo	\$385,000
YMCA of Snohomish county	Everett	\$800,000
Boys and girls club of south Puget Sound	Gig Harbor	\$600,000
Toutle river ranch	Longview	\$525,000
Boys and girls club of Bellevue	Bellevue	\$800,000
YMCA of Tacoma-Pierce county	Gig Harbor	\$800,000
Wenatchee valley YMCA	Wenatchee	\$213,000

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

YMCA of greater Seattle	Seattle	\$250,000
Maple Valley community center	Maple Valley	\$100,000
Boys and girls clubs of King county	Seattle	\$618,000
Filipino community of Seattle	Seattle	\$146,000
Boys and girls clubs of King county	Seattle	\$800,000
Ferndale boys and girls club	Ferndale	\$863,000
<del>((Tacoma community center))</del> Boys and girls club of south Puget Sound	Tacoma	\$800,000
Mukilteo boys and girls club	Mukilteo	\$250,000
<b>Total</b>		<b>\$9,050,000</b>

Appropriation:

State Building Construction Account--State	...	\$9,050,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$32,000,000
<b>TOTAL</b>	.....	<b>\$41,050,000</b>

**Sec. 1008** 2007 c 520 s 1041 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Local and Community Projects (08-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement shall not apply to appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation provided in this section for the bridge for kids project shall not be released until the department obtains a report from the project sponsor updating the cost of the project and the current fund raising plan.

~~(8) ((Funding for preconstruction activities for the Camas and Washougal community and recreation center is contingent on voter approval of a metropolitan park district.~~

~~---(9))~~ The appropriation provided in this section for the Fox theater shall be provided only under an agreement that the theater shall retain its current name as the Fox theater.

~~((+0))~~ (9) The appropriation in this section for the life support and emergency medical services infrastructure build-out project is provided solely for emergency medical services and medical care infrastructure consistent with the adopted mission, goals, and capital plan of the 501(c)(3) life support.

~~((+1) The port of Grays Harbor project is a loan that is subject to the provisions of chapter 171, Laws of 2006.~~

~~---(+2))~~ (10) The appropriation is provided solely for the following list of projects:

Project Name	Amount
800 MHZ interoperability public safety communication	\$1,000,000
Aberdeen union gospel mission	\$562,000
Arts west playhouse and gallery	\$150,000
Ashford cultural center and mountaineering museum	\$800,000
Asian counseling/referral services	\$2,000,000
<del>((Aviation high school</del>	<del>\$275,000))</del>
Ballard corners park	\$125,000
Beaver mitigation of Little Spokane river	\$75,000
Benton City food bank	\$200,000
Bethel community center	\$1,000,000
Blueberry park improvements	\$5,000
Bothell crossroads/state route 522 realignment - land acquisition and preconstruction activities	\$7,000,000
Bowen field	\$500,000
Bremerton downtown economic revitalization projects	\$5,000,000
Bridge for kids	\$500,000
Burbank water improvement	\$1,621,000
Burien town square	\$1,600,000
Camano community health clinic	\$500,000
Camp kilworth land acquisition - Federal Way	\$1,100,000
Cannon house	\$750,000
Chambers creek pedestrian bridge	<del>((+1,000,000))</del>
	<u>\$2,400,000</u>
Chehalis middle school track improvement	\$350,000
Chehalis veterans wall of honor security enclosure	\$25,000
Chelan county public utility district monitor domestic water system	\$800,000
Children's hospital	\$2,500,000
Cispus environmental learning center	\$250,000
Cities of Camas and Washougal community/recreation center preconstruction activities	\$500,000
City of Everett - senior center expansion and upgrade	\$400,000
City of Everett minor league baseball - aquasox	\$433,000
City of Kent event center	\$3,000,000
City of Mount Vernon downtown and waterfront flood control	\$1,000,000
City of Puyallup riverwalk trail project	\$600,000
City of Tacoma minor league baseball - rainiers	\$2,500,000
City of Yakima minor league baseball	\$594,000
Civil war cemetery near volunteer park	\$5,000
Columbia Springs environmental learning center preconstruction or construction activities	\$200,000
Confluence project	<del>((+500,000))</del>
	<u>\$1,000,000</u>
Counter balance park	\$100,000
Coupeville covered play area	\$113,000
Covered bridge park land acquisition (Grays river)	\$90,000
Cowlitz drug treatment center	\$580,000
Darrington water system improvements	\$100,000
Dawson place child advocacy center land acquisition and renovation	\$650,000
Daybreak star in Discovery park	\$300,000
Dayton historic depot	\$75,000

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Dining car historic preservation	\$50,000
Discovery park - Fort Lawton	\$700,000
Duwamish education center	\$2,000,000
Duwamish longhouse	\$275,000
<u>Historic train preservation</u>	<u>\$80,000</u>
Eatonville family park	\$200,000
<u>Edwall water system</u>	<u>\$765,000</u>
Evergreen school district health and biosciences academy	\$1,000,000
<u>Examination room at children's justice center</u>	<u>\$100,000</u>
Federal Way little league field lighting	\$50,000
<u>Federal Way performing arts center</u>	<u>\$500,000</u>
Ferndale boys and girls club - urgent needs and preconstruction activities	\$200,000
Fish lake trail	\$1,000,000
Fort Dent sewer	\$450,000
Foss waterway	<del>(\$1,000,000)</del>
	<u>\$1,678,000</u>
Fox theater	\$2,000,000
Friends of hidden river preconstruction activities	\$675,000
<u>Garfield county agricultural history museum</u>	<u>\$75,000</u>
Goodwill of Tacoma	\$1,500,000
Granite Falls museum	\$30,000
<u>Hazel Heights storm water demonstration project</u>	<u>\$70,000</u>
High Point neighborhood center in West Seattle	\$1,000,000
Highline school district noise mitigation	<del>(\$3,500,000)</del>
	<u>\$5,000,000</u>
Hill ward building removal	\$550,000
<u>Historic Naches depot and trail</u>	<u>\$375,000</u>
<u>Hope center in Kent</u>	<u>\$135,000</u>
Innovative services northwest	\$1,900,000
Institute for community leadership	\$700,000
Jewish federation of greater Seattle	\$900,000
Kent alliance center	\$500,000
Kirkland public safety campus land acquisition and preconstruction activities	\$750,000
<u>Kitsap mental health services residential facility</u>	<u>\$1,000,000</u>
Kitsap SEED	\$1,100,000
Klickitat law enforcement firing range	\$20,000
Kruckeberg botanical garden	\$150,000
<u>Lake Sammamish state park plan</u>	<u>\$200,000</u>
Lake Stevens civic center	\$800,000
Lake Stevens senior center	<del>(\$200,000)</del>
	<u>\$250,000</u>
Lake Waughop/department of ecology aquatic weeds	\$50,000
Library connection at greenbridge	\$200,000
Life support and emergency medical services infrastructure build-out	\$2,700,000
Lions club renovation	\$160,000
Long lake nutrient reduction	\$300,000
Loon lake wood waste removal pilot study	\$350,000
Lucy Lopez center land acquisition	\$750,000
Maple Valley lake wilderness lodge and conference center	\$1,500,000
Maple Valley legacy site planning and infrastructure development	\$3,000,000
McCaw hall	<del>(\$2,000,000)</del>
	<u>\$2,500,000</u>
McDonald park	\$150,000
Mercer slough environmental center	\$1,500,000
Mill creek senior center	\$150,000
Mirabeau Point children's universal park	\$800,000
Mobius	<del>(\$800,000)</del>
	<u>\$2,000,000</u>
Monroe rotary field	\$700,000
Morning star cultural center	\$300,000
<u>Mount Spokane ski and snowboard park</u>	<u>\$300,000</u>
Mountains to sound - SR18/I90 interchange	\$500,000
Mt. Rainier lahar warning system upgrade	\$300,000
<u>New hope farms</u>	<u>\$85,000</u>
Nisei veterans committee	\$250,000

NORCOM public safety communication	\$750,000
Nordic heritage museum	\$1,500,000
Northwest African American museum	\$650,000
Northwest harvest	\$3,000,000
Northwest stream center	\$300,000
Oak Harbor dredging preconstruction activities	\$59,000
Oak Harbor veterans memorial	\$50,000
Okanogan Valley equestrian and cultural heritage center	\$4,000,000
Palouse street safety improvements	\$210,000
Performing arts center eastside	\$2,000,000
Perry technical institute hanger	\$250,000
Pike Place market	\$1,070,000
Port of Benton transloader (railex)	\$1,000,000
<del>(Port of Grays Harbor)</del>	<del>\$2,500,000</del>
Port of Walla Walla wine incubator	\$500,000
Poulsbo marine science center floating classroom	\$100,000
Prime time repairs (terminally ill children)	\$300,000
Puyallup town square	\$200,000
Rainier lifelong learning center	\$200,000
Richland Babe Ruth field complex	\$1,000,000
<u>Seahurst environmental learning center</u>	<u>\$600,000</u>
Seatac World War I memorial plaza	\$200,000
Seattle art museum	\$1,250,000
Seattle children's play garden	\$332,000
Seattle Chinese garden	\$500,000
Shoreline YMCA	\$800,000
Simon youth foundation resource center	\$150,000
Skagit recreation and event center	\$1,000,000
<u>Skamania public utility district (underwood water system emergency repairs)</u>	<u>\$350,000</u>
<u>Skamania county fairgrounds emergency repairs</u>	<u>\$150,000</u>
<u>Snohomish American legion ADA ramp</u>	<u>\$50,000</u>
Snoqualmie railway history preconstruction activities	\$600,000
Somerset village - Snohomish Y	\$200,000
South Tacoma community center	<del>(\$700,000)</del>
	<u>\$1,200,000</u>
Spokane county minor league baseball - Indians	\$2,000,000
Spokane Valley community center and foodbank	\$260,000
Spokane YWCA/YMCA joint project	<del>(\$2,500,000)</del>
	<u>\$3,500,000</u>
Springwood youth center	\$500,000
SR 395/court street pedestrian overpass	\$400,000
<u>Sunnyside school district (choices facility)</u>	<u>\$150,000</u>
Suquamish inviting house construction	\$1,000,000
Tacoma narrows bridge lights	\$1,500,000
Tonasket viewing platform	\$100,000
Tanbara clinic - East Tacoma community	\$850,000
The Northwest maritime center	\$2,250,000
The Tri Cities minor league baseball	\$666,000
Thurston county small business incubator	\$750,000
Tokeland/North Cove water tank for fire	\$10,000
Town square grid - drexler drive	\$750,000
Tukwila southcenter parkway infrastructure	\$4,000,000
Turning point domestic violence shelter	\$700,000
University Place town square	\$1,000,000
VaHalla hall	\$750,000
Vancouver national historic reserve	\$750,000
<u>Vancouver river front redevelopment</u>	<u>\$1,000,000</u>
Vernetta Smith Chehalis timberland library	\$500,000
Waitsburg flood control feasibility report	\$29,000
Walla Walla county health center annex	\$100,000
White Center heights park	\$500,000
White Salmon water improvement	\$1,500,000
Willapa harbor community center	\$300,000
Wing-It productions historic theater	\$20,000
Washington State University/Shoreline Community College zero energy house	\$200,000
Yakima domestic violence shelter	\$200,000
Yakima downtown futures initiative phase 3	\$1,000,000
<del>(YMCA of Snohomish county - Ebey Island project)</del>	

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

	(\$2,200,000))
Total	((\$132,619,000))
	\$142,082,000
Appropriation:	
State Building Construction Account--State	(\$132,619,000))
	\$142,082,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	((\$132,619,000))
	\$142,082,000

**Sec. 1009** 2007 c 520 s 1039 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Innovation Partnership Zones (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: The state will designate unique areas of the state as innovation partnership zones, where globally competitive companies, research institutions, and advanced training are creating special competitive advantages for the state. From among the innovation partnership zones, using a competitive process based on need, estimated economic impact, geographic diversity, and local matches, ~~(five)~~ six zones or projects will be selected to receive funding. The appropriation in this section is provided solely for shared telecommunications within the zone, shared infrastructure and facilities, long-term capital purchases, and up to 10 percent for zone administration through the locally-designated innovation partnership zone administrator. It is the intent of the legislature that innovation partnership zone grants should consider the commercialization of inventions and innovations.

Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$5,000,000

**NEW SECTION. Sec. 1010** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Skagit County Digester (08-4-951)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for a grant for the Skagit county digester project.

Appropriation:

Energy Freedom Account--State	\$500,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$500,000

**NEW SECTION. Sec. 1011** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Quillayute Valley Wood-Fire Boiler (08-4-858)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for a grant for the Quillayute Valley wood-fire boiler demonstration project.

Appropriation:

Energy Freedom Account--State	\$1,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,000,000

**Sec. 1012** 2007 c 520 s 1042 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Development Fund (08-4-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects listed in this section must comply with RCW 43.63A.125(2)(c).

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(3) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(4) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(5) Project funds are available on a reimbursement basis only and may not be advanced under any circumstances.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Project Name	Amount
CASA Latina	\$1,000,000
Divine alternatives for dads services (DADS) center	\$10,000
El Centro de la Raza center	\$821,000
Hilltop renaissance community - Centro Latino	\$1,950,000
Hilltop renaissance community - MLK development association	\$4,000,000
HomeSight center	\$250,000
Ilwaco community building	\$2,700,000
Japanese cultural center of Washington	\$1,000,000
KCR Bremerton community services center	\$900,000
KDNA community center (Granger community center)	\$500,000
Korean women's association center	\$1,500,000
North helpline lake city court	\$350,000
Salishan housing community	\$2,900,000
Sea Mar family housing community	\$1,500,000
Spokane east central community center	\$150,000
Spokane emmanuel center	\$500,000
Spokane Northeast community center	\$1,000,000
Wapato Filipino American center	\$135,000
Total	\$21,166,000

Appropriation:

State Building Construction Account--State	\$21,166,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$21,166,000

**NEW SECTION. Sec. 1013** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Longview Regional Water Treatment Plant Dredging (08-1-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the emergency dredging of the Cowlitz river to prevent sandbars from obstructing the intake facility necessary for the city of Longview to obtain water.

Appropriation:

State Building Construction Account--State . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$150,000

**NEW SECTION. Sec. 1014** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Quincy Water Treatment System (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to increase the capacity of the water treatment facility in the city of Quincy.

Appropriation:

State Building Construction Account--State . . .	\$4,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,500,000

**NEW SECTION. Sec. 1015** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Rapid Response Program (08-2-857)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding is provided solely for the department to contract with the Washington state housing finance commission to provide grants or loans to eligible organizations, described under RCW 43.185A.040, to purchase land or real property for affordable housing and community facilities preservation or development in rapidly gentrifying neighborhoods or communities with a significant low-income population that is threatened with displacement by such gentrification. Loans or grants may be made to purchase land or real property for the preservation or development of affordable housing or community facilities, including reasonable costs and fees. The Washington state housing finance commission's review and evaluation of projects for loans and grants must include, but is not limited to the following: (a) Consideration of mobile home parks facing closure; (b) properties in neighborhoods in King county that are facing gentrification; and (c) properties located in the city of Spokane that are facing the threat of displacing low-income tenants due to the loss of affordable housing rental units. The Washington state housing finance commission, with approval from the department, may adopt guidelines and requirements that are necessary to administer the affordable housing and community facilities rapid response program. A loan recipient must preserve affordable rental housing acquired or developed under this section as affordable housing for a minimum of thirty years. Interest rates on loans made under this section may be as low as zero percent but may not exceed three percent. All loan repayments must be deposited into the Washington housing trust account and accounted for separately from other funds in the account.

(2) By December 1, 2008, the Washington state housing finance commission shall report to the department and the appropriate committees of the legislature: (a) The number of loans that were made in the program; (b) for what purposes the loans were made; (c) to whom the loans were made; and (d) when the loans are expected to be paid back.

Appropriation:

State Building Construction Account--State . .	\$20,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$20,000,000

**NEW SECTION. Sec. 1016** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Statewide Childcare Facilities Needs Assessment (08-4-857)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department, in consultation with the department of early learning, to provide an assessment of childcare capacity statewide for the following children: (a) Children served by programs under chapter 72.40 RCW; (b) sick children; (c) children whose care is subsidized by the department of social and health services; (d) children that participate in the early childhood education and assistance program; and (e) children that participate in the head start program.

(2) The department shall review current or potential funding sources for the acquisition, construction, renovation, or expansion of early learning and other childcare program facilities, and make recommendations to the legislature regarding the need to revise current state competitive childcare facility programs or develop new state programs.

(3)(a) The department shall convene a work group to consider and make recommendations regarding potential criteria for a competitive childcare facility program including, but not limited to the following: (i) Potential eligible applicants; (ii) the appropriateness of grants or loans for eligible applicants; (iii) the type of facilities that are eligible for grants or loans; (iv) objective selection criteria; (v) the need for technical assistance for applicants; and (vi) potential modifications, if any, to the school construction assistance program administered by the office of the superintendent of public instruction with regard to early learning and other childcare programs.

(b) The work group shall consist of stakeholders in the early learning and childcare communities and their recommendations must be delivered to the legislative fiscal committees by November 15, 2008.

Appropriation:

State Building Construction Account--State . . . . .	\$30,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$30,000

**NEW SECTION. Sec. 1017** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Infrastructure Investment System (08-2-859)

The appropriation in this section is subject to the following conditions and limitations: The legislature intends to begin a process of reevaluating the policy goals and priorities for the allocation of the infrastructure assistance program funds through the use of information that is available and reviewed each biennium by the infrastructure programs.

(1) The appropriation in this section is provided solely for the office of financial management, in cooperation with the department of community, trade, and economic development, the department of ecology, the department of health, the transportation improvement board, and the office of the state treasurer to develop an implementation plan. The implementation plan will also be developed in consultation with existing and potential state infrastructure program grant and loan recipients, other stakeholders, and the legislature. The implementation plan will identify options for the organization and coordination of appropriate state infrastructure assistance programs into an improved infrastructure investment system. The implementation plan must identify opportunities for the improved infrastructure investment system to achieve the following:

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

- (a) Ease of access to program information and applications;
- (b) Access to technical assistance;
- (c) Coordination of program investment to ensure that all budget and tax support from all state sources is disclosed and considered as a total package of assistance;

	<u>\$1,419,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$1,015,000)</u>
	<u>\$1,419,000</u>

(d) The promotion of strategic investments of state resources that are aligned with state policy goals, which includes laws, administrative rules, and program policies;

**Sec. 1019** 2007 c 520 s 1048 (uncodified) is amended to read as follows:

(e) The reduction of the cost of private market borrowing for jurisdictions with higher costs;

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

(f) The identification of additional revenue for local infrastructure; and

Snohomish, Island, and Skagit County Regional Higher Education (08-2-001)

(g) Effective and efficient program administration.

The appropriation in this section is subject to the following conditions and limitations:

(2) The development of an implementation plan must build upon prior studies and inventories of infrastructure programs and a further analysis of the major local infrastructure assistance programs. The implementation plan must be based on analysis, including the following:

(1) It is the intent of the legislature that the four-year institutions and the community and technical colleges work as cooperative partners to ensure the successful and efficient operation of the state's system of higher education. In furtherance of the state's responsibility for the expansion of baccalaureate and graduate educational programs in the central Puget Sound area, the University of Washington shall govern and operate an additional branch campus to be located in the Snohomish/Island/Skagit county area. Top priorities for the campus include expansion of upper division capacity for transfer students and graduate students in high demand programs, with a particular focus on science, technology, and engineering. The campus may offer lower division courses linked to specific majors in fields not addressed at local community colleges. The campus may also directly admit freshmen and sophomores gradually and deliberately in accordance with a campus plan to be submitted to the higher education coordinating board. All student admissions will be carried out in accordance with coadmissions and proportionality agreements emphasizing access for transfer students codeveloped by the University of Washington and the state board for community and technical colleges.

(a) Identification of the benefits from grants and interest rate subsidies to rate payers and local tax payers;

(2) The office of financial management and the University of Washington are directed to assess options and make recommendations on the siting of the branch campus in the Snohomish/Island/Skagit county region and shall develop operational and management plans needed to establish the institution. The plans shall include but not be limited to a master business plan for design and implementation, and programs to be offered to address demographic pressures and workforce needs. Planning and analysis shall be done in coordination with the local community and existing higher education institutions. Site selection criteria shall include, but not be limited to: Meeting the objectives of the master business plan; meeting the unmet baccalaureate needs in the region, including high demand program needs; compliance with provisions of the state's growth management act; and accessibility from existing and planned transportation infrastructure.

(b) A comparison of state policy goals, which are primary considerations in determining project funding decisions, with the actual funding decisions, the criteria used to rank proposals, and the performance measures used to monitor the success of the programs;

(3) Five years from the time the first class of students enters the new institution, the higher education coordinating board will work with the new institution and a local advisory board to: (a) Review the extent to which the new institution is meeting the baccalaureate degree needs of the citizens and businesses of the region and state; (b) assess any additional steps needed to accomplish the goals set forth in subsection (1) of this section, and; (c) assess the relationship between the new institution and other higher education institutions in the region and the state.

(c) The compilation of the total amount of assistance received by jurisdictions over the past five biennia; and

(4) The state board for community and technical colleges and the University of Washington shall plan for transition of appropriate programs from the university center to upper division programs at the branch campus.

(d) A comparison of the terms of a sample of low-interest loans provided to public infrastructure projects with the terms of private market borrowing that the jurisdictions would have been able to obtain. The sample of loans must include different types and sizes of projects and jurisdictions.

(5) The office of financial management and the University of Washington shall report to the governor and the appropriate committees of the senate and house of representatives by November 15, 2007, on campus siting recommendations and a preliminary design and implementation plan. The final design

(3) The legislature also intends to use information from the multiple infrastructure assistance programs to provide direction for future funding priorities. The legislature will base those priorities on information from infrastructure assistance programs, including the programs' recommendations for the following:

(a) Needed investment for the different types of infrastructure projects over the next six years;

(b) Funding allocation of the projected existing state infrastructure assistance resources to those types of projects;

(c) Reallocation of existing state resources for infrastructure projects; and

(d) New and existing local and state revenue sources to address unfunded local infrastructure needs. In estimating the needed investment for different types of infrastructure projects, infrastructure assistance programs may include in their recommendations new types of projects that are not authorized in statute.

(4) The implementation plan and analysis must be completed by December 1, 2008.

Appropriation:

Public Works Assistance Account--State . . . . .	\$475,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$475,000

**Sec. 1018** 2007 c 520 s 1050 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Oversight of State Facilities (08-2-855)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to strengthen its oversight role in state facility analysis and decision making as generally described in chapter 506, Laws of 2007.

Appropriation:

State Building Construction Account--State	<u>(\$1,015,000)</u>
--	----------------------

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

and implementation plan shall be delivered to the governor and the appropriate committees of the senate and house of representatives by June 1, 2008.

(6) The office of financial management may contract with outside sources to carry out the provisions of this section.

Appropriation:

State Building Construction Account--State	<del>(\$4,000,000)</del>
	<u>\$2,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$4,000,000)</del>
	<u>\$2,000,000</u>

Sec. 1020 2007 c 520 s 1049 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Higher Education Cost Escalation (08-2-854)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to assist public baccalaureate higher education institutions in managing unanticipated cost escalation for projects bid during the 2007-2009 biennium. Not more than \$750,000 shall be made available to any single project and amounts used must be matched equally from other resources. The office of financial management shall manage the distribution of funds to ensure that the requesting institution has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than originally specified in the design. Prior to approving use of a minor works appropriation as a match, and its transfer to the project with unanticipated cost escalation, the office of financial management shall require the institution to describe what it has done to identify and develop alternative resources for a match, and the specific minor works projects that would be deferred as a result of the transfer. The office of financial management shall report to the appropriate fiscal committees of the legislature on the use of these funds.

Appropriation:

State Building Construction Account--State	<del>(\$3,237,000)</del>
	<u>\$1,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$3,237,000)</del>
	<u>\$1,500,000</u>

NEW SECTION. Sec. 1021 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Higher Education Project Scoring and Financing Study (08-2-861)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions, beginning in 2008, and a higher education financing study as generally described in chapter . . . (Engrossed Substitute House Bill No. 3329), Laws of 2008. If the bill is not enacted by June 30, 2008, the appropriation shall lapse.

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

Sec. 1022 2007 c 520 s 1065 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building Improvements (08-1-011)

~~((The appropriation in this section is subject to the following conditions and limitations: \$25,000 of the capitol building construction account appropriation is provided solely to establish a legislative gift center created in chapter . . . (Second Substitute House Bill No. 1896), Laws of 2007. If the bill is not enacted by June 30, 2007, the appropriation shall lapse.))~~

Appropriation:

<del>(Capitol Building Construction Account--State</del>	<del>\$701,000)</del>
Thurston County Capital Facilities Account--State	\$676,000
State Building Construction Account--State	<del>(\$550,000)</del>
	<u>\$575,000</u>
Subtotal Appropriation	\$1,251,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,836,000
TOTAL	\$4,087,000

NEW SECTION. Sec. 1023 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Child Care Facility: Purchase and Improvements (08-2-854)

The appropriation in this section is subject to the following conditions and limitations: \$700,000 of the appropriation in this section is for the acquisition of the "Perry street" daycare site.

Appropriation:

State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

Sec. 1024 2007 c 520 s 1066 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works - Facility Preservation (08-1-015)

Appropriation:

Capitol Building Construction Account--State	<del>(\$1,715,000)</del>
	<u>\$1,619,000</u>
State Building Construction Account--State	<del>(\$1,456,000)</del>
	<u>\$1,766,000</u>
Thurston County Capital Facilities Account--State	\$3,634,000
General Administration Service Account--State	\$1,386,000
Subtotal Appropriation	<del>(\$8,191,000)</del>
	<u>\$8,405,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	<del>(\$20,365,000)</del>
	<u>\$20,065,000</u>
TOTAL	<del>(\$28,556,000)</del>
	<u>\$28,470,000</u>

Sec. 1025 2007 c 520 s 1067 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works - Infrastructure Preservation (08-1-004)

Appropriation:

Capitol Building Construction Account--State	\$600,000
State Vehicle Parking Account--State	\$22,000
State Building Construction Account--State	<del>(\$3,000,000)</del>
	<u>\$2,896,000</u>
Thurston County Capital Facilities Account--State	\$1,899,000

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

General Administration Service Account--State . . .	\$200,000
Subtotal Appropriation . . . . .	<del>(\$5,721,000)</del>
	<u>\$5,617,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	<del>(\$7,006,000)</del>
	<u>\$6,006,000</u>
TOTAL . . . . .	<del>(\$12,727,000)</del>
	<u>\$11,623,000</u>

Sec. 1026 2007 c 520 s 1073 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Oversight of State Facilities (08-2-853)

The appropriation in this section is subject to the following conditions and limitations: The appropriations ~~(is)~~ (are) in this section ~~(is)~~ are provided solely for the department of general administration to assist the office of financial management with the development ~~(of six-year facility plans as generally described in chapter . . . (Substitute House Bill No. 2366), Laws of 2007))~~ and implementation of RCW 43.82.035 and 43.82.055.

Appropriation:

General Administration Services Account--State . . .	\$345,000
State Building Construction Account--State . . . . .	<u>\$264,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$345,000)</del>
	<u>\$609,000</u>

Sec. 1027 2007 c 520 s 1068 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works - Program (08-2-012)

Appropriation:

State Building Construction Account--State . . .	<del>(\$370,000)</del>
	<u>\$360,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$2,720,000
TOTAL . . . . .	<del>(\$3,090,000)</del>
	<u>\$3,080,000</u>

NEW SECTION. Sec. 1028 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Infrastructure Relocation (08-2-028)

Appropriation:

State Building Construction Account--State . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>\$2,000,000</u>

NEW SECTION. Sec. 1029 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Campus Monuments Repair and Restoration (09-1-003)

Appropriation:

State Building Construction Account--State . . . . .	\$288,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>\$288,000</u>

NEW SECTION. Sec. 1030 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Olympia: Pro Arts Site Acquisition (08-2-856)

Appropriation:

State Building Construction Account--State . . .	\$1,985,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>\$1,985,000</u>

NEW SECTION. Sec. 1031 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Thurston County--Capital Campus High Capacity Transportation Study (08-2-955)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a contract with the Thurston county regional planning council for a study of transportation options for state employees in Thurston county and state capital campus visitors. The study shall analyze trip patterns, alternative modes of transportation for employees, access for visitors, interagency travel, and commute trip reduction programs. The study shall recommend options to improve multimodal transportation options available to those traveling to and from the capital and satellite campuses, including ways to improve the use, design, and access to new and existing transportation infrastructure such as parking lots, bicycle storage, park and rides, and transit stops.

Appropriation:

State Vehicle Parking Account--State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>\$150,000</u>

NEW SECTION. Sec. 1032 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF PERSONNEL**

Thurston County Childcare Needs Assessment - Predesign (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of personnel and the department of general administration to develop a predesign to determine: (1) Childcare needs of Washington state employees in Thurston county; (2) existing licensed childcare capacity near the capital campus, in Lacey and in Tumwater, located near state agency offices; (3) preferred and alternate locations based on that need and capacity, on or near the capital campus, in Lacey and in Tumwater; (4) optimum size of childcare space; and (5) project costs for these locations. The departments shall submit the predesign by September 15, 2008, to the office of financial management and the appropriate legislative fiscal committees.

Appropriation:

Thurston County Capital Facilities Account--State	\$150,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>\$150,000</u>

Sec. 1033 2007 c 520 s 1075 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF INFORMATION SERVICES**

Wheeler Block Development--Department of Information Services, State Patrol, and General Office (08-2-950)

The appropriation in this section is subject to the following conditions and limitations: Planning funds are provided solely to lease/develop state office buildings and facilities for the department of information services on the "Wheeler block" of

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

the east capitol campus. The office buildings shall be constructed and financed so that agencies' occupancy costs per gross square foot or per employee will not exceed 110 percent of comparable private market rental rates per gross square foot or per employee. The comparable general office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department in consultation with the department of general administration. In addition to the department of information services, state agency tenants shall include the state patrol and general office facilities for small agencies and offices. The department shall design and operate the general office facilities for small agencies and offices as a demonstration of the efficiencies gained from the integration of office space and telecommunications and computer technology. The demonstration project shall provide office space, furniture, and telecommunications and computer technology as a single package. The facility shall be designed so that small agencies and offices can move in and out of the facility without the typical moving expenses that result from individual agency ownership of furniture and technology. The facility for small agencies and offices shall also provide for staffing and space efficiencies resulting from central reception, and support services and spaces. The department of general administration shall coordinate with state agency tenants of the existing general administration building that will not be relocated to the new facilities of the "Wheeler block" for occupancy of state-owned or existing leased facilities (~~vacated by the state patrol or the department of information services~~) within Thurston county prior to relocation to new or not currently state-owned or leased facilities. The department shall consider alternatives for backfilling vacated state patrol or department of information services leased facilities when possible.

Appropriation:

State Building Construction Account--State . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,000,000

Sec. 1034 2007 c 520 s 1090 (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

Pritchard Building Rehabilitation (~~((08-2-017))~~) (08-2-850)

Appropriation:

State Building Construction Account--State ( <del>(\$1,100,000)</del> )	\$800,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$1,100,000)</del>
	\$800,000

NEW SECTION. Sec. 1035 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE MILITARY DEPARTMENT**

Flood Warning Systems (08-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the emergency management division in consultation with the department of ecology, the department of community, trade, and economic development, the Washington association of counties, the United States army corps of engineers, the national oceanic and atmospheric association, and the national weather service to develop the following:

(1) An inventory and description of flood warning systems currently in place in flood hazard areas of the state, including manual systems and electronic systems;

(2) A needs assessment indicating what specific areas of the state could be better served by flood warning systems based on flooding areas mapped under the federal emergency management act. The needs assessment must include recommendations regarding how to make timely notification of flood warnings and how to gather and share data about potential flood areas;

(3) An information bank of flood warning systems, with descriptions of available and emerging technologies, and estimates of the costs of purchasing, installing, and maintaining these systems;

(4) Sources of potential federal assistance for local flood warning systems; and

(5) Recommendations to assist local governments in the financing of capital costs of flood warning systems, including the potential to modify existing state programs.

The recommendations must be reported to the office of financial management and legislature by December 15, 2009.

Appropriation:

State Building Construction Account--State . . . .	\$250,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$250,000

(End of part)

**PART 2  
HUMAN SERVICES**

Sec. 2001 2007 c 520 s 2007 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School - Health and Safety Improvements (06-1-852)

Reappropriation:

<del>((Charitable, Educational, Penal, and Reformatory Institutions Account--State . . . . .</del>	<del>-\$400,000))</del>
State Building Construction Account--State . . . .	\$372,000
Prior Biennia (Expenditures) . . . . .	\$350,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$750,000))</del>
	\$722,000

Sec. 2002 2007 c 520 s 2021 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Capital Project Management (08-1-110)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State . . . ( <del>(\$2,555,000)</del> )	\$2,305,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$11,870,000
TOTAL . . . . .	<del>(\$14,425,000))</del>
	\$14,175,000

Sec. 2003 2007 c 520 s 2029 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center Medium Management Housing Addition (08-2-505)

The appropriation in this section is subject to the following conditions and limitations: Funding is for the evaluation of design alternatives to meet programmatic needs and to add residential space to existing facilities by remodeling existing

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

residential space and converting existing program space to residential space for additional beds.

Appropriation:

State Building Construction Account--State	(\$1,000,000)
	<u>\$1,275,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$1,000,000)
	<u>\$1,275,000</u>

**Sec. 2004** 2007 c 520 s 2032 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital Laundry Upgrades (08-1-325)

Appropriation:

State Building Construction Account--State	.. (\$885,000)
	<u>\$2,858,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$885,000)
	<u>\$2,858,000</u>

**Sec. 2005** 2007 c 520 s 2042 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory Addition (08-2-003)

Appropriation:

State Building Construction Account--State	(\$1,184,000)
	<u>\$2,012,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$8,984,000)
TOTAL	\$8,156,000
	<u>\$10,168,000</u>

**Sec. 2006** 2007 c 520 s 2045 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Drinking Water Assistance Program (06-4-001)

Reappropriation:

Drinking Water Assistance Account--Federal . \$18,588,000

Appropriation:

Drinking Water Assistance Account--Federal	(\$54,300,000)
	<u>\$66,474,000</u>
Prior Biennia (Expenditures)	\$7,086,000
Future Biennia (Projected Costs)	\$99,360,000
TOTAL	(\$179,334,000)
	<u>\$191,508,000</u>

**NEW SECTION. Sec. 2007** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Review of Drinking Water Systems (08-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of health to conduct a statewide review of small public drinking water systems that have or may in the future require significant state resources to resolve urgent threats to public health and safety. A small water system is less than one thousand connections (a group A or group B water system). The department shall evaluate case studies, the two regulatory frameworks in place for small systems, and provide a report to the appropriate legislative committees and the office of financial management with recommendations on early interventions or changes to the regulatory structure that could prevent such problems in the future.

(2) The department shall identify the communities that would benefit from consolidation, regionalization, or other measures that will lead to improved small system regulatory compliance, long-term public health protection, and sustained economic vitality in communities served by small systems. The department shall submit a progress report to the fiscal committees of the legislature and the office of financial management by December 1, 2008, and a final report by June 30, 2009.

Appropriation:

State Building Construction Account--State	.... \$100,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$100,000

**NEW SECTION. Sec. 2008** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Walla Walla Nursing Facility (08-2-008)

Appropriation:

State Building Construction Account--State	.... \$125,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$13,850,000
TOTAL	..... \$13,975,000

**Sec. 2009** 2007 c 520 s 2061 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Complex: Improve C and D Units Security Features (06-1-046)

Reappropriation:

State Building Construction Account--State	.. (\$280,000)
	<u>\$308,000</u>
Prior Biennia (Expenditures)	..... \$2,618,000
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... (\$2,898,000)
	<u>\$2,926,000</u>

**NEW SECTION. Sec. 2010** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Center: 100-Bed Management and Segregation Unit (00-2-008)

Reappropriation:

State Building Construction Account--State	.... \$995,000
Prior Biennia (Expenditures)	..... \$38,443,000
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$39,438,000

**NEW SECTION. Sec. 2011** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Convert BAR Units from Medium to Close Custody (04-2-004)

Reappropriation:

State Building Construction Account--State	.... \$110,000
Prior Biennia (Expenditures)	..... \$17,699,000
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$17,809,000

**Sec. 2012** 2007 c 520 s 2054 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Coyote Ridge Corrections Center: Design and Construct Medium Security Facility (98-2-011)

Reappropriation:

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

State Building Construction Account--State . . .	\$155,459,000
Appropriation:	
State Building Construction Account--State (( <del>\$13,700,000</del> ))	<u>\$1,280,000</u>
Prior Biennia (Expenditures) . . . . .	\$75,449,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$244,608,000)</u>
	<u>\$232,188,000</u>

Sec. 2013 2007 c 520 s 2056 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: North Close Security Compound (04-2-005)

Reappropriation:

State Building Construction Account--State . . \$10,482,000

Appropriation:

State Building Construction Account--State . . .	\$13,007,000
<u>Charitable, Educational, Penal, and Reformatory</u>	
Institutions Account--State . . . . .	\$763,000
Prior Biennia (Expenditures) . . . . .	\$130,276,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$140,758,000)</u>
	<u>\$154,528,000</u>

Sec. 2014 2007 c 520 s 2058 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Clallam Bay Corrections Center: Replace Support Building Roof (06-1-044)

Reappropriation:

State Building Construction Account--State (( <del>\$3,930,000</del> ))	<u>\$3,580,000</u>
Prior Biennia (Expenditures) . . . . .	\$822,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$4,752,000)</u>
	<u>\$4,402,000</u>

Sec. 2015 2007 c 520 s 2075 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Replace Correctional Industry Roof (06-1-023)

Reappropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account--State . . . (( <del>\$1,619,000</del> ))	<u>\$856,000</u>
State Building Construction Account--State (( <del>\$1,338,000</del> ))	<u>\$1,101,000</u>
Subtotal Reappropriation . . . . .	<u>(\$2,957,000)</u>
	<u>\$1,957,000</u>
Prior Biennia (Expenditures) . . . . .	\$494,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$3,451,000)</u>
	<u>\$2,451,000</u>

NEW SECTION. Sec. 2016 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Jail and Prison Inmate Medical Records Plan (08-2-950)

Appropriation:

State Building Construction Account--State . . . .	\$500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$500,000

NEW SECTION. Sec. 2017 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Community and Technical College Mapping (08-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Washington association of sheriffs and police chiefs to include facilities on all community and technical college campuses in the statewide first responder building mapping information system.

Appropriation:

State Building Construction Account--State . . .	\$1,746,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,746,000

(End of part)

**PART 3 NATURAL RESOURCES**

Sec. 3001 2007 c 520 s 3019 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

State Drought Preparedness (05-4-009)

Reappropriation:

State Drought Preparedness--State . . . . .	<u>(\$1,464,000)</u>
	<u>\$1,287,000</u>
Prior Biennia (Expenditures) . . . . .	\$5,865,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>(\$7,329,000)</u>
	<u>\$7,152,000</u>

Sec. 3002 2007 c 520 s 3036 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (08-4-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the state building construction account--state appropriation is for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(3) \$2,000,000 of the state building construction account--state appropriation is provided solely for the Adams and Lincoln counties ground water mapping project. The project shall submit a report to the appropriate committees of the legislature describing the dynamic relationship between groundwater and surface water in the region. The report shall be submitted by January 1, 2009.

(4) \$2,100,000 of the state toxics control account appropriation is provided solely for wastewater and clean water improvement projects at Illahee state park, Fort Flagler state park, and Larrabee state park.

(5)(a) \$4,400,000 of the state building construction account--state appropriation is provided solely for the Tenino waste water treatment facility and collection system to replace the city of Tenino's septic systems.

(b) ((~~\$18,505,000~~) \$20,005,000 of the state building construction account--state appropriation is provided solely for the following projects:

Project Amount

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

City of Carnation waste water treatment system	\$3,000,000
Mansfield waste water treatment upgrade	\$960,000
Rock Island waste water treatment system	\$870,000
Enumclaw waste water treatment system	\$750,000
Snohomish waste water treatment system	\$4,925,000
Freeland sewer district	\$1,000,000
Clark county regional sewer cooperative	\$4,000,000
Town of Warden waste water	\$3,000,000
Sultan waste water system improvements	\$500,000
<u>Ritzville waste water treatment system</u>	<u>\$1,500,000</u>

committees and the office of financial management by November 30, 2008.

Appropriation:

State Building Construction Account--State	.....	\$75,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$75,000

Sec. 3005 2007 c 520 s 3037 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Cleanup Toxic Sites in Puget Sound (08-4-005)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups shall include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department shall provide the Puget Sound partnership, as created by chapter 341, Laws of 2007, the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

Appropriation:

State Toxics Control Account--State	.....	<del>(\$4,000,000)</del>
		\$6,767,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$18,820,000
TOTAL	.....	<del>(\$22,820,000)</del>
		\$25,587,000

Sec. 3006 2007 c 520 s 3045 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Reduce Health Risks from Toxic Diesel Pollution (08-4-024)

The appropriation in this section is subject to the following conditions and limitations:

- ~~(\$4,840,000)~~ \$5,380,000 of the appropriation is provided solely for school bus diesel retrofits for local school districts.
- ~~(\$2,330,000)~~ \$4,830,000 of the appropriation is provided solely for emission reduction projects for local governments to retrofit public sector diesel engines to allow public sector fleets to reduce their emissions.

Appropriation:

Local Toxics Control Account--State	.....	<del>(\$7,170,000)</del>
		\$10,210,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	<del>(\$7,170,000)</del>
		\$10,210,000

Sec. 3007 2007 c 520 s 3046 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grants (08-4-008)

The appropriation in this section is subject to the following conditions and limitations: \$190,000 of the appropriation is provided solely for remedial action to address the Swift creek asbestos problem.

Appropriation:

Local Toxics Control Account--State	.....	<del>(\$84,475,000)</del>
		\$92,875,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$180,000,000
TOTAL	.....	<del>(\$264,475,000)</del>
		\$272,875,000

~~((b))~~ (c) The appropriation for entities that are listed in ~~((a))~~ (b) of this subsection shall not affect the entities' eligibility for centennial fund hardship assistance and shall be excluded from any financial hardship calculation that would have the effect of reducing other moneys for which the entity is currently contracted and eligible under WAC 173-95A-030(8), as it existed on the effective date of this section.

~~((c))~~ (d) The appropriation to the city of Carnation is for payment to King county for the county connection charge and other eligible costs.

Appropriation:

State Building Construction Account--State	<del>(\$49,225,000)</del>	
	\$44,021,000	
Water Quality Capital Account--State	.....	
	<del>(\$7,550,000)</del>	
	\$5,417,000	
State Toxics Control Account--State	.....	
	<del>(\$2,100,000)</del>	
	\$15,837,000	
Subtotal Appropriation	.....	
	<del>(\$58,875,000)</del>	
	\$65,275,000	
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$178,400,000
TOTAL	.....	<del>(\$237,275,000)</del>
		\$243,675,000

NEW SECTION. Sec. 3003 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Wastewater Regionalization (08-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to conduct a review of statewide community wastewater infrastructure needs and identify communities that would benefit from regional wastewater infrastructure and identify any barriers to regionalization these communities may face. The department must submit an interim report to the appropriate legislative committees and the office of financial management by November 30, 2008, with a final report due by June 30, 2009.

Appropriation:

State Building Construction Account--State	.....	\$100,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$100,000

NEW SECTION. Sec. 3004 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Wastewater Systems Case Studies (08-2-852)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department and department of community, trade, and economic development to develop a set of case studies of wastewater systems, based on the small communities initiative's action list, that require significant state financial and technical resources to resolve urgent threats to public health, safety, and environmental quality. The department shall provide recommendations for early interventions to prevent similar problems with small communities in the future. The recommendations must be provided to the appropriate legislative

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Sec. 3008 2007 c 520 s 3048 (uncodified) is amended to read as follows:

based on population and the economic impact of potential flood damage.

**FOR THE DEPARTMENT OF ECOLOGY**

The study shall include the following components:  
(1) A working group of levee managers to advise and inform the study;

Safe Soils Remediation Grants (08-4-009)  
Appropriation:

State Toxics Control Account--State . . . . .	<del>(\$2,000,000)</del>
	<u>\$4,500,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$4,000,000
TOTAL . . . . .	<del>(\$6,000,000)</del>
	<u>\$8,500,000</u>

(2) A technical review of the structural integrity of levee systems;  
(3) An inventory, map, and rate the effectiveness of existing levee systems; and  
(4) The development of strategies and actions needed to improve the existing levee system and to ensure certification by the United States army corps of engineers for one-hundred year flood protection.

Sec. 3009 2007 c 520 s 3050 (uncodified) is amended to read as follows:

The study must be completed and a report provided to the appropriate legislative committees by July 1, 2009.

**FOR THE DEPARTMENT OF ECOLOGY**

Appropriation:

State Building Construction Account--State . . . . .	\$250,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>\$250,000</u>

Skykomish Cleanup (08-4-020)  
The appropriation in this section is subject to the following conditions and limitations: \$3,000,000 of the cleanup settlement account appropriation is provided solely for implementation of chapter . . . . (Senate Bill No. 6722 (cleanup settlement account)), Laws of 2008. If the bill is not enacted by June 30, 2008, the amount provided in this section shall lapse.

Sec. 3012 2007 c 520 s 3049 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Appropriation:

State Toxics Control Account--State . . . . .	\$7,000,000
Clean Up Settlement Account--State . . . . .	<u>\$3,000,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	<del>(\$0)</del>
	<u>\$2,050,000</u>
TOTAL . . . . .	<del>(\$7,000,000)</del>
	<u>\$12,050,000</u>

Reduce Public Health Risks from Wood Stove Pollution (08-4-019)

NEW SECTION. Sec. 3010 A new section is added to 2007 c 520 (uncodified) to read as follows:

Appropriation:

Wood Stove Education Account--State . . . . .	<del>(\$500,000)</del>
	<u>\$400,000</u>
Local Toxics Control Account--State . . . . .	<u>\$1,600,000</u>
Subtotal Appropriation . . . . .	<u>\$2,000,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	<del>(\$2,000,000)</del>
	<u>\$0</u>
TOTAL . . . . .	<del>(\$2,500,000)</del>
	<u>\$2,000,000</u>

**FOR THE DEPARTMENT OF ECOLOGY**

Sec. 3013 2007 c 520 s 3060 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Mason County Consortium (08-4-851)  
Appropriation:

State Toxics Control Account--State . . . . .	\$500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<u>\$500,000</u>

Facility Preservation - Facilities (06-1-004)  
Reappropriation:

State Building Construction Account--State . . . . .	<del>(\$6,000,000)</del>
	<u>\$4,700,000</u>
Prior Biennia (Expenditures) . . . . .	<u>\$4,419,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$10,419,000)</del>
	<u>\$9,119,000</u>

NEW SECTION. Sec. 3011 A new section is added to 2007 c 520 (uncodified) to read as follows:

Sec. 3014 2007 c 520 s 3072 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

**FOR THE DEPARTMENT OF ECOLOGY**

Flood Protection Study (08-2-855)  
The appropriation in this section is subject to the following conditions and limitations:

Puget Sound Wastewater (06-1-851)  
Reappropriation:

State Building Construction Account--State . . . . .	<del>(\$6,100,000)</del>
	<u>\$5,814,000</u>
Prior Biennia (Expenditures) . . . . .	<u>\$1,095,000</u>
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$7,195,000)</del>
	<u>\$6,909,000</u>

The legislature finds that levees across the state provide protection to hundreds of communities from flooding. Many of these levee systems are old, built with substandard materials, and were not designed to provide the level of protection that the communities behind them need. Recent decertification of levees in King and Pierce counties by the United States army corps of engineers indicates a growing problem with levee maintenance. As more levees are decertified, land behind those levees is considered to be located in the regulated floodplain. Because of this, many homeowners and businesses must obtain flood insurance, and new construction projects must meet strict new building codes.

NEW SECTION. Sec. 3015 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Therefore, the appropriation in this section is provided solely for the department to conduct a study to determine the number of decertified levees in the state and to identify strategies for recertifying the levees so that they provide optimum protection for the communities protected by the levees. The department must prioritize areas to include in the study

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Saint Edward State Park Seminary Building: Preservation (08-1-010)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following activities necessary to stop water intrusion into the building:

- (1) Design and construction to stop ground water intrusion;
- (2) Design to stop above ground water intrusion; and
- (3) Design to stop internal leakage from the rain leader system.

Appropriation:

State Building Construction Account--State . . .	\$2,310,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$12,200,000
TOTAL . . . . .	\$14,510,000

Sec. 3016 2007 c 520 s 3087 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State (( <del>\$9,000,000</del> ))	
	<u>\$8,800,000</u>
State Toxics Control Account--State . . . . .	\$200,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$40,000,000
TOTAL . . . . .	\$49,000,000

Sec. 3017 2007 c 520 s 3084 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Historic Preservation (08-1-002)

~~((The appropriation in this section is subject to the following conditions and limitations:~~

~~—(1) \$500,000 of the appropriation is provided solely for the design, permits, and drawings for the seminary building at St. Edward State Park;~~

~~—(2) \$500,000 of the appropriation is provided solely for improvements to prevent further degradation of the seminary building.))~~

Appropriation:

State Building Construction Account--State (( <del>\$7,101,000</del> ))	
	<u>\$6,191,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$14,500,000
TOTAL . . . . .	(( <del>\$21,601,000</del> ))
	<u>\$20,691,000</u>

NEW SECTION. Sec. 3018 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Ocean City Comfort Station--Fire Damage Repair (08-1-043)

Appropriation:

State Building Construction Account--State . . . .	\$181,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$181,000

NEW SECTION. Sec. 3019 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Flagler: Parkwide Sewage Treatment System (08-1-044)

Appropriation:

State Building Construction Account--State . . .	\$2,773,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,773,000

NEW SECTION. Sec. 3020 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Bigelow House (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for capital improvements to the Bigelow house. The commission shall accept the donation of the Bigelow house museum, the grounds, and the contents of the Bigelow house museum from the Bigelow house preservation association if the Bigelow house preservation association agrees to continue to provide staff and programming for the museum.

Appropriation:

State Building Construction Account--State . . . .	\$100,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$100,000

NEW SECTION. Sec. 3021 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Ike Kinswa State Park Improvement (08-2-950)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local . . . . .	\$500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$500,000

Sec. 3022 2007 c 520 s 3102 (uncodified) is amended to read as follows:

**FOR THE ((INTERAGENCY COMMITTEE FOR OUTDOOR)) RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (00-2-001)

Reappropriation:

General Fund--Federal . . . . .	\$166,000
Salmon Recovery Account--State . . . . .	(( <del>\$1,175,000</del> ))
	<u>\$575,000</u>
Subtotal Reappropriation . . . . .	(( <del>\$1,341,000</del> ))
	<u>\$741,000</u>
Prior Biennia (Expenditures) . . . . .	\$100,284,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(( <del>\$101,625,000</del> ))
	<u>\$101,025,000</u>

Sec. 3023 2007 c 520 s 3144 (uncodified) is amended to read as follows:

**FOR THE ((INTERAGENCY COMMITTEE FOR OUTDOOR)) RECREATION AND CONSERVATION FUNDING BOARD**

Nonhighway Off-Road Vehicle Activities (08-4-008)

The appropriation in this section is subject to the following conditions and limitations: \$450,000 of the appropriation is provided solely for grants to local law enforcement and noise enforcement agencies for the enforcement of existing state noise laws and regulations. Grants may be used to acquire noise

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

monitoring equipment and to compensate law enforcement agencies for staff overtime and administrative expenses. Funds for noise enforcement grants shall come from amounts allocated for the purposes specified in RCW 46.09.170(2)(d).

to restore agricultural infrastructure and equipment necessary to repair, replace, or maintain infrastructure that provides public health and safety, water quality, and fish and wildlife habitat protection, including debris removal, fencing, replacing manure lagoons, and properly functioning equipment and facilities.

Appropriation:

Appropriation:

Nonhighway Off-Road Vehicle Activities Program	
Account--State . . . . .	\$9,036,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$42,945,000
TOTAL . . . . .	\$51,981,000

State Building Construction Account--State . . .	\$1,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,500,000

**Sec. 3024** 2007 c 520 s 3146 (uncodified) is amended to read as follows:

**Sec. 3026** 2007 c 520 s 3155 (uncodified) is amended to read as follows:

**FOR THE (~~INTERAGENCY COMMITTEE FOR OUTDOOR~~) RECREATION AND CONSERVATION FUNDING BOARD**

**FOR THE STATE CONSERVATION COMMISSION**

Washington Wildlife Recreation Grants (08-4-011)

Practice Incentive Payment Loan Program (08-4-004)

The appropriations in this section are subject to the following conditions and limitations:

Appropriation:

(1) The appropriations are provided solely for the approved list of projects in LEAP capital document No. 2007-3 as developed on March 17, 2007, and LEAP capital document No. 2008-1 as developed on February 13, 2008.

Conservation Assistance Revolving Account--State . . . . .	<del>(\$1,000,000)</del>
	\$500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$3,000,000
TOTAL . . . . .	<del>(\$4,000,000)</del>
	\$3,500,000

(2) If additional funds are available after funding the farmlands preservation account projects approved in subsection (1) of this section, the committee may:

**NEW SECTION. Sec. 3027** A new section is added to 2007 c 520 (uncodified) to read as follows:

(a) Provide one-time grants of up to \$25,000 each to counties requesting assistance in developing farmlands preservation strategies for the purpose of seeking grants from the farmlands preservation account in future grant cycles.

**FOR THE STATE CONSERVATION COMMISSION**

(b) Conduct a second grant cycle in the 2007-2009 biennium for farmlands preservation projects. A ranked list of farmlands preservation projects may be submitted to the governor by November 1, 2007, for approval in the 2008 supplemental capital budget. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the supplemental capital budget request to the legislature.

Livestock Nutrient Program (08-4-001)

(3) Funds appropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) shall be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

Appropriation:

(4) \$627,299 of the appropriation from the riparian protection account is provided solely for the Chehalis river surge plain natural area preserve. This amount shall not be expended for the project until the department of natural resources has completed a management plan for the preserve that maintains recreational access and that management plan is presented to the house of representatives capital budget and senate ways and means committees.

Water Quality Capital Account--State . . . . .	\$4,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

**Sec. 3028** 2007 c 520 s 3161 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Appropriation:

Outdoor Recreation Account--State . . . . .	\$36,000,000
Farmlands Preservation Account--State . . . . .	\$9,000,000
Riparian Protection Account--State . . . . .	\$19,000,000
Habitat Conservation Account--State . . . . .	\$36,000,000
Subtotal Appropriation . . . . .	\$100,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$280,000,000
TOTAL . . . . .	\$380,000,000

Fish and Wildlife Population and Habitat Protection (06-1-003)

The appropriations in this section are subject to the following conditions and limitations: The state building construction account appropriation is provided solely for increasing the allocation for the bank stabilization and fish habitat project on the east fork of the Lewis river.

Reappropriation:

Wildlife Account--State . . . . .	<del>(\$288,750)</del>
	\$289,000

Appropriation:

State Building Construction Account--State . . . .	\$375,000
Prior Biennia (Expenditures) . . . . .	<del>(\$311,250)</del>
	\$311,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$600,000)</del>
	\$975,000

**Sec. 3029** 2007 c 520 s 3175 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**NEW SECTION. Sec. 3025** A new section is added to 2007 c 520 (uncodified) to read as follows:

Puget Sound Initiative - Nearshore Salmon Restoration (06-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for efforts to restore nearshore habitat and estuaries in Puget Sound. The department shall focus on restoring natural nearshore processes, including protection and restoration of beach sediments and removal of existing bulkheads.

**FOR THE STATE CONSERVATION COMMISSION**

Flood Assistance for Farm Communities (08-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(2) The department shall provide the Puget Sound partnership, as created by chapter 341, Laws of 2007 the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

(3) Funded projects require a nonstate match or in-kind contributions. The department shall seek to maximize the amount of nonstate match from local, state, tribal, and federal partners. Individual projects require a minimum 33 percent cash or in-kind match.

(4) Eligible projects must be within Puget Sound and identified by a salmon recovery lead entity or marine resource committee and identified in a current salmon recovery, watershed, or nearshore habitat restoration and protection plan.

(5) Project evaluation criteria shall be developed by the Puget Sound nearshore steering committee. The criteria shall be consistent with the technical guidance developed by the Puget Sound nearshore science team and shall be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.

(6) The department shall not utilize any amount of this appropriation to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects shall be obtained from the department's operating budget.

(7) In recognition of the urgent need to complete the Puget Sound nearshore ecosystem restoration project general investigation, up to \$723,000 of this appropriation may be used to match federal funds implementing the cost-share agreement between the department and the United States army corps of engineers.

(8) ~~(\$3,746,875)~~ \$2,398,735 of the appropriation is provided solely for the following projects:

Project	Amount
Carpenter creek estuary phase 1 (South Kingston road)	\$637,000
<del>(Duwamish Garden estuary restoration</del>	<del>\$1,400,000)</del>
Seahurst Park bulkhead phase II	\$1,100,000
Lower Dosewallips floodplain	\$609,875
<u>Titlow Beach pocket estuary restoration</u>	<u>\$51,860</u>

Reappropriation:  
State Building Construction Account--State ... \$2,300,000

Appropriation:	
State Building Construction Account--State ..	\$12,000,000
General Fund--Federal .....	\$1,000,000
Subtotal Appropriation .....	\$13,000,000
Prior Biennia (Expenditures) .....	\$200,000
Future Biennia (Projected Costs) .....	\$28,000,000
TOTAL .....	\$43,500,000

**Sec. 3030** 2007 c 520 s 3179 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Statewide Fencing Renovation and Replacement (08-1-009)

The appropriation in this section is subject to the following conditions and limitations: ~~(\$1,000,000 of the appropriation is provided solely for the replacement of elk fencing lost in the 2005 school fire in the Wooten wildlife area.)~~

(1) Up to \$2,000,000 of the appropriation from the wildlife account that is compensation from the settlement received by the state for damages to the Wooten wildlife area caused by the school fire is for the replacement of elk fencing in the Wooten wildlife area. The department shall contract with another state agency to construct the fence.

(2) \$331,000 of the appropriation is provided solely for the replacement of a barbed wire fence that was destroyed in the Rockpile creek fire of July 2007.

Appropriation:	
State Building Construction Account--State	<del>(\$2,100,000)</del>
	<u>\$1,431,000</u>

Wildlife Account--Private/Local .....	\$2,000,000
Subtotal Appropriation .....	\$3,431,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>(\$2,100,000)</del>
	<u>\$3,431,000</u>

**Sec. 3031** 2007 c 520 s 3187 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Combined State Agency Aviation Facility (08-1-950)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign and design of a single, consolidated aviation facility, including consolidated operations, at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources, and the department of fish and wildlife, and the rotary operations of the department of natural resources. The office of financial management shall not allot design funds until the predesign has undergone a budget evaluation study team review, and the results of the budget evaluation study team review have been provided to the legislative fiscal committees and submitted to the office of financial management for review and approval.

Appropriation:	
State Building Construction Account--State ...	<del>(\$11,000)</del>
	\$101,000
Wildlife Account--State .....	\$12,000
Subtotal Appropriation .....	<del>(\$23,000)</del>
	<u>\$113,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$1,608,000
TOTAL .....	<del>(\$1,631,000)</del>
	<u>\$1,721,000</u>

**NEW SECTION. Sec. 3032** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Okanogan-Similkameen Land Acquisition (08-2-023)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the acquisition of agricultural easements or land as specified for the following properties:

- (1) South end Palmer lake: Agricultural easement;
- (2) Highway 97 near Riverside: Land acquisition;
- (3) McLaughlin Canyon: Agricultural easement;
- (4) Similkameen and Sinlahekin river intersect: Agricultural easement; and
- (5) Buzzard lake: Land acquisition.

Appropriation:	
State Building Construction Account--State ...	\$3,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$3,000,000

**NEW SECTION. Sec. 3033** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Ebey Island Property (08-2-852)

The appropriation in this section is subject to the following conditions and limitations: Up to \$3,200,000 of the appropriation in this section is for the acquisition of the Ebey island property from the YMCA of Snohomish county. The office of financial management shall not allot funds to the department until the appraisal is complete and shall not allot more than the amount of the appraisal. The department shall assess the cost of: (1) Extending the YMCA segment of the

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Ebey island road one-quarter of a mile; and (2) constructing a parking lot at the end of the road.

Appropriation:

State Building Construction Account--State . . .	\$2,200,000
General Fund--Federal . . . . .	\$1,000,000
Subtotal Appropriation . . . . .	\$3,200,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,200,000

**NEW SECTION. Sec. 3034** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Stemilt Basin Acquisition (08-2-029)

Appropriation:

State Building Construction Account--State . . . .	\$200,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$200,000

**Sec. 3035** 2007 c 520 s 3211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Combined State Agency Aviation Facility (08-1-952)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign and design of a single, consolidated aviation facility, including consolidated operations, at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources, and the department of fish and wildlife, and the rotary operations of the department of natural resources. The office of financial management shall not allot design funds until the predesign has undergone a budget evaluation study team review, and the results of the budget evaluation study team review have been provided to the legislative fiscal committees and submitted to the office of financial management for review and approval.

Appropriation:

Forest Development Account--State . . . . .	\$15,000
Resource Management Cost Account--State . . . . .	\$16,000
State Building Construction Account--State . . . . .	<del>(\$23,000)</del>
	\$555,000
Subtotal Appropriation . . . . .	<del>(\$54,000)</del>
	\$586,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$3,783,000
TOTAL . . . . .	<del>(\$3,837,000)</del>
	\$4,369,000

**Sec. 3036** 2007 c 520 s 3204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Transfer (08-2-005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status, or enter into fifty year leases for, certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, housing and essential government services, or recreation purposes. The approved list of projects is identified in the LEAP capital document 2007-5, developed (~~March 20~~) April 19, 2007.

~~((3))~~ (2) Property subject to lease agreements under this section shall be appraised at fair market value. Lease terms shall be fifty years with options to renew for an additional fifty years. Lease payments shall be lump sum payments for the entire term

of the lease at the beginning of the lease. The department shall calculate such lump sum payments using professional appraisal standards. These lease payments may not exceed the fee simple purchase price based on current fair market value and shall be deposited by the department to the common school construction account in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

~~((4))~~ (3) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

~~((5))~~ (4) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

~~((6))~~ (5) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer and lease agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose. Transfer and lease agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the original intended public purpose and the department and legislature approves such uses.

~~((7))~~ (6) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

~~((8))~~ (7) The department shall execute trust land transfers that, after the deduction of reasonable costs as provided in subsection ~~((4))~~ (3) of this section, eighty percent of the total value of transferred property is timber value and is deposited in the common school construction account. To achieve the eighty percent requirement, the department may choose to lease properties originally intended as transfers.

~~((9))~~ (8) On June 30, 2009, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction account and the appropriations in this section shall be reduced by an equivalent amount.

Appropriation:

State Building Construction Account--State . .	\$98,985,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$287,000,000
TOTAL . . . . .	\$385,985,000

**Sec. 3037** 2007 c 520 s 3214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Conversion Land Acquisition (08-1-950)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for acquisition of working forest lands at risk of conversion to nonforest uses. The legislature finds that the chronic loss of working forest lands threatens the long-term prospects of the timber products industry, which in turn threatens the long-term economic return for the beneficiaries of state trust lands. Acquisition of these conversion lands is intended to help stabilize the primary source of revenue to trust land beneficiaries. The department shall submit a report to the appropriate committees of the legislature by October 1, 2008, indicating the lands purchased under this section, showing the locations, acres, purchase price, and within that purchase price,

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

the value of the property attributed to the future value of timber harvests given an expected rate of return for timber lands, and the value of the property attributed to future development of the property. It is the intention of the legislature to lease or otherwise acquire the development rights of these conversion lands and retain them as long-term working forest lands under the sustainable harvest plan. Working forest lands acquired under this section shall be managed at a level equal to or greater than seventy-five percent of the expected harvest under the sustainable harvest plan. The appropriation provided in this section shall lapse unless chapter 504, Laws of 2007, or similar provisions contained in other legislation, is enacted prior to June 30, 2007. No amounts appropriated in this section shall be expended on the central cascade land exchange unless one of the two following conditions are met: (1) The four Stemilt parcels in T21R20E are excluded from the exchange; or (2) the four Stemilt parcels in T21R20E are included in the exchange and the department and Chelan county, as chair of the Stemilt partnership, agree on a plan for eventual ownership, disposition, and management of the four Stemilt parcels. The department shall manage cash balances in the natural resources real property replacement account such that cash balances are sufficient for the treasurer transfers required in section 6030 of this act. The department may also transfer funds from the land bank subaccount of the resource management cost account to the natural resources real property replacement account to ensure sufficient cash balances.

Appropriation:

Resource Management Cost Account--State ..	\$40,000,000
Natural Resources Real Property Replacement Account--State .....	\$30,000,000
Subtotal Appropriation .....	\$70,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$70,000,000

NEW SECTION. Sec. 3038 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Potential School Sites-State Trust Land Study (08-2-854)

The appropriation in this section is subject to the following conditions and limitations:

(1) The joint legislative committee on school construction funding finds that high growth school districts are often unable to acquire lands best suited for siting new schools. Current funding capacity is devoted to current needs and land development in rapidly growing areas of the state competes with the present and future need for undeveloped sites to build new schools.

(2) The appropriation in this section is provided solely for the superintendent of public instruction and the commissioner of public lands to establish a work group to analyze the feasibility of and develop options for using existing state lands in high growth areas of the state for potential future school sites. The work group shall: (a) Prepare an inventory of existing state trust lands suitable for use as school sites; (b) prepare a projection of the needs for school sites in high growth school districts; and (c) develop options for holding and valuing the land for future school district use that are consistent with legal requirements and management objectives for state trust lands and any other state lands.

(3) The work group shall report to the legislature by December 1, 2008.

Appropriation:

Resource Management Cost Account--State .....	\$30,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Cost) .....	\$0
TOTAL .....	\$30,000

Sec. 3039 2007 c 520 s 3219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The reappropriation in this section is subject to the following conditions and limitations: If legislation is enacted by June 30, 2009, that moves the energy freedom program to the department of community, trade, and economic development, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Reappropriation:

Energy Freedom Account--State .....	<del>(\$5,971,000)</del>
	\$4,471,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>(\$5,971,000)</del>
	\$4,471,000

(End of part)

**PART 4  
TRANSPORTATION**

Sec. 4001 2007 c 520 s 4004 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Combined State Agency Aviation Facility (08-2-951)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign and design of a single, consolidated aviation facility, including consolidated operations, at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources, and the department of fish and wildlife, and the rotary operations of the department of natural resources. The office of financial management shall not allot design funds until the predesign has undergone a budget evaluation study team review, and the results of the budget evaluation study team review have been provided to the legislative fiscal committees and submitted to the office of financial management for review and approval.

Appropriation:

State Building Construction Account--State ...	<del>(\$12,000)</del>
	\$376,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$813,000
TOTAL .....	<del>(\$825,000)</del>
	\$1,189,000

NEW SECTION. Sec. 4002 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Higher Education Campus Security Plan (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for completion by November 1, 2008, of the higher education campus security needs analysis and fiscal impact study as described in chapter ... (Second Substitute House Bill No. 2507), Laws of 2008. In conducting the study, the state patrol shall obtain and provide consultation by state and national experts in the area of campus risk assessment and cost-effective risk mitigation. If the bill is not enacted by June 30, 2008, the appropriation shall lapse.

Appropriation:

State Building Construction Account--State .....	\$350,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$350,000

NEW SECTION. Sec. 4003 A new section is added to 2007 c 520 (uncodified) to read as follows:

FORTY-SIXTH DAY, FEBRUARY 28, 2008

**FOR THE WASHINGTON STATE PATROL**

Seattle Crime Lab Expansion (09-2-102)

Appropriation:

State Building Construction Account--State	...	\$6,632,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$6,632,000

NEW SECTION. Sec. 4004 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL**

DNA Crime Lab Computer System (08-2-952)

Appropriation:

State Building Construction Account--State	....	\$500,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$500,000

NEW SECTION. Sec. 4005 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION**

Culvert Replacements (08-1-001)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely to replace culverts that will improve fish passage. \$700,000 is provided solely for a grant for the repair of the culvert and road collapse on 17th street in Lynden, and \$700,000 is provided solely for a grant for the repair of the road and culvert on Cedar Flats road that was damaged in the December 2007 flood. With the remaining amount, the department of transportation must begin replacement of the highest priority culvert projects that would improve fish passage.

Appropriation:

State Building Construction Account--State	...	\$5,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$5,000,000

NEW SECTION. Sec. 4006 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Centralia-Chehalis Flood Control (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management, in consultation with other state agencies, shall work with and through the Chehalis basin flood control authority, and other local governments as appropriate, to participate in flood mitigation projects for the Chehalis river basin. (1) Up to two million five hundred thousand dollars of the appropriation is for the Chehalis basin flood control authority or other authorized local government groups to develop or participate in the development of flood hazard mitigation measures throughout the basin. (2) The office of financial management shall participate as the nonfederal sponsor of United States army corps of engineers flood hazard mitigation projects for the Chehalis river basin area, including the project authorized by the water resources development act of 2007 and projects to be developed under the basin-wide study authorized by United States house resolution 2581, if such projects are mutually agreed to between the federal government, the office of financial management, and the Chehalis basin flood control authority or other authorized local government group. The department of transportation shall prepare the necessary agreements to ensure an active partnership with federal and state agencies, local governments, the Chehalis river flood control authority, and others as needed. (3) The office of financial management shall not allot funds for construction of flood hazard mitigation projects for the Chehalis

2008 REGULAR SESSION

river basin until a project agreement between nonfederal project partners has been signed and copies have been provided to the governor, the majority and minority leaders of the senate, and the speaker and minority leader of the house of representatives. The project agreement must delineate responsibility for the ongoing operations and maintenance of the project. The agreement must also include a plan to meet applicable floodplain management requirements and to address any applicable federal requirements for managing the effect of future land use developments on the extent and severity of flooding.

Appropriation:

State Building Construction Account--State	..	\$50,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$50,000,000
TOTAL	.....	\$50,000,000

(End of part)

**PART 5  
EDUCATION**

**Sec. 5001** 2007 c 520 s 5008 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

School Construction Assistance Grants (08-4-200)

The appropriations in this section are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) The legislature has made a commitment to phase in all-day kindergarten programs beginning with the 2007-08 school year. However, the legislature finds that one potential barrier to successful expansion of all-day kindergarten programs may be a lack of facilities that meet the requirements of an all-day kindergarten program. The office of the superintendent of public instruction, in consultation with the school facilities citizen advisory panel, shall examine alternatives for addressing school facilities needs for all-day kindergarten programs, including adapting existing unused space, creating innovative public-private partnerships and partnerships with early learning providers, shifting the location of current programs within a district or a school, and temporary, limited use of portables. The office of the superintendent of public instruction shall submit a report to the capital budget committee of the house of representatives and the ways and means committee of the senate by September 1, 2007, with recommendations on preferred alternatives and an analysis of the feasibility and cost of implementing the alternatives.

(3) Within the amounts appropriated in this section, the office of the superintendent of public instruction shall review and evaluate the cost and other implications of changing the current annual release cycle for the school construction assistance program. The office of the superintendent of public instruction shall prepare a report resulting from their review and evaluation by December 1, 2008. This report must include a specific plan for implementing the change in the 2009-2011 biennium.

Appropriation:

State Building Construction Account--State	<del>(\$109,521,000)</del>
	\$25,431,000
Common School Construction Account--State	
.....	<del>(\$770,658,000)</del>
	\$750,239,000
Common School Reimbursable Construction	
Account--State	..... \$180,000
Subtotal Appropriation	.... <del>(\$880,359,000)</del>
	\$775,850,000
Prior Biennia (Expenditures)	..... \$0

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Future Biennia (Projected Costs) . . . . .	(\$3,500,725,000))
	\$3,495,689,000
TOTAL . . . . .	(\$4,381,084,000))
	\$4,271,539,000

**NEW SECTION. Sec. 5002** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Aviation High School (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the design costs for a new facility at Aviation high school, to include space that would be colocated at the museum of flight on east marginal way. The office of financial management shall not allot funds for the project until the Highline school district has secured an operating agreement for a high school program at the museum of flight site.

Appropriation:

State Building Construction Account--State . . .	\$1,175,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,175,000

**NEW SECTION. Sec. 5003** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Greenbridge Early Learning Center (08-1-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the Puget Sound education district for building the center for the thrive-by-five program.

Appropriation:

State Building Construction Account--State . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,000,000

**NEW SECTION. Sec. 5004** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

East Yakima Early Learning Center (08-4-860)

Appropriation:

State Building Construction Account--State . . .	\$100,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$100,000

**NEW SECTION. Sec. 5005** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

North Central Technical Skills Center (08-4-861)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to purchase the option on property owned by the port of Chelan for the north central technical skills center.

Appropriation:

State Building Construction Account--State . . . . .	\$50,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$50,000

**NEW SECTION. Sec. 5006** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

K-12 Formula Methods Study (08-2-856)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the office of the superintendent of public instruction to convene a work group to develop methods and options for making the current school construction assistance grant program more transparent in terms of the formula components, assumptions, and expected funding sources for projects funded from the grant program. Within this amount, the office of the superintendent of public instruction shall also develop a pilot template for providing information related to funding sources, including the amount of either bond or other local sources, or both, estimated for each project released in fiscal year 2009. The office of the superintendent of public instruction shall update and consult with the joint legislative task force on school construction funding as work progresses on this effort and must provide a final report to the task force by October 1, 2008.

Appropriation:

Education Construction Account--State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$150,000

**NEW SECTION. Sec. 5007** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Regional School Construction Assistance Program (08-2-857)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the office of the superintendent of public instruction to develop and implement a regional school construction technical assistance program for school districts primarily delivered through educational service districts. The program will be prioritized towards school districts with the greatest need in terms of school construction management and school construction capabilities. In developing and implementing this program, to the maximum extent possible and appropriate, the office of the superintendent of public instruction shall receive assistance from the architectural and engineering services division of the department of general administration and the construction services group based out of educational service district 112. As part of the work, the office of the superintendent of public instruction shall review voluntary model contracts for school construction.

Appropriation:

Education Construction Account--State . . . . .	\$1,100,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,100,000

**Sec. 5008** 2007 c 520 s 5010 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Vocational Skills Centers (08-4-300)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$9,362,000 from this appropriation is provided solely for minor capital projects at all of the state's skills centers ranked with a "severity score" of 40 points or more.
- (2) \$24,400,000 from this appropriation is provided solely for the design and construction of the Skagit Valley vocational skills center.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(3) ~~(\$16,366,000)~~ \$15,366,000 from this appropriation is provided solely for the design and construction of the Yakima Valley technical skills center.

(4) \$23,161,000 from this appropriation is provided solely for the design and construction of the Sno-Isle skills center.

(5) \$1,118,000 from this appropriation is provided solely for the design and construction of the Clark county skills center.

(6) \$300,000 from this appropriation is provided solely for the completion of the new market skills center project and to address storm water issues.

Appropriation:

State Building Construction Account--State	<del>(\$74,707,000)</del>
	\$73,707,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$83,984,000
TOTAL	<del>(\$158,691,000)</del>
	\$157,691,000

Sec. 5009 2007 c 520 s 5014 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

K-12 Inventory Pilot Project (08-2-851)

~~((The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the office of the superintendent of public instruction to define and develop a pilot information management system for public school facilities, building on the experience of the community and technical college facilities information management system. Participating school districts must represent a cross-section of large and small districts, urban and rural districts, and districts with facilities of varying age and condition. The system must allow for the efficient transfer of information between the office of the superintendent of public instruction and participating school districts. The inventory system must include, but not be limited to, facility and site information necessary for appropriate facility stewardship. Data elements may include facility location, condition, type, current use, size, date and cost of original construction, the cost of any major remodeling or renovation, and energy information. By December 1, 2007, the office of the superintendent of public instruction shall provide a report to the appropriate legislative fiscal committees on the inventory system's scope, potential school district participants, and an implementation plan for the pilot group of school districts.))~~

Appropriation:

Education Construction Account--State	<del>(\$900,000)</del>
	\$50,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$900,000)</del>
	\$50,000

NEW SECTION. Sec. 5010 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Grant County Skills Center (08-4-854)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the Grant county/Moses Lake school district skills center.

Appropriation:

State Building Construction Account--State	\$927,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$927,000

NEW SECTION. Sec. 5011 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Northeast King County Skills Center (08-4-855)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the northeast King county school district skills center.

Appropriation:

State Building Construction Account--State	\$550,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$550,000

NEW SECTION. Sec. 5012 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Pierce County Skills Center (08-4-856)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign of the Pierce county skills center. In conducting the predesign, the superintendent of public instruction shall: (1) Identify current career and technical education programmatic capacity in the Pierce county area; (2) analyze how the proposed skills center provides additional opportunities not currently provided in that programmatic capacity; (3) document the planned operational arrangements that will ensure that the proposed skills center is not duplicative of existing career and technical education programs and how those operational arrangements will result in efficient and effective program delivery; and (4) provide detailed comparative cost analysis of the proposed skills center with other secondary career and technical education construction projects, more typical secondary education construction projects, and other recent skills center projects.

Appropriation:

State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 5013 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Potential School Sites - State Trust Lands Study (08-2-860)

The appropriation in this section is subject to the following conditions and limitations:

(1) The joint legislative committee on school construction funding finds that high growth school districts are often unable to acquire lands best suited for siting new schools. Current funding capacity is devoted to current needs and land development in rapidly growing areas of the state competes with the present and future need for undeveloped sites to build new schools.

(2) The appropriation in this section is provided solely for the superintendent of public instruction and the commissioner of public lands to establish a work group to analyze the feasibility of and develop options for using existing state lands in high growth areas of the state for potential future school sites. The work group shall: (a) Prepare an inventory of existing state trust lands suitable for use as school sites; (b) prepare a projection of the needs for school sites in high growth school districts; and (c) develop options for holding and valuing the land for future school district use that are consistent with legal requirements and management objectives for state trust lands and any other state lands.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(3) The work group shall report to the legislature by December 1, 2008.

Appropriation:

Education Construction Account--State . . . . .	\$25,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b>\$25,000</b>

NEW SECTION. Sec. 5014 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Enrollment Projections Evaluation Study (08-2-859)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of the superintendent of public instruction to contract with a research organization to conduct an evaluation of the accuracy and reliability of the current method used for forecasting school district enrollment for determining eligibility for the school assistance program. This evaluation must also include a review of different methodologies used by school districts in projecting their enrollment for capital planning and budgeting purposes. A final report resulting from this evaluation must be submitted by January 1, 2009.

Appropriation:

Education Construction Account--State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b>\$150,000</b>

Sec. 5015 2007 c 520 s 5016 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

Minor Works - Facility Preservation (08-1-005)

Appropriation:

State Building Construction Account--State . . . . .	<del>(\$770,000)</del>
	\$470,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$2,500,000
<b>TOTAL . . . . .</b>	<b><del>(\$3,270,000)</del></b>
	\$2,970,000

Sec. 5016 2007 c 520 s 5017 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

New Physical Education Center (08-2-001)

Appropriation:

State Building Construction Account--State . . . . .	<del>(\$9,000,000)</del>
	\$9,300,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b><del>(\$9,000,000)</del></b>
	\$9,300,000

NEW SECTION. Sec. 5017 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma - Land Acquisition (09-2-003)

Appropriation:

Education Construction Account--State . . . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b>\$2,000,000</b>

NEW SECTION. Sec. 5018 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma - Soils Remediation (08-2-852)

Appropriation:

Local Toxics Control Account--State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b>\$1,000,000</b>

NEW SECTION. Sec. 5019 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Burke Museum Renovation (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a predesign study for renovation of the Burke museum. The predesign must include a feasibility study and plan for covering at least one-third of the projected renovation cost through nonstate sources.

Appropriation:

State Building Construction Account--State . . . . .	\$300,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b>\$300,000</b>

Sec. 5020 2007 c 520 s 5086 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

Dean Hall Renovation (06-1-004)

The appropriation in this section is subject to the following conditions and limitations: \$1,300,000 of the appropriation is provided solely for furnishings and equipment.

Reappropriation:

State Building Construction Account--State . . . . .	\$924,000
--	-----------

Appropriation:

State Building Construction Account--State . . . . .	<del>(\$23,200,000)</del>
	\$24,500,000
Prior Biennia (Expenditures) . . . . .	\$1,276,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b><del>(\$25,400,000)</del></b>
	\$26,700,000

Sec. 5021 2007 c 520 s 5100 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Daniel J. Evans Building - Modernization (04-2-006)

The appropriation in this section is subject to the following conditions and limitations: \$1,983,000 of the appropriation is provided solely to finish renovation of the library building by addressing issues of the aging infrastructure while incorporating programmatic needs of the institution.

Reappropriation:

Gardner-Evans Higher Education Construction Account--State . . . . .	\$20,250,000
--	--------------

Appropriation:

Education Construction Account--State . . . . .	\$1,465,000
State Building Construction Account--State . . . . .	\$518,000
<b>Subtotal Appropriation . . . . .</b>	<b>\$1,983,000</b>
Prior Biennia (Expenditures) . . . . .	\$24,500,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b><del>(\$44,750,000)</del></b>
	\$46,733,000

Sec. 5022 2007 c 520 s 5117 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Health, Safety, and Code (06-1-082)

Reappropriation:

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

State Building Construction Account--State ..	(\$850,000)
	\$727,000
Prior Biennia (Expenditures) .....	\$1,240,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	(\$2,090,000)
	\$1,967,000

Sec. 5023 2007 c 520 s 5118 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Infrastructure Preservation (06-1-084)	
Reappropriation:	
State Building Construction Account--State ..	(\$850,000)
	\$657,000
Prior Biennia (Expenditures) .....	\$1,375,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	(\$2,225,000)
	\$2,032,000

Sec. 5024 2007 c 520 s 5119 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Program (06-2-085)	
Reappropriation:	
Western Washington University Capital Projects	
Account--State .....	(\$2,200,000)
	\$1,239,000
Prior Biennia (Expenditures) .....	\$5,522,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	(\$7,722,000)
	\$6,761,000

Sec. 5025 2007 c 520 s 5128 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Pacific - Lewis and Clark Station Camp Park Project (02-S-001)	
Reappropriation:	
State Building Construction Account--State ....	\$666,000
Appropriation:	
State Building Construction Account--State ...	\$1,935,000
Prior Biennia (Expenditures) .....	\$1,885,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	(\$2,551,000)
	\$4,486,000

NEW SECTION. Sec. 5026 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Olympia - State Capitol Museum: Building Preservation (08-1-002)	
Appropriation:	
State Building Construction Account--State ....	\$207,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$207,000

Sec. 5027 2007 c 520 s 5145 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Museum System Repair and Upgrades/Preservation (08-1-013)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for preservation projects (~~and to~~) system repair, and (~~upgrade~~) museum (systems) upgrades to enhance delivery of exhibits and K-12 education and American Indian programs.

Appropriation:	
State Building Construction Account--State ...	\$1,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,000,000

NEW SECTION. Sec. 5028 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellevue Community College: L Building Emergency Repairs (08-1-850)

Appropriation:	
State Building Construction Account--State ...	\$1,663,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,663,000

NEW SECTION. Sec. 5029 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Community College - Skills Center (08-2-852)

Appropriation:	
State Building Construction Account--State ...	\$2,500,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$2,500,000

(End of part)

**PART 6 MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS**

Sec. 6001 2007 c 520 s 6013 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly

FORTY-SIXTH DAY, FEBRUARY 28, 2008

scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Washington state patrol: Enter into a financing contract for up to \$1,360,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the dormitory facility at the Washington state patrol fire training academy in North Bend, Washington.

(2) Department of general administration: Enter into a financing contract for up to \$685,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the preservation of the transportation building.

(3) Department of corrections: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to provide additional work release beds.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station phase 2.

(b) Enter into a financing contract on behalf of Tacoma Community College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an early childhood education and learning center.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(d) Enter into a financing contract on behalf of Columbia Basin College for up to \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an academic support and achievement center.

(e) Enter into a financing contract on behalf of Wenatchee Valley College for up to \$3,347,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a 72 bed student housing facility.

(f) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase property adjacent the main campus.

(6) Evergreen State College: Enter into a financing contract for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the college activities building renovation.

(7) Washington state convention and trade center: Enter into a financing contract for up to \$58,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and renovate the museum condominium unit located adjacent to the state convention center. The purchase price shall not exceed fair market value. A purchase agreement with the owner of the unit on the effective date of this section shall include the following requirements: (a) Upon completion of the purchase of the property, the seller shall retain \$5,750,000 of the sale proceeds in a restricted investment account, reserving such funds for capital costs associated with development of its principal heritage center to be located within the city of Seattle. Principal and accrued earnings in such an account shall be available for expenditure by the seller when the seller or the city of Seattle has executed a construction contract for either a new facility or improvements to an existing structure to serve as the principal heritage center to be operated by the seller within the city; and (b) in the event that the conditions of (a) of this subsection are not met by June 30, 2017, the entire amount in the restricted account shall be transferred to the state general fund and shall represent a recovery of the state's contribution towards the development of the museum. In the event of such a

2008 REGULAR SESSION

transfer, the rightful ownership of the property by the Washington state convention and trade center shall not be impaired.

(8) Department of information services: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state general office building and facilities for the department of information services on the state-owned property called "the Wheeler block" in Olympia. The office buildings shall be constructed and financed so that agencies occupancy costs per gross square foot or per employee will not exceed 110 percent of comparable private market rental rates per gross square foot or per employee. The comparable general office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department in consultation with the department of general administration. In addition to the department of information services, state agency tenants shall include the consolidation of state patrol offices and general office facilities for small agencies and offices. The department of information services shall design and operate the general office facilities for small agencies and offices as a demonstration of the efficiencies gained from the integration of office space and telecommunications and computer technology. The demonstration project shall provide office space, furniture, telecommunications, and computer technology as a single package. The facility shall be designed so that small agencies and offices can move in and out of the facility without the typical moving expenses that result from individual agency ownership of furniture and technology. The facility for small agencies and offices shall also provide for staffing and space efficiencies resulting from central reception, support services, and spaces. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (8) have been met. Should the department of information services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this section, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(9) Office of the secretary of state: Enter into a financing contract for up to ~~(\$112,942,000)~~ \$134,935,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the heritage center. The heritage center is one part of a combined facility of the heritage center and executive office building, authorized in subsection (10) of this section. The authorization for financing under this subsection (9) shall lapse unless chapter ... (Substitute Senate Bill No. 5882, providing funding for the heritage building project), Laws of 2007 is enacted by June 30, 2007.

(10) Department of general administration: (a) Enter into a financing contract for up to ~~(\$75,863,000)~~ \$79,981,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the executive office building. The executive office building is one part of a combined facility of the executive office building and the heritage center authorized in subsection (9) of this section. The authorization for financing under this subsection (10) shall lapse unless chapter ... (Substitute Senate Bill No. 5882, providing funding for the

FORTY-SIXTH DAY, FEBRUARY 28, 2008

heritage building project), Laws of 2007 is enacted by June 30, 2007.

(b) Enter into a financing contract for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the John L. O'Brien building, subject to approval of the project scope by the speaker of the house of representatives and the chief clerk of the house of representatives.

(11) Department of ecology: Enter into a financing contract for up to \$11,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to rebuild the east wall of the department of ecology's headquarters building in Lacey, Washington.

Sec. 6002 RCW 43.155.050 and 2007 c 520 s 6036 are each amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005, for the infrastructure investment system implementation plan identified in section 1017 of this act, and for the interest rate buy-down pilot program identified in section 1004 of this act.

(2) The job development fund is hereby established in the state treasury. Up to fifty million dollars each biennium from the public works assistance account may be transferred into the job development fund. Money in the job development fund may be used solely for job development fund program grants, administrative expenses related to the administration of the job development fund program created in RCW 43.160.230, and for the report prepared by the joint legislative audit and review committee pursuant to RCW 44.28.801(2). Moneys in the job development fund may be spent only after appropriation. The board shall prepare a prioritized list of proposed projects of up to fifty million dollars as part of the department's 2007-09 biennial budget request. The board may provide an additional alternate job development fund project list of up to ten million dollars. The legislature may remove projects from the list recommended by the board. The legislature may not change the prioritization of projects recommended for funding by the board, but may add projects from the alternate list in order of priority, as long as the total funding does not exceed fifty million dollars.

Sec. 6003 RCW 79.64.020 and 2004 c 199 s 226 are each amended to read as follows:

A resource management cost account in the state treasury is created to be used solely for the purpose of defraying the costs and expenses necessarily incurred by the department in managing and administering state lands and aquatic lands and the making and administering of leases, sales, contracts, licenses, permits, easements, and rights-of-way as authorized under the provisions of this title. Appropriations from the resource management cost account to the department shall be expended for no other purposes. Funds in the resource management cost account may be appropriated or transferred by the legislature for the benefit of all of the trusts from which the

2008 REGULAR SESSION

funds were derived. For the 2007-2009 biennium, moneys in the account may be used for the purposes identified in section 3038 of this act.

NEW SECTION. Sec. 6004 A new section is added to 2007 c 520 (uncodified) to read as follows:

The joint legislative audit and review committee shall conduct an evaluation of the accuracy of capital project cost estimates prepared by state agencies for their budget requests. The evaluation shall include a review of the methods used to prepare estimates at agencies with large capital programs, a review of the process used by the office of financial management to approve estimates included in the governor's proposed budget, and an analysis of the accuracy of project cost estimates compared to actual project costs over time for a subset of projects. The evaluation will also recommend other areas of capital project risk for assessment in future evaluations. The joint legislative audit and review committee shall submit a report to the relevant fiscal committees of the legislature by August 2009.

Sec. 6005 2007 c 520 s 6032 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Education Construction Account: For transfer to the Common School Construction, an amount not to exceed ..... ((\$138,200,000)) \$133,930,000

Education Savings Account: For transfer to the Common School Construction Account, an amount not to exceed ..... ((\$43,400,000)) \$103,063,000

NEW SECTION. Sec. 6006 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE STATE TREASURER--TRANSFERS

State Convention and Trade Center Account: For transfer to the Washington state heritage center account, an amount not to exceed ..... \$3,000,000

Sec. 6007 RCW 67.40.040 and 2007 c 228 s 106 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170, and during the 2007-2009 biennium, the legislature may transfer from the state convention and trade center account to the Washington state heritage center account such amounts as reflect the excess fund balance in the account;

(iii) For acquisition, design, and construction of the state convention and trade center;

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(iv) For debt service for the acquisition, design, and construction and retrofit of the museum of history and industry museum property or other future expansions of the convention center as approved by the legislature; and

(v) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) Subject to the conditions in subsection (6) of this section, starting in fiscal year 2008, the state treasurer shall transfer:

(a) The sum of four million dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism enterprise account, with the maximum transfer being four million dollars per fiscal year; and

(b) The sum of five hundred thousand dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism development and promotion account, with the maximum transfer being five hundred thousand dollars per fiscal year.

(6)(a) Funds required for debt service payments and reserves for bonds issued under RCW 67.40.030; for debt service authorized under RCW 67.40.170; and for the issuance and sale of financial instruments associated with the acquisition, design, construction, and retrofit of the museum of history and industry museum property or for other future expansions of the center, as approved by the legislature, shall be maintained within the state convention and trade center account.

(b) No less than six million one hundred fifty thousand dollars per year shall be retained in the state convention and trade center account for funding capital maintenance as required by the center's long-term capital plan, facility enhancements, unanticipated replacements, and operating reserves for the convention center operation. This amount shall be escalated annually as follows:

(i) Four percent for annual inflation for capital maintenance, repairs, and replacement;

(ii) An additional two percent for enhancement to the facility; and

(iii) An additional three percent for growth in expenditure due to aging of the facility and the need to maintain an operating reserve.

(c) Sufficient funds shall be reserved within the state convention and trade center account to fund operating appropriations for the annual operation of the convention center.

**NEW SECTION. Sec. 6008** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

Local government archives account: For transfer to the Washington state heritage center account, an amount not to exceed . . . . . \$3,000,000

**Sec. 6009** RCW 40.14.024 and 2003 c 163 s 3 are each amended to read as follows:

The local government archives account is created in the state treasury. All receipts collected by the county auditors under RCW 40.14.027 and 36.22.175 for local government services, such as providing records scheduling, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management, must be deposited into the account, and expenditures from the account may be used only for these purposes. During the 2007-2009 biennium, the legislature may transfer from the local government archives account to the Washington state heritage center account such amounts as reflect the excess fund balance in the account.

**Sec. 6010** 2007 c 520 s 6016 (uncodified) is amended to read as follows:

(1) A joint legislative task force on school construction funding is established to review the following:

(a) The statutory provisions regarding the funding of school construction projects;

(b) Eligibility requirements and distribution formulas for the state's school construction assistance grant program;

(c) Flexibility needed in the system to address diverse district and geographic needs including, but not limited to, the construction needs unique to high growth areas, as well as the needs of school districts that have experienced consecutive school levy failures; and

(d) Potential revenue sources and alternative funding mechanisms for school construction including, but not limited to, funding mechanisms that may: (i) Phase out and replace revenue collected under RCW 82.02.050 through 82.02.100 for school facilities; and (ii) encourage cooperative partnerships with early learning providers, skill centers, community and technical colleges, or public baccalaureate institutions through the use of a supermatch concept.

(2) The office of the superintendent of public instruction shall provide progress updates to the task force on the development of the pilot inventory of school district facility information and the design of a process for developing a ten-year projection of the facility needs of school districts as provided for in section 5014 of this act for review and comment by the task force.

(3)(a) The joint legislative task force on school construction funding shall consist of eight members, two members each, one from each major caucus, from the house of representatives committees on capital budget and education, appointed by the speaker of the house of representatives, and two members each, one from each major caucus, from the senate committees on ways and means and early learning and K-12 education, appointed by the president of the senate.

(b) The president of the senate and the speaker of the house of representatives jointly shall appoint two members representing school districts.

(c) The office of the superintendent of public instruction and the office of financial management shall cooperate with the task force and maintain liaison representatives.

(d) The task force shall coordinate with the appropriate standing committees of the legislature and may consult with other interested parties, as may be appropriate, for technical advice and assistance.

(e) The task force shall select a chair from among its legislative membership.

(4) Staff support for the task force must be provided by the house of representatives office of program research and the senate committee services.

(5) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) The task force must report ~~((tts))~~ preliminary findings and recommendations to the appropriate committees of the legislature by December 1, 2007, and a final report by January 1, 2009.

**Sec. 6011** RCW 43.19.501 and 1994 c 219 s 18 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department of general administration in Thurston county. For the 2007-2009 biennium, moneys in the account may be used for predesign identified in section 1032 of this act.

**Sec. 6012** RCW 46.09.170 and 2007 c 522 s 953 and 2007 c 241 s 16 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the board for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. During the 2007-2009 fiscal biennium, the legislature may designate a portion of these funds for grants to local law enforcement and noise enforcement agencies for the enforcement of existing state noise laws and rules. The remaining funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the board receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The board may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the board's project evaluation. Funds remaining after such a waiver must be allocated in accordance with board policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the 2007-09 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to the board and the department of natural resources for planning and designing consistent off-road vehicle signage at department-managed recreation sites, and for planning recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest. This appropriation is not required to follow the specific distribution specified in subsection (2) of this section.

NEW SECTION. **Sec. 6013** Section 6002 of this act expires June 30, 2011.

NEW SECTION. **Sec. 6014** 2007 c 520 s 6006 (uncodified) is repealed.

NEW SECTION. **Sec. 6015** Part headings in this act are not any part of the law.

NEW SECTION. **Sec. 6016** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 6017** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of Part)

INDEX	PAGE #
CENTRAL WASHINGTON UNIVERSITY .....	83
COMMUNITY AND TECHNICAL COLLEGE SYSTEM .	86
CRIMINAL JUSTICE TRAINING COMMISSION .....	43
DEPARTMENT OF AGRICULTURE .....	68
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT .....	3
DEPARTMENT OF CORRECTIONS .....	40
DEPARTMENT OF ECOLOGY .....	44
DEPARTMENT OF FISH AND WILDLIFE .....	58
DEPARTMENT OF GENERAL ADMINISTRATION .....	29
DEPARTMENT OF HEALTH .....	38
DEPARTMENT OF INFORMATION SERVICES .....	34
DEPARTMENT OF NATURAL RESOURCES .....	63
DEPARTMENT OF PERSONNEL .....	33
DEPARTMENT OF SOCIAL AND HEALTH SERVICES ..	37
DEPARTMENT OF TRANSPORTATION .....	70
DEPARTMENT OF VETERANS AFFAIRS .....	40
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE .....	1
MILITARY DEPARTMENT .....	35

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

OFFICE OF FINANCIAL MANAGEMENT ..... 23  
 OFFICE OF FINANCIAL MANAGEMENT ..... 71  
 RECREATION AND CONSERVATION FUNDING BOARD  
 ..... 55  
 STATE CONSERVATION COMMISSION ..... 57  
 STATE PARKS AND RECREATION COMMISSION ... 51  
 STATE SCHOOL FOR THE BLIND ..... 81  
 STATE TREASURER--TRANSFERS ..... 94  
 STATUTE LAW COMMITTEE ..... 35  
 SUPERINTENDENT OF PUBLIC INSTRUCTION ..... 73  
 THE EVERGREEN STATE COLLEGE ..... 84  
 UNIVERSITY OF WASHINGTON ..... 82  
 WASHINGTON STATE HISTORICAL SOCIETY ..... 85  
 WASHINGTON STATE PATROL ..... 69  
 WESTERN WASHINGTON UNIVERSITY ..... 84"

Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brandland and Stevens - 2  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2765 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2765.

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

MOTION

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

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.155.050, 79.64.020, 67.40.040, 40.14.024, and 43.19.501; reenacting and amending RCW 46.09.170; amending 2007 c 520 ss 1020, 1030, 1034, 1031, 1035, 1036, 1041, 1039, 1042, 1050, 1048, 1049, 1065, 1066, 1067, 1073, 1068, 1075, 1090, 2007, 2021, 2029, 2032, 2042, 2045, 2061, 2054, 2056, 2058, 2075, 3019, 3036, 3037, 3045, 3046, 3048, 3050, 3049, 3060, 3072, 3087, 3084, 3102, 3142, 3146, 3155, 3161, 3175, 3179, 3187, 3211, 3204, 3214, 3219, 4004, 5008, 5010, 5014, 5016, 5017, 5086, 5100, 5117, 5118, 5119, 5128, 5145, 6013, 6032, and 6016 (uncodified); adding new sections to 2007 c 520 (uncodified); creating new sections; repealing 2007 c 520 s 6006 (uncodified); providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2765 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Zarelli and Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senators Brandland and Stevens were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2765 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2765 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Carrell,

Excused: Senators Brandland and Stevens - 2  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2765 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

At the February 28, 2008 full floor session of the Senate, I had to delay my arrival onto the floor because I had committed to addressing an important group who were visiting in Olympia for just a short time. While addressing them, I missed the vote for Engrossed Substitute House Bill No. 2765, the Capital Budget Bill. I support this measure and, had I been present to vote, I would have voted, "Yes" on final passage.

SENATOR VAL STEVENS, 39<sup>th</sup> Legislative District

SECOND READING

SENATE BILL NO. 6468, by Senators King, Rasmussen, Roach, Hobbs, Honeyford, Hewitt and Sheldon

Concerning the taxation of honey beekeepers.

MOTIONS

On motion of Senator King, Second Substitute Senate Bill No. 6468 was substituted for Senate Bill No. 6468 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Second Substitute Senate Bill No. 6468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6468.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6468 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 46

Voting nay: Senators Oemig and Weinstein - 2

Excused: Senator Brandland - 1

SECOND SUBSTITUTE SENATE BILL NO. 6468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FORTY-SIXTH DAY, FEBRUARY 28, 2008  
SECOND READING

SENATE BILL NO. 6450, by Senators Tom, McAuliffe, Jacobsen, Kauffman, Kilmer, McDermott and Rasmussen

Regarding reimbursement for school district and educational service district costs for performance audits.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Senate Bill No. 6450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Spanel spoke in favor of passage of the bill.

Senators Carrell, King, Kastama and Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6450.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6450 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Prentice, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 26

Voting nay: Senators Benton, Carrell, Delvin, Fairley, Franklin, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Oemig, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Excused: Senator Brandland - 1

SENATE BILL NO. 6450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6375, by Senators Hatfield, Schoesler, Carrell, Holmquist, Parlette and Rasmussen

Providing a sales tax exemption for certain trail grooming services.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 6375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6375.

ROLL CALL

The Secretary called the roll on the final passage of Senate

2008 REGULAR SESSION

Bill No. 6375 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 47

Voting nay: Senator Weinstein - 1

Excused: Senator Brandland - 1

SENATE BILL NO. 6375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2687, by House Committee on Appropriations (originally sponsored by Representative Sommers)

Making 2008 operating supplemental appropriations.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"PART I  
GENERAL GOVERNMENT

Sec. 101 2007 c 522 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2008)	<del>(\$34,522,000)</del>
	\$34,807,000
General Fund--State Appropriation (FY 2009)	<del>(\$35,598,000)</del>
	\$36,619,000
Pension Funding Stabilization Account	
Appropriation .....	\$560,000
TOTAL APPROPRIATION . . .	<del>(\$70,680,000)</del>
	\$71,986,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$194,000 of the general fund--state appropriation for fiscal year 2008 and \$194,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the legislature to contract for an independent economic and actuarial analysis of health care reform proposals that represent a range of approaches to addressing affordability and quality of, and access to, health care services in Washington state. The economic and actuarial analysis shall address the impact of each proposal on:

- (a) The number of uninsured;
- (b) The scope of health benefit coverage;
- (c) The cost and affordability of health care to individuals, businesses, and government, including redistribution of amounts

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

currently spent, reductions in hospital charity care, and any savings;

- (d) Employment;
- (e) Consumer choice;
- (f) Administrative costs; and
- (g) The extent to which each proposal promotes improved health outcomes; prevention and early intervention; chronic care management; use of effective and appropriate services; and use of medical homes. The results of the economic and actuarial analysis shall be submitted to the governor and the legislature by December 1, 2008.

Sec. 102 2007 c 522 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund--State Appropriation (FY 2008)	<del>((</del> \$26,483,000))
	\$26,990,000
General Fund--State Appropriation (FY 2009)	<del>((</del> \$29,196,000))
	\$29,860,000
Pension Funding Stabilization Account	
Appropriation	\$467,000
TOTAL APPROPRIATION	<del>((</del> \$56,146,000))
	\$57,317,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$194,000 of the general fund--state appropriation for fiscal year 2008 and \$194,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the legislature to contract for an independent economic and actuarial analysis of health care reform proposals that represent a range of approaches to addressing affordability and quality of, and access to, health care services in Washington state. The economic and actuarial analysis shall address the impact of each proposal on:

- (a) The number of uninsured;
- (b) The scope of health benefit coverage;
- (c) The cost and affordability of health care to individuals, businesses, and government, including redistribution of amounts currently spent, reductions in hospital charity care, and any savings;
- (d) Employment;
- (e) Consumer choice;
- (f) Administrative costs; and
- (g) The extent to which each proposal promotes improved health outcomes; prevention and early intervention; chronic care management; use of effective and appropriate services; and use of medical homes.

The results of the economic and actuarial analysis shall be submitted to the governor and the legislature by December 1, 2008.

Sec. 103 2007 c 522 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund--State Appropriation (FY 2008)	<del>((</del> \$3,377,000))
	\$3,384,000
General Fund--State Appropriation (FY 2009)	<del>((</del> \$3,155,000))
	\$3,462,000
Pension Funding Stabilization Account	
Appropriation	\$36,000
TOTAL APPROPRIATION	<del>((</del> \$6,568,000))
	\$6,882,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2007-09 work plan as necessary to efficiently manage workload.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine lease rates for state-owned aquatic lands. The review shall include classification of current lease base and lease rates by category of use such as marinas; a review of previous studies of formulas for state-owned aquatic land leases; and identification of pros and cons of alternative approaches to calculating aquatic lands lease rates. The committee shall complete the review by June 2008.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the joint legislative audit and review committee to conduct an evaluation and comparison of the cost efficiency of rental housing voucher programs versus other housing projects intended to assist low-income households, including construction and rehabilitation of housing units. The study will consider factors including administrative costs, capital costs, and other operating costs involved in operating voucher and other housing programs. The study will compare the number of households that can be served by voucher and other housing programs, given a set amount of available funds. The department of community, trade, and economic development, the housing finance commission, housing authorities, community action agencies, and local governments shall provide the joint legislative audit and review committee with information necessary for the study. The joint legislative audit and review committee shall solicit input regarding the study from interested parties, including representatives from the affordable housing advisory board, the department of community, trade, and economic development, the housing finance commission, representatives from the private rental housing industry, housing authorities, community action agencies, county and city governments, and nonprofit and for-profit housing developers. The joint legislative audit and review committee shall present the results of the study to the legislature by December 31, 2008.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a cost analysis of the programs and activities administered by the department of fish and wildlife. In conducting the study, the committee shall specifically identify the total costs that support both hunting and fishing programs as well as nongame programs, including appropriate shares of the agency's administrative and indirect costs. The committee shall compare the cost analysis to revenues that currently support the programs, including the level of support received from game licenses and fees. The committee shall base its analysis on available management information and shall provide the results of its analysis to the legislature by January 2008.

(5) \$164,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families act as directed by Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct an analysis of the qualifications required to become a social worker I, II, III, or IV within the department of social and health services children's administration. The committee shall conduct an analysis of the qualifications used by other states for equivalent categories of social workers. The committee shall analyze the strengths and weaknesses of Washington's qualifications relative

FORTY-SIXTH DAY, FEBRUARY 28, 2008

to the other states. The findings shall be reported to the legislature by December 1, 2007.

(7) Within amounts provided in this section, the committee shall conduct a review of the eligibility requirements and eligibility review processes that apply to any state program that offers individual health care coverage for qualified recipients.

(8) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 1488 (oil spill program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) Within the amounts provided in this section, the committee shall review the constitutional, case law, and statutory objectives and obligations of the department of natural resources' management of state-owned aquatic lands. The review will include an assessment of the degree to which the management practices of the department and other agencies are meeting these objectives and complying with legal obligations.

(11) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct a preaudit for a comprehensive review of boards and commissions. The preaudit study will inventory the existing boards and commissions, identify criteria for selecting entities for further review, propose the scope and objectives of those reviews, and identify resource and schedule options for the committee to consider before proceeding.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for beginning a cost-benefit analysis of a state-supported recreational facility. The objective of this analysis will be to compare the total capital and operating costs for the facility to the total benefits that have accrued over time and identify which parties have borne the costs and which parties have received the benefits.

**Sec. 104** 2007 c 522 s 105 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

General Fund--State Appropriation (FY 2009) . . . . .	\$25,000
Department of Retirement Systems Expense Account--	
State Appropriation . . . . .	\$3,517,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$3,542,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for 2009 is provided solely for the purchase of actuarial services to assist in the evaluation of the fiscal impact of health benefit proposals.

**Sec. 105** 2007 c 522 s 106 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$9,023,000)</del>
	\$9,057,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$9,198,000)</del>
	\$9,251,000
Pension Funding Stabilization Account	
Appropriation . . . . .	\$92,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b><del>(\$18,313,000)</del></b>
	\$18,400,000

**Sec. 106** 2007 c 522 s 107 (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$4,810,000)</del>
	\$4,811,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$5,301,000)</del>
	\$5,302,000
Pension Funding Stabilization Account	
Appropriation . . . . .	\$75,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b><del>(\$10,186,000)</del></b>
	\$10,188,000

**Sec. 107** 2007 c 522 s 109 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$7,255,000)</del>
	\$7,392,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$7,510,000)</del>
	\$7,730,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b><del>(\$14,765,000)</del></b>
	\$15,122,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement the task force on domestic violence as requested by section 306 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**Sec. 108** 2007 c 522 s 110 (uncodified) is amended to read as follows:

**FOR THE LAW LIBRARY**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$2,231,000)</del>
	\$2,268,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$2,259,000)</del>
	\$2,294,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b><del>(\$4,490,000)</del></b>
	\$4,562,000

**Sec. 109** 2007 c 522 s 111 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$15,779,000)</del>
	\$16,092,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$16,819,000)</del>
	\$17,591,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b><del>(\$32,598,000)</del></b>
	\$33,683,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for chapter 34, Laws of 2007 (Senate Bill No. 5351, court of appeals judges' travel).

**Sec. 110** 2007 c 522 s 113 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$29,011,000)</del>
	\$30,659,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$30,148,000)</del>
	\$32,940,000
Public Safety and Education Account--State	
Appropriation (FY 2008) . . . . .	<del>(\$24,071,000)</del>
	\$22,558,000
Public Safety and Education Account--State	

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Appropriation (FY 2009) . . . . .	<del>(\$24,223,000)</del>
	<u>\$24,456,000</u>
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008) . . . . .	\$3,175,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009) . . . . .	\$3,175,000
Judicial Information Systems Account--State Appropriation . . . . .	<del>(\$39,437,000)</del>
	<u>\$41,046,000</u>
TOTAL APPROPRIATION <del>(\$153,240,000)</del>	<u>\$158,009,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs. Funding distributed in this subsection shall not be used to supplant existing local funding for the court-appointed special advocates program.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2008, \$300,000 of the general fund--state appropriation for fiscal year 2009, \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$1,640,000 of the general fund--state appropriation for fiscal year 2008, \$1,641,000 of the general fund--state appropriation for fiscal year 2009, \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2007-09 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and

ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) \$325,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of the juror pay pilot and research project.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving interpreter services at the trial court level.

(a) Of these amounts, \$340,000 for fiscal year 2008 is provided solely to assist trial courts in developing and implementing language assistance plans. The administrator of the courts, in consultation with the interpreter commission, shall adopt language assistance plan standards consistent with chapters 2.42 and 2.43 RCW. The standards shall include guidelines on local community input, provisions on notifying court users on the right and methods to obtain an interpreter, information on training for judges and court personnel, procedures for identifying and appointing an interpreter, access to translations of commonly used forms, and processes to evaluate the development and implementation of the plan.

(b) Of these amounts, \$610,000 for fiscal year 2008 and \$950,000 for fiscal year 2009 are provided solely to assist trial courts with interpreter services. In order to be eligible for assistance, a trial court must have completed a language assistance plan consistent with the standards established in (a) of this subsection that is approved by the administrator of the courts and submit the amounts spent annually on interpreter services for fiscal years 2005, 2006, and 2007. The funding in this subsection (b) shall not be used to supplant existing funding and cannot be used for any purpose other than assisting trial courts with interpreter services. At the end of the fiscal year, recipients shall report to the administrator of the court the amount the trial court spent on interpreter services.

(c) \$50,000 for fiscal year 2008 and \$50,000 for fiscal year 2009 are provided solely to the administrator of the courts for administration of this subsection. By December 1, 2009, the administrator of the courts shall report to the appropriate policy and fiscal committees of the legislature: (i) The number of trial courts in the state that have completed a language assistance plan; (ii) the number of trial courts in the state that have not completed a language assistance plan; (iii) the number of trial courts in the state that received assistance under this subsection, the amount of the assistance, and the amount each trial court spent on interpreter services for fiscal years 2005 through 2008 and fiscal year 2009 to date.

(7) \$443,000 of the general fund--state appropriation for fiscal year 2008 and \$543,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Within the amounts provided:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for developing training materials for the family court liaisons.

(b) \$43,000 of the general fund--state appropriation for fiscal year 2008 and \$43,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for reimbursement costs related to the family law handbook;

(c) \$350,000 of the general fund--state appropriation for fiscal year 2008 and \$350,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

distribution to counties to provide guardian ad litem services for the indigent for a reduced or waived fee;

(d) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementing the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution).

(8)(a) \$20,458,000 of the judicial information systems account--state appropriation is provided solely for the development and implementation of the core case management system. In expending the funds provided within this subsection, the following conditions must first be satisfied before any subsequent funds may be expended:

(i) Completion of feasibility studies detailing linkages between the objectives of the core case management system and the following: The technology efforts required and the impacts of the new investments on existing infrastructure and business functions, including the estimated fiscal impacts to the judicial information systems account and the near general fund accounts; the alignment of critical system requirements of varying size courts at the municipal, district, and superior court level with their respective proposed business processes resulting from business process engineering, and detail on the costs and other impacts to the courts for providing critical business requirements not addressed by new common business processes; the specific requirements and business process needs of state agencies dependent on data exchange with the judicial information system; and the results from a proof of implementation phase; and

(ii) Discussion with and presentation to the department of information systems and the information services board regarding the impact on the state agencies dependent on successful data exchange with the judicial information system and the results of the feasibility studies.

(b) The judicial information systems committee shall provide quarterly updates to the appropriate committees of the legislature and the department of information systems on the status of implementation of the core case management system.

(c) The legislature respectfully requests the judicial information systems committee invite representatives from the state agencies dependent on successful data exchange to their regular meetings for consultation as nonvoting members.

~~((+0))~~ (9) \$534,000 of the general fund--state appropriation for fiscal year 2008 and \$949,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Substitute Senate Bill No. 5320 (public guardianship office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$29,000 of the general fund--state appropriation for fiscal year 2008 and \$102,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the twenty-third superior court judge position in Pierce county. The funds appropriated in this subsection shall only be expended if the judge is appointed and serving on the bench.

**Sec. 111** 2007 c 522 s 114 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2008)	<del>(\$18,014,000)</del>
	\$17,814,000
General Fund--State Appropriation (FY 2009)	<del>(\$18,016,000)</del>
	\$18,977,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$7,066,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$7,025,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2008)	

.....	\$2,250,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2009)	
.....	\$2,251,000
TOTAL APPROPRIATION	<del>(\$54,622,000)</del>
	\$55,383,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided from the public safety and education account appropriations include funding for expert and investigative services in death penalty personal restraint petitions.

(2) Starting with fiscal year 2009, the office shall adjust its monthly, annual, and biennial accounting records so that the expenditures by fund, object, and subobject are attributed to the following programs: (a) Appellate indigent defense; (b) representation of indigent parents qualified for appointed counsel in dependency and termination cases; (c) trial court criminal indigent defense; (d) other grants or contracted services; and (e) costs for administering the office. The office may consult with the administrator for the courts, the office of financial management, and the legislative evaluation and accountability program committee for guidance in adjusting its accounting records.

**Sec. 112** 2007 c 522 s 115 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund--State Appropriation (FY 2008)	....	\$5,923,000
General Fund--State Appropriation (FY 2009)	....	\$7,009,000
Public Safety and Education Account--State		
Appropriation (FY 2008)	.....	<del>(\$2,326,000)</del>
		\$3,820,000
Public Safety and Education Account--State		
Appropriation (FY 2009)	.....	<del>(\$2,378,000)</del>
		\$3,871,000
Equal Justice Subaccount of the Public Safety and		
Education Account--State Appropriation (FY 2008)	.....	\$927,000
Equal Justice Subaccount of the Public Safety and		
Education Account--State Appropriation (FY 2009)	.....	\$927,000
<del>Violence Reduction and Drug Enforcement Account--</del>		
<del>State Appropriation (FY 2008)</del>	.....	<del>\$1,494,000</del>
<del>Violence Reduction and Drug Enforcement Account--</del>		
<del>State Appropriation (FY 2009)</del>	.....	<del>\$1,493,000)</del>
TOTAL APPROPRIATION	....	\$22,477,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund--state appropriation for fiscal year 2008 and \$120,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue support for the existing agricultural dispute resolution system funded through the office of civil legal aid for disputes between farmers and farm workers. The office of civil legal aid shall report to the appropriate legislative committees on the effectiveness of this program by December 31, 2008.

(2) An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2008 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2009 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2)(a) through (k) regardless of household income or asset level.

**Sec. 113** 2007 c 522 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

FORTY-SIXTH DAY, FEBRUARY 28, 2008

General Fund--State Appropriation (FY 2008)	..	<del>(\$6,614,000)</del>
		\$6,615,000
General Fund--State Appropriation (FY 2009)	..	<del>(\$6,758,000)</del>
		\$7,249,000
<del>(General Fund--Federal Appropriation</del>	<del>.....</del>	<del>(\$35,000)</del>
Economic Development Strategic Reserve Account--State		\$35,000
Appropriation	.....	<del>(\$4,000,000)</del>
		\$6,000,000
Oil Spill Prevention Account--State Appropriation	..	\$715,000
TOTAL APPROPRIATION	..	<del>(\$18,122,000)</del>
		\$20,579,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5224 (salmon office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(2) \$2,000,000 of the economic development and strategic reserve account--state appropriation for fiscal year 2009 is provided solely to provide support and assistance to victims of the December 2007 storms and floods in Chehalis and Centralia.

(3) \$490,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the office of family and children's ombudsman to implement Substitute Senate Bill No. 6206 (child safety). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 114** 2007 c 522 s 119 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2008)	..	<del>(\$32,941,000)</del>
		\$33,953,000
General Fund--State Appropriation (FY 2009)	..	<del>(\$21,774,000)</del>
		\$22,367,000
General Fund--Federal Appropriation	.....	\$7,312,000
General Fund--Private/Local Appropriation	.....	\$134,000
Archives and Records Management Account--State		
Appropriation	.....	\$8,390,000
Department of Personnel Service Account--State		
Appropriation	.....	\$768,000
Local Government Archives Account--State		
Appropriation	.....	<del>(\$13,791,000)</del>
		\$15,401,000
Election Account--Federal Appropriation	....	<del>(\$39,103,000)</del>
		\$31,526,000
Charitable Organization Education Account--State		
Appropriation	.....	\$122,000
TOTAL APPROPRIATION	..	<del>(\$124,335,000)</del>
		\$119,973,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$13,104,000)~~ \$13,290,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) ~~(\$2,421,000)~~ \$2,556,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$3,893,000)~~ \$3,965,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$118,000 of the general fund--state

2008 REGULAR SESSION

appropriation for fiscal year 2009 are provided solely for legal advertising of state measures under RCW 29A.52.330.

(4)(a) \$2,465,000 of the general fund--state appropriation for fiscal year 2008 and \$2,501,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2007-09 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for humanities Washington's "we the people" community conversations program.

(6) \$122,000 of the charitable organization education account--state appropriation is provided solely for implementation of Substitute House Bill No. 1777 (charitable organizations). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) \$575,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for settlement costs and attorney fees resulting from the resolution of *Washington Association of Churches, et al. v. Reed*, United States District Court Western District of Washington at Seattle, Case No. CV06-0726RSM.

**Sec. 115** 2007 c 522 s 122 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

State Treasurer's Service Account--State		
Appropriation	.....	<del>(\$15,687,000)</del>
		\$15,689,000

The appropriation in this section is subject to the following conditions and limitations: \$183,000 of the state treasurer's service account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1512 (linked deposit program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**Sec. 116** 2007 c 522 s 123 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund--State Appropriation (FY 2008) . . . . .	\$794,000
General Fund--State Appropriation (FY 2009) . . . . .	\$829,000
State Auditing Services Revolving Account--State Appropriation . . . . .	<del>(\$15,188,000)</del>
	\$15,503,000
TOTAL APPROPRIATION . . . . .	<del>(\$16,811,000)</del>
	\$17,126,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$752,000 of the general fund--state appropriation for fiscal year 2008 and \$762,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$1,000 of the appropriation from the auditing services revolving account--state is provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes Center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes Center effective July 1, 2007.

(4) \$313,000 of the auditing services revolving account--state appropriation is provided solely for implementation of Substitute House Bill No. 3193 (whistleblower protections). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 117** 2007 c 522 s 125 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$6,250,000)</del>
	\$6,312,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$6,656,000)</del>
	\$6,912,000
General Fund--Federal Appropriation . . . . .	<del>(\$3,951,000)</del>
	\$3,968,000
Public Safety and Education Account--State Appropriation (FY 2008) . . . . .	\$1,143,000
Public Safety and Education Account--State Appropriation (FY 2009) . . . . .	<del>(\$1,199,000)</del>
	\$1,243,000
New Motor Vehicle Arbitration Account--State Appropriation . . . . .	\$1,323,000
Legal Services Revolving Account--State Appropriation . . . . .	<del>(\$224,635,000)</del>
	\$231,654,000
Tobacco Prevention and Control Account--State Appropriation . . . . .	\$270,000
TOTAL APPROPRIATION . . . . .	<del>(\$245,427,000)</del>
	\$252,825,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal

committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$9,446,000 of the legal services revolving account--state appropriation is provided solely for increases in salaries and benefits of assistant attorneys general effective July 1, 2007. This funding is provided solely for increases to address critical recruitment and retention problems, and shall not be used for the performance management program or to fund general administration. The attorney general shall report to the office of financial management and the fiscal committees of the senate and house of representatives by October 1, 2008, and provide detailed demographic information regarding assistant attorneys general who received increased salaries and benefits as a result of the appropriation. The report shall include at a minimum information regarding the years of service, division assignment within the attorney general's office, and client agencies represented by assistant attorneys general receiving increased salaries and benefits as a result of the amount provided in this subsection. The report shall include a proposed salary schedule for all assistant attorneys general using the same factors used to determine increased salaries under this section. The report shall also provide initial findings regarding the effect of the increases on recruitment and retention of assistant attorneys general.

(4) \$69,000 of the legal services revolving fund--state appropriation is provided solely for Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$44,000 of the legal services revolving fund--state appropriation is provided solely for Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are for consumer protection efforts to address the legal rights of airline passengers.

(7) The attorney general shall deposit to the health services account at least \$680,000 from the *cy pres* monetary portion of the consent decree in settlement of the consumer protection act litigation against Caremark Rx, LLC (King county superior court cause no. 08-2-06098-5). These moneys shall be expended pursuant to legislative appropriation consistent with the terms of the consent decree.

(8) \$220,000 of the legal services revolving account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 3139 or Substitute Senate Bill No. 6750 (industrial insurance orders). If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(9) \$732,000 of the legal services revolving account--state appropriation is provided solely for additional staff in the sexually violent predator civil commitment unit. The office of financial management shall not approve expenditure of these funds until the office of the attorney general has submitted a staffing workload model associated with the sexually violent predator population to the office of financial management and the fiscal committees of the legislature.

(10) \$83,000 of the legal services revolving fund is provided solely for the implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 118** 2007 c 522 s 126 (uncodified) is amended to read as follows:

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

**FOR THE CASELOAD FORECAST COUNCIL**

General Fund--State Appropriation (FY 2008) . . .	<del>(\$756,000)</del>
	\$815,000
General Fund--State Appropriation (FY 2009) . . .	<del>(\$781,000)</del>
	\$807,000
TOTAL APPROPRIATION . . .	<del>(\$1,537,000)</del>
	\$1,622,000

**Sec. 119** 2007 c 522 s 127 (unclassified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2008) . . .	<del>(\$66,652,000)</del>
	\$64,116,000
General Fund--State Appropriation (FY 2009) . . .	<del>(\$67,867,000)</del>
	\$78,813,000
General Fund--Federal Appropriation . . . . .	<del>(\$251,537,000)</del>
	\$253,123,000
General Fund--Private/Local Appropriation . . . . .	\$14,680,000
Public Safety and Education Account--State	
Appropriation (FY 2008) . . . . .	\$2,775,000
Public Safety and Education Account--State	
Appropriation (FY 2009) . . . . .	<del>(\$2,735,000)</del>
	\$3,560,000
Public Works Assistance Account--State	
Appropriation . . . . .	\$2,977,000
Tourism Promotion and Development Account--State	
Appropriation . . . . .	\$1,000,000
Drinking Water Assistance Administrative Account--	
State Appropriation . . . . .	\$415,000
Lead Paint Account--State Appropriation . . . . .	<del>(\$6,000)</del>
	\$18,000
Building Code Council Account--State Appropriation	\$1,180,000
Low-Income Weatherization Assistance Account--State	
Appropriation . . . . .	\$8,385,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008) . . . . .	\$3,644,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009) . . . . .	\$3,660,000
Community and Economic Development Fee Account--State	
Appropriation . . . . .	\$1,840,000
Washington Housing Trust Account--State	
Appropriation . . . . .	<del>(\$32,327,000)</del>
	\$26,827,000
<del>(Homeless Families Service Account--State</del>	
<del>Appropriation . . . . .</del>	<del>-\$300,000)</del>
<u>Administrative Contingency Account--State</u>	
<u>Appropriation . . . . .</u>	\$1,800,000
<u>Financial Fraud and Identity Theft Crimes</u>	
<u>Investigation and Prosecution Account--State</u>	
<u>Appropriation . . . . .</u>	\$488,000
Public Facility Construction Loan Revolving	
Account--State Appropriation . . . . .	\$635,000
Affordable Housing Account--State Appropriation	
. . . . .	<del>(\$15,200,000)</del>
	\$14,650,000
Community Preservation and Development Authority	
Account--State Appropriation . . . . .	\$350,000
Home Security Fund Account--State Appropriation	
. . . . .	<del>(\$16,200,000)</del>
	\$16,700,000
Independent Youth Housing Account--State Appropriation	
. . . . .	\$1,000,000
TOTAL APPROPRIATION . . . . .	<del>(\$495,365,000)</del>
	\$502,636,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2008 and \$2,838,000 of the general fund--state

appropriation for fiscal year 2009 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$1,658,000 of the general fund--state appropriation for fiscal year 2008 and \$1,658,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for multijurisdictional drug task forces.

(3) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for federal domestic violence legal advocacy.

(4) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall ~~((contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter))~~ collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(5) \$145,000 of the general fund--state appropriation for fiscal year 2008 and \$144,000 of the general fund--state appropriation for fiscal year 2009 are provided to support a task force on human trafficking.

(6) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute Senate Bill No. 5092 (associate development organizations). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the community services block grant program.

(8) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to implement the innovation partnership zone program.

(a) The director shall designate innovation partnership zones on the basis of the following criteria:

(i) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(A) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(B) Dense proximity of globally competitive firms in a research-based industry or industries or of individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or other recognized evidence of international success; and

(C) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity

FORTY-SIXTH DAY, FEBRUARY 28, 2008

requirement, to the extent both are associated with an educational institution in the proposed zone;

(ii) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(iii) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(iv) The innovation partnership zone shall designate a zone administrator, which must be an economic development council, port, workforce development council, city, or county.

(b) By October 1, 2007, and October 1, 2008, the director shall designate innovation partnership zones on the basis of applications that meet the criteria in this subsection, estimated economic impact of the zone, and evidence of forward planning for the zone.

(c) If the innovation partnership zone meets the other requirements of the fund sources, then the innovation partnership zone is encouraged to use the local infrastructure financing tool program, the sales and use tax for public facilities in rural counties, the job skills program and other state and local resources to promote zone development.

(d) The department shall convene at least one information sharing event for innovation partnership zone administrators and other interested parties.

(e) An innovation partnership zone shall provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation.

(9) \$430,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,935,000)~~ \$2,200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the economic development commission to work with the higher education coordinating board and research institutions to:

(a) Develop a plan for recruitment of ten significant entrepreneurial researchers over the next ten years to lead innovation research teams, which plan shall be implemented by the higher education coordinating board; and (b) develop comprehensive entrepreneurial programs at research institutions to accelerate the commercialization process.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the cascade land conservancy to develop and demonstrate one or more transfer of development rights programs. These programs shall involve the purchase or lease of development rights or conservation easements from family forest landowners facing pressure to convert their lands and who desire to keep their land in active forest management. The grant shall require the conservancy to work in collaboration with family forest landowners and affected local governments, and to submit an interim written progress report to the department by September 15, 2008, and a final report by June 30, 2009. The department shall transmit the reports to the governor and the appropriate committees of the legislature.

(11) \$155,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 1422 (addressing children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$180,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$180,000)~~ \$430,000 of the general fund--state appropriation for fiscal year 2009 are provided solely

2008 REGULAR SESSION

for KCTS public television to support programming in the Spanish language. These funds are intended to support the addition of a bilingual outreach coordinator to serve Latino adults, families and children in western and central Washington; multimedia promotion on Spanish-language media and website integration; the production of targeted public affairs programs that seek to improve education and the quality of life for Latinos; and to establish partnerships with city and county library systems to provide alternative access to the v-me Spanish language channel via the internet.

(13) \$1,000,000 of the tourism and promotion account--state appropriation is provided for Substitute House Bill No. 1276 (creating a public/private tourism partnership). Of this amount, \$280,000 is for the department of fish and wildlife's nature tourism infrastructure program; \$450,000 is for marketing the 2010 Olympic games; and \$50,000 is for the Washington state games.

~~((+5))~~ (14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the African chamber of commerce of the Pacific Northwest to support the formation of trade alliances between Washington businesses and African businesses and governments.

~~((+6))~~ (15) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the emergency food assistance program.

~~((+7))~~ ~~\$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department's individual development account program.~~

~~((+8))~~ (16) \$80,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the energy facility site evaluation council to contract for a review of the status of pipeline utility corridor capacity and distribution for natural gas, petroleum and biofuels in southwest Washington. The council shall submit its findings and recommendations to the legislature by December 1, 2007.

~~((+9))~~ ~~\$1,813,000~~ (17) \$1,049,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,813,000)~~ \$2,577,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot program to provide transitional housing assistance to offenders who are reentering the community and are in need of housing as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). The department shall operate the program through grants to eligible organizations as described in RCW 43.185.060. A minimum of two programs shall be established in two counties in which community justice centers are located. The pilot programs shall be selected through a request for proposal process in consultation with the department of corrections. The department shall select the pilot sites by January 1, 2008.

(a) The pilot program shall:

(i) Be operated in collaboration with the community justice center existing in the location of the pilot site;

(ii) Offer transitional supportive housing that includes individual support and mentoring available on an ongoing basis, life skills training, and close working relationships with community justice centers and community corrections officers. Supportive housing services can be provided directly by the housing operator, or in partnership with community-based organizations;

(iii) In providing assistance, give priority to offenders who are designated as high risk or high needs as well as those determined not to have a viable release plan by the department of corrections; and

(iv) Provide housing assistance for a period of up to twelve months for a participating offender.

(b) The department may also use up to twenty percent of the funds in this subsection to support the development of

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

additional supportive housing resources for offenders who are reentering the community.

(c) The department shall collaborate with the department of corrections in the design of the program and development of criteria to determine who will qualify for housing assistance, and shall report to the legislature by November 1, 2008, on the number of offenders seeking housing, the number of offenders eligible for housing, the number of offenders who receive the housing, and the number of offenders who commit new crimes while residing in the housing.

~~((20))~~ (18) \$288,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for community transition coordination networks and county service inventories as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Funds are provided for: (a) Grants to counties to inventory services and resources available to assist offenders reentering the community; (b) a grant to the Washington institute for public policy to develop criteria for conducting the inventory; and (c) the department of community, trade, and economic development to assist with the inventory and implement a community transition coordination network pilot program.

~~((21) \$75,000)~~ (19) \$150,000 of the general fund--state appropriation for fiscal year 2008 ~~((and \$75,000 of the general fund--state appropriation for fiscal year 2009 are))~~ is provided solely for a grant to the center for advanced manufacturing to assist domestic businesses to compete globally.

~~((22))~~ (20) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the developmental disabilities council to contract for legal services for individuals with developmental disabilities entering or currently residing in the department of social and health services division of developmental disabilities community protection program.

~~((23))~~ (21) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Safe Havens to provide supervised visitation for families affected by domestic violence and abuse.

~~((24))~~ (22) \$408,000 of the general fund--state appropriation for fiscal year 2008 and \$623,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts to expand the number of participants in juvenile drug courts consistent with the conclusions of the Washington state institute for public policy evaluation of effective programs to reduce future prison populations.

~~((25))~~ (23) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5652 (microenterprise development), including grants to microenterprise organizations for organizational capacity building and provision of training and technical assistance. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((26))~~ (24) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to ~~((establish the state economic development commission as an independent state agency consistent with))~~ implement Second Substitute Senate Bill No. 5995 (economic development commission). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.))~~

~~((27))~~ (25) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support international trade fairs.

~~((28))~~ (26) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study

to survey best practices for smart meters/smart grid/smart appliance technology and the range of applications for smart meters around the country. The survey shall include, but is not limited to, utilities using smart meters to: (a) Meter responses to time-of-use pricing, (b) meter savings from direct load control programs, (c) manage operations costs, (d) identify power outages, (e) meter voluntary interruptible power programs, (f) facilitate pay-as-you-go programs, and (g) enhance billing operations. The study will compare the survey results with Washington's electric utility power system including considerations of electricity price variations between peak and off-peak prices, seasonal price variations, forecast demand, conservation goals, seasonal or daily distribution or transmission constraints, etc., to identify the applications where smart meters may provide particular value to either individual consumers, individual Washington electric utility power systems, or the overall electric power grid in Washington, and to meeting state conservation and energy goals. The department shall complete the study and provide a report to the governor and the legislature by December 1, 2007.

~~((30)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided for a pilot program to provide assistance for three jurisdictions to enforce financial fraud and identity theft laws. Three pilot enforcement areas shall be established on January 1, 2008, two in the two largest counties by population west of the crest of the Cascade mountains and one in the largest county by population east of the crest of the Cascade mountains. Funding received for the purpose of this subsection through appropriations, gifts, and grants shall be divided equally between the three pilot enforcement areas. This funding is intended to provide for additional deputy prosecutors, law enforcement, clerical staff, and other support for the prosecution of financial fraud and identity theft crimes. The funding shall not be used to supplant existing funding and cannot be used for any purpose other than enforcement of financial fraud and identity theft laws. Appropriated state funds must be used to match gifts and grants of private-sector funds for the purposes of this subsection, and expenditure of appropriated state funds may not exceed expenditure of private funds.~~

~~((b) The department shall appoint a task force in each county with a pilot enforcement area. Each task force shall include the following members:~~

~~((i) Two members from financial institutions;~~

~~((ii) One member of the Washington association of county prosecutors;~~

~~((iii) One member of the Washington association of sheriffs and police chiefs;~~

~~((iv) One member of the Washington state association of municipal attorneys; and~~

~~((v) One law enforcement officer.~~

~~((c) The task force in each county shall provide advice and expertise in order to facilitate the prosecutor's efforts to prosecute and reduce the incidence of financial fraud and identity theft crimes, including check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments, organized counterfeit check rings, and organized identity theft rings.~~

~~((34))~~ (27) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Grays Harbor county for activities associated with southwest Washington coastal erosion investigations and demonstrations.

~~((32))~~ (28) \$112,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the retired senior volunteer program.

~~((33))~~ (29) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Benton and Franklin county juvenile and drug

FORTY-SIXTH DAY, FEBRUARY 28, 2008

courts. The grant is contingent upon the counties providing equivalent matching funds.

~~((34))~~ (30) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Seattle aquarium for a scholarship program for transportation and admission costs for classrooms with lower incomes, English as second language or special needs.

~~((35))~~ (31) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$256,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the long-term care ombudsman program.

~~((36))~~ (32) \$425,000 of the general fund--state appropriation for fiscal year 2008 and \$425,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Washington state association of counties for the county training program.

~~((37))~~ (33) \$495,000 of the general fund--state appropriation for fiscal year 2008 and \$495,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the northwest agriculture business center.

~~((38--\$200,000))~~ (34) \$40,000 of the general fund appropriation for fiscal year 2008 ~~((is))~~ and \$160,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a program to build capacity and promote the development of nonprofit community land trust organizations in the state. Funds shall be granted through a competitive process to community land trusts with assets under one million dollars, and these funds shall be used for operating costs, technical assistance, and other eligible capacity building expenses to be determined by the department.

~~((39))~~ (35) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to centro latino to provide adult basic education that includes but is not limited to: English as a second language, Spanish literacy training, work-readiness training, citizenship classes, programs to promote school readiness, community education, and entrepreneurial services.

~~((40))~~ (36) \$500,000 of the general fund--state appropriation for fiscal year 2008 and ~~((500,000))~~ \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that all citizens have access to a low-cost resolution process as an alternative to litigation. Of the fiscal year 2009 funding, \$300,000 is to assist the centers in providing mediation services for parties with parenting plan disputes who either (a) are currently involved in dissolution proceedings or (b) completed a dissolution within the past year. The funding provided by this subsection does not constitute state funding to counties for the purposes of RCW 26.09.015(2)(b).

~~((41))~~ (37) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 ~~((and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are))~~ is provided solely for implementation of Second Substitute House Bill No. 1303 (cleaner energy). Of these amounts, \$487,000 of the general fund--state appropriation for fiscal year 2008 is provided solely as pass-through funding to the department of ecology to conduct the climate advisory team stakeholder process and related staffing, analysis, and public outreach costs. The department shall retain ~~((1,500,000))~~ \$1,013,000 for expenditures related to the operations of the energy freedom authority, and the support of the vehicle workgroup and the carbon market stakeholder workgroup and any other activities required of the department by the bill. The department shall enter into interagency agreements with other agencies to implement the bill in the following amounts: (a) \$1,500,000 shall be provided to the climate impacts group at the University of Washington for climate assessments; (b) \$200,000 shall be

2008 REGULAR SESSION

provided to the University of Washington college of forest resources for identification of barriers to using the state's forest resources for fuel production; and (c) \$800,000 shall be provided to the Washington State University for analyzing options for market incentives to encourage biofuels production. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((42))~~ (38) \$347,000 of the general fund--state appropriation for fiscal year 2008 and \$348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to Western Washington University to support small business development centers and underserved economic development councils with secondary research services. Of the amounts in this subsection, \$500,000 is intended for research services and shall be divided evenly between 25-50 small business development centers and underserved economic development councils and \$195,000 shall be used to develop infrastructure, training programs, and marketing materials.

~~((43))~~ (39) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study on improving the effectiveness of the growth management act. Topics may include but are not limited to: How best to meet and finance infrastructure and service needs of growing communities; how to provide incentives to accommodate projected growth and protect resource lands and critical areas; and how local governments are prepared to address land use changes associated with climate change.

~~((44))~~ (40) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Poulsbo marine science center.

~~((45))~~ (41) \$1,625,000 of the general fund--state appropriation for fiscal year 2008 and \$1,625,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating and capital equipment and facility grants to the following public television and radio stations: KPBX/KSFC, \$863,525; KPLU, \$733,525; KVTI, \$108,550; KDNA, \$29,205; KSER, \$338,325; KNHC, \$146,620; KSPS, \$568,750; and KBTC, \$461,500.

~~((46))~~ (42) \$200,000 of the general fund--state appropriation for fiscal year 2008 and ~~((200,000))~~ \$368,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safe and drug free schools and communities program.

~~((47))~~ (43) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$103,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington's college of forest resources center for international trade in forest products.

~~((48))~~ (44) \$471,000 of the general fund--state appropriation for fiscal year 2008 and \$471,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as pass-through funding to Walla Walla community college for its water and environmental center.

~~((49))~~ (45) \$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

~~((50))~~ (46)(a) \$200,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to examine the fiscal health of counties. The study shall address spending and revenues, as well as the demographic, geographic, social, economic, and other factors contributing to or causing financial distress. The study shall also examine the financial efficiencies, cost savings, and improved levels of service that may be gained by authorizing noncharter counties greater flexibility in altering their forms of governance, including

FORTY-SIXTH DAY, FEBRUARY 28, 2008

consolidating or merging constitutional or statutory functions or structures.

(b) The department of community, trade, and economic development may contract or consult with any agency, organization, or other public or private entity as it deems necessary in order to complete the study required under this section. The study may contain options and actions for consideration by the governor and the legislature, but at minimum shall recommend the changes to constitutional and statutory law necessary to provide counties with the legal authority required to implement the changes in governmental structures and functions needed to promote optimum financial efficiency and improved services. The study shall be transmitted to the appropriate committees of the legislature and the governor by December 1, 2007.

~~((51))~~ (47) \$2,136,000 of the general fund--state appropriation for fiscal year 2008 and \$2,136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expense of the "closing the achievement gap-flight program" of the Seattle public schools during the 2007-09 biennium. The funds will be used in support of a collaboration model between the Seattle public schools and the community. The primary intent for this program is to close the academic achievement gap for students of color and students in poverty by promoting parent and family involvement and enhancing the social-emotional and the academic support for students. By June 30, 2009, the Seattle public schools will provide and evaluation of the impact of the activities funded on class size, graduation rates, student attendance, student achievement, and closing the achievement gap.

~~((52))~~ (48) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for crime victim service centers.

~~((53))~~ (49) \$41,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for House Bill No. 1038 (electric transmission lines). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((54))~~ (50) \$1,000,000 of the independent youth housing account is provided for Second Substitute House Bill No. 1922 (youth housing program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((55))~~ (51) \$227,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year ~~((2008))~~ 2009 are provided solely for Second Substitute House Bill No. 1636 (development rights). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((56))~~ (52) \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for Substitute House Bill No. 1037 (electrical transmission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((57))~~ (53) \$131,000 of the general fund--state appropriation for fiscal year 2008 ~~((and \$62,000 of the general fund--state appropriation for fiscal year 2009 are))~~ is provided solely for Engrossed Second Substitute House Bill No. 1705 (health sciences and services). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse:))~~

~~((58))~~ (54) \$881,000 of the general fund--state appropriation for fiscal year 2008 and \$882,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to: (a) Work with a statewide asset building coalition to design, implement, and fund a public education and outreach campaign; and (b) initiate, expand, and strengthen community-based asset building coalitions by providing them with technical assistance and grants. The department shall conduct an application process and select at least twelve sites by

2008 REGULAR SESSION

October 31, 2007. Of the amounts provided in this subsection, no more than 10 percent may be used by the department to administer the technical assistance and grant program. The department shall report to the appropriate committees of the legislature on the status of the grant and technical assistance program by December 1, 2008.

~~((59))~~ (55) \$15,200,000 of the affordable housing account--state appropriation and \$16,200,000 of the home security fund account--state appropriation are provided solely for Engrossed Second Substitute House Bill No. 1359 (affordable housing). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((60))~~ (56) \$350,000 of the community preservation and development authority account--state appropriation is provided solely for Substitute Senate Bill No. 6156 (development authorities). If this bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(57) \$1,800,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for distribution to community sexual assault programs by the office of crime victims advocacy for the purpose of enhancing services provided to child victims of sexual abuse and their families. Enhanced services may include expanded hours of medical and legal advocacy, expanded hours of therapy for the child victim, increased support to nonoffending family members, and the development of a standardized child-centered approach to service delivery.

(58) \$750,000 of the public safety and education account appropriation for fiscal year 2009 is provided solely to the office of crime victims advocacy. These funds shall be contracted with the 39 county prosecuting attorneys' offices to support victim-witness services. The funds must be prioritized to ensure a full-time victim-witness coordinator in each county. The office may retain only the amount currently allocated for this activity for administrative costs.

(59) \$75,000 of the public safety and education account appropriation for fiscal year 2009 is provided solely for the update of statewide sexual assault victim assistance protocols through a coordinated effort led by the Washington coalition of sexual assault programs.

(60) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for grants to establish community transition coordination networks consistent with the provisions of chapter 483, Laws of 2007 (offender recidivism).

(61) \$2,500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the transitional housing operating and rent program.

(62) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Airway Heights wastewater treatment plant and is contingent upon a capacity agreement with the Kalispel tribe that precludes the need to build multiple wastewater treatment facilities on the West Plains.

(63) \$110,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to provide assistance to the Chehalis river flood reduction executive committee for flood mitigation in the Chehalis river basin. The assistance shall include, but is not limited to, planning, coordination, and technical assistance.

(64) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington New Americans program to provide naturalization assistance for legal permanent residents who are eligible to become citizens. The department shall conduct a competitive process to contract with an entity to provide this assistance, which shall include, but is not limited to: Curriculum design, counseling, outreach to immigrant communities, application processing and legal screening, and citizenship preparation services. The state funding is contingent upon receipt, by the contractor(s) of at least a twenty-five percent match of nonstate funding. The department and the contractor(s) shall develop performance measures for the program and within sixty days of the close of

FORTY-SIXTH DAY, FEBRUARY 28, 2008

each fiscal year for which state funding is provided, shall report to the governor and the legislature on the outcome of the program and the performance measures. The department may retain up to five percent of the funds provided in this subsection to administer the competitive process and the contract. It is the intent of the legislature that \$2,000,000 be provided in the 2009-11 fiscal biennium to conclude this program.

(65) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to the Island county associate development organization and is contingent upon the enactment of Substitute Senate Bill No. 6195 (definition of rural county for economic development purposes). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(66) The department and the Washington state tourism commission shall provide \$320,000 from the tourism enterprise account for the following projects: \$120,000 for the regional visitor/media pavilion at the 2010 Olympics in Vancouver, British Columbia and \$200,000 for the Alaska-Yukon-Pacific exposition commemoration exhibits and programs.

(67) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the Lucy Lopez center for "the good citizen" bilingual radio programming pilot project.

(68) \$360,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 5367 (Washington trade corps fellowships). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(69) \$500,000 of the general fund--state appropriation for fiscal year 2009 and \$488,000 of the financial fraud and identity theft crimes investigation and prosecution account are provided solely for implementation of Senate Bill No. 6850 (financial fraud and identity theft crimes). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(70) \$242,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6580 (climate change). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(71) \$106,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6438 (high-speed internet). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(72) \$350,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 6483 (local farms, healthy kids). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(73) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the Pacific science center to support the "Lucy of Laetoli" exhibit.

(74) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the local organizing committee of 2008 Skate America to support the international skating union grand prix series at the Everett events center in October, 2008.

(75) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to the department of community, trade, and economic development to contract with the Seattle Storm basketball team to provide community outreach to low-income youth and school athletic programs throughout the state, including public service announcements, player appearances at community events, informational materials for fans at home games, providing free tickets to home games for low-income and special needs youth, supporting school literacy, reading, health and fitness programs for young people, and conducting sports clinics. By June 30, 2009, the department

2008 REGULAR SESSION

shall submit to the appropriate committees of the legislature a report describing the outcome of these efforts.

(76) \$10,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a grant for the national guard western division bass tournament.

(77) \$225,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for development of the Lewis county watershed planning and economic development demonstration project. The purpose of the project is to identify lands and resources suitable for economic development within Lewis county and outside of the floodplains of Chehalis and Cowlitz river watersheds. It is the intent of the legislature that \$725,000 to complete this project will be provided in the 2009-11 fiscal biennium.

(a) Of this amount, the department shall provide \$75,000 each to the department of fish and wildlife and the department of ecology to develop a watershed characterization and to conduct a local habitat assessment, develop recommendations, and provide technical assistance in support of a demonstration watershed planning and economic development project in Lewis county.

(b) \$75,000 of the amount provided in this subsection is provided solely for a grant to Lewis county to fund development of a subarea plan, consistent with the provisions of chapter 36.70A RCW, for rural economic development that is based on the watershed characterization and local habitat assessment funded in (a) of this subsection. The department may retain no more than thirty percent for grant administration and technical assistance.

(c) The subarea plan to be funded shall be developed by a broad-based local stakeholder group with state agency technical assistance, and shall include the following:

(i) Defined area or areas for future economic development outside the 100-year floodplain. Areas planned for economic development requiring urban levels of service must be designated on the land use map as an urban growth area consistent with RCW 36.70A.110;

(ii) Defined area or areas of designated agricultural, forestry, wildlife habitat, and other critical area lands;

(iii) Mechanisms to achieve long-term conservation of important aquatic and terrestrial resources in the subarea;

(iv) Defined mitigation and restoration areas;

(v) Identification of capital facility improvements needed to implement the plan, and a plan to finance such capital facilities within projected funding capacities;

(vi) Discussion of the relationship between the plan and other existing, adopted plans and regulations including but not limited to county and city comprehensive plans, as appropriate, critical areas and shoreline regulations, transportation, salmon recovery, watershed, and water resource inventory area plans;

(vii) A plan for monitoring and adaptive management; and

(viii) Adoption by the local government affected as an amendment to its comprehensive plan pursuant to chapter 36.70A RCW, after review and recommendations on the plan by a broad-based local stakeholder group.

(78) \$21,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to conduct a study of the provision of personal products (nonfoodstuffs) to low income residents of Washington. These items include, but are not limited to, hygiene products, cleaning supplies, and clothing. The study shall include: (a) An assessment of current services, including acquisition, donation, distribution, and delivery of personal products to those in need; (b) compilation of information of similar programs in other states; (c) identification and evaluation of options for improving efficiency of current services and expansion of programs to those not currently served; and (d) recommendations for consideration in the 2009-11 fiscal biennium. The department shall assemble an advisory group to guide the conduct of the study. The department shall provide a

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

report of the study findings to the governor and the appropriate committees of the legislature by December 15, 2008.

(79) \$612,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Substitute Senate Bill No. 6510 (manufacturing extension services). \$75,000 of this amount shall be to develop a rural manufacturer export outreach program in collaboration with the small business export finance assistance center and to contract with the center to provide outreach services to rural manufacturing businesses in Washington to inform them of the importance of, and opportunities in, international trade and to inform them of the export assistance programs available to assist these businesses to become exporters. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(80) \$100,000 of the prostitution prevention and intervention account--nonappropriated is for distribution as grants by the office of crime victims advocacy.

**Sec. 120** 2007 c 522 s 128 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2008) . . .	<del>(\$608,000)</del>
	\$726,000
General Fund--State Appropriation (FY 2009) . . .	<del>(\$631,000)</del>
	\$839,000
TOTAL APPROPRIATION . . .	<del>(\$1,239,000)</del>
	\$1,565,000

The appropriations in this section are subject to the following conditions and limitations: The economic and revenue forecast council, in its quarterly revenue forecasts, shall forecast the total revenue for the state general fund and near general fund, as those funds are determined by the legislative evaluation and accountability program committee.

**Sec. 121** 2007 c 522 s 129 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2008) <del>(\$24,175,000)</del>	\$24,110,000
General Fund--State Appropriation (FY 2009) <del>(\$23,323,000)</del>	\$35,657,000
General Fund--Federal Appropriation . . . . .	<del>(\$23,588,000)</del>
	\$23,949,000
General Fund--Private/Local Appropriation . . . . .	\$1,270,000
State Auditing Services Revolving Account--State Appropriation . . . . .	\$25,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008) . . . . .	\$123,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009) . . . . .	\$123,000
Economic Development Strategic Reserve Account--State Appropriation . . . . .	\$175,000
TOTAL APPROPRIATION . . . . .	<del>(\$72,627,000)</del>
	\$85,432,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$75,000)~~ \$33,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$75,000)~~ \$58,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to continue the agricultural pilot programs that identify projects to enhance farm income and improve natural resource protection. Specific work will include project outreach and refinement, stakeholder support, staffing the oversight committee, seeking federal and private match funding, and further refining the list of projects to be recommended for funding.

(2) ~~(\$175,000)~~ \$155,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$175,000)~~ \$254,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to fund "proof-of-concept" model and projects recommended by the oversight committee, as provided in subsection (1) of this section.

(3) \$580,000 of the general fund--state appropriation for fiscal year 2008 and \$580,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the association of Washington cities and the Washington state association of counties for improving project permitting and mitigation processes.

(4) \$320,000 of the general fund--state appropriation for fiscal year 2008 and \$320,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of regulatory assistance to develop statewide multiagency permits for transportation infrastructure and other projects that integrate local, state, and federal permit requirements and mitigation standards.

(5) \$1,050,000 of the general fund--state appropriation for fiscal year 2008 and \$1,050,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5122 (regulatory assistance programs). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) ~~(\$165,000)~~ \$190,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$115,000)~~ \$90,000 of the general fund--state appropriation for fiscal year 2009 are provided solely ~~(for a study to develop)~~ to implement chapter 139, Laws of 2007 (student transportation funding) which requires development of two options for a new K-12 pupil transportation funding formula. ~~(The office of financial management shall contract with consultants with expertise in both pupil transportation and K-12 finance formulas. The office of financial management and the contractors shall consult with the legislative fiscal committees and the office of the superintendent of public instruction. The office of financial management shall submit a final report to the governor, the house of representatives appropriations committee, and senate ways and means committee by November 15, 2008.)~~

(7) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for financial assistance to local government agencies in counties representing populations of fewer than 350,000 residents for the acquisition and development of streamlined permitting technology infrastructure through an integrated business portal approach. Grant awards may not exceed \$100,000 per local government agency per fiscal year. The funding must be used to acquire and implement permit tracking systems that can support and are compatible with a multijurisdictional, integrated approach. Prior to granting funds, the office of regulatory assistance shall ensure that the proposed systems and technology are based on open-industry standards, allow for future integration of processes and sharing of data, and are extendable.

(8) ~~(\$810,000)~~ \$474,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$495,000)~~ \$831,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of sections 50 through 57 (health resources strategy) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(9) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement section 3 of Substitute Senate Bill No. 5248 (preserving the viability of agricultural lands). Funds are provided for a contract with the Ruckelshaus center to examine conflicts between agriculture activities and critical areas

FORTY-SIXTH DAY, FEBRUARY 28, 2008

ordinances. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) The education data center within the office of financial management may convene a work group to assess the feasibility, costs, and benefits of a higher education data system that uses privacy-protected student-level data.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of financial management to identify approaches to addressing affordability and quality of, and access to, health care services in Washington state, including contracting for a public involvement effort that includes conducting meetings in all congressional districts of the state and providing other venues for participation, including a web site; providing information to Washingtonians regarding affordability and quality of, and access to, health care services in Washington state; and presenting information and seeking public input regarding the findings of the economic analysis of health care proposals completed under sections 101(3) and 102(3) of this act. The results of the public input process shall be reported to the governor and the legislature on or before December 1, 2008.

(12) \$11,372,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development and implementation of the Washington assessment of student learning (WASL) and related activities and is in addition to the funding amounts provided in section 511 of this act. The funding provided in this subsection is subject to the following conditions and limitations: The office of financial management shall develop an interagency agreement with the office of the superintendent of public instruction for the expenditure of these funds based on a quarterly allotment schedule. Before releasing funds to the office of the superintendent of public instruction each quarter, the office of financial management shall ensure compliance with this subsection. Effective with the 2009 administration of the Washington assessment of student learning, while maintaining the reliability and validity of the assessment, the office of the superintendent of public instruction shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration, reducing the number of short answer and extended response questions, and potentially decreasing the number of items utilized in the assessment, particularly in grades tested under the requirements of the federal no child left behind act. In selecting and developing the new contractual obligations for the assessment contractor beginning in fiscal year 2009, the office of the superintendent of public instruction shall preserve legislative authority to set the student learning assessment policy and potentially make minor or significant changes to that policy in the future with the least amount of adverse fiscal and other impacts to the state as possible. In doing this, the office of the superintendent of public instruction shall advise and consult with the appropriate policy and fiscal committees of the legislature and the Washington assessment of student learning work group created in this subsection. Within the amounts appropriated in this subsection, a legislative work group on the Washington assessment of student learning is established. The work group will consist of a maximum of nine members. Legislative members shall be appointed by the president of the senate and the speaker of the house of representatives and shall represent the two largest caucuses of both the senate and the house of representatives. The purpose of this work group is to review and evaluate the current assessment system by January 1, 2009, and potentially make recommendations to improve it. Of the amount provided in this section, \$150,000 is provided solely for costs associated with hiring independent technical experts to advise the Washington assessment of student learning work group created in this subsection.

**Sec. 122** 2007 c 522 s 130 (uncodified) is amended to read as follows:

**THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State  
Appropriation . . . . . ((~~\$33,037,000~~))  
\$33,042,000

**Sec. 123** 2007 c 522 s 131 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF PERSONNEL**

General Fund--State Appropriation (FY 2008) . . . . . \$132,000  
General Fund--State Appropriation (FY 2009) . . . . . \$64,000  
Department of Personnel Service Account--State  
Appropriation . . . . . ((~~\$30,106,000~~))  
\$23,910,000  
Higher Education Personnel Services Account--State  
Appropriation . . . . . \$1,794,000  
TOTAL APPROPRIATION . . . . . ((~~\$31,900,000~~))  
\$25,900,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

**Sec. 124** 2007 c 522 s 132 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account--State  
Appropriation . . . . . ((~~\$26,382,000~~))  
\$26,386,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.

**Sec. 125** 2007 c 522 s 135 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

General Fund--State Appropriation (FY 2008) . . . . . \$200,000  
General Fund--State Appropriation (FY 2009) . . . . . \$250,000  
Dependent Care Administrative Account--State  
Appropriation . . . . . ((~~\$448,000~~))  
\$241,000  
Department of Retirement Systems Expense Account--  
State Appropriation . . . . . ((~~\$48,885,000~~))  
\$49,157,000  
TOTAL APPROPRIATION . . . . . ((~~\$49,783,000~~))  
\$49,848,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1261 (duty disability service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$43,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1680 (emergency medical technician service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(3) \$72,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1649 (judges' past service credit purchases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$33,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1262 (plan 1 post retirement employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$315,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed House Bill No. 2391 (gainsharing revisions). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$12,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5014 (contribution rates). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) \$17,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5175 (retirement annual increases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to design a plan for the operation of a universal voluntary retirement accounts program, and then seek approval from the federal internal revenue service to offer the plan to workers and employers in Washington on a tax qualified basis. Features of Washington voluntary retirement accounts plan include a defined contribution plan with a limited pre-selected menu of investment options, administration by the department of retirement systems, investment oversight by the state investment board, tax-deferred payroll deductions, retirement account portability between jobs, and a two-tier system with workplace based individual retirement accounts open to all workers, and a deferred compensation 401(k)-type program or SIMPLE IRA-type program open to all employers who choose to participate for their employees. As part of this process, the director shall consult with the department of financial institutions, the state investment board, private sector retirement plan administrators and providers and other relevant sectors of the financial services industry, organizations promoting increased economic opportunities for individuals, employers, workers, and any other individuals or entities that the director determines relevant to the development of an effective and efficient method for implementing and operating the program. As part of this process, the director shall evaluate the most efficient methods for providing this service and ways to avoid competition with existing private sector vehicles. The director shall undertake the legal and development work to determine how to implement a universal voluntary retirement accounts program, managed through the department of retirement systems directly or by contract. By December 1, 2008, the director shall report to the legislature on the program's design and any required changes to state law that are necessary to implement the program.

(9) \$148,000 of the department of retirement systems expense account--state appropriation is provided solely for implementation of Senate Bill No. 6655 (transferring public employees' retirement system members to the school employees' retirement system). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) \$35,000 of the department of retirement systems expense account--state appropriation is provided solely for implementation of Senate Bill No. 6653 (allowing department of fish and wildlife enforcement officers to transfer service credit). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(11) \$41,000 of the department of retirement systems expense account--state appropriation is provided solely for implementation of Senate Bill No. 6645 (interruptive military service credit in plans 2 and 3). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$40,000 of the department of retirement systems expense account--state appropriation is provided solely to hire a skilled facilitator to mediate between stakeholders in order to identify and document all outstanding issues related to the funding of retiree medical benefits in the law enforcement officers' and firefighters' retirement system plan 1 and for staff resources to be used to conduct research in support of this effort. The stakeholder group shall include representatives of retired members of the law enforcement officers' and firefighters' retirement system plan 1, local government employers, the department of retirement systems, and other groups as deemed necessary by the director of the department of retirement systems.

**Sec. 126** 2007 c 522 s 136 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2008)	<del>(\$97,793,000)</del>
	\$98,160,000
General Fund--State Appropriation (FY 2009)	<del>(\$101,158,000)</del>
	\$109,775,000
Timber Tax Distribution Account--State	
Appropriation . . . . .	\$5,846,000
Waste Reduction/Recycling/Litter Control--State	
Appropriation . . . . .	\$130,000
Waste Tire Removal Account--State Appropriation . . . .	\$2,000
Real Estate Excise Tax Grant Account--State	
Appropriation . . . . .	\$3,900,000
State Toxics Control Account--State Appropriation . . .	\$88,000
Oil Spill Prevention Account--State Appropriation . . .	\$16,000
Pension Funding Stabilization Account	
Appropriation . . . . .	\$2,370,000
	<b>TOTAL APPROPRIATION</b>
	<del>(\$211,303,000)</del>
	\$220,287,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Substitute House Bill No. 1002 (taxation of vessels). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(2) \$31,000 of the general fund--state appropriation for fiscal year 2008 is for the implementation of Substitute House Bill No. 1891 (prescription drugs). If the bill is not enacted by June 30, 2007, the amount in this subsection shall lapse.

(3)(a) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to conduct a study of the taxation of electronically delivered products. The legislature recognizes that chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007, relates to specific types of electronically delivered products and does not address the taxation of numerous other types of electronically delivered products. Therefore, a policy question remains concerning the sales and use taxation of other electronically delivered products.

(b)(i) To perform the study, the department of revenue shall be assisted by a committee. The committee shall include four legislative members appointed as follows:

(A) The president of the senate shall appoint one member from each of the two largest caucuses of the senate; and

(B) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(ii) The department of revenue shall appoint additional members with balanced representation from different segments of government and industry, and shall consider representation from the following areas: Small and large businesses that generate, deliver, or use electronically delivered products; financial institutions; insurers; persons with expertise in tax law in an academic or private sector setting; and persons experienced in working with computers and electronically delivered products. The department of revenue shall appoint additional members from the department with expertise in the excise taxation of electronically delivered products.

(iii) The committee shall choose its chair from among its membership.

(iv) The department and committee shall review the following issues: The provision of explicit statutory definitions for electronically delivered products; the current excise tax treatment of electronically delivered products in the state of Washington and other states as well as the tax treatment of these products under the streamlined sales and use tax agreement; the administration, costs, and potential recipients of the tax exemptions provided in chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007; and alternatives to the excise taxation of electronically delivered products.

(v) Legislative members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the committee, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The department shall report its preliminary findings and recommendations to the appropriate fiscal committees of the legislature by November 30, 2007. The department shall provide the final report of its findings and recommendations to the appropriate fiscal committees of the legislature by September 1, 2008.

(4) \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$506,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Senate Bill No. 6949 (low-income homeowners deferral). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(5) \$2,364,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Substitute Senate Bill No. 6809 (working families tax exemption). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(6) \$142,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Senate Bill No. 6912 (property tax relief). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 127 2007 c 522 s 137 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account--State  
Appropriation . . . . . ((~~\$19,266,000~~))  
\$24,468,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,500,000 of the state investment board expense account--state appropriation is provided solely for development of an investment data warehouse. This funding is intended to replace existing funding from nonbudgeted funds, with the intent that further expenditures for this project be made only by appropriation.

(2) \$1,791,000 of the state investment board expense account is provided solely for compensation and incentives for investment officers. Of this amount, \$852,000 is provided solely for implementation of Substitute House Bill No. 3149 (state investment board personnel compensation). The state

investment board shall include funding for any future salary increases authorized under RCW 43.33A.100 in the agency's budget request submitted in accordance with chapter 43.88 RCW in advance of granting related salary increases. The biennial salary survey required under RCW 43.33A.100 shall also be provided to the office of financial management and to the fiscal committees of the legislature as part of the state investment board's biennial budget submittal.

Sec. 128 2007 c 522 s 141 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 2008) . . . ((~~\$577,000~~))  
\$591,000  
General Fund--State Appropriation (FY 2009) . . . ((~~\$580,000~~))  
\$595,000  
General Fund--Federal Appropriation . . . . . \$3,655,000  
General Administration Service Account--State  
Appropriation . . . . . ((~~\$34,951,000~~))  
\$38,019,000  
TOTAL APPROPRIATION . . . ((~~\$39,763,000~~))  
\$42,860,000

The appropriations in this section are subject to the following conditions and limitations:

((~~2~~)) (1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the temporary emergency food assistance program.

(2) \$1,031,000 of the general administration services account--state appropriation for fiscal year 2009 is provided solely for implementation of costs associated with the planning of agency moves out of the general administration building.

(3) During the 2007-09 biennium the department will not reduce services or increase rates to state agencies. Furthermore, the department shall work with the office of financial management in order to end the practice of cross-subsidization between business lines within the general administration services account. State agency rates developed for the 2009-11 biennium must reflect the actual cost of services provided to state agencies pursuant to RCW 39.34.130 and federal rules. By August 31, 2008, the department shall submit to the office of financial management and the fiscal committees of the legislature balance sheets for each line of business that shall inform the basis for agency rate development for the forthcoming biennium.

(4) The department shall submit a report to the office of financial management and the fiscal committees of the legislature that responds to each of the state auditor's motor pool audit recommendations by August 31, 2008. This report shall consist of recommendations that have been adopted by the department, progress made towards achieving those recommendations not yet completed, and justification for why the department is unable to fulfill any of the recommendations in the report.

Sec. 129 2007 c 522 s 142 (uncodified) is amended to read as follows:

**THE DEPARTMENT OF INFORMATION SERVICES**

General Fund--State Appropriation (FY 2008) . ((~~\$5,102,000~~))  
\$2,862,000  
General Fund--State Appropriation (FY 2009) . ((~~\$2,088,000~~))  
\$4,773,000  
General Fund--Federal Appropriation . . . . . ((~~\$700,000~~))  
\$1,920,000  
((Health Services Account--State Appropriation (FY 2008)  
. . . . . \$1,000,000  
Health Services Account--State Appropriation (FY 2009)

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Public Safety and Education Account--State	Appropriation (FY 2008) . . . . .	\$1,000,000))
Public Safety and Education Account--State	Appropriation (FY 2009) . . . . .	\$695,000
Data Processing Revolving Account--State	Appropriation . . . . .	\$705,000
	Appropriation . . . . .	\$6,400,000
	TOTAL APPROPRIATION . . . . .	<del>(\$17,690,000))</del>
		\$17,355,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,340,000 of the general fund--state appropriation for fiscal year ~~(2008)~~ 2009 is provided solely to connect eastern state hospital to the integrated hospital information system, which is intended to improve operations and allow greater interactions between the hospital and community clinics, including electronic transmission of inpatient data to outpatient clinics that will provide care following discharge. Connection to this network will allow consultation with specialists and provide access to training for staff. Prior to any purchase of goods or services, a feasibility plan must be approved by the information services board.

(2) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support the operations of the digital learning commons.

~~(3) (\$1,000,000 of the health services account appropriation for fiscal year 2008 and \$1,000,000 of the health services account appropriation for fiscal year 2009 are provided solely to conduct a pilot project to develop an emergency medical response health management record system. The department shall contract to provide health management record services, such as those developed with patients in Whatcom county, to provide integrated care management that are web-services enabled. The record system developed by the pilot project will begin to provide services to emergency medical personnel within two years in at least King, Snohomish, Thurston, and Whatcom counties. The requirements of the pilot project contract shall require the initial development of specific evaluation criteria and a report on the performance of the system according to those criteria no later than June 30, 2009.~~

~~(4))~~ (4) \$1,012,000 of the general fund--state appropriation for fiscal year 2008 and \$338,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of the information technology infrastructure capacity for institutions operated by the department of social and health services, department of veterans affairs, and department of corrections. The evaluation will detail the status of the participating institutions' infrastructure and recommend an improvement strategy that includes the use of electronic medical records. The department shall report back to the appropriate committees of the legislature on its findings by January 1, 2009.

~~((5))~~ (4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the data processing revolving account.

~~(5) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract with persons with expertise in both information technology systems and public disclosure requirements to develop best practices to satisfy public records disclosure requests for electronic records in an electronic format so that agencies respond in a way that is consistent, complete, timely, and cost effective.~~

~~(6) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6438 (coordinating the development of a statewide high-speed internet deployment and adoption initiative). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

**Sec. 130** 2007 c 522 s 143 (uncodified) is amended to read as follows:

**FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation . . . . .	\$1,574,000	
Insurance Commissioners Regulatory Account--State	Appropriation . . . . .	<del>(\$45,340,000))</del>
	\$45,632,000	
	TOTAL APPROPRIATION . . . . .	<del>(\$46,914,000))</del>
		\$47,206,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$464,000 of the insurance commissioners regulatory account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5717 (market conduct oversight). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$71,000 of the insurance commissioners regulatory account--state appropriation is provided solely for the implementation of section 17 (reduce health care administrative costs) in accordance with Senate Bill No. 5930 (blue ribbon commission on health care). If the section is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~(3) \$45,000 of the insurance commissioners regulatory account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6765 (health insurance pool). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

**Sec. 131** 2007 c 522 s 147 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2008) . . . .	\$1,910,000	
General Fund--State Appropriation (FY 2009) . . . .	\$1,953,000	
Liquor Control Board Construction and Maintenance	Account--State Appropriation . . . . .	<del>(\$8,517,000))</del>
	\$13,430,000	
Liquor Revolving Account--State Appropriation	. . . . .	<del>(\$195,858,000))</del>
	\$197,019,000	
	TOTAL APPROPRIATION . . . . .	<del>(\$208,238,000))</del>
		\$214,312,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$91,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5859 (retail liquor licenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$2,070,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to operate an additional 29 state stores on Sundays by September 1, 2007. The board shall determine the impacts on sales as a result of operating the additional stores on Sunday. In doing so, the liquor control board shall also examine the sales of state and contract liquor stores in proximity to those stores opened on Sundays to determine whether Sunday openings have reduced the sales of other state and contract liquor stores that are not open on Sundays. The board shall present this information to the appropriate policy and fiscal committees of the legislature by January 31, 2009.

**Sec. 132** 2007 c 522 s 149 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund--State Appropriation (FY 2008) . . . . .	\$160,000
---	-----------

Public Service Revolving Account--State  
 Appropriation . . . . . ~~(\$31,403,000)~~  
\$31,407,000  
 Pipeline Safety Account--State Appropriation . . . . \$3,195,000  
 Pipeline Safety Account--Federal Appropriation . . . \$1,535,000  
 TOTAL APPROPRIATION . ~~(\$36,293,000)~~  
\$36,297,000

TOTAL APPROPRIATION ~~(\$243,923,000)~~  
\$310,655,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 81.66.030, it is the policy of the state of Washington that the costs of regulating the companies transporting persons with special needs shall be borne by those companies. For each company or class of companies covered by RCW 81.66.030, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating the companies or classes of companies. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.

(2) In accordance with RCW 81.70.350, it is the policy of the state of Washington that the cost of regulating charter party carrier and excursion service carriers shall be borne by those entities. For each charter party carrier and excursion service carrier covered by RCW 81.70.350, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating such carriers. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of the program's supervision and regulation.

(3) The general fund--state appropriation for fiscal year 2008 is provided solely to conduct a survey to identify factors preventing the widespread availability and use of broadband technologies. The survey must collect and interpret reliable geographic, demographic, cultural, and telecommunications technology information to identify broadband disparities in the state. The commission shall consult appropriate stakeholders in designing the survey. The names and identification data of any person, household, or business participating in the survey are exempt from public disclosure under chapter 42.56 RCW. The commission shall report its finding to the appropriate legislative committees by December 31, 2007.

Sec. 133 2007 c 522 s 150 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2008) ~~(\$11,439,000)~~  
\$12,394,000  
 General Fund--State Appropriation (FY 2009) ~~(\$11,812,000)~~  
\$13,420,000  
 General Fund--Federal Appropriation . . . . . ~~(\$107,611,000)~~  
\$129,634,000  
 General Fund--Private/Local Appropriation . . . . . \$2,000  
 Enhanced 911 Account--State Appropriation . . ~~(\$42,114,000)~~  
\$42,314,000  
 Disaster Response Account--State Appropriation  
 . . . . . ~~(\$12,852,000)~~  
\$23,154,000  
 Disaster Response Account--Federal Appropriation  
 . . . . . ~~(\$55,553,000)~~  
\$86,757,000  
 Military Department Rent and Lease Account--State  
 Appropriation . . . . . ~~(\$374,000)~~  
\$814,000  
 Worker and Community Right-to-Know Account--State  
 Appropriation . . . . . \$341,000  
 Nisqually Earthquake Account--State Appropriation . \$556,000  
 Nisqually Earthquake Account--Federal Appropriation  
 . . . . . \$1,269,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$12,924,000)~~ \$27,852,000 of the disaster response account--state appropriation and ~~(\$55,769,000)~~ \$100,553,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(2) \$556,000 of the Nisqually earthquake account--state appropriation and \$1,269,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(3) \$61,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) Within the funds appropriated in this section, the department shall implement Substitute House Bill No. 1507 (uniformed service shared leave).

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall not take any of the funds for administrative purposes.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(6) \$200,000 of the enhanced 911 account--state appropriation is provided solely for the department to recommend an appropriate funding mechanism for the implementation of next generation 911. The department shall consult with the utilities and transportation commission, the department of revenue, local governments, and representatives from companies providing telecommunications services in order to complete the report required under this subsection. The department may also consult with other public safety and medical associations in order to complete the study. The department shall submit the report to the finance committee and the technology, energy, and communications committee of the house of representatives, and the ways and means committee and the water, energy, and telecommunications committee of the senate, by December 1, 2008.

Sec. 134 2007 c 522 s 151 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund--State Appropriation (FY 2008) . ((~~\$3,246,000~~))  
\$3,247,000  
General Fund--State Appropriation (FY 2009) . ((~~\$3,353,000~~))  
\$3,354,000  
Department of Personnel Service Account--State  
Appropriation . . . . . \$3,315,000  
TOTAL APPROPRIATION . . ((~~\$9,914,000~~))  
\$9,916,000

The appropriations in this section are subject to the following conditions and limitations: \$112,000 of the general fund--state appropriation for fiscal year 2008 and \$107,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute House Bill No. 2361 (higher education exempt employees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 135 2007 c 522 s 152 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund--State Appropriation (FY 2008) . ((~~\$1,087,000~~))  
\$1,114,000  
General Fund--State Appropriation (FY 2009) . ((~~\$1,033,000~~))  
\$1,205,000  
General Fund--Federal Appropriation . . . . . \$1,651,000  
General Fund--Private/Local Appropriation . . . . . \$14,000  
TOTAL APPROPRIATION . . ((~~\$3,785,000~~))  
\$3,984,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2115 (heritage barn preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to conduct a preliminary assessment to determine the feasibility of seeking federal heritage area designation for Washington state's maritime regions. The department shall establish an advisory committee for the study. The department shall submit a report of the preliminary assessment findings to the appropriate policy and fiscal committees of the legislature and to the governor by January 1, 2010.

Sec. 136 2007 c 522 s 153 (uncodified) is amended to read as follows:

**FOR THE GROWTH MANAGEMENT HEARINGS BOARD**

General Fund--State Appropriation (FY 2008) . ((~~\$1,890,000~~))  
\$1,893,000  
General Fund--State Appropriation (FY 2009) . ((~~\$1,942,000~~))  
\$1,953,000  
TOTAL APPROPRIATION . . ((~~\$3,832,000~~))  
\$3,846,000

Sec. 137 2007 c 522 s 154 (uncodified) is amended to read as follows:

**FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Account--State  
Appropriation . . . . . ((~~\$36,910,000~~))  
\$44,773,000  
State Convention and Trade Center Operating  
Account--State Appropriation . . . . . \$53,750,000  
TOTAL APPROPRIATION ((~~\$90,660,000~~))  
\$98,523,000

(End of part)

**PART II HUMAN SERVICES**

Sec. 201 2007 c 522 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington Medicaid integration partnership (WMIP), the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of ((+3,000)) 6,000 persons, nor expand beyond one county, during the 2007-2009 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot project, times the number of clients enrolled in the pilot project. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(5)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2008, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2008 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2008 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 202 2007 c 522 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$313,898,000)</del>
	\$315,648,000
General Fund--State Appropriation (FY 2009)	<del>(\$327,462,000)</del>
	\$344,677,000
General Fund--Federal Appropriation . . . . .	<del>(\$468,668,000)</del>
	\$490,101,000
General Fund--Private/Local Appropriation . . . . .	<del>(\$500,000)</del>
	\$2,187,000
Domestic Violence Prevention Account--State	
Appropriation . . . . .	\$1,000,000
Public Safety and Education Account--State	
Appropriation (FY 2008) . . . . .	\$3,251,000
Public Safety and Education Account--State	
Appropriation (FY 2009) . . . . .	\$3,254,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2008) . . . . .	\$2,934,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2009) . . . . .	\$2,934,000
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$2,298,000
TOTAL APPROPRIATION	<del>(\$1,126,199,000)</del>
	\$1,168,284,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,063,000 of the general fund--state appropriation for fiscal year 2008 and \$3,063,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the category of services titled "intensive family preservation services."

(2) \$945,000 of the general fund--state appropriation for fiscal year 2008 and \$993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to seventeen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a ~~(\$1,000)~~ \$1,020 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$429,000 of the general fund--federal appropriation are provided solely to increase services provided through children's advocacy centers.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a street youth program in Spokane.

(10) \$41,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$49,000)~~ \$37,000 of the general fund--state appropriation for fiscal year 2009, and ~~(\$41,000)~~ \$34,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1472 (child

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

welfare). ~~(If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.)~~

(11) \$858,000 of the general fund--state appropriation for fiscal year 2008, \$809,000 of the general fund--state appropriation for fiscal year 2009, and \$715,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5774 (background checks), including sections 6 and 7. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$4,962,000 of the general fund--state appropriation for fiscal year 2008, \$4,586,000 of the general fund--state appropriation for fiscal year 2009, and \$9,548,000 of the general fund--federal appropriation are provided solely for development and implementation of a statewide automated child welfare information system.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2009 and \$55,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5321 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$707,000 of the general fund--state appropriation for fiscal year 2008, \$680,000 of the general fund--state appropriation for fiscal year 2009, and \$594,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1334 (child welfare proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$2,237,000 of the general fund--state appropriation for fiscal year 2008, \$2,238,000 of the general fund--state appropriation for fiscal year 2009, and \$1,918,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$137,000 of the general fund--state appropriation for fiscal year 2008, \$137,000 of the general fund--state appropriation for fiscal year 2009, and \$118,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1287 (foster children). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the Washington state institute for public policy to study evidence-based, cost-effective programs and policies to reduce the likelihood of children entering and remaining in the child welfare system, including both prevention and intervention programs. If the department does not receive \$100,000 in matching funds from a private organization for the purpose of conducting this study, the amount provided in this subsection shall lapse. The study shall be completed by April 30, 2008. The department shall cooperate with the institute in facilitating access to data in their administrative systems. The board of the Washington state institute for public policy may adjust the due date for this project as necessary to efficiently manage workload.

(18) \$103,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$98,000)~~ \$407,000 of the general fund--state appropriation for fiscal year 2009, and ~~(\$201,000)~~ \$48,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). This includes funding to develop, implement, and administer a program of educational transition planning for youth in foster care as specified in the bill. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) The department shall continue spending levels for continuum of care in region one at the same level allotted during the 2005-2007 biennium.

(20) Within the amounts provided, the department shall develop and implement a two-tiered reimbursement rate schedule for children from birth through twenty-four months of age and children twenty-five months of age through age five served by the medicaid treatment child care program. The department shall work in collaboration with contracted providers of the program to develop the rate schedule, taking into consideration such factors as higher staff level and small group size requirements for each age group. The department shall implement the rate schedule no later than January 1, 2008, and neither reimbursement rate in the two-tiered schedule shall be lower than the reimbursement rate level from the 2007 fiscal year.

(21) \$60,000 of the general fund--state appropriation for fiscal year 2008, \$20,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1624 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(22) \$49,000 of the general fund--state appropriation for fiscal year 2008, \$24,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 384, Laws of 2007.

(23) The department shall work with the exclusive bargaining representative for the children's administration social workers to prioritize social worker tasks and devise methods by which to alleviate from the social workers' workload lower priority tasks. Discussions on methods shall include the use of contracting services and home support specialists. The department and the bargaining representative shall jointly report their efforts to the appropriate committees of the legislature by submitting a progress report no later than July 1, 2008, and a final report by November 15, 2008.

(24) \$10,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with the largest nonprofit organization in the state conducting education and outreach on RCW 13.34.360, the safety of newborn children law.

(25) \$616,000 of the general fund--state appropriation for fiscal year 2009 and \$184,000 of the general fund--federal appropriation are provided solely to contract with medical professionals for comprehensive safety assessments of high-risk families. The safety assessments will use validated assessment tools to guide intervention decisions through the identification of additional safety and risk factors. \$400,000 of this amount is for comprehensive safety assessments for families receiving in-home child protective services or family voluntary services. \$400,000 of this amount is for comprehensive safety assessments of families with an infant age birth to fifteen days where the infant was, at birth, diagnosed as substance exposed and the department received an intake referral related to the infant due to the substance exposure.

(26) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 6479 (reactive attachment disorder). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(27) \$1,100,000 of the general fund--state appropriation for fiscal year 2009 and \$347,000 of the general fund--federal appropriation are provided solely for the hiring of twenty home support specialists, and respective supervisory and support staff, to be concentrated in counties experiencing an increase in dependency filings above the state average. Starting July 1, 2009, the home support specialists shall be allocated to the following field offices: Three to Bellingham, two to Shelton, eight to Spokane, two to Aberdeen, and five to Tacoma. It is the intent of the legislature for these specialists to be placed in addition to current staff and staff being hired under the department's phase-in of social workers provided in the 2007-09

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

biennial budget. The department shall not use the staff provided in this subsection to supplant existing staff or staff to be phased in according to the 2007-09 biennial budget. The department shall track the following data monthly within each of the field offices receiving the additional support specialists: (a) Number of case-carrying social workers; (b) number of case-carrying home support specialists; (c) date of hires of social workers and home support specialists; (d) number of families receiving services, where no petition for dependency, at risk youth, child in need of services, or truancy has been filed; and (e) number of families receiving services where a dependency petition has been filed. For a minimum of 10 days in February 2009, the department shall use the workload study tool to measure the social worker workload in these five field offices and compare the results to the February 2007 data. The department shall provide the data and its findings to the appropriate committees of the legislature, with a preliminary report by December 15, 2008, and a final report by June 15, 2009.

(28) \$185,000 of the general fund--state appropriation for fiscal year 2009 and \$74,000 of the general fund--federal appropriation are provided solely for the department to implement Substitute Senate Bill No. 6206 (child safety). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(29) \$200,000 of the general fund--state appropriation for fiscal year 2009 and \$68,000 of the general fund--federal appropriation are provided solely to target additional social workers, categories 1 and 2, to understaffed offices in region 3 for the purpose of reducing social worker caseloads and improving the well-being of children and families served by the department. It is the intent of the legislature for these social workers be in addition to current staff and staff being hired under the department's phase-in of social workers provided in the 2007-09 biennial budget. The department shall not use the staff provided in this subsection to supplant existing staff or staff to be phased-in according to the 2007-09 biennial budget. The department shall report to the legislature on the dates of hire and the offices where the additional social workers were placed.

Sec. 203 2007 c 522 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$87,795,000)</del>
	\$87,822,000
General Fund--State Appropriation (FY 2009)	<del>(\$91,182,000)</del>
	\$91,000,000
General Fund--Federal Appropriation . . . . .	<del>(\$5,799,000)</del>
	\$5,682,000
General Fund--Private/Local Appropriation . . . . .	<del>(\$1,098,000)</del>
	\$1,898,000
Reinvesting in Youth--State Appropriation . . . . .	\$1,414,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation . . . . .	\$171,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2008) . . . . .	<del>(\$21,458,000)</del>
	\$21,975,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2009) . . . . .	<del>(\$21,568,000)</del>
	\$22,085,000
Juvenile Accountability Incentive Account--Federal	
Appropriation . . . . .	\$2,510,000
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$2,200,000
TOTAL APPROPRIATION	<del>(\$235,195,000)</del>
	\$236,757,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and

\$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$2,669,000 of the general fund--state appropriation for fiscal year 2008 and \$3,066,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2008 and \$1,287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions and aggression replacement training. The

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7) The juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, of consolidated juvenile services funds, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition to county juvenile courts, or groups of courts, including the Pierce county juvenile court. The juvenile rehabilitation administration and the family policy council shall jointly write criteria for awarding and administering block grants to county juvenile courts. In developing the criteria, the juvenile rehabilitation administration and the family policy council shall seek the advice of the Washington state institute for public policy. The criteria shall address, but not be limited to:

(a) The selection of courts for participation in the block grant;

(b) The types of evidence-based programs and practices to which the funds will be applied. The evidence-based programs and practices shall either be consistent with those cost-beneficial options identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates," or be new approaches that have the potential to demonstrate positive returns for the taxpayer; and

(c) The protocols for participating courts to collect information on the effectiveness of programs funded under the block grant, including: (i) Developing intermediate client outcomes based on the risk assessment tool currently used by juvenile courts and in coordination with the juvenile rehabilitation administration; (ii) reporting treatment outcomes including a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2008, and an outcome evaluation of recidivism and benefit-cost results submitted within eighteen months of the initiation of the treatment, when follow-up data are available. The courts shall develop these evaluations in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy; and (iii) documenting the process for managing block grant funds on a quarterly basis and provide this report to the juvenile rehabilitation administration and the family policy council.

(8) \$73,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$98,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to the juvenile rehabilitation administration for the purpose of establishing a single county pilot program to promote participation in offender programs for juveniles under the jurisdiction of a county juvenile court or the department, and their families. The pilot program shall provide incentives for families for consenting to, and participating in good faith, in a program recommended by the department as appropriate. The pilot location as well as the structure, amount, and disbursement of incentives shall be determined by the department in consultation with the University of Washington school of medicine's department of psychiatry and behavioral sciences division of public behavioral health and justice and the evidence-based program model developers. To be eligible, a county must have imposed the sales and use tax authorized by RCW 82.14.460. The pilot program shall be limited to evidence-based programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future

Prison Construction, Criminal Justice Costs and Crime Rates" which have been identified as having a positive benefit-cost ratio. The pilot program shall be operational by December 1, 2008. The department, in cooperation with the University of Washington, shall evaluate the results of the pilot program, including any reduction in recidivism for a juvenile participating in the pilot program and shall provide a preliminary report to the governor and the legislature on the results of the pilot program by December 1, 2010, and a final report by December 1, 2012.

Sec. 204 2007 c 522 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2008) ( <del>(\$302,674,000)</del> )	\$305,382,000
General Fund--State Appropriation (FY 2009) ( <del>(\$312,997,000)</del> )	\$332,548,000
General Fund--Federal Appropriation . . . . . ( <del>(\$380,003,000)</del> )	\$382,032,000
General Fund--Private/Local Appropriation . . . ( <del>(\$11,948,000)</del> )	\$16,686,000
<b>TOTAL APPROPRIATION (<del>(\$1,007,622,000)</del>)</b>	<b>\$1,036,648,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,989,000 of the general fund--state appropriation for fiscal year 2008 and \$104,080,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for persons and services not covered by the medicaid program. These funds shall be distributed proportionally to each regional support network's percentage of the total state population.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2008 and \$16,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 222 per day throughout fiscal year 2008. Beginning January 1, 2009, the number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 777 per day during the first and second quarters of fiscal year 2008, and 677 per day from January 2008 through August 2008. Beginning September 2008, the number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 647 per day until May 2009, at which time the bed allocation shall be 617 beds per day. Beginning January 2008, beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. Beginning that month, the department shall separately charge regional support networks for persons served in the PALS program (~~and for use of state hospital beds for short-term commitments~~).

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

~~(e) (Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.~~

~~(f)~~ At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

~~(g)~~ (f) \$5,000,000 of the general fund--state appropriation for fiscal year 2008 and \$5,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department is authorized to transfer up to \$418,000 of these amounts each fiscal year to the economic services program for purposes of facilitating prompt access after their release from confinement to medical and income assistance services for which defendants and offenders may be eligible.

~~(h)~~ (g) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

~~(i)~~ (h) The department is authorized to continue to expend federal block grant funds and special purpose federal grants through direct contracts, rather than through contracts with regional support networks, and to allocate such funds through such formulas as it shall adopt.

~~(j)~~ (i) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

~~(k)~~ (j) \$2,250,000 of the general fund--state appropriation for fiscal year 2008, \$2,250,000 of the general fund--state appropriation for fiscal year 2009, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

~~(l)~~ (k) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue performance-based incentive contracts to provide

appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

~~((m) \$2,979,000)~~ (l) \$2,981,000 of the general fund--state appropriation for fiscal year 2008, ~~(((\$3,249,000))~~ \$3,248,000 of the general fund--state appropriation for fiscal year 2009, and ~~(((\$2,040,000))~~ \$2,016,000 of the general fund--federal appropriation are provided solely to modify the department's proposed new payment rates for medicaid inpatient psychiatric services. Under the department's proposed rate system, effective August 1, 2007, each hospital's inpatient psychiatric payment rate would have been set at a percentage of that hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year. Within the amount provided in this subsection (1)(m), beginning August 1, 2007, each hospital's inpatient psychiatric payment rate shall instead be set at the greater of a percentage of: (i) The hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year; or (ii) the statewide average per diem cost for psychiatric inpatient care during the most recent rebasing year, adjusted for regional wage differences and for differences in medical education costs. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.

~~((n) \$7,363,000)~~ (m) \$6,267,000 of the general fund--state appropriation for fiscal year 2008 and \$6,462,000 of the general fund--~~(federal)~~ state appropriation for fiscal year 2009 are provided solely to increase nonmedicaid psychiatric inpatient payment rates over fiscal year 2005 levels. It is expected that nonmedicaid rates will be set at approximately 85 percent of each hospital's medicaid psychiatric inpatient rate. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.

~~((o) \$7,363,000)~~ (n) \$7,396,000 of the general fund--state appropriation for fiscal year 2008, ~~(((\$15,028,000))~~ \$15,146,000 of the general fund--state appropriation for fiscal year 2009, and \$13,927,000 of the general fund--federal appropriation are provided solely to increase regional support network medicaid capitation rates, or fee-for-service rates paid instead of those capitation rates, and nonmedicaid allocations by 3.0 percent effective July 1, 2007, and by an additional 3.0 percent effective July 1, 2008. The federal portion of these rate increases is contingent upon federal approval. (i) The legislature intends and expects that regional support networks and community mental health agencies will use at least 67 percent of the amounts provided in this subsection (1)(o) to increase compensation for direct care personnel above and beyond usual and customary wage increases. To this end, regional support networks shall report to the department by October 15, 2007, on planned uses of the rate increases within their network area. The report shall describe the direct care job classifications to which increases are to be provided; the number of full-time equivalent personnel employed in each classification; the annualized dollar and percentage increases to be provided each classification; the annualized dollar value of the direct care compensation increases provided, in total and as a percentage of the total rate increase; and the number of personnel in each job classification covered by a collective bargaining agreement. The department shall summarize and analyze the regional plans, and report findings, options, and recommendations to the legislature

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

by December 1, 2007. (ii) Regional support networks shall maintain documentation of how the rate increases have been applied. Such documentation shall be subject to audit by the department. (iii) For purposes of this subsection (1)(o), "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness, or whose primary responsibility is providing direct support to such staff in areas such as client scheduling, client intake, client reception, client records-keeping, and facilities maintenance. In agencies that provide both mental health and chemical dependency services, nonmedicaid funds may also be used for compensation increases for direct care staff whose primary responsibility is direct care and treatment for people with chemical dependency problems.

~~((p))~~ (o) \$2,021,000 of the general fund--state appropriation for fiscal year 2008 and \$1,683,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1456 (mental health professionals). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. For purposes of organizing and delivering training as required by the bill, the department may retain up to fifteen percent of the amount appropriated for fiscal year 2008, and up to ten percent of the amount appropriated for fiscal year 2009. The remainders shall be distributed to regional support networks proportional to each network's percentage of the total state population.

(p) \$3,031,000 of the general fund--state appropriation for fiscal year 2009 and \$1,418,000 of the general fund--private/local appropriation are provided solely to enable the department to contract with Pierce county human services for the provision of community mental health services to include crisis triage, evaluation and treatment, and mobile crisis services. The legislature intends this to be one-time funding while a replacement regional support network is being secured. The department is authorized to reserve \$402,000 general fund--state and \$201,000 general fund--local of these amounts for reasonable costs incurred by Pierce county for the provision of mental health crisis and related services that exceed reimbursement levels contracted by the department. In order to receive these funds, Pierce county must demonstrate to the department that the total cost of mental health services provided by the county in accordance with formal agreements has exceeded the revenues received from the department and third-party payers for these services. The department shall determine the documentation that is required.

(q) \$504,000 of the general fund--state appropriation for fiscal year 2008 and \$1,529,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(r) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Spokane regional support network to implement a comprehensive plan for reducing its utilization of eastern state hospital. Key elements of the plan, which shall be developed and implemented in consultation with and with the assistance of the department, may include but shall not be limited to development of additional crisis triage, crisis stabilization, and evaluation and treatment beds; provision of housing assistance for high-utilizers of hospital and jail services who are at risk of homelessness; implementation of an intensive outpatient treatment team for persons with co-occurring disorders and other special needs; and delivery of respite care to assist elderly individuals avoid or return home after hospitalization.

(s) \$10,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for regional support networks to increase and improve delivery of nonmedicaid services. These funds shall be distributed to regional support networks

other than Spokane proportional to each network's share of total population among those networks.

(t) \$400,000 of the general fund--private/local appropriation for fiscal year 2008 is provided solely to assist nongovernmental mental health agencies in Pierce county with start-up and other extraordinary administrative costs required by the conversion from a capitated to a unit fee-based service delivery and billing system.

(u) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for one-time grants for emergent financial relief for clubhouses. In order to receive these funds, the clubhouse must be able to demonstrate need to the department. The department shall develop and implement a simplified application form. The clubhouses shall provide financial documentation to the department as requested to support their application. The amounts and quantity of the individual grants shall be at the discretion of the department.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008) ( <del>(\$142,545,000)</del> )	\$138,340,000
General Fund--State Appropriation (FY 2009) ( <del>(\$139,286,000)</del> )	\$137,104,000
General Fund--Federal Appropriation . . . . . ( <del>(\$146,401,000)</del> )	\$146,188,000
General Fund--Private/Local Appropriation . . . ( <del>(\$57,064,000)</del> )	\$66,986,000
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$7,058,000
TOTAL APPROPRIATION ( <del>(\$492,354,000)</del> )	\$495,676,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state (~~mental~~) psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(c) \$18,575,000 of the general fund--state appropriation for fiscal year 2008 and \$9,675,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to operate on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals.

(d) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for safety training and for protective equipment for staff at eastern and western state hospitals. Protective equipment shall include shields, helmets, gloves, and body protection.

(e) \$304,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(e) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(f) \$133,000 of the general fund--state appropriation for fiscal year 2008 and \$2,145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to phase in on a pilot basis additional direct care staff at the state psychiatric hospitals. The additional staff shall be deployed on selected

FORTY-SIXTH DAY, FEBRUARY 28, 2008

wards in ways that are expected to result in the greatest reductions in incidents of assault, patient restraint, and seclusion. The department shall include in its September 2009 report on staff safety an analysis of the extent to which staff and patient safety have improved on targeted wards relative to other parts of the hospitals.

(g) \$617,000 of the general fund--state appropriation for fiscal year 2008 and \$334,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to cover additional operating costs related to the October 11, 2007, laundry fire at western state hospital.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	. (( <del>\$1,892,000</del> ))	\$1,917,000
General Fund--State Appropriation (FY 2009)	. (( <del>\$2,192,000</del> ))	\$2,239,000
General Fund--Federal Appropriation	..... (( <del>\$3,195,000</del> ))	\$3,198,000
TOTAL APPROPRIATION	.. (( <del>\$7,279,000</del> ))	\$7,354,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$877,000 of the general fund--state appropriation for fiscal year 2008, \$1,189,000 of the general fund--state appropriation for fiscal year 2009, and \$140,000 of the general fund--federal appropriation are provided solely for implementation of sections 4, 7, 10, and other provisions of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Funds are also appropriated in sections 207 and 209 of this act for implementation of 5, 8, and 11 of Second Substitute House Bill No. 1088.

(b) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington institute for mental illness research and training to study whether and the extent to which there is a greater concentration of people with severe and persistent mental illness in counties proximate to state psychiatric hospitals. The institute shall report its findings to the department and the appropriate fiscal and policy committees of the legislature by October 30, 2008. To the extent indicated, the department and the regional support networks shall incorporate the results of the study into revisions of the formula used to allocate state hospital beds among the regional support networks.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	... \$4,966,000
General Fund--State Appropriation (FY 2009)	. (( <del>\$5,060,000</del> ))
General Fund--Federal Appropriation	..... (( <del>\$7,604,000</del> ))
TOTAL APPROPRIATION	. (( <del>\$17,630,000</del> ))

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders), and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

(b) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to (i) implement those recommendations from the 2006 joint stakeholder paperwork reduction project that are permissible within federal and state law; and (ii) conduct a thorough review of community mental

2008 REGULAR SESSION

health paperwork procedures and requirements to identify opportunities for standardization and improved efficiency. The department shall report progress on these efforts to the appropriate policy and fiscal committees of the legislature by January 15, 2009.

Sec. 205 2007 c 522 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2008)	(( <del>\$346,600,000</del> ))	\$349,244,000
General Fund--State Appropriation (FY 2009)	(( <del>\$373,776,000</del> ))	\$382,144,000
General Fund--Federal Appropriation	..... (( <del>\$633,258,000</del> ))	\$639,554,000
Health Services Account--State Appropriation (FY 2008)		\$452,000
Health Services Account--State Appropriation (FY 2009)		\$452,000
TOTAL APPROPRIATION	(( <del>\$1,354,538,000</del> ))	\$1,371,846,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$615,000 of the general fund--state appropriation for fiscal year 2008, \$892,000 of the general fund--state appropriation for fiscal year 2009, and \$2,546,011 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 in fiscal year 2009.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$4,903,000 of the general fund--state appropriation for fiscal year 2008, \$9,295,000 of the general fund--state appropriation for fiscal year 2009, and \$15,016,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. First priority shall be given to children who are at risk of institutionalization. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to

FORTY-SIXTH DAY, FEBRUARY 28, 2008

placement, and the actual expenditures for all community services to support these clients.

(d) \$2,799,000 of the general fund--state appropriation for fiscal year 2008, \$5,961,000 of the general fund--state appropriation for fiscal year 2009, and \$9,268,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 in fiscal year 2008 and \$356 in fiscal year 2009. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) (~~(\$13,598,000)~~) \$13,515,000 of the general fund--state appropriation for fiscal year 2008, (~~(\$16,354,000)~~) \$15,621,000 of the general fund--state appropriation for fiscal year 2009, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities. Of the amounts provided in this subsection (e), (~~(\$1,096,000)~~) \$1,013,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$3,852,000)~~) \$3,119,000 of the general fund--state appropriation for fiscal year 2009 are for state-only services for individuals with developmental disabilities, as described in Second Substitute Senate Bill No. 5467 (developmental disabilities). By January 1, 2008, and by November 1, 2008, the department shall provide a status report to the appropriate policy and fiscal committees of the legislature on the individual and family services program for people with developmental disabilities, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(f) (~~(\$1,577,000)~~) \$1,692,000 of the general fund--state appropriation for fiscal year 2008, (~~(\$3,480,000)~~) \$3,651,000 of the general fund--state appropriation for fiscal year 2009, and (~~(\$2,105,000)~~) \$2,391,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. The legislature finds that some waiver clients are not receiving employment services that are authorized under their waivers. Within the amounts appropriated in this section, waiver clients must receive services as authorized by their waiver, such as pathway to employment, while waiting for paid employment to be developed. The department shall work with the counties to establish a consistent proposed policy for minimum direct service hours for clients, minimum hours of support, timeframes for seeking paid employment, and services provided under pathway to

2008 REGULAR SESSION

employment while paid employment is sought. The department shall report to the office of financial management and the appropriate committees of the legislature on this proposal by November 1, 2008, including estimated fiscal impacts and an option for making the policy budget neutral for the current level of clients served. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total projected carry-forward expenditures do not exceed the amounts estimated.

(g) \$160,000 of the general fund--state appropriation for fiscal year 2008 and \$140,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5467 (developmental disabilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) (~~The department shall collect data from the counties related to employment services. This data shall include, but not necessarily be limited to, information pertaining to: (i) The average length of time clients utilize job coaching services, (ii) the percentage of clients utilizing job coaching services from zero to three months, four to six months, seven to nine months, ten to twelve months, and twelve months or more, (iii) within the monthly grouping, the percentage of clients utilizing job coaching services from zero to five hours per week, five to ten hours per week, ten to twenty hours per week, and twenty or more hours per week. This data shall be provided to the appropriate policy committees of the legislature by December 1, 2007.~~)

~~(i) Amounts appropriated in this subsection are sufficient to increase provider payment rates by 6.0 percent, effective July 1, 2007, and by an additional 2.0 percent, effective July 1, 2008, for boarding homes, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, and by an additional 2.0 percent, effective July 1, 2008, for adult family homes, including those currently receiving exceptional care rates.)~~ The department shall phase in a full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this subsection are sufficient to increase provider payment rates by 6.0 percent, effective July 1, 2007, for boarding homes, including those currently receiving exceptional care rates. Effective July 1, 2008, the provider payment rate allocation for boarding homes shall be no more than 3.0 percent below the provider's June 30, 2008, payment rate allocation. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels. Amounts appropriated in this section are sufficient to increase provider payment rates by 3.2 percent, effective July 1, 2007, and on average, by an additional 4.8 percent, effective July 1, 2008, for adult family homes, including those currently receiving exceptional care rates.

(i) \$200,000 of the general fund--state appropriation for fiscal year 2008, \$1,000,000 of the general fund--state appropriation for fiscal year 2009, and \$1,255,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 6448 (behavior support services).

(j) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the purpose of settling all claims in the Washington Federation of State Employees, et. al v. State of Washington, Thurston County Superior Court Cause No. 05-2-02422-4. The expenditure of this appropriation is contingent on the release of all claims in this case, and total settlement costs shall not exceed the appropriation in this subsection (i). If settlement is not executed by June 30, 2008, the appropriation in this subsection (i) shall lapse.

(k) Within the amounts appropriated in this section, the department shall review current infant-toddler early intervention services statewide and report to the office of financial management by November 1, 2008, and the appropriate committees of the legislature on a recommended consistent

FORTY-SIXTH DAY, FEBRUARY 28, 2008

funding approach per child for the 2009-11 biennium, recognizing the new level of funding anticipated by school district participation. The recommendations must also include a budget neutral option for the current level of clients served.

(1) \$325,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for state-only employment services for young adults with developmental disabilities who need employment opportunities and assistance after high school graduation.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	(( <del>\$78,765,000</del> ))
	\$80,469,000
General Fund--State Appropriation (FY 2009)	(( <del>\$80,873,000</del> ))
	\$83,383,000
General Fund--Federal Appropriation	( <del>\$171,836,000</del> )
	\$174,754,000
General Fund--Private/Local Appropriation	(( <del>\$21,613,000</del> ))
	\$22,203,000
Pension Funding Stabilization Account--State	
Appropriation	\$5,614,000
TOTAL APPROPRIATION	(( <del>\$358,701,000</del> ))
	\$366,423,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for services provided to community clients provided by licensed professionals at the state rehabilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community to medical assistance or third-party health care coverage, as appropriate, and shall implement a system for billing clients without coverage.

(c) \$642,000 of the general fund--state appropriation for fiscal year 2008 and \$795,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	(( <del>\$2,273,000</del> ))
	\$2,262,000
General Fund--State Appropriation (FY 2009)	(( <del>\$2,377,000</del> ))
	\$2,372,000
General Fund--Federal Appropriation	(( <del>\$2,821,000</del> ))
	\$2,841,000
TOTAL APPROPRIATION	(( <del>\$7,471,000</del> ))
	\$7,475,000

The appropriations in this subsection are subject to the following conditions and limitations: As part of the needs assessment instrument, the department shall collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is collected as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	.....	\$17,000
General Fund--State Appropriation (FY 2009)	.....	\$15,000
General Fund--Federal Appropriation	.....	\$16,843,000
TOTAL APPROPRIATION	....	\$16,875,000

Sec. 206 2007 c 522 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008)	(( <del>\$699,089,000</del> ))	
	\$698,514,000	
General Fund--State Appropriation (FY 2009)	(( <del>\$741,478,000</del> ))	
	\$757,587,000	
General Fund--Federal Appropriation	( <del>\$1,539,010,000</del> )	
	\$1,536,293,000	
General Fund--Private/Local Appropriation	.....	\$19,563,000
Pension Funding Stabilization Account--State		
Appropriation	.....	\$1,448,000
Health Services Account--State Appropriation (FY 2008)	.....	\$2,444,000
Health Services Account--State Appropriation (FY 2009)	.....	\$2,444,000
Traumatic Brain Injury Account--State Appropriation	.....	(( <del>\$440,000</del> ))
	.....	\$1,212,000
TOTAL APPROPRIATION	(( <del>\$3,005,916,000</del> ))	
	.....	\$3,019,505,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$10,456,000 of the general fund--state appropriation for fiscal year 2008, \$11,370,000 of the general fund--state appropriation for fiscal year 2009, and \$26,778,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 per month in fiscal year 2009. The department shall review payment methods for home care agencies for services that could be provided by individual providers or family caregivers and report its findings to the office of financial management and the appropriate committees of the legislature by November 1, 2008, including a description of benefits to clients who receive agency provider services instead of individual provider services.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed ((~~\$158.11~~)) \$159.03 for fiscal year 2008 and shall not exceed \$164.18 for fiscal year 2009 not including amounts provided for a rate add-on in subsection (9) of this section. For all nursing facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.2 percent effective July 1, 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2008; up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2009; and up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2010.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,840,000 of the general fund--state appropriation for fiscal year 2008 and \$1,877,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the volunteer chore services program.

(7) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPEs) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$5,000,000 of the general fund--state appropriation for fiscal year 2009 and \$5,222,000 of the general fund--federal appropriation are provided solely to increase compensation for low-wage workers in nursing homes beginning July 1, 2008. Within the funds provided, the department shall provide an add-on per resident day per facility based on the total funding divided by the total number of medicaid patient days multiplied by each facility's total number of medicaid patient days. Medicaid patient days shall be determined from 2006 cost report data. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in fiscal year 2006, according to cost report data. The department shall implement reporting requirements and a settlement process to ensure that the funds are spent on wage or benefit improvements for low-wage workers. The department shall adopt rules to implement the terms of this subsection.

(10) \$8,755,000 of the general fund--state appropriation for fiscal year 2009 and ((\$9,348,000)) \$9,145,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 6567 (creating a new nursing facility payment system) and to increase nursing facility payment rates as follows:

(a) \$63,000 of the general fund--state appropriation and \$65,000 of the general fund--federal appropriation are provided to implement the stakeholder work group and study of the fair rental capital system as described by Substitute Senate Bill No. 6567;

(b) Remove minimum occupancy adjustments on the support services and therapy care rate components effective July 1, 2008, as required by Substitute Senate Bill No. 6567; and

(c) Following the adjustment in (b) of this subsection, provide an adjustment for economic trends and conditions for all nursing facilities as follows: 3.4 percent for the direct care rate component and 0.5 percent for the operations component.

(d) If sections 301 and 302 of Substitute Senate Bill No. 6567 are not enacted by June 30, 2008, then \$8,692,000 of the general fund--state appropriation and \$9,080,000 of the general fund--federal appropriation provided in this subsection shall be used for an adjustment for economic trends and conditions for all nursing facilities as follows: 4 percent for the direct care rate component and 0.5 percent for the operations component.

~~((b) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--federal appropriation are provided solely for the department to contract with an outside entity to review the current medicaid payment methodology for nursing facilities and make recommendations for revisions to, restructuring of, or replacement of the existing payment methodology no later than October 1, 2007, to the governor and the appropriate fiscal and policy committees of the legislature.~~

~~—(c) A joint legislative task force on long-term care residential facility payment systems shall review and develop recommendations related to payment methodologies for the care of medicaid-eligible residents of nursing homes, boarding homes, and adult family homes in Washington state.~~

~~—(i) Membership of the task force shall consist of eight legislators. The president of the senate shall appoint two members from each of the two largest caucuses of the senate. The speaker of the house of representatives shall appoint two members of each of the two largest caucuses of the house of representatives. Each body shall select representatives from committees with jurisdiction over health and long-term care and fiscal matters.~~

~~—(ii) The task force shall give strong consideration to the following principles in the course of its deliberations:~~

~~—(A) A continuum of residential care settings should be available to medicaid-eligible vulnerable adults so as to honor consumer choice;~~

~~—(B) Payment methodologies for care provided in adult family homes, boarding homes, and nursing homes should be based upon resident acuity, with payment rates that recognize the impact of differing state and federal regulatory requirements upon facility costs, but also address current disparities in payments to facilities serving residents with similar nursing or personal care needs;~~

~~—(C) Payment methodologies should be designed to support retention of qualified direct care staff through training, wages, and benefits offered to direct care staff, with special consideration given to nursing homes, boarding homes, and adult family homes that care for a disproportionate number of medicaid-eligible residents relative to their peer facilities;~~

~~—(D) Performance measures related to critical issues such as staff retention and resident outcomes should be developed, with payment linked to facility performance on the measures; and~~

~~—(E) Payment methodologies should be simplified, with greater predictability and stability in payments.~~

~~—(iii) The task force shall:~~

~~—(A) Review and consider the recommendations submitted in accordance with (b) of this subsection;~~

~~—(B) Consider input from long-term care stakeholders with respect to the principles in (c)(ii) of this subsection;~~

~~—(C) Review the current payment methodologies for nursing homes, boarding homes, and adult family homes, giving strong consideration to the principles in (c)(ii) of this subsection, and make recommendations for revisions to, restructuring of, or replacement of existing payment methodologies. The recommendations related to payments made in fiscal year 2009 shall be consistent with the amounts appropriated in this subsection.~~

~~—(iv) The task force shall complete its review and submit its recommendations to the appropriate policy and fiscal committees of the legislature by December 31, 2007.~~

~~—(v) Staff support for the task force shall be provided by senate committee services and the house of representatives office of program research.~~

~~—(vi) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120.~~

~~—(vii) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and~~

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

operations committee and the house of representatives executive rules committees, or their successor committees.

~~— (viii) The task force expires December 31, 2007.~~

~~— ((10))~~ (11) Within amounts appropriated in this section, the department is authorized to expand the number of boarding homes and adult family homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 100 beds. Effective July 1, 2008, the department shall be authorized to provide adult family homes that specialize in caring for such conditions with exceptional care rates for up to 50 beds. The department will develop standards for adult family homes to qualify for such exceptional care rates in order to enhance consumer choice.

((11)) (12) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$816,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2111 (adult family homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((12) \$440,000)~~ (13) \$1,212,000 of the traumatic brain injury account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2055 (traumatic brain injury). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

((13)) (14) Within amounts appropriated in this section and in section 205 of this act, the department of social and health services shall:

(a) Determine how geographic differences in community residential provider payments affect provider and workforce turnover;

(b) Examine alternative community residential provider payment systems that account for differences in direct care labor costs in various areas of the state, including alternative peer groupings in its payment systems that take such factors into account; and

(c) Submit a report of its findings and recommendations to the office of financial management and to the appropriate fiscal committees of the legislature by June 30, 2008.

~~((14) Amounts appropriated in this section are sufficient to increase provider payment rates by 6.0 percent, effective July 1, 2007, and by an additional 2.0 percent, effective July 1, 2008, for boarding homes, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, and by an additional 2.0 percent, effective July 1, 2008, for adult family homes, including those currently receiving exceptional care rates.)~~

(15) The department shall phase in a full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this subsection are sufficient to increase provider payment rates by 6.0 percent, effective July 1, 2007, for boarding homes, including those currently receiving exceptional care rates. Effective July 1, 2008, the provider payment rate allocation for boarding homes shall be no more than 3.0 percent below the provider's June 30, 2008, payment rate allocation. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels. Amounts appropriated in this section are sufficient to increase provider payment rates by 3.2 percent, effective July 1, 2007, and on average, by an additional 4.8 percent, effective July 1, 2008, for adult family homes, including those currently receiving exceptional care rates. Amounts provided in this section and in section 205 of this act are intended to assist adult family home providers with the cost of paying liability insurance.

(16) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--federal

appropriation are provided solely for the department contract for an evaluation of training requirements for long-term care workers as generally described in Second Substitute House Bill No. 2284 (training of care providers).

(17) The department shall contract for housing with service models, such as cluster care, to create efficiencies in service delivery and responsiveness to unscheduled personal care needs by clustering hours for clients that live in close proximity to each other.

(18) \$1,500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of sections 4 and 6 of Second Substitute Senate Bill No. 6222 (relating to long-term care).

(19) \$124,000 of the general fund--state appropriation for fiscal year 2009 and \$128,000 of the general fund--federal appropriation are provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 207 2007 c 522 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>((592,774,000))</del>
	\$586,814,000
General Fund--State Appropriation (FY 2009)	<del>((627,148,000))</del>
	\$622,842,000
General Fund--Federal Appropriation . . . . .	<del>((1,053,264,000))</del>
	\$1,040,807,000
General Fund--Private/Local Appropriation . . . . .	<del>((27,920,000))</del>
	\$30,833,000
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$4,592,000
TOTAL APPROPRIATION	<del>((2,305,698,000))</del>
	\$2,285,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((334,377,000))~~ \$344,694,000 of the general fund--state appropriation for fiscal year 2008, ~~((347,597,000))~~ \$363,284,000 of the general fund--state appropriation for fiscal year 2009, and ~~((827,774,000))~~ \$698,029,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. Within the amounts provided for the WorkFirst program, the department shall:

(a) Establish a ~~((post-TANF))~~ career services work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report by October 1, 2007, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2007-2009 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund--federal by activity;

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(2) Up to \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 of the amounts in subsection (1) of this section are for the WorkFirst pathway to engagement program. The department shall collaborate with community partners and represented staff to identify additional services needed for WorkFirst clients in sanction status. The department shall contract with qualified community-based organizations to deliver such services, provided that such services are complimentary to the work of the department and are not intended to supplant existing staff or services. The department shall also contract with community-based organizations for the provision of services for WorkFirst clients who have been terminated after six months of sanction. Contracts established pursuant to this subsection shall have a performance-based component and shall include both presanction termination and postsanction termination services. Clients shall be able to choose whether or not to accept the services. The department shall develop outcome measures for the program related to outreach and reengagement, reduction of barriers to employment, and client feedback and satisfaction. Nothing in this subsection is intended to modify a collective bargaining agreement under chapter 41.80 RCW or to change the state's responsibility under chapter 41.80 RCW. The department shall report to the appropriate policy and fiscal committees of the legislature by December 1, 2007, on program implementation and outcomes. The department also shall report on implementation of specialized caseloads for clients in sanction status, including average caseload size, referral process and criteria, and expected outcomes for specialized caseloads.

(3) \$210,000 of the general fund--state appropriation for fiscal year 2008, \$187,000 of the general fund--state appropriation for fiscal year 2009, and \$396,000 of the general fund--federal appropriation are provided solely for implementation of section 8 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008, \$96,000 of the general fund--state appropriation for fiscal year 2009, and \$482,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (child support schedule). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase naturalization services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase limited English proficiency pathway services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$5,782,000 of the general fund--state appropriation for fiscal year 2009, and \$6,431,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5244 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) Within amounts appropriated in this section, the department shall: (a) Increase the state supplemental payment by \$1.77 per month beginning July 1, 2007, and by an additional \$1.83 per month beginning July 1, 2008, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance; and (b) decrease other state supplemental payments.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department for the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$1,552,000 of the general fund--state appropriation for fiscal year 2008 and \$1,552,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 6016 (workfirst program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to award grants to small mutual assistance associations or small community-based organizations that contract with the department for immigrant and refugee assistance services. The funds shall be awarded to demonstrate the impact of providing funding for a case worker in the community organization on the refugees' economic self-sufficiency through the effective use of social services, and financial and medical assistance.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2798 or Second Substitute Senate Bill No. 6483 (local farms and healthy kids). If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) \$1,100,000 of the general fund--state appropriation for fiscal year 2009 and \$850,000 of the general fund--federal appropriation are provided solely to increase the gross income limits for eligibility for programs authorized under RCW 74.04.500 and 74.08A.120 to 200 percent of the federal poverty level. The department shall adjust its rules and information technology systems to make the eligibility change effective October 1, 2008.

(14) The department, in conjunction with the House Bill No. 1290 work group, shall identify and analyze barriers preventing city, county, and state referrals of persons potentially eligible for expedited application processing authorized under RCW 74.09.555. The department, in conjunction with the House Bill No. 1290 work group, shall report its findings and recommendations to the appropriate committees of the legislature no later than November 15, 2008.

Sec. 208 2007 c 522 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$69,445,000)</del>
	\$69,297,000
General Fund--State Appropriation (FY 2009)	<del>(\$69,663,000)</del>
	\$76,054,000
General Fund--Federal Appropriation . . . . .	<del>(\$138,942,000)</del>
	\$149,234,000
General Fund--Private/Local Appropriation . . . . .	<del>(\$632,000)</del>
	\$6,083,000
Criminal Justice Treatment Account--State Appropriation	
.....	<del>(\$17,752,000)</del>
	\$17,557,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2008) . . . . .	\$24,538,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2009) . . . . .	<del>(\$24,538,000)</del>
	\$29,485,000
Problem Gambling Account--State	
Appropriation . . . . .	<del>(\$1,567,000)</del>

FORTY-SIXTH DAY, FEBRUARY 28, 2008

	<u>\$1,464,000</u>
Public Safety and Education Account--State	
Appropriation (FY 2008) . . . . .	\$1,044,000
Public Safety and Education Account--State	
Appropriation (FY 2009) . . . . .	\$1,043,000
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$146,000
TOTAL APPROPRIATION ( <del>(\$349,310,000)</del> )	<u>\$375,945,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,786,000 of the general fund--state appropriation for fiscal year 2008 and \$2,785,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$11,113,000 of the general fund--state appropriation for fiscal year 2008, \$14,490,000 of the general fund--state appropriation for fiscal year 2009, and \$14,269,000 of the general fund--federal appropriation are provided solely for the expansion of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients authorized under the 2005-07 biennial appropriations act. By September 30, 2007, the department shall submit an expenditure and program report relating to the patients receiving treatment and other services pursuant to the funding provided in this subsection (2), as well as to other patients receiving treatment funded by the department. The report shall be submitted to the office of financial management and the appropriate policy and fiscal committees of the legislature. Subsequent updates to this report shall be provided by January 31 and July 31 of each fiscal year of the 2007-09 biennium. The reports shall include, but not necessarily be limited to, the following information: (a) The number and demographics (including categories) of patients served; (b) geographic distribution; (c) modality of treatment services provided (i.e. residential or out-patient); (d) treatment completion rates; (e) funds spent; and (f) where applicable, the estimated cost offsets in medical assistance on a total and per patient basis.

(3) \$698,000 of the general fund--state appropriation for fiscal year 2008, (~~(\$698,000)~~) \$1,060,000 of the general fund--state appropriation for fiscal year 2009, and \$154,000 of the general fund--federal appropriation are provided solely for the expansion authorized under the 2005-07 biennial appropriations act of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(4) (~~(\$250,000)~~) \$145,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for the following: (a) A pilot program in Pierce county for family therapeutic court services that include chemical dependency treatment with use of the prometa protocol; and (b) an independent evaluator to evaluate the efficacy of the treatment with the prometa protocol under the pilot program as compared to other drug treatment and to no treatment.

(5) \$5,757,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Substitute Senate Bill No. 6665 (crisis response). If the bill is not enacted by June 30, 2008, then the funding shall lapse.

Sec. 209 2007 c 522 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

2008 REGULAR SESSION

General Fund--State Appropriation (FY 2008)	<del>(\$1,589,266,000)</del>
	<u>\$1,602,827,000</u>
General Fund--State Appropriation (FY 2009)	<del>(\$1,665,304,000)</del>
	<u>\$1,670,974,000</u>
General Fund--Federal Appropriation . . . . .	<del>(\$4,305,197,000)</del>
	<u>\$4,345,821,000</u>
General Fund--Private/Local Appropriation . . . . .	\$2,000,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation . . . . .	\$15,076,000
Health Services Account--State Appropriation (FY 2008)	
. . . . .	<del>(\$350,259,000)</del>
	<u>\$388,946,000</u>
Health Services Account--State Appropriation (FY 2009)	
. . . . .	<del>(\$385,215,000)</del>
	<u>\$421,614,000</u>
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$646,000
TOTAL APPROPRIATION ( <del>(\$8,312,963,000)</del> )	<u>\$8,447,904,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(4) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) \$1,111,000 of the health services account appropriation for fiscal year 2008, \$1,110,000 of the health services account appropriation for fiscal year 2009, \$5,402,000 of the general fund--federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2008, and \$1,591,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a

FORTY-SIXTH DAY, FEBRUARY 28, 2008

relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$10,546,000 of the health services account appropriation for fiscal year 2008, \$10,546,000 of the health services account--state appropriation for fiscal year 2009, and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2007-2009 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit ~~((a))~~ reports to the governor and legislature by November 1, 2007, and by November 1, 2008, that evaluate~~((s))~~ whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2008 and fiscal year 2009, hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount ~~((that is the total of (a) the total payment for claims for services rendered during the fiscal year calculated according to the methodology employed by the legislature in the omnibus appropriations act for implementation in fiscal year 2008)).~~ The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program, and (b) disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 that pertain to fiscal year 2005. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and ~~((s))~~ distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim ((cost)) settlement within eleven months after the end of the fiscal year. A final ((cost)) settlement shall be performed within two years after the end of the related fiscal year. To the extent that ((a final cost)) either settlement determines that a hospital has received funds in excess of what it would have received ((under the methodology in place in fiscal year 2008)) as described in this subsection, the hospital must repay ((these)) the excess amounts to the state when requested. (((\$74,066,000)) \$61,728,000 of the general fund--state appropriation for fiscal year 2008, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, and ~~(((\$59,776,000))~~ \$57,894,000 of the general fund--state

2008 REGULAR SESSION

appropriation for fiscal year 2009, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, are provided solely for state grants for the participating hospitals.

(9) ~~(((\$7,314,000))~~ \$5,087,000 of the general fund--state appropriation for fiscal year 2008, ~~(((\$7,800,000))~~ \$9,100,000 of the general fund--state appropriation for fiscal year 2009, and ~~(((\$48,995,000))~~ \$65,577,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(12) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(13) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings.

(14) \$1,688,000 of the general fund--state appropriation for fiscal year 2008 and \$1,689,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to incorporate a mental health service component to the pilot project established pursuant to subsection (13) of this section. Addition of the mental health service component authorized in this subsection is contingent upon the managed care contractor or the participating counties providing, alone or in combination, matching funds in cash or in kind, in an amount equal to one-ninth of the amounts appropriated in this subsection. The mental health service component may include care coordination, mental health services, and integrated medical and mental health service delivery for general assistance clients with mental health disorders, as well as primary care provider training and education. The department shall provide a report to the appropriate committees of the legislature by January 1, 2009, on costs, savings, and any outcomes or quality measures associated with the pilot projects during calendar year 2007 and 2008. To the extent possible, the report shall address any impact that the mental health services component has had upon clients' use of medical services, including but not limited to primary care physician's visits, emergency room utilization, and prescription drug utilization.

(15) \$341,000 of the health services account appropriation for fiscal year 2008, \$1,054,000 of the health services account appropriation for fiscal year 2009, and \$1,461,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1201 (foster care youth medical). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) ~~(((\$6,529,000))~~ \$6,728,000 of the general fund--state appropriation for fiscal year 2008 and ~~(((\$6,651,000))~~ \$8,563,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with chapter 3, Laws of 2007 (part D copayment drug program).

(17) The department shall conduct a study to determine the financial impact associated with continuing to cover brand name medications versus the same medication in its generic form. The

FORTY-SIXTH DAY, FEBRUARY 28, 2008

study shall account for all rebates paid to the state on each product studied up until the point where the generic form is less expensive, net of federally required rebates. The department shall submit its report to the legislative fiscal committees by December 1, 2007.

(18) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$268,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the first two years of a four-year project by the Seattle-King county health department to improve management of symptoms and reduce complications related to asthma among medicaid eligible children. The department shall contract with the Seattle-King county health department to have trained community health workers visit medicaid eligible children in their homes to identify and reduce exposure to asthma triggers, improve clients' self-management skills, and coordinate clients' care with their primary care and specialty providers. The contract shall include an evaluation of the impact of the services provided under the contract on urgent physician's visits, emergency room utilization, and inpatient hospitalization.

(19) (~~(\$2,450,000)~~) \$1,529,000 of the general fund--state appropriation for fiscal year 2008 and \$1,950,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development and implementation of an outreach program as provided in chapter 5, Laws of 2007 (Second Substitute Senate Bill No. 5093, health services for children). By December 15, 2007, the department shall provide a report to the appropriate committees of the legislature on the progress of implementing the following activities:

(a) Feasibility study and implementation plan to develop online application capability that is integrated with the department's automated client eligibility system;

(b) Development of data linkages with the office of superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information;

(c) Informing insurers and providers when their enrollees' eligibility is going to expire so insurers and providers can help families reenroll;

(d) Outreach contracts with local governmental entities, community based organizations, and tribes;

(e) Results of data sharing with outreach contractors, and other contracted entities such as local governments, community-based organizations, tribes, health care providers, and insurers to engage, enroll, and reenroll identified children;

(f) Results of efforts to maximize federal matching funds, wherever possible; and

(g) Plans for sustaining outreach programs proven to be successful.

(20) \$640,000 of the general fund--state appropriation for fiscal year 2008 and \$616,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to:

(a) Pay the premiums associated with enrollment in a medicare advantage plan for those full benefit dual eligible beneficiaries, as defined in RCW 74.09.010, who were enrolled on or before November 14, 2006 in a medicare advantage plan sponsored by an entity accredited by the national committee for quality assurance and for whom the department had been paying Part C premium as of November 2006; and

(b) Undertake, directly or by contract, a study to determine the cost-effectiveness of paying premiums for enrollment of full benefit dual eligible beneficiaries in medicare advantage plans in lieu of paying full benefit dual eligible beneficiaries' medicare cost-sharing. The study shall compare the cost and health outcomes experience, including rates of nursing home placement and costs for groups of full benefit dual eligible beneficiaries who are enrolled in medicare advantage plans, in medicare special needs plan or in medicare fee-for-service. The study shall compare the health status and utilization of health and long-term care services for the three groups, and the impact of access to a medical home and specialty care, over a period of

2008 REGULAR SESSION

two years to determine any differences in health status, health outcomes, and state expenditures that result. The department shall submit the results of the study to the governor and the legislature by June 30, 2009. The department is authorized to accept private cash and in-kind donations and grants to support the study and evaluation.

(c) Track enrollment and expenditures for this population on department monthly management reports.

(21) Before transitioning additional populations from fee-for-service to managed care service delivery, the department shall report to the governor and the fiscal and health care committees of the legislature on the cost-effectiveness of the proposal, including historical data on utilization patterns, and demonstrate that fee-for-service purchasing is not an equally effective and cost-efficient form of service delivery, pursuant to RCW 74.09.470. If the department elects to transition any population to managed care service delivery, it shall submit a decision package to the office of financial management and the fiscal committees of the legislature with detailed cost estimates.

(22) \$756,000 of the general fund--state appropriation for fiscal year 2008, \$1,193,000 of the general fund--state appropriation for fiscal year 2009, \$1,261,000 of the health services account--state appropriation for fiscal year 2009, and \$2,448,000 of the general fund--federal appropriation are provided solely to implement sections 5, 7, 8, and 11 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

((~~(22)~~)) (23) \$288,000 of the general fund--state appropriation for fiscal year 2008, \$277,000 of the general fund--state appropriation for fiscal year 2009, and \$566,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon comm/health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

((~~(23)~~-\$150,000)) (24) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department of social and health services, in consultation with the health care authority and the employment security department, to prepare and submit a report and recommendations to the governor and the legislature related to coverage of low-wage workers enrolled on state plans who are employed by employers with more than fifty employees. The report shall address multiple approaches, including but not limited to the proposal included in House Bill No. 2094 (taxpayer health care fairness act). The discussion of each approach included in the report should identify how the approach would further the goal of shared responsibility for coverage of low-wage workers, obstacles to implementation and options to address them, and estimated implementation costs. The report shall be submitted on or before November 15, 2007. The agencies shall establish a workgroup, which shall be closely involved and consulted in the development of the report and recommendations under this subsection. The workgroup shall include the following participants: Persons or organizations representing large employers in the retail, agricultural and grocery trades, other large employers, organizations representing employees of large employers, organizations representing low-wage employees of large employers, state and local governmental entities as employers, and organizations representing employees of state and local governmental entities. In addition, the workgroup shall include three members from each of the two largest caucuses of the house of representatives, appointed by the speaker, and three members from each of the two largest caucuses of the senate, appointed by the president of the senate.

(25) \$1,883,000 of the general fund--state appropriation for fiscal year 2009 and \$1,742,000 of the general fund--federal appropriation are for the provision of smoking cessation benefits pursuant to Senate Bill No. 6421 (smoking cessation). If the bill

FORTY-SIXTH DAY, FEBRUARY 28, 2008

is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(26) As part of the five-year plan on state purchasing to improve health care quality under chapter 259, Laws of 2007, the department, in collaboration with the department of health, shall provide a report to the appropriate committees of the legislature outlining a strategy to improve immunization rates for all children in the state, including but not limited to vaccine administration fee increases and pay-for-performance incentives. The department shall submit the report to the governor and the health policy and fiscal committees of the legislature by November 1, 2008.

(27) Within existing funds, the department shall evaluate the fiscal impact of the federal upper limits on medicaid reimbursement to pharmacies implemented under the federal deficit reduction act, and report its findings to the legislature by December 1, 2008.

Sec. 210 2007 c 522 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$12,986,000)</del>
	\$11,543,000
General Fund--State Appropriation (FY 2009)	<del>(\$14,336,000)</del>
	\$13,076,000
General Fund--Federal Appropriation	<del>(\$90,886,000)</del>
	\$92,975,000
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	<del>(\$1,793,000)</del>
	\$1,975,000
Pension Funding Stabilization Account--State Appropriation	\$116,000
TOTAL APPROPRIATION	<del>(\$120,117,000)</del>
	\$119,685,000

Sec. 211 2007 c 522 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$51,103,000)</del>
	\$52,506,000
General Fund--State Appropriation (FY 2009)	<del>(\$54,219,000)</del>
	\$55,621,000
TOTAL APPROPRIATION	<del>(\$105,322,000)</del>
	\$108,127,000

Sec. 212 2007 c 522 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$35,438,000)</del>
	\$40,502,000
General Fund--State Appropriation (FY 2009)	<del>(\$36,504,000)</del>
	\$42,360,000
General Fund--Federal Appropriation	<del>(\$64,730,000)</del>
	\$65,334,000
General Fund--Private/Local Appropriation	<del>(\$810,000)</del>
	\$1,526,000
Public Safety and Education Account--State Appropriation (FY 2008)	<del>(\$1,226,000)</del>
	\$700,000
Public Safety and Education Account--State Appropriation (FY 2009)	<del>(\$1,226,000)</del>
	\$1,752,000
Pension Funding Stabilization Account--State	

2008 REGULAR SESSION

Appropriation	\$1,408,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$913,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$926,000
TOTAL APPROPRIATION	<del>(\$143,181,000)</del>
	\$155,421,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the expansion of the Washington state mentors program, which provides technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$1,750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington council for prevention of child abuse and neglect to expand its home visitation program.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the family policy council for distribution as grants to community networks in counties with county juvenile courts participating in decategorization of funding through the juvenile rehabilitation administration. The council shall provide grants of up to \$50,000 per fiscal year to the Pierce County-Tacoma urban community network and additional community networks supporting counties or groups of counties in evaluating programs funded through a block grant by the juvenile rehabilitation administration. Funds not used for grants to community networks supporting counties or groups of counties participating in the decategorization block grants shall lapse.

(4) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(5) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the continuation of the postpartum depression campaign, including the design and production of brochures in various languages, a radio public service announcement, and other outreach and training efforts.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand and enhance the juvenile detention alternatives initiative. This funding is intended to add three new program sites, support the addition of a data analyst, and to provide resources for the state to participate in annual national conferences.

(7) ~~(\$144,000)~~ \$95,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$111,000)~~ \$87,000 of the general fund--state appropriation for fiscal year 2009, and ~~(\$136,000)~~ \$101,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) \$12,000 of the general fund--state appropriation for fiscal year 2009 and \$7,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 465, Laws of 2007.

(9) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$804,000 of the general fund--state appropriation for fiscal year 2009, and \$581,000 of the general fund--federal appropriation are provided solely for the development of a project plan, time line, and budget plan for a more flexible payment system for independent home care

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

providers and others who collectively bargain for wages and benefits. The legislature finds the amounts provided are sufficient to fund the following related to a timely and expeditious transition to a more flexible provider payroll system: (a) An appropriate request for proposal; and (b) collection of the information necessary to develop the budget proposal needed to seek budget authority for the system.

(10) \$49,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the family policy council to establish a new network in Skagit county.

**Sec. 213** 2007 c 522 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>((59,460,000))</del>
	\$59,085,000
General Fund--State Appropriation (FY 2009)	<del>((59,497,000))</del>
	\$59,886,000
General Fund--Federal Appropriation . . . . .	<del>((57,255,000))</del>
	\$57,327,000
TOTAL APPROPRIATION	<del>((176,212,000))</del>
	\$176,298,000

**Sec. 214** 2007 c 522 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 2008) . . .	<del>((500,000))</del>
	\$1,000,000
<del>((General Fund--State Appropriation (FY 2009) . . .</del>	<del>500,000))</del>
General Fund--Federal Appropriation . . . . .	<del>((4,885,000))</del>
	\$4,979,000
State Health Care Authority Administrative Account-- State Appropriation . . . . .	<del>((56,074,000))</del>
	\$56,078,000
State Health Care Authority Administrative Account-- Private/Local Appropriation . . . . .	\$100,000
Medical Aid Account--State Appropriation . . . . .	\$529,000
Health Services Account--State Appropriation (FY 2008) . . . . .	<del>((274,666,000))</del>
	\$271,199,000
Health Services Account--State Appropriation (FY 2009) . . . . .	<del>((300,580,000))</del>
	\$299,829,000
TOTAL APPROPRIATION	<del>((637,734,000))</del>
	\$633,714,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history,

from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) ~~((1,984,000 of the health services account--state appropriation for fiscal year 2008 and \$6,315,000))~~ \$4,062,000 of the health services account--state appropriation for fiscal year 2009 ~~((are))~~ is provided solely for additional enrollment in the basic health plan. If available basic health plan slots are exceeded, the authority shall maintain a waiting list and provide for notification when slots become available.

(5) Appropriations in this act include specific funding for health records banking under section 10 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

(6) \$11,934,000 of the health services account--state appropriation for fiscal year 2008 and \$11,834,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for funding for health care services provided through local community clinics.

(7) \$784,000 of the health services account--state appropriation for fiscal year 2008, \$1,676,000 of the health service account--state appropriation for fiscal year 2009, \$540,000 of the general fund--federal appropriation, and \$22,480,000 of the state health care authority administrative account--state appropriation are provided for the development of a new benefits administration and insurance accounting system.

(8) \$2,500,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for the authority to provide one-time competitive grants to community health centers to increase the number of adults served on an ongoing basis. Each clinic receiving grant funding shall report annually, beginning December 2008, on key adult access indicators established by the authority, including but not limited to increases in the number of low-income adults served.

~~((8))~~ \$2,137,000 of the health services account--state appropriation for fiscal year 2008 and \$1,000,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for section 5 of Engrossed Second Substitute House Bill No. 1569 (health insurance partnership board) and related provisions of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care:))

(9) \$664,000 of the health services account--state appropriation for fiscal year 2008 and \$664,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the implementation of the Washington quality forum, pursuant to section 9 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(10) \$600,000 of the state health care authority administrative account--state appropriation is provided solely for the implementation of the state employee health pilot, pursuant to section 41 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(11) \$250,000 of the health services account--state appropriation for fiscal year 2008 and \$250,000 of the health services account--state appropriation for fiscal year 2009 are

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

provided solely for continuation of the community health collaborative grant program in accordance with chapter 67, Laws of 2006 (E2SSB 6459). The applicant organizations must assure measurable improvements in health access within their service region, demonstrate active collaboration with key community partners, and provide two dollars in matching funds for each grant dollar awarded.

(12) \$731,000 of the health services account--state appropriation for fiscal year 2008 and \$977,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the dental residency program, including maintenance of the existing residency positions and the establishment of six additional resident positions in fiscal year 2008 (four in eastern Washington and two in the Seattle area), and five additional positions in fiscal year 2009.

~~((14))~~ (13) Appropriations in this act include funding for sections 14 (reducing unnecessary emergency room use) and 40 (state employee health program) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

Sec. 215 2007 c 522 s 215 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$3,444,000)</del>
	\$3,377,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$3,350,000)</del>
	\$3,787,000
General Fund--Federal Appropriation . . . . .	<del>(\$1,345,000)</del>
	\$1,527,000
TOTAL APPROPRIATION . . . . .	<del>(\$8,139,000)</del>
	\$8,691,000

The appropriations in this section are subject to the following conditions and limitations: \$115,000 of the general fund--state appropriation for fiscal year 2008 and \$190,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute House Bill No. 3193 or Engrossed Substitute Senate Bill No. 6776 (whistleblower protections). If neither bill is enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 216 2007 c 522 s 216 (uncodified) is amended to read as follows:

**FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account--State Appropriation . . . . .	\$20,000
Accident Account--State Appropriation . . . . .	<del>(\$18,123,000)</del>
	\$18,125,000
Medical Aid Account--State Appropriation . . . . .	<del>(\$18,124,000)</del>
	\$18,126,000
TOTAL APPROPRIATION . . . . .	<del>(\$36,267,000)</del>
	\$36,271,000

Sec. 217 2007 c 522 s 217 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Public Safety and Education Account--State Appropriation (FY 2008) . . . . .	<del>(\$15,537,000)</del>
	\$15,680,000
Public Safety and Education Account--State Appropriation (FY 2009) . . . . .	<del>(\$14,340,000)</del>
	\$20,908,000
Death Investigations Account--State Appropriation . . . . .	\$148,000
Municipal Criminal Justice Assistance Account--State Appropriation . . . . .	\$460,000
Washington Auto Theft Prevention Authority Account--State Appropriation . . . . .	\$12,322,000

TOTAL APPROPRIATION . . . . . ~~(\$42,807,000)~~  
\$49,518,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2007-2009 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$2,390,000 of the public safety and education account--state appropriation for fiscal year 2008 and ~~(\$956,000)~~ \$1,917,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for ten additional basic law enforcement academies in fiscal year 2008 and ~~(four)~~ ten additional basic law enforcement academies in fiscal year 2009. ~~((Continued funding for these additional academies is contingent upon the result of an office of financial management forecast for future student demand for basic law enforcement academies at the criminal justice training centers in Burien and Spokane.))~~

(3) \$1,044,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,191,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(4) \$28,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of chapter 10, Laws of 2007 (SSB 5191, missing persons).

(5) \$5,400,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$6,922,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$150,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$150,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely ~~((for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse))~~ to deliver multi-disciplinary team training sessions aimed at improving the coordination of, and communication between, agencies involved in the investigation of child fatality, child sexual abuse, child physical abuse, and criminal neglect cases.

(7) \$25,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5987 (gang-related offenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$50,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$50,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(9) \$20,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5315 (forest fires/property access). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(10) \$5,000,000 of the public safety and education account--state appropriation for fiscal year 2009 is provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of all registered sex offenders and kidnapping offenders under RCW 9A.44.130. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with units of local government to ensure that registered offender address and residency are verified:

(A) For level I offenders, every twelve months;

(B) For level II offenders, every six months; and

(C) For level III offenders, every three months.

For the purposes of this subsection, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program.

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by September 1, 2009.

The Washington association of sheriffs and police chiefs may retain up to three percent of the amount provided in this subsection for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing to register offenses.

Sec. 218 2007 c 522 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2008)	..	<del>(\$8,711,000)</del>
		\$8,716,000
General Fund--State Appropriation (FY 2009)	..	<del>(\$8,879,000)</del>
		\$9,455,000
General Fund--Federal Appropriation	.....	\$100,000
Public Safety and Education Account--State		
Appropriation (FY 2008)	.....	<del>(\$15,386,000)</del>
		\$15,393,000
Public Safety and Education Account--State		
Appropriation (FY 2009)	.....	<del>(\$16,607,000)</del>
		\$16,624,000
Public Safety and Education Account--Federal		
Appropriation	.....	\$10,000,000
Asbestos Account--State Appropriation	.....	<del>(\$923,000)</del>
		\$918,000
Electrical License Account--State Appropriation	<del>(\$40,718,000)</del>	
		\$40,991,000
Farm Labor Revolving Account--Private/Local		
Appropriation	.....	\$28,000
Worker and Community Right-to-Know Account--State		
Appropriation	.....	<del>(\$1,961,000)</del>
		\$1,955,000
Public Works Administration Account--State		
Appropriation	.....	<del>(\$3,996,000)</del>
		\$3,984,000
Manufactured Home Installation Training Account--		
State Appropriation	.....	\$192,000
Accident Account--State Appropriation	.....	<del>(\$228,998,000)</del>
		\$234,784,000
Accident Account--Federal Appropriation	.....	\$13,622,000
Medical Aid Account--State Appropriation	..	<del>(\$239,248,000)</del>
		\$237,815,000
Medical Aid Account--Federal Appropriation	.....	\$3,186,000
Plumbing Certificate Account--State Appropriation	.....	<del>(\$1,653,000)</del>
		\$1,650,000

Pressure Systems Safety Account--State

Appropriation .....

TOTAL APPROPRIATION .....

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,413,000 of the medical aid account--state appropriation is provided solely for conducting utilization reviews of physical and occupational therapy cases at the 24th visit and the associated administrative costs, including those of entering data into the claimant's file. The department shall develop and report performance measures and targets for these reviews to the office of financial management. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(2) \$2,247,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$822,000 of the medical aid account--state appropriation is provided solely for vocational services professional staff salary adjustments necessary to recruit and retain positions required for anticipated changes in work duties as a result of Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. Compensation for anticipated changes to work duties is subject to review and approval by the director of the department of personnel and is subject to collective bargaining.

(4) \$8,000,000 of the medical aid account--state appropriation is provided solely to establish a program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(5) \$600,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(6) \$181,000 of the accident account--state appropriation and \$181,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 5443 (workers' compensation claims). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$558,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5290 (workers' compensation advisory committees). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$104,000 of the public safety and education account--state appropriation for fiscal year 2008, \$104,000 of the public safety and education account--state appropriation for fiscal year 2009, \$361,000 of the accident account--state appropriation, and \$361,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5675 (workers' compensation benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$730,000 of the medical aid account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If



FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

TOTAL APPROPRIATION . ((~~\$88,764,000~~))  
\$89,854,000

Sec. 221 2007 c 522 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2008)	(( <del>\$81,288,000</del> ))
	<u>\$81,352,000</u>
General Fund--State Appropriation (FY 2009)	(( <del>\$78,032,000</del> ))
	<u>\$86,322,000</u>
General Fund--Federal Appropriation . . . . .	(( <del>\$480,735,000</del> ))
	<u>\$478,097,000</u>
General Fund--Private/Local Appropriation . .	(( <del>\$111,257,000</del> ))
	<u>\$120,186,000</u>
Hospital Commission Account--State Appropriation	
.....	(( <del>\$1,247,000</del> ))
	<u>\$154,000</u>
Health Professions Account--State Appropriation	
.....	(( <del>\$62,419,000</del> ))
	<u>\$65,734,000</u>
Aquatic Lands Enhancement Account--State	
Appropriation . . . . .	\$600,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation . . . . .	\$12,610,000
Safe Drinking Water Account--State Appropriation	\$3,064,000
Public Health Services Account--State Appropriation	\$1,000,000
Drinking Water Assistance Account--Federal	
Appropriation . . . . .	(( <del>\$16,991,000</del> ))
	<u>\$19,132,000</u>
Waterworks Operator Certification--State	
Appropriation . . . . .	\$1,518,000
Drinking Water Assistance Administrative Account--	
State Appropriation . . . . .	\$326,000
Water Quality Account--State Appropriation	
(FY 2008) . . . . .	\$1,975,000
Water Quality Account--State Appropriation	
(FY 2009) . . . . .	\$2,013,000
State Toxics Control Account--State Appropriation	\$3,415,000
Medical Test Site Licensure Account--State	
Appropriation . . . . .	\$2,068,000
Youth Tobacco Prevention Account--State Appropriation	
.....	\$1,512,000
Public Health Supplemental Account--Private/Local	
Appropriation . . . . .	(( <del>\$2,482,000</del> ))
	<u>\$3,920,000</u>
Accident Account--State Appropriation . . . . .	\$294,000
Medical Aid Account--State Appropriation . . . . .	\$48,000
Health Services Account--State	
Appropriation (FY 2008) . . . . .	\$42,122,000
Health Services Account--State	
Appropriation (FY 2009) . . . . .	(( <del>\$46,663,000</del> ))
	<u>\$51,440,000</u>
Tobacco Prevention and Control Account--State	
Appropriation . . . . .	\$52,870,000
TOTAL APPROPRIATION (( <del>\$1,005,773,000</del> ))	
	<u>\$1,031,772,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to raise existing fees charged for its fee-supported programs in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If

the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) \$877,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1099 (dental professions). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 2304 (cardiac care services). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$138,000 of the general fund--state appropriation for fiscal year 2008 and \$220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of chronic care provider training.

(6) \$51,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (sex education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$103,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute House Bill No. 1837 (nonambulatory persons). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$201,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 2087 (health care facilities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$293,000 of the general fund--state appropriation for fiscal year 2008 and \$287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for public service announcements regarding childhood lead poisoning, information pamphlets, rule development, and for early identification of persons at risk of having elevated blood-lead levels, which includes systematically screening children under six years of age and other target populations identified by the department.

(10) \$101,000 of the general fund--state appropriation for fiscal year 2008, \$81,000 of the general fund--state appropriation for fiscal year 2009, and \$6,000 of the general fund--private/local appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1414 (ambulatory surgical facilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$55,000 of the health professions account appropriation is provided solely for the implementation of Substitute House Bill No. 1397 (massage therapy). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$58,000 of the general fund--private/local appropriation is provided solely for the implementation of Senate Bill No. 5398 (specialty hospitals). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) \$34,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$224,000 of the oyster

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

reserve land account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$571,000 of the general fund--state appropriation for fiscal year 2008 and \$458,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute House Bill No. 1106 (hospital acquired infections). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$4,000,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$1,000,000~~), \$5,000,000 of the general fund--state appropriation for fiscal year 2009, and \$1,000,000 of the public health services account--state appropriation are provided solely for department of health-funded family planning clinics to increase the capacity of the clinics to provide family planning and reproductive health services to low-income men and women who are not otherwise eligible for services through the department of social and health services medical assistance program and for clinical or other health services associated with sexually transmitted disease testing through the infertility prevention project. Of these amounts, the department is authorized to expend up to \$1,000,000 of its general fund--state appropriation for fiscal year 2009 for services provided in fiscal year 2008, if necessary, to offset reductions in federal funding.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is for one-time funding to purchase and store antiviral medications to be used in accordance with the state pandemic influenza response plan. These drugs are to be purchased through the United States department of health and human services to take advantage of federal subsidies.

(17) \$147,000 of the general fund--state appropriation for fiscal year 2008 and \$32,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of health to provide relevant information on measures taken to facilitate expanded use of reclaimed water pursuant to Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$550,000 of the general fund--state appropriation for fiscal year 2008 and \$550,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the lifelong AIDS alliance to restore lost federal funding.

(19) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for medical nutritional therapy for people with HIV/AIDS and other low-income residents in King county with chronic illnesses.

(20) \$645,000 of the general fund--state appropriation for fiscal year 2008 and \$645,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the neurodevelopmental center system, which provides therapy and medical services for young, low-income children with developmental disabilities.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to continue the autism task force established by chapter 259, Laws of 2005, through June 30, 2008. The task force shall:

(a) Review and continue to refine criteria for regional autism centers throughout Washington state based on community needs in each area, and address the role of autism centers within the larger context of developmental disabilities;

(b) Prioritize its December 2006 recommendations and develop an implementation plan for the highest priorities. The plan should detail how systems will coordinate to improve service and avoid duplication between state agencies including the department of social and health services, department of health, office of superintendent of public instruction, as well as school districts, autism centers, and local partners and providers. The plan shall also estimate the costs of the highest priority

recommendations and report to the legislature and governor by December 1, 2007;

(c) Compile information for and draft the "Washington Service Guidelines for Individuals with Autism - Birth Through Lifespan" book described in the task force's recommendations. Funding to print and distribute the book is expected to come from federal or private sources; and

(d) Monitor the federal combating autism act and its funding availability and make recommendations on applying for grants to assist in implementation of the 2006 task force recommendations. The department of health shall be the lead agency in providing staff for the task force. The department may seek additional staff assistance from the office of the superintendent of public instruction and the committee staff of the legislature. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses.

(22) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Washington state hepatitis C strategic plan.

(23) \$142,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5403 (animal massage practitioners). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$174,000 of the health professions account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5503 (athletic trainers). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$75,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5292 (physical therapist assistants). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(26) \$94,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6032 (medical use of marijuana). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(27) \$386,000 of the general fund--state appropriation for fiscal year 2008 and \$384,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5894 (large on-site sewage systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(28) \$1,721,000 of the health professions account appropriation is provided solely for the implementation of sections 11 and 12 (medical information) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the sections are not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(29) \$10,000,000 of the health services account--state appropriation for fiscal year 2008 and \$10,000,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for distribution to local health jurisdictions and for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care), subject to the following conditions and limitations:

(a) During the month of January 2008, and January 2009, the department of health shall distribute funds appropriated in this section to local health jurisdictions, less an amount not to exceed five percent for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). The amount of funding for distribution to a jurisdiction before the administrative deduction shall be the greater of: (i) One hundred thousand dollars; or (ii) (A) a base level of funding of

FORTY-SIXTH DAY, FEBRUARY 28, 2008

seventy-five thousand dollars plus the per capita amount, for a jurisdiction with a population of four hundred thousand persons or fewer; or (B) a base level of funding of twenty-five thousand dollars plus the per capita amount, for a jurisdiction with a population greater than four hundred thousand persons. Amounts distributed under this subsection must be used to fund core public health functions of statewide significance as defined in Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(b) For the purposes of this subsection:

(i) "Per capita amount" means an amount equal to seven million five hundred thousand dollars multiplied by the proportion of the population of the jurisdiction in the previous calendar year to the population of the state in the previous calendar year.

(ii) "Population" means the number of persons as last determined by the office of financial management. If the jurisdiction comprises a single county, "population" means the number of persons in the county. For a jurisdiction comprising two or more counties, "population" means the number of persons in all counties comprising the jurisdiction.

(iii) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

(c) The department may adopt rules necessary to administer this subsection.

(30) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the health professions account--state appropriation are provided solely for an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the department shall contract with a consultant to conduct a review of existing research literature on whether these economic benefits exceed the state expenditures to subsidize the cost of the midwifery licensing and regulatory program under RCW 43.70.250. The evaluation shall include an assessment of the economic benefits to consumers who elect to have out-of-hospital births with midwives, including any reduced use of procedures that increase the costs of childbirth. The department shall submit the report to the appropriate policy and fiscal committees of the legislature by January 1, 2008. (~~If Engrossed House Bill No. 1667 (health professions licensing fees) is enacted by June 30, 2007, the amounts provided in this subsection are provided solely for the purposes of that bill.~~)

(31) \$147,000 of the health professions account--state appropriation is provided solely for the department of health to convene a work group to develop recommendations regarding the need to regulate those individuals currently registered with the department of health as counselors. The department of health shall submit recommendations of the work group to the legislature and governor by November 15, 2007. Based on the recommendations of the work group, the department of health shall draft credentialing guidelines for all registered counselors by January 1, 2008. Guidelines shall include education in risk assessment, ethics, professional standards, and deadlines for compliance.

(32) \$680,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for the prescription monitoring program under chapter 70.225 RCW. The attorney general shall deposit to the health services account at least \$680,000 from the *cv pres* monetary portion of the consent decree in settlement of the consumer protection act litigation against Caremark Rx, LLC (King county superior court cause no. 08-2-06098-5). The amount provided in this subsection may be expended only to the extent that the attorney general deposits these moneys to the health services account, to be expended consistent with the terms of the consent decree.

(33) \$155,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of

2008 REGULAR SESSION

Substitute Senate Bill No. 6620 (biological remediation technologies). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(34) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(35) \$557,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the senior falls prevention pilot program, pursuant to Second Substitute Senate Bill No. 6222 (long-term care programs).

(36) \$585,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state breast and cervical health program to increase the provider reimbursement rate for digital mammographies to the medicare equivalent rate.

(37) \$400,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the child death review program. The program shall be transferred from the community and family health division to the injury prevention division within the department.

(38) \$155,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Kitsap county health district's home visits for newborns program. In order to receive these funds, the county health district must commit an equal amount of funding for this purpose.

(39) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the northwest sickle cell collaborative program.

(40) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$154,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the restoration of maxillofacial/cleft palate teams in Yakima, Spokane, Seattle, and Tacoma.

(41) \$17,000 of the health professions account--state appropriation is provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(42) \$11,000 of the health professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 6439 (radiologist assistants). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(43) \$77,000 of the general fund--state appropriation for fiscal year 2009 and \$741,000 of the health professions account--state appropriation are provided solely to implement Substitute Senate Bill No. 6458 (health professionals). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(44) The department of licensing and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, recommendations for implementing a process of holding in abeyance for up to six months following the conclusion of active duty service the expiration of, and currency requirements for, professional licenses and certificates for individuals who have been called to active duty military service.

(45) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

(46) \$120,000 of the general fund--state appropriation for fiscal year 2008 and \$275,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for continued development and implementation of the outbreak

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

disease information network toolkit at the department and other local government health departments.

(47) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department of health, in consultation with the University of Washington, to report to the health care and fiscal committees of the legislature on the results of a retrospective study to review correlations between the use of antidepressants or injectable medications and the incidence of death, suicide, and injury. People who died of suicide, murder or "spontaneous death" ("normal death" excluded) will be investigated and cross-referenced with antidepressant and injectable drug history to see if there is a temporal proximal relationship to the death and the medication use. Reports from department's death records and federal vaccine adverse event reporting system shall be sampled going back at least 10 years. To the extent funds and data are available, the study will examine correlations by whole and within subsets by age and gender and drug type. Where data is lacking, the report must recommend changes to the department's reporting systems to capture the data required to monitor rates of antidepressant and injectable drug related injury and deaths. This study will exclude injectable vitamins and injectable pain killers.

(48) \$130,000 of the general fund--state appropriation is provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

NEW SECTION. Sec. 222 A new section is added to 2007 c 522 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS. The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2008, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2008 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 223 2007 c 522 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2008) ((57,968,000)), General Fund--State Appropriation (FY 2009) ((52,911,000)), Washington Auto Theft Prevention Authority Account--State Appropriation \$169,000, Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008) \$13,000, Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009) \$13,000, Public Safety and Education Account--State Appropriation (FY 2008) \$1,467,000, Public Safety and Education Account--State

Table with 2 columns: Description and Amount. Includes Appropriation (FY 2009) \$1,504,000, Pension Funding Stabilization Account--State Appropriation \$1,280,000, TOTAL APPROPRIATION ((115,325,000)) \$116,266,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$9,389,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(c) \$169,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 is provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(d) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$95,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(e) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(f) \$314,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for four additional staff to collect and analyze data for programs funded through the offender reentry initiative and collect, analyze, and disseminate information required by the GMAP process, performance audits, data requests, and quality assessments and assurances.

(g) \$32,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6244 (conversion of facilities to house violators of community supervision). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(h)(i) The secretary shall establish an advisory committee, to be known as the offenders in families advisory committee.

(ii) The advisory committee shall be advisory to the secretary.

(iii) Committee membership shall not exceed ten persons and shall be representative of the characteristics of the populations of offenders under the jurisdiction of the department, including representing offender geographic, racial, and ethnic diversity. At least five members of the advisory committee shall be family members of offenders currently or formerly under the jurisdiction of the department.

(iv) All committee members shall serve on a volunteer basis.

(v) The purpose of the advisory committee shall be to provide advice on aspects of the administration and application of department rules, policies, and programs in order to assist in:

(A) Strengthening procedures and practices which lessen the possibility of adverse outcomes on the health, safety, welfare, and rehabilitation of offenders;

(B) Providing information regarding the corrections system to offenders and their families;

(C) Identifying issues and potential responses regarding the corrections system for the department, governor, and legislature to consider; and

(D) Providing information to interested members of the public regarding the state's correctional system, including information on the rights and responsibilities of offenders and their family members.

(i) Within the amounts provided in this section the department of corrections, with assistance from the department of social and health services, shall identify and evaluate alternatives for closure of the McNeil Island corrections center. The evaluation shall include capital and operating costs for ten years. Alternatives shall include, but may not be limited to:

(i) Continued operation of McNeil Island corrections center and the special commitment center, assuming no change in capacity at either institution;

(ii) Construct or acquire and operate correctional institution facilities to replace the offender capacity at McNeil Island corrections center; and

(iii) Closure of McNeil Island corrections center. The department of social and health services would assume sole responsibility for providing the transportation, operations, utilities, and other infrastructure associated with continued operation of the special commitment center on McNeil Island. The department shall report to the office of financial management and legislative fiscal committees by December 31, 2008.

**(2) CORRECTIONAL OPERATIONS**

General Fund--State Appropriation (FY 2008) ( <del>(\$617,042,000)</del> )	\$600,540,000
General Fund--State Appropriation (FY 2009) ( <del>(\$664,710,000)</del> )	\$660,867,000
General Fund--Federal Appropriation . . . . . ( <del>(\$3,490,000)</del> )	\$4,165,000
<u>Public Safety and Education Account--State</u>	
<u>Appropriation (FY 2008) . . . . .</u>	<u>\$1,050,000</u>
<u>Public Safety and Education Account--State</u>	
<u>Appropriation (FY 2009) . . . . .</u>	<u>\$1,350,000</u>
Washington Auto Theft Prevention Authority Account--	
State Appropriation . . . . .	\$1,338,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2008) . . . . .	\$1,492,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2009) . . . . .	\$1,492,000
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$11,800,000
<b>TOTAL APPROPRIATION (<del>(\$1,301,364,000)</del>)</b>	<b>\$1,284,094,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the

purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2007-09 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(f) \$358,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$980,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1097 (vulnerable adults). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1319 (correctional agency employee). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(i) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$87,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1592 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(j) \$544,000 of the general fund--state appropriation for fiscal year 2008 and \$496,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of individual reentry plans to prepare offenders for release into the community as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Individual reentry plans shall be based on an assessment of the offender using a standardized and comprehensive tool. The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements. The individual reentry plan shall, at a minimum, include:

(i) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate;

(ii) A description of the offender's education, certifications, work experience, skills, and training; and

(iii) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, and family reunification. The individual reentry plan shall be updated as appropriate during the period of incarceration, and prior to the inmate's release to address public safety concerns, consistency with the offender risk management level assigned by the department, housing, and connecting with a community justice center in the area in which the offender will be residing, if a community justice center is located in that area.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

(iv) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(k) \$102,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6790 (post-secondary education pilot). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**(3) COMMUNITY SUPERVISION**

General Fund--State Appropriation (FY 2008)	<del>(\$129,063,000)</del>	\$133,157,000
General Fund--State Appropriation (FY 2009)	<del>(\$140,462,000)</del>	\$148,650,000
General Fund--Federal Appropriation		\$416,000
Public Safety and Education Account--State		
Appropriation (FY 2008)	<del>(\$9,317,000)</del>	\$9,319,000
Public Safety and Education Account--State		
Appropriation (FY 2009)	<del>(\$9,680,000)</del>	\$9,682,000
Pension Funding Stabilization Account--State		
Appropriation		\$2,800,000
<b>TOTAL APPROPRIATION</b>	<del>(\$291,322,000)</del>	<b>\$304,024,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(c) \$1,167,000 of the general fund--state appropriation for fiscal year 2008 and \$2,295,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and operation of community justice centers by the department as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). At a minimum, a community justice center shall include:

(i) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;

(ii) An employment opportunity program to assist an offender in finding employment;

(iii) On-site services or resources for connecting offenders with services such as mental health and substance abuse treatment, transportation, training, family reunification, and community services; and

(iv) The services of a transition coordinator to facilitate connections between the former offender and the community. The transition coordinator shall provide information to former offenders regarding services available to them in the community including, but not limited to housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and shall assist offenders in their efforts to access needed services.

(v) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

**(4) CORRECTIONAL INDUSTRIES**

General Fund--State Appropriation (FY 2008)	<del>(\$987,000)</del>	\$1,001,000
---	------------------------	-------------

2008 REGULAR SESSION

General Fund--State Appropriation (FY 2009)	<del>(\$2,347,000)</del>	\$2,369,000
<b>TOTAL APPROPRIATION</b>	<del>(\$3,334,000)</del>	<b>\$3,370,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: ~~(\$110,000)~~ \$124,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$110,000)~~ \$132,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

**(5) INTERAGENCY PAYMENTS**

General Fund--State Appropriation (FY 2008)	<del>(\$35,026,000)</del>	\$35,036,000
General Fund--State Appropriation (FY 2009)	<del>(\$35,175,000)</del>	\$35,192,000
<b>TOTAL APPROPRIATION</b>	<del>(\$70,201,000)</del>	<b>\$70,228,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

**Sec. 224** 2007 c 522 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2008)	...	\$2,566,000
General Fund--State Appropriation (FY 2009)	...	\$2,636,000
General Fund--Federal Appropriation	<del>(\$17,702,000)</del>	\$17,704,000
General Fund--Private/Local Appropriation	...	\$20,000
<b>TOTAL APPROPRIATION</b>	<del>(\$22,924,000)</del>	<b>\$22,926,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes center effective July 1, 2007.

**Sec. 225** 2007 c 522 s 225 (uncodified) is amended to read as follows:

**FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund--State Appropriation (FY 2008)	...	\$937,000
General Fund--State Appropriation (FY 2009)	<del>(\$959,000)</del>	\$1,254,000
<b>TOTAL APPROPRIATION</b>	<del>(\$1,896,000)</del>	<b>\$2,191,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$295,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6596 (sex offender policy board). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 226** 2007 c 522 s 226 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 2008)	...	\$60,000
General Fund--State Appropriation (FY 2009)	...	\$60,000
General Fund--Federal Appropriation	<del>(\$265,906,000)</del>	

	\$265,918,000
General Fund--Private/Local Appropriation . . .	( <del>(\$33,877,000)</del> )
	\$33,881,000
Unemployment Compensation Administration Account--	
Federal Appropriation . . . . .	( <del>(\$253,644,000)</del> )
	\$255,340,000
Administrative Contingency Account--State	
Appropriation . . . . .	( <del>(\$31,273,000)</del> )
	\$26,364,000
Employment Service Administrative Account--State	
Appropriation . . . . .	( <del>(\$32,055,000)</del> )
	\$34,105,000
<u>Family Leave Insurance Account--State Appropriation</u>	
.....	\$6,218,000
<b>TOTAL APPROPRIATION</b> ( <del>(\$616,875,000)</del> )	<b>\$621,946,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(2) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to chapter 133, Laws of 2005 (unemployment insurance).

(3) (~~(\$12,348,000)~~) \$23,162,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue current unemployment insurance functions and department services to employers and job seekers.

(4) \$372,000 of the administrative contingency account--state appropriation is provided solely to implement Substitute Senate Bill No. 5653 (self-employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$12,054,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the unemployment insurance tax information system (TAXIS) technology initiative for the employment security department.

(6) \$430,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to replace high-risk servers used by the unemployment security department.

(7) \$503,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to provide a system to track computer upgrades and changes for the unemployment security department.

(8) \$183,000 of the unemployment compensation administration account--federal appropriation is provided from the amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to conduct a feasibility study to integrate job search data systems.

(9) \$2,331,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for hardware and software to ensure the ongoing, reliable operation of the telecenters.

(10) \$488,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for the relocation of the WorkSource office in Lakewood.

(11) \$6,218,000 of the family leave insurance account--state appropriation is provided solely for implementation of the family leave insurance program.

(a) The amount provided in this subsection assumes that, in developing the information technology systems to support the payment of benefits, the department will incorporate the claim filing and benefit payment efficiencies recommended by the joint legislative task force on family leave insurance in Part III of its final report dated January 23, 2008, including:

(i) Eliminating the option for awarding attorney fees and costs for administrative hearings;

(ii) Authorizing claims for benefits to be filed in the six-week period beginning on the first day of the calendar week in which the individual is on family leave;

(iii) Not requiring claimants to verify the birth of a child or the placement of a child for adoption;

(iv) Including an attestation from the claimant that written notice has been provided to the employer of the intention to take family leave; and

(v) Not deducting and withholding federal income taxes from benefit payments.

(b) In addition, the department shall incorporate the following claim filing and benefit payment efficiencies:

(i) Define "qualifying year" to mean the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar immediately preceding the first day of the application year;

(ii) Allow individuals to file a claim for benefits in the six-week period beginning on the first day of the calendar year in which the individual is on family leave; and

(iii) After an initial family leave insurance benefit is paid, subsequent payments must be made biweekly, rather than semimonthly, thereafter.

(End of part)

**PART III  
NATURAL RESOURCES**

**Sec. 301** 2007 c 522 s 301 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 2008) . . . . .	\$524,000
General Fund--State Appropriation (FY 2009) . . . . .	\$548,000
General Fund--Federal Appropriation . . . . .	\$9,000
General Fund--Private/Local Appropriation . . . . .	\$1,056,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$2,137,000</b>

**Sec. 302** 2007 c 522 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2008) ( <del>(\$50,030,000)</del> )	<u>\$50,109,000</u>
General Fund--State Appropriation (FY 2009) ( <del>(\$49,941,000)</del> )	<u>\$52,417,000</u>
General Fund--Federal Appropriation . . . . .	( <del>(\$83,365,000)</del> )
	<u>\$83,531,000</u>
General Fund--Private/Local Appropriation . . . . .	\$13,648,000
Special Grass Seed Burning Research	
Account--State Appropriation . . . . .	\$14,000
Reclamation Account--State Appropriation . . . . .	( <del>(\$4,073,000)</del> )
	<u>\$4,228,000</u>
Flood Control Assistance Account--State Appropriation	

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

.....	(\$3,961,000)
	<u>\$4,161,000</u>
<u>Aquatic Lands Account--State Appropriation</u> .....	<u>\$400,000</u>
State Emergency Water Projects Revolving Account--State Appropriation .....	\$390,000
Waste Reduction/Recycling/Litter Control--State Appropriation .....	(\$19,701,000)
	<u>\$19,703,000</u>
State Drought Preparedness--State Appropriation ...	\$117,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation ..	\$425,000
Vessel Response Account--State Appropriation .....	(\$1,438,000)
	<u>\$1,649,000</u>
Freshwater Aquatic Algae Control Account--State Appropriation .....	\$509,000
Site Closure Account--State Appropriation .....	\$702,000
Water Quality Account--State Appropriation (FY 2008).....	(\$16,490,000)
	<u>\$15,137,000</u>
Water Quality Account--State Appropriation (FY 2009).....	(\$15,894,000)
	<u>\$17,249,000</u>
Wood Stove Education and Enforcement Account--State Appropriation .....	\$373,000
Worker and Community Right-to-Know Account--State Appropriation .....	\$2,269,000
State Toxics Control Account--State Appropriation .....	(\$98,184,000)
	<u>\$99,717,000</u>
State Toxics Control Account--Private/Local Appropriation .....	\$381,000
Local Toxics Control Account--State Appropriation .....	(\$19,154,000)
	<u>\$20,806,000</u>
Water Quality Permit Account--State Appropriation .....	(\$38,900,000)
	<u>\$37,406,000</u>
Underground Storage Tank Account--State Appropriation .....	\$3,777,000
(Environmental Excellence Account--State Appropriation .....	(\$504,000)
Biosolids Permit Account--State Appropriation ...	\$1,410,000
Hazardous Waste Assistance Account--State Appropriation .....	(\$5,902,000)
	<u>\$5,904,000</u>
Air Pollution Control Account--State Appropriation	\$6,328,000
Oil Spill Prevention Account--State Appropriation .....	(\$12,614,000)
	<u>\$12,616,000</u>
Air Operating Permit Account--State Appropriation .....	(\$3,266,000)
	<u>\$2,814,000</u>
Freshwater Aquatic Weeds Account--State Appropriation .....	\$1,697,000
Oil Spill Response Account--State Appropriation ..	\$7,078,000
Metals Mining Account--State Appropriation .....	\$14,000
Water Pollution Control Revolving Account--State Appropriation .....	\$469,000
Water Pollution Control Revolving Account--Federal Appropriation .....	\$2,297,000
TOTAL APPROPRIATION .....	(\$465,315,000)
	<u>\$469,745,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.
- (2) \$256,000 of the general fund--state appropriation for fiscal year 2008, \$209,000 of the general fund--state

appropriation for fiscal year 2009, and \$200,000 of the general fund--private local appropriation are provided solely to implement activities associated with a regional haze program. Funds shall be collected and expended in accordance with the terms of the contract entered into with affected businesses and the department of ecology.

(3) \$2,000,000 of the local toxics control account--state appropriation is provided solely to local governments outside of Puget Sound for municipal storm water programs, including but not limited to, implementation of phase II municipal storm water permits, source control for toxics in association with cleanup of contaminated sediment sites, and source control programs for shellfish protection districts where storm water is a significant contributor.

(4) Fees approved by the department of ecology in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$927,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the performance of wetland mitigation. Of this amount, \$55,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a wetland in Whatcom county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region. Priority shall be given to state and local government partnerships for wetland characterization. The department shall issue a report of its findings and recommendations on how wetland mitigation success can be improved to the office of financial management and the appropriate policy committees of the legislature.

(6) \$260,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot project to provide grants to two local government jurisdictions located in the Puget Sound area to improve compliance with existing environmental laws. Grant funds shall be used for providing information on existing requirements, providing technical assistance necessary to comply on a voluntary basis, and taking enforcement action.

(8) \$1,257,000 of the reclamation account--state appropriation is provided solely to implement Substitute Senate Bill No. 5881 (water power license fees). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(9) \$694,000 of the underground storage tank account--state appropriation is provided solely to implement Substitute Senate Bill No. 5475 (underground storage tanks). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(10) \$2,026,000 of the local toxics control account--state appropriation is provided solely for local governments located near hazardous waste clean-up sites, including Duwamish Waterway, Commencement Bay, and Bellingham Bay, to work with small businesses and citizens to safely manage hazardous and solid wastes to prevent the contamination.

(11) \$876,000 of the state toxics control account and \$876,000 of the local toxics control account are provided solely for public participation grants related to toxic cleanup sites within and around Puget Sound.

(12) ~~(\$1,000,000)~~ \$831,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,000,000)~~ \$1,169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement watershed plans. Of this amount, ~~(\$110,000)~~ \$313,650 of the general fund--state

FORTY-SIXTH DAY, FEBRUARY 28, 2008

appropriation for fiscal year 2008 and ~~((\$160,000))~~ \$646,350 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the implementation of the WRIA 1 watershed plan and the Bertrand watershed improvement district plan, including but not limited to implementation of the Nooksack River basin stream gauging program, study of the feasibility of a public utility district pipeline in the Bertrand watershed (and ~~\$250,000~~ of the general fund--state appropriation for fiscal year 2008 and ~~\$350,000~~ of the general fund--state appropriation for fiscal year 2009 are provided solely to study water storage and augmentation in the Bertrand watershed and ~~\$90,000~~ of the general fund--state appropriation for fiscal year 2008 is provided solely for plan preparation and development in the Fishtrap watershed), study and construction of water storage and augmentation in the Bertrand watershed, and preparation and development of the next subbasin watershed plan agreed to by the Bertrand instream flow policy group.

(13) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under the shorelines management act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for convening a stakeholder group to recommend establishing a sustainable statewide regional CBRNE/Hazmat response capability.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement key recommendations and actions identified in the "Washington's Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coast". The department shall provide a progress report on implementing this plan to the appropriate policy committees of the legislature by December 31, 2008.

(16) ~~((\$300,000))~~ \$464,000 of the general fund--state appropriation for fiscal year 2008 and ~~((\$300,000))~~ \$136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to oversee beach seaweed removal in the west Seattle Fauntleroy community. The department may spend up to \$25,000 of this amount for its cost of administration.

(18) ~~((\$405,000))~~ \$693,000 of the state toxics control account is provided solely for implementation of Senate Bill No. 5421 (environmental covenants). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(19) \$99,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a marshland study of key areas of salmon habitat along the Snohomish river estuary.

(20) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$132,000 of the general fund--state appropriation for fiscal year 2009, and \$19,000 of the oil spill prevention account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

2008 REGULAR SESSION

(21) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the U.S. institute for environmental conflict resolution, a federal agency, to develop a pilot water management process with three federally recognized treaty Indian tribes. \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the northwest Indian fisheries commission to help establish the pathway for the process in federal agencies.

(22) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to continue the pilot water pathways project through the remainder of the biennium. The department will work with the northwest Indian fisheries commission and the U.S. institute on environmental conflict resolution to find resolution on persistent water policy issues between tribes and nontribal entities.

(23) \$319,000 of the general fund--state appropriation for fiscal year 2008 and \$241,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((\$23))~~ (24) \$53,000 of the oil spill prevention account--state appropriation is provided solely for the implementation of Senate Bill No. 5552 (penalties for oil spills). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((\$24))~~ (25) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to convene a shellfish aquaculture regulatory committee, composed of a balanced representation from interested state regulatory agencies, Native American tribes, local governments and the environmental and shellfish farming communities. The group will be facilitated by the office of regulatory assistance and will address federal, state, and local regulatory issues related to shellfish farming.

(26) \$85,000 of the state toxics control account--state appropriation is provided solely for the department to research and develop recommendations for implementation and financing of a convenient and effective mercury-added general purpose light recycling program. In developing these recommendations, the department must consult with the solid waste advisory committee and stakeholders, including representatives from small businesses, residents, local governments, and environmental organizations.

(27) \$108,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Engrossed Substitute Senate Bill No. 6308 (relating to climate change research, preparation, and adaptation). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(28) \$70,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6805 (relating to promoting farm and forest land preservation and environmental restoration through conservation markets). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(29) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6508 (relating to beach management districts). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(30) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support a collaborative process to design a proposed comprehensive water management structure for the Walla Walla river basin. The proposed structure should address the allocation of functions, authorities, resource requirements, and issues associated with interstate watershed management of the basin. Invited participants should include but not be limited to the confederated tribes of the Umatilla Indian reservation; appropriate state agencies; and Walla Walla basin interests such as municipalities, irrigation

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

districts, conservation districts, fisheries, agriculture, economic development, and environmental representatives. A report outlining the proposed governance and water management structure shall be submitted to the governor and the appropriate committees of the legislature by November 15, 2008.

(31) \$80,000 of the state toxics control account--state appropriation is provided solely for the department to create a stakeholder advisory committee to review and develop recommendations to help businesses achieve a fifty percent toxics reduction use goal. The committee shall: (a) Review and make recommendations to improve the effectiveness and delivery of technical assistance in pollution prevention planning; (b) develop recommendations for strategies to encourage moving away from "end-of-pipe" pollution reduction approaches to increase hazardous waste prevention throughout the state; and (c) review and make recommendations on revising the hazardous waste planning fee under RCW 70.95E.030, including opportunities to provide incentives that reward businesses for toxic use reduction successes in meeting a fifty percent toxics use reduction goal. The committee shall report its findings and recommendations to the fiscal and policy committees of the senate and house of representatives by November 1, 2008.

(32) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$1,027,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 2815 (reducing greenhouse gases emissions in the Washington economy). In participating in the western climate initiative, the director of the department shall seek to ensure that the design for a regional multisector market-based system confers equitable economic benefits and opportunities to our hydropower-based electricity sector compared to electricity sectors that rely primarily on fossil-fueled generation by having that system recognize, at a minimum: (a) Voluntary investments made by Washington utilities in energy efficiency measures; (b) emission reduction benefits that other participants in the western climate initiative derive from consuming renewable energy generated in Washington; and (c) adverse impacts that climate change uniquely has upon the capabilities of hydroelectric power generation. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

**Sec. 303** 2007 c 522 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2008)	<del>(\$48,365,000)</del>
	\$48,970,000
General Fund--State Appropriation (FY 2009)	<del>(\$50,166,000)</del>
	\$50,261,000
General Fund--Federal Appropriation	<del>(\$4,545,000)</del>
	\$5,745,000
General Fund--Private/Local Appropriation	\$73,000
Winter Recreation Program Account--State	
Appropriation	<del>(\$1,116,000)</del>
	\$1,560,000
Off-Road Vehicle Account--State Appropriation	\$238,000
Snowmobile Account--State Appropriation	\$4,839,000
Aquatic Lands Enhancement Account--State Appropriation	\$365,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$23,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$24,000
Parks Renewal and Stewardship Account--State	
Appropriation	\$36,606,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation	\$300,000
<b>TOTAL APPROPRIATION</b>	<del>(\$146,660,000)</del>

\$149,004,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2008 and \$79,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for project scoping and cost estimating for the agency's 2009-11 capital budget submittal.

(4) \$2,255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for costs associated with relocating the commission's Tumwater headquarters office.

(5) \$272,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for costs associated with relocating the commission's eastern Washington regional headquarters office.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for replacing vehicles and equipment.

(7) \$1,611,000 of the general fund--state appropriation for fiscal year 2008 and \$1,428,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for planned and emergency maintenance of park facilities.

(8) \$1,700,000 of the general fund--federal appropriation for fiscal year 2009 is provided solely for the recreational boating safety program.

(9) \$954,000 of the general fund--state appropriation for fiscal year 2008 and \$1,007,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operations of Cama Beach state park.

(10) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5219 (weather and avalanche center). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) ~~(\$42,000)~~ \$9,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$42,000)~~ \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) \$264,000 of the general fund--state appropriation for fiscal year 2008 and \$217,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish a pilot lifeguard program at Lake Sammamish and Nolte state parks. The department shall complete a comprehensive risk analysis to determine if expansion of the lifeguard program or other drowning risk reduction measures should be implemented. The department shall report its findings to the office of financial management and the appropriate committees of the legislature by July 1, 2009.

(14) ~~(\$232,000)~~ \$455,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$233,000)~~ \$10,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a long-range plan for Fort Worden state park, including architectural and site design guidelines, business and operations implementation, site and

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

facilities use plan, and for the department to convene a task force to recommend alternative governance structures for the park.

~~is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.)~~

Sec. 305 2007 c 522 s 305 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL HEARINGS OFFICE**

(15) \$1,600,000 of the parks renewal stewardship account--state appropriation is provided solely for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship and other state park purposes, pursuant to Substitute House Bill No. 2275 (raising funds for state parks). Expenditures from the amount provided in this subsection shall not exceed actual revenues received under Substitute House Bill No. 2275. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

General Fund--State Appropriation (FY 2008)	. (( <del>\$1,134,000</del> ))
	\$1,144,000
General Fund--State Appropriation (FY 2009)	. . . . \$1,161,000
TOTAL APPROPRIATION	. . (( <del>\$2,295,000</del> ))
	\$2,305,000

The appropriations in this section are subject to the following condition and limitation: \$10,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for employee retirement buyout costs.

Sec. 306 2007 c 522 s 306 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

(16) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6395 (protecting southern resident orca whales from disturbances by vessels). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

General Fund--State Appropriation (FY 2008)	. . . . \$2,889,000
General Fund--State Appropriation (FY 2009)	. (( <del>\$2,913,000</del> ))
	\$3,087,000
General Fund--Federal Appropriation	. . . . . \$1,178,000
Water Quality Account--State Appropriation (FY 2008)	. . . . . (( <del>\$7,301,000</del> ))
	\$5,301,000
Water Quality Account--State Appropriation (FY 2009)	. . . . . (( <del>\$7,326,000</del> ))
	\$5,326,000
TOTAL APPROPRIATION	. (( <del>\$21,607,000</del> ))
	\$17,781,000

The appropriations in this section are subject to the following conditions and limitations:

(17) \$58,000 of the general fund--state appropriation for fiscal year 2008 and \$73,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for one-time financial assistance to the northwest weather and avalanche center, administered by the United States forest service, to keep the center operational through the remainder of the biennium.

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for supplementary basic funding grants to the state's lowest-income conservation districts. The supplementary grant process shall be structured to aid recipients in becoming financially self-sufficient in the future.

(18) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for grants to the Mount Tahoma trails association to assist with purchase of snow equipment.

(2) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5108 (office of farmland preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 304 2007 c 522 s 304 (uncodified) is amended to read as follows:

**FOR THE ((INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION)) RECREATION AND CONSERVATION FUNDING BOARD**

General Fund--State Appropriation (FY 2008)	. . . . \$1,557,000
General Fund--State Appropriation (FY 2009)	. . . . \$1,600,000
General Fund--Federal Appropriation	. . . . . \$18,409,000
General Fund--Private/Local Appropriation	. . . . . \$250,000
Aquatic Lands Enhancement Account--State Appropriation	. . . . . \$277,000
Water Quality Account--State Appropriation (FY 2008)	. . . . . \$100,000
Water Quality Account--State Appropriation (FY 2009)	. . . . . \$100,000
Firearms Range Account--State Appropriation	. . . . . \$37,000
Recreation Resources Account--State Appropriation	\$2,819,000
Nonhighway and Off-Road Vehicles Activities Program Account--State Appropriation	. . . . . \$1,004,000
Boating Activities Account--State Appropriation	(( <del>\$2,000,000</del> ))
	\$1,000,000
TOTAL APPROPRIATION	. (( <del>\$28,153,000</del> ))
	\$27,153,000

The appropriations in this section are subject to the following conditions and limitations:

(3) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the pioneers in conservation program to provide grants through a competitive process to agricultural landowners for projects that benefit fish and wildlife restoration and farm operations. Grants must be matched by an equal amount or more from nonstate sources with priority for projects identified in the Puget Sound Chinook salmon recovery plan and the Puget Sound partnership strategy.

(1) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds shall be allocated to the department of natural resources and the department of fish and wildlife.

(4) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(2) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(5) \$174,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6805 (farm and forest land preservation and environmental restoration through conservation markets). If the bill is not

(3) ((~~\$2,000,000~~)) \$1,000,000 of the boating activities account--state appropriation is provided solely to implement Substitute House Bill No. 1651 (boating activities). ((If the bill

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 307** 2007 c 522 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2008)	<del>(\$55,453,000)</del>
	\$56,213,000
General Fund--State Appropriation (FY 2009)	<del>(\$52,743,000)</del>
	\$55,392,000
General Fund--Federal Appropriation . . . . .	<del>(\$52,666,000)</del>
	\$52,671,000
General Fund--Private/Local Appropriation . . .	<del>(\$37,447,000)</del>
	\$37,451,000
Off-Road Vehicle Account--State Appropriation . . . .	\$416,000
Aquatic Lands Enhancement Account--State	
Appropriation . . . . .	\$6,070,000
Public Safety and Education Account--State	
Appropriation (FY 2008) . . . . .	\$268,000
Public Safety and Education Account--State	
Appropriation (FY 2009) . . . . .	\$325,000
Recreational Fisheries Enhancement--State	
Appropriation . . . . .	\$3,628,000
Warm Water Game Fish Account--State Appropriation	
. . . . .	\$3,024,000
Eastern Washington Pheasant Enhancement	
Account--State Appropriation . . . . .	\$754,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation . . . . .	\$204,000
Aquatic Invasive Species Prevention Account--State	
Appropriation . . . . .	\$842,000
Wildlife Account--State Appropriation . . . . .	<del>(\$66,508,000)</del>
	\$64,329,000
Wildlife Account--Federal Appropriation . . . . .	<del>(\$34,552,000)</del>
	\$34,556,000
Wildlife Account--Private/Local Appropriation	<del>(\$13,288,000)</del>
	\$13,290,000
Game Special Wildlife Account--State Appropriation	
. . . . .	<del>(\$1,991,000)</del>
	\$2,491,000
Game Special Wildlife Account--Federal Appropriation	
. . . . .	\$8,923,000
Game Special Wildlife Account--Private/Local	
Appropriation . . . . .	\$486,000
Water Quality Account--State Appropriation (FY 2008)	
. . . . .	\$160,000
Water Quality Account--State Appropriation (FY 2009)	
. . . . .	\$160,000
<del>((Environmental Excellence Account--State Appropriation</del>	
<del>    . . . . .</del>	<del>(\$15,000)</del>
Regional Fisheries Salmonid Recovery Account--Federal	
Appropriation . . . . .	<del>(\$2,751,000)</del>
	\$5,001,000
Oil Spill Prevention Account--State Appropriation . .	\$1,104,000
Oyster Reserve Land Account--State Appropriation . .	\$417,000
Wildlife Rehabilitation Account--State Appropriation	
. . . . .	<del>(\$352,000)</del>
	\$270,000
TOTAL APPROPRIATION <del>(\$344,547,000)</del>	\$348,445,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall use the department of printing for printing needs. Funds provided in this section may not be used to staff or fund a stand-alone printing operation.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(4) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2008 and \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(6) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(7) \$634,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

~~(8) ((Within the amount provided for the agency, the department shall implement a joint management and collaborative enforcement agreement with the confederated tribes of the Colville and the Spokane tribe-)) \$609,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to implement a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program.~~

~~(a) For the purposes of the pilot project:~~

~~(i) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;~~

~~(ii) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;~~

~~(iii) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;~~

~~(iv) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and~~

~~(v) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;~~

~~(b) The director, in collaboration with the Colville Tribes, shall provide an interim report to the office of financial management and the appropriate committees of the legislature by December 31, 2008. The report shall describe the status of the pilot project, and make recommendations as needed to fully implement the project, pursuant to the state and tribal agreement on Lake Rufus Woods.~~

(9) \$182,000 of the general fund--state appropriation for fiscal year 2008 and \$182,000 of the general fund--state

FORTY-SIXTH DAY, FEBRUARY 28, 2008

appropriation for fiscal year 2009 are provided solely to continue the ballast water management program in Puget Sound and expand the program to include the Columbia river and coastal ports.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for hatchery facility maintenance improvements.

(11) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$409,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for estimates of juvenile abundance of federally listed salmon and steelhead populations. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature with a letter stating the use and measurable results of activities that are supported by these funds.

(12) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the strategic budget and accountability program.

(13) \$113,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(14) Prior to submitting its 2009-11 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management and the appropriate legislative committees by October 1, 2008.

(15) \$43,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5447 (coastal Dungeness crab). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(16) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$89,000 of the general fund--state appropriation for fiscal year 2008 and \$89,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$204,000 of the aquatic invasive species enforcement account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5923 (aquatic invasive species). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(19) ~~(\$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~(20))~~ \$352,000 of the wildlife rehabilitation account is provided solely for the implementation of Senate Bill No. 5188

2008 REGULAR SESSION

(wildlife rehabilitation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((21))~~ (20) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of fish and wildlife to participate in the upper Columbia salmon recovery plan implementation, habitat conservation plan hatchery committees, and the priest rapids salmon and steelhead agreement hatchery technical committee.

~~((22))~~ (21)(a) Within existing funds, the department of fish and wildlife shall sell the upper 20-acre parcel of the Beebe springs property.

(b) Proceeds from the sale are to be used to develop the Beebe springs natural interpretive site. Up to \$300,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development of the Beebe springs natural interpretive site. The department shall not expend more than the amount received from the sale proceeds.

~~((25))~~ (22) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$49,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2049 (marine resource committees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((26))~~ (23) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study of introducing oxygen to the waters of Hood Canal. The study shall propose a location in a small marine area where a large number of bottom-dwelling fish species exist, and analyze the impact of injected dissolved oxygen on aquatic life. The department shall report to the appropriate committees of the legislature on the results of the study and recommend whether to proceed with a project to inject oxygen into Hood Canal.

~~((27))~~ (24) \$1,310,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to replace state wildlife account funds for the engineering program and ~~(\$1,190,000)~~ \$610,000 of the general fund--state appropriation for fiscal year 2008 are provided solely to replace state wildlife account funds for the hydraulic project permitting program, including the development of a permit fee schedule for the hydraulic project approval program to make the program self supporting. Fees may be based on factors relating to the complexity of the permit issuance. The fees received by the department must be deposited into the state wildlife account and shall be expended exclusively for the purposes of the hydraulic project permitting program. By December 1, 2008, the department shall provide a permit fee schedule for the hydraulic project approval program to the office of financial management and the appropriate committees of the legislature.

~~((28))~~ (25) \$245,000 of the general fund--state appropriation for fiscal year 2008 and \$245,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to work in cooperation with the department of natural resources to assist with the implementation of the wild horse coordinated resource management plan. Implementation may include providing grant funding to other state and nonstate entities as needed.

~~((29))~~ (26) \$270,000 of the general fund--state appropriation for fiscal year 2008 and \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop siting guidelines for power generation facilities, provide technical assistance for permitting, support voluntary compliance with the guidelines, and to conduct bird and wildlife assessments on state lands most eligible for wind power leases.

~~((31))~~ (27) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop and maintain an electronic database for aquatic farmer registration. If the bill is not enacted

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

by June 30, 2007, the amount provided in this subsection shall lapse.

(28) \$289,000 of the general fund--state appropriation for fiscal year 2008 and \$301,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for selective fisheries.

(29) During the 2007-09 biennium, the department shall not make a permanent closure of any hatchery facility currently in operation.

(30) Within existing funds, the department shall continue implementing its capital program action plan dated September 1, 2007, including the purchase of the necessary maintenance and support costs for the capital programs and engineering tools. The department shall report to the office of financial management and the appropriate committees of the legislature its progress in implementing the plan, including improvements instituted in its capital program, by September 30, 2008.

(31) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Second Substitute Senate Bill No. 6227 (outer coast marine resources committees). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(32) \$115,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6231 (marine protected areas). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(33) \$46,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6307 (Puget Sound marine managed areas). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(34) \$46,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6395 (orca whales). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(35) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement the 2008 Wiley Slough restoration project report to the legislature recommendation to establish a private farmland, public recreation partnership that would provide farmland preservation, waterfowl management, and public recreational access.

(36) \$175,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to convene a work group to study solutions for improving outbound juvenile salmon migration at Electron Dam on the Puyallup River. The work group shall include one member of the house of representatives, one member of the senate, one representative from the department of fish and wildlife, one representative from Puget Sound energy, and one representative from the Puyallup Tribe of Indians. The work group shall present its findings and recommendations to the appropriate committees of the legislature by January 1, 2009.

(37) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

(38) \$55,000 of the general fund--state appropriation for fiscal year 2008 is provided for the 2008 fishing season for Wenatchee and Entiat fisheries only if the target numbers are met as outlined in the national oceanic and atmospheric administration (NOAA) permit and if the permit is issued as promised by NOAA in May 2008.

**Sec. 308** 2007 c 522 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2008) ~~((48,497,000))~~

	\$51,302,000
General Fund--State Appropriation (FY 2009)	<del>((50,818,000))</del>
	\$51,966,000
General Fund--Federal Appropriation . . . . .	<del>((25,235,000))</del>
	\$27,862,000
General Fund--Private/Local Appropriation . . . . .	\$1,413,000
Forest Development Account--State Appropriation . . . . .	<del>((58,165,000))</del>
	\$58,173,000
Off-Road Vehicle Account--State Appropriation <del>((4,318,000))</del>	\$4,235,000
Surveys and Maps Account--State Appropriation . .	\$2,536,000
Aquatic Lands Enhancement Account--State	
Appropriation . . . . .	<del>((7,773,000))</del>
	\$7,964,000
Resources Management Cost Account--State	
Appropriation . . . . .	<del>((96,177,000))</del>
	\$96,189,000
Surface Mining Reclamation Account--State	
Appropriation . . . . .	\$3,295,000
Disaster Response Account--State Appropriation . .	\$5,000,000
Forest and Fish Support Account--State Appropriation . . . . .	<del>((4,000,000))</del>
	\$7,000,000
Water Quality Account--State Appropriation (FY 2008)	
. . . . .	\$1,348,000
Water Quality Account--State Appropriation (FY 2009)	
. . . . .	\$1,360,000
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation . . . . .	\$1,337,000
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation . . . . .	\$34,000
State Toxics Control Account--State Appropriation . .	\$80,000
Air Pollution Control Account--State Appropriation .	\$570,000
Nonhighway and Off-Road Vehicle Activities Program	
Account--State Appropriation . . . . .	\$982,000
Derelict Vessel Removal Account--State Appropriation . . . . .	\$3,652,000
Agricultural College Trust Management Account--State	
Appropriation . . . . .	\$2,064,000
	<del>((318,654,000))</del>
	\$328,362,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((122,000))~~ \$1,021,000 of the general fund--state appropriation for fiscal year 2008 and ~~((162,000))~~ \$1,043,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) ~~((11,463,000))~~ \$14,920,000 of the general fund--state appropriation for fiscal year 2008, ~~((13,792,000))~~ \$13,542,000 of the general fund--state appropriation for fiscal year 2009, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(3) Fees approved by the department of natural resources and the board of natural resources in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$199,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal

FORTY-SIXTH DAY, FEBRUARY 28, 2008

lands, contribute to wildlife habitat. The assessment will also determine how commercial forests, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(5) (~~(\$2,500,000)~~) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse. The department shall compile the outcomes of these grants annually and submit them to the office of financial management by September 1 of 2008 and 2009.

(6) \$400,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to the departments of ecology and fish and wildlife. If federal funding for this purpose is reinstated, this subsection shall lapse.

(7) The department shall prepare a feasibility study that analyzes applicable business processes and develops the scope, requirements, and alternatives for replacement of the department's current suite of payroll-support systems. The department shall use an independent consultant to assist with the study, and shall submit the completed analysis to the office of financial management, the department of personnel, and the department of information services by August 1, 2008.

(8) \$600,000 of the general fund--state appropriation for fiscal year 2008 and \$600,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue interagency agreements with the department of fish and wildlife and the department of ecology for forest and fish report field implementation tasks.

(9) All department staff serving as recreation-management trail stewards shall be noncommissioned.

(10) \$112,000 of the aquatic lands enhancement account--state appropriation is provided solely for spartina eradication efforts. The department may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to convene and staff a work group to study issues related to wildfire prevention and protection. The work group shall be composed of members representing rural counties in eastern and western Washington, fire districts, environmental protection organizations, industrial forest landowners, the agricultural community, the beef industry, small forest landowners, the building industry, realtors, the governor or a designee, the insurance commissioner or a designee, the office of financial management, the state fire marshal or a designee, the state building code council, and the commissioner or public lands or a designee. The work group shall issue a report of findings and recommendations to the appropriate committees of the legislature by August 1, 2008.

(12) \$249,000 of the aquatic lands enhancement account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(13) \$2,000,000 of the derelict vessel removal account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6044 (derelict vessels). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) (~~(\$42,000)~~) \$34,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$42,000)~~) \$34,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill

2008 REGULAR SESSION

No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$14,000 of the forest development account--state appropriation and \$52,000 of the resources management cost account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) (~~(\$1,000,000)~~) \$100,000 of the general fund--state appropriation for fiscal year 2008 (~~(its)~~) and \$900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the removal of one or two large floating dry docks off Lake Washington near the Port Quendall site in north Renton.

(17) \$547,000 of the general fund--state appropriation for fiscal year 2008 and \$726,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$22,000 of the surface mining reclamation account--state appropriation and \$22,000 of the resources management cost account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the resource management cost account--state appropriation are provided solely to extend the 2005-2007 contract with the University of Washington college of forestry resources for additional research and technical assistance on the future of Washington forests. Reports shall be submitted by June 30, 2009, to the appropriate committees of the legislature on the following topics:

(a) An exploration of the potential markets for renewable energy from biomass from Washington forests, especially from material removed from eastern Washington forests as part of forest health improvement efforts. This exploration shall assess the feasibility of converting large amounts of underutilized forest biomass into useful products and green energy by providing required analyses needed to efficiently collect and deliver forest biomass to green energy end users. The role of transportation and processing infrastructure in developing markets for such material for both clean energy and value-added products shall be included in the exploration. The college shall coordinate with Washington State University efforts to identify what new biological, chemical, and engineering technologies are emerging for converting forest biomass to clean and efficient energy.

(b) Recommendations for the college's northwest environmental forum for retaining the highest valued working forest lands at risk of conversion to nonforest uses. These recommendations should include an examination of means to enhance biodiversity through strategic retention of certain lands, as well as economic incentives for landowners to retain lands as working forests and provide ecosystem services. The recommendations shall consider the health and value of the forest lands, the rate of loss of working forest lands in the area, the risk to timber processing infrastructure from continued loss of working forest lands, and the multiple benefits derived from retaining working forest lands. The recommendations shall prioritize forest lands in the Cascade foothills, which include the area generally encompassing the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(20) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state

FORTY-SIXTH DAY, FEBRUARY 28, 2008

appropriation for fiscal year 2009 are provided solely for Chelan county, as the chair of the Stemilt partnership, to perform the following:

(a) Work with private and public land management entities to identify and evaluate land ownership possibilities;

(b) Allocate up to \$10,000 to the department of fish and wildlife to perform technical studies, baseline assessments, environmental review, due diligence, and similar real estate evaluations; and

(c) Implement real estate transactions based on the results of the studies.

(21) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for health benefits to Washington conservation corps employees.

(22) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff support for the natural heritage program to integrate, analyze, and provide bird area information, and for state designations and mapping support, among other activities.

(23) \$48,000 of the resource management cost account--state appropriation is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall participate in a shellfish aquaculture regulatory committee, convened by the department of ecology. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$150,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute Senate Bill No. 5445 (cost-reimbursement agreements). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$191,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to coordinate with the Puget Sound partnership to complete a final habitat conservation plan for state-owned aquatic lands and an environmental impact statement by June 2009.

(26) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to supplement other available funds for an analysis of whether forest practices rules (including rules for harvest on potentially unstable slopes, road construction and maintenance, and post-harvest slash treatment) effectively protect public resources and public safety from landslides, acceleration of peak streamflows, and other storm-related impacts. The analysis is to be accomplished using the forest practices board adaptive management process. The cooperative monitoring, evaluation, and research (CMER) committee of the adaptive management program shall submit a report of its preliminary analysis and conclusions to the appropriate committees of the legislature by December 1, 2008. The forest practices board shall submit a complete report of the CMER study on the effectiveness of current prescriptions and practices by June 30, 2009.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for participation with the regional multi-organization taskforce of forest scientists and land managers formed to develop science-based management options for forest landowners to manage under alternative climate change scenarios. The department shall develop a project aimed at acquiring, developing, and distributing information about localized impacts of climate change on native tree species, including information on genetic variability and adaptability of such species having important commercial forestry values. The project should yield any necessary recommendations for strengthening the department's timber gene-pool reserve program to conserve species diversity as an adaptive strategy for possible climate-change scenarios.

(28) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in

2008 REGULAR SESSION

RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

**Sec. 309** 2007 c 522 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2008)	<del>(\$14,071,000)</del>
	\$14,073,000
General Fund--State Appropriation (FY 2009)	<del>(\$14,152,000)</del>
	\$14,721,000
General Fund--Federal Appropriation . . . . .	<del>(\$11,441,000)</del>
	\$11,443,000
General Fund--Private/Local Appropriation . . . . .	\$422,000
Aquatic Lands Enhancement Account--State	
Appropriation . . . . .	\$2,062,000
Energy Freedom Account--State Appropriation . . . . .	\$500,000
Water Quality Account--State Appropriation (FY 2008)	
. . . . .	\$604,000
Water Quality Account--State Appropriation (FY 2009)	
. . . . .	\$618,000
State Toxics Control Account--State Appropriation	\$4,120,000
Water Quality Permit Account--State Appropriation . .	\$61,000
TOTAL APPROPRIATION . . . . .	<del>(\$48,051,000)</del>
	\$48,624,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees and assessments approved by the department in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(3) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(4) \$62,000 of the general fund--state appropriation for fiscal year 2008 and \$63,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study to evaluate the use of sugar beets for the production of biofuels.

(5) \$275,000 of the general fund--state appropriation for fiscal year 2008 and \$275,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for direct allocation, without deduction, to the Washington tree fruit research commission, established under chapter 15.26 RCW, for development and implementation of a pest management transition program to reduce the use by the tree fruit industry of certain organophosphate insecticides.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties with weed boards to control invasive weeds. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to control Japanese knotweed in counties with weed boards.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for pass through funding to the nonprofit opportunities industrialization center to provide training to agricultural workers related to farm skills, English as a second language, and other skills.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(8) \$290,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(9) \$65,000 of the general fund--state appropriation for fiscal year 2009 and \$35,000 of the aquatic lands enhancement account appropriation are provided solely for funding to the Pacific county noxious weed control board to continue its planning and implementation of spartina eradication activities.

Sec. 310 2007 c 522 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust
Account--State Appropriation . . . . . ((~~\$799,000~~)
\$745,000

Sec. 311 2007 c 522 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2008) . . . ((~~\$500,000~~)
\$370,000
General Fund--State Appropriation (FY 2009) . . . ((~~\$500,000~~)
\$654,000
General Fund--Federal Appropriation . . . . . ((~~\$1,155,000~~)
\$2,655,000
General Fund--Private/Local Appropriation . . . . . \$2,500,000
Aquatic Lands Enhancement Account--State Appropriation
. . . . . \$500,000
Water Quality Account--State Appropriation (FY 2008)
. . . . . ((~~\$3,458,000~~)
\$3,841,000
Water Quality Account--State Appropriation (FY 2009)
. . . . . ((~~\$3,459,000~~)
\$4,214,000
State Toxics Account--State Appropriation . . . . . \$1,710,000
TOTAL APPROPRIATION . . . . . ((~~\$12,072,000~~)
\$16,444,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$1,000,000~~)) \$600,000 of the water quality account--state appropriation for fiscal year 2008, ((~~\$1,000,000~~)) \$1,400,000 of the water quality account--state appropriation for fiscal year 2009, and \$2,500,000 of the general fund--private/local appropriation are provided solely for the education of citizens through attracting and utilizing volunteers to engage in activities that result in environmental benefits.

(2) \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, ((~~\$500,000~~)) \$370,000 of the general fund--state appropriation for fiscal year 2008, ((~~\$500,000~~)) \$630,000 of the general fund--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, then \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$1,155,000 of the general fund--federal appropriation, \$500,000 of the general fund--state appropriation for fiscal year 2008, and \$500,000 of the general fund--state appropriation for fiscal year 2009 are appropriated to the office of the governor for operation of the Puget Sound action team.

(3) To implement the 2007-09 Puget Sound biennial plan required by Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership), funding is provided solely for Puget Sound

recovery activities in the budgets of selected agencies and institutions of higher education, including the department of agriculture, department of community, trade and economic development, conservation commission, department of ecology, department of fish and wildlife, department of health, interagency committee for outdoor recreation, department of natural resources, state parks and recreation commission, the Puget Sound partnership, University of Washington, and Washington State University. During the 2007-09 biennium, moneys are provided solely for these agencies and institutions of higher education as provided for in LEAP document PSAT-2007.

(4) \$24,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6307 (Puget Sound marine managed areas). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(5) \$1,033,000 of the water quality account--state appropriation for fiscal year 2008, \$300,000 of the water quality account--state appropriation for fiscal year 2009, and \$900,000 of the state toxics control account appropriation are provided solely for development and implementation of the 2020 action agenda.

(End of part)

PART IV TRANSPORTATION

Sec. 401 2007 c 522 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2008) . ((~~\$1,727,000~~)
\$1,730,000
General Fund--State Appropriation (FY 2009) . ((~~\$2,000,000~~)
\$2,005,000
Architects' License Account--State Appropriation . ((~~\$762,000~~)
\$763,000
Cemetery Account--State Appropriation . . . . . \$240,000
Professional Engineers' Account--State Appropriation
. . . . . ((~~\$3,484,000~~)
\$3,492,000
Real Estate Commission Account--State Appropriation
. . . . . ((~~\$8,883,000~~)
\$9,257,000
Master License Account--State Appropriation . ((~~\$14,072,000~~)
\$14,434,000
Uniform Commercial Code Account--State Appropriation
. . . . . ((~~\$3,086,000~~)
\$3,090,000
Real Estate Education Account--State Appropriation \$276,000
Real Estate Appraiser Commission Account--State
Appropriation . . . . . ((~~\$1,684,000~~)
\$1,683,000
Business and Professions Account--State Appropriation
. . . . . ((~~\$10,190,000~~)
\$11,703,000
Real Estate Research Account--State Appropriation . \$320,000
Funeral Directors And Embalmers Account--State
Appropriation . . . . . ((~~\$597,000~~)
\$596,000
Geologists' Account--State Appropriation . . . . . ((~~\$57,000~~)
\$56,000
Data Processing Revolving Account--State Appropriation
. . . . . \$29,000
Derelict Vessel Removal Account--State Appropriation \$31,000
TOTAL APPROPRIATION . ((~~\$47,438,000~~)
\$49,705,000

FORTY-SIXTH DAY, FEBRUARY 28, 2008

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2007-09 fiscal biennium. Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$230,000 of the master license account--state appropriation is provided solely for Engrossed Second Substitute House Bill No. 1461 (manufactured/mobile home dispute resolution). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$210,000 of the business and professions account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6606 (home inspectors). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(4) \$64,000 of the business and professions account--state appropriation is provided solely for implementation of Substitute House Bill No. 2759 or Engrossed Substitute Senate Bill No. 6437 (bail bond agents). If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(5) \$23,000 of the business and professions account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5746 (landscape architecture). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(6) The department of licensing and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, recommendations for implementing a process of holding in abeyance for up to six months following the conclusion of active duty service the expiration of, and currency requirements for, professional licenses and certificates for individuals who have been called to active duty military service.

(7) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

Sec. 402 2007 c 522 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2008)	<del>(\$38,903,000)</del>
	\$38,968,000
General Fund--State Appropriation (FY 2009)	<del>(\$37,102,000)</del>
	\$31,917,000
General Fund--Federal Appropriation	\$5,629,000
General Fund--Private/Local Appropriation	\$1,223,000
Death Investigations Account--State Appropriation	<del>(\$5,510,000)</del>
	\$5,715,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$1,476,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	<del>(\$1,532,000)</del>
	\$2,732,000
Enhanced 911 Account--State Appropriation	\$572,000
County Criminal Justice Assistance Account--State	

2008 REGULAR SESSION

Appropriation	\$3,155,000
Municipal Criminal Justice Assistance	
Account--State Appropriation	\$1,244,000
Fire Service Trust Account--State Appropriation	\$131,000
Disaster Response Account--State Appropriation	\$2,000
Fire Service Training Account--State Appropriation	\$7,936,000
Aquatic Invasive Species Enforcement	
Account--State Appropriation	\$54,000
State Toxics Control Account--State Appropriation	\$502,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2008)	\$3,007,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2009)	\$4,429,000
Fingerprint Identification Account--State	
Appropriation	<del>(\$6,928,000)</del>
	\$10,152,000
TOTAL APPROPRIATION	<del>(\$119,505,000)</del>
	\$118,844,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$233,000 of the general fund--state appropriation for fiscal year 2008, \$282,000 of the general fund--state appropriation for fiscal year 2009, and \$357,000 of the fingerprint identification account--state appropriation are provided solely for workload associated with implementation of the federal Adam Walsh Act -- the Children's Safety and Violent Crime Reduction Act of 2006.

(2) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of performing criminal history and background checks activities. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of the criminal history and background check activities.

(3) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(4) \$250,000 of the fire service training account--state appropriation is provided solely to implement the provisions of Senate Bill No. 6119 (firefighter apprenticeship training program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 403 A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE TRAFFIC SAFETY COMMISSION**

Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2009)	\$4,947,000
The appropriation in this section is subject to the following conditions and limitations:	\$4,947,000 of the violence reduction and drug enforcement account--state appropriation for fiscal year 2009 is provided solely for the implementation of Senate Bill No. 6931 (emphasis patrols for DUI enforcement and chemical dependency treatment). If the bill is not enacted by June 30, 2008, the amount provided in this section shall lapse.

(End of part)

**PART V  
EDUCATION**

Sec. 501 2007 c 522 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**(1) STATE AGENCY OPERATIONS**

General Fund--State Appropriation (FY 2008)	<del>(\$21,815,000)</del>
	<u>\$21,886,000</u>
General Fund--State Appropriation (FY 2009)	<del>(\$22,147,000)</del>
	<u>\$25,472,000</u>
General Fund--Federal Appropriation . . . . .	\$21,551,000
TOTAL APPROPRIATION . . . . .	<del>(\$65,513,000)</del>
	<u>\$68,909,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$11,920,000 of the general fund--state appropriation for fiscal year 2008 and \$12,362,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$1,080,000 of the general fund--state appropriation for fiscal year 2008 and \$815,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Within the amounts provided, the board shall implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) for which it is responsible, including: (i) Develop a comprehensive set of recommendations for an accountability system; (ii) adopt high school graduation requirements aligned with international performance standards in mathematics and science and, in conjunction with the office of the superintendent of public instruction, identify no more than three curricula that are aligned with these standards; and (iii) review all requirements related to the high school diploma as directed by section 405, chapter 263, Laws of 2006.

(c) \$4,779,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$6,033,000)~~ \$6,248,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the professional educator standards board for the following:

(i) \$930,000 in fiscal year 2008 and ~~(\$1,070,000)~~ \$1,284,000 in fiscal year 2009 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program. Within the amounts provided in this subsection (1)(d)(i), the professional educator standards board shall: (A) Revise the teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies; (B) review teacher preparation requirements in cultural understanding and make recommendations for strengthening these standards; (C) create a new professional level teacher assessment; (D) expand the alternative routes to teacher certification program for business professionals and instructional assistants who will teach math and science; ~~(and)~~ (E) revise requirements for college and university teacher

preparation programs to match a new knowledge- and skill-based performance system; and (F) test implementation of a revised teacher preparation program approach that is classroom experience-intensive and performance-based; and

(ii) \$3,269,000 of the general fund--state appropriation for fiscal year 2008 and \$4,289,000 of the general fund--state appropriation for fiscal year 2009 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of the amounts provided in this subsection (1)(d)(ii):

(A) \$500,000 each year is provided solely for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

(B) \$2,210,000 for fiscal year 2008 and \$3,230,000 for fiscal year 2009 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education as follows: (I) For route one interns (those currently holding associates of arts degrees), in fiscal year 2008, 120 interns seeking endorsements in the specified subject areas and for fiscal year 2009, an additional 120 interns in the specified subject areas; and (II) for all other routes, funding is provided each year for 140 interns seeking endorsements in the specified subject areas;

(C) Remaining amounts in this subsection (1)(d)(ii) shall be used to continue existing alternative routes to certification programs; and

(D) Candidates seeking math and science endorsements under (A) and (B) of this subsection shall receive priority for funding;

(iii) \$236,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the recruiting Washington teachers program established in Second Substitute Senate Bill No. 5955 (educator preparation, professional development, and compensation).

(iv) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 provided in this subsection (1)(d) are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators established in Second Substitute House Bill No. 1906 (improving mathematics and science education); and

(v) \$244,000 of the general fund--state appropriation for fiscal year 2008 and \$244,000 of the general fund--state appropriation for fiscal year 2009 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program established in Second Substitute House Bill No. 1906 (improving mathematics and science education). The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework.

(d) \$555,000 of the general fund--state appropriation for fiscal year 2008 ~~(is)~~ and \$867,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased attorney general fees related to education litigation.

(e) \$300,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$300,000)~~ \$2,100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$78,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the

FORTY-SIXTH DAY, FEBRUARY 28, 2008

environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(g) \$1,336,000 of the general fund--state appropriation for fiscal year 2008 and \$1,227,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

(h) \$325,000 of the general fund--state appropriation for fiscal year 2008 and \$325,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(i) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(j) \$204,000 of the general fund--state appropriation for fiscal year 2008 and \$66,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5843 (regarding educational data and data systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(k) \$114,000 of the general fund--state appropriation for fiscal year 2008 and \$114,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1052 (legislative youth advisory council). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(l) \$162,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(m) \$28,000 of the general fund--state appropriation for fiscal year 2008 and \$27,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5098 (Washington college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(n) \$46,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (regarding providing medically and scientifically accurate sexual health education in schools). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(o) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of superintendent of public instruction to convene a workgroup to develop school food allergy guidelines and policies for school district implementation. The workgroup shall complete the development of the food allergy guidelines and policies by March 31, 2008, in order to allow for school district implementation in the 2008-2009 school year. The guidelines developed shall incorporate state and federal laws that impact management of food allergies in school settings.

(p) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support

2008 REGULAR SESSION

a program to recognize the work of outstanding classified staff in school districts throughout the state.

(q) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$98,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a full-time director of skills centers within the office of the superintendent of public instruction.

(r) \$555,000 of the general fund--state appropriation for fiscal year 2008 and \$475,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction to contract with the northwest educational research laboratory (NWREL) to conduct two educational studies. Specifically, NWREL shall:

(i) Conduct a study regarding teacher preparation, training, and coordinated instructional support strategies for English language learners, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature; and

(ii) Conduct a study of the effectiveness of the K-3 demonstration projects as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature.

(s) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction to contract with Washington State University social and economic sciences research center (WSU-SESRC) to conduct to educational research studies. The WSU-SESRC shall:

(i) Conduct a study which reviews chapter 207, Laws of 2002 (bullying in schools), evaluate the outcomes resulting from the legislation, and to make recommendations for continued improvement. The study shall, at a minimum, determine: (A) Whether the policies have been developed and implemented in all elementary, middle, and high schools; (B) whether there has been any measurable improvement in the safety and civility of schools' climate and environment as a result of the legislation; (C) whether there are still issues that need to be addressed in light of the original intent of the legislation; and (D) recommended actions to be taken at the school, district, and state level to address the identified issues. Additionally, WSU-SESRC shall research and identify effective programs and the components of effective programs. A report shall be submitted to the education committees of the legislature and the office of the superintendent of public instruction by September 1, 2008.

(ii) Conduct an evaluation of the mathematics and science instructional coach program as described in Second Substitute House Bill No. 1906 (improving mathematics and science education). Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators. An interim report is due November 1, 2008. The final report is due December 1, 2009. Both the interim and final report shall be presented to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature.

(t) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for additional costs incurred

FORTY-SIXTH DAY, FEBRUARY 28, 2008

by the state board of education in reviewing proposed math standards and curriculum.

(u) During the 2007-09 biennium, to the maximum extent possible, in adopting new agency rules or making any changes to existing rules or policies related to the fiscal provisions in the administration of part V of this act, the office of the superintendent of public instruction shall attempt to request approval through the normal legislative budget process.

(v) \$142,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the conducting of a comprehensive analysis of math and science teacher supply and demand issues by the professional educator standards board. By December 1, 2008, the professional educator standards board shall submit a final report to the governor and appropriate policy and fiscal committees of the legislature, that includes, but is not limited to: (i) Specific information on the current number of math and science teachers assigned to teach mathematics and science both with and without appropriate certification in those subjects by school district and statewide; (ii) projected demand information by detailing the number of K-12 mathematics and science teachers needed by the 2010-11 school year by school district and statewide; (iii) specific recommendations on how the demand will be met through recruitment programs, alternative route certification programs, potential financial incentives, retention strategies, and other efforts; and (iv) identification of strategies, based on best practices, to improve the rigor and productivity of state-funded mathematics and science teacher preparation programs. As part of the final report, the professional educator standards board and the Washington state institute for public policy shall provide information from a study of differential pay for teachers in high-demand subject areas such as mathematics and science, including the design, successes, and limitations of differential pay programs in other states.

(w) \$114,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6466 (task force on Spanish and Chinese language instruction). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(x) \$45,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Substitute Senate Bill No. 6556 (anaphylactic policy). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(y) \$44,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Substitute Senate Bill No. 6742 (guidelines for students with autism) and Substitute Senate Bill No. 6743 (training for students with autism). If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(z) Within the appropriations in this section, sufficient funding is provided for the implementation of Second Engrossed Substitute Senate Bill No. 5100 (health insurance information for students).

(aa) \$20,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities), which requires the professional educator standards board to convene a work group to develop recommendations for increasing teacher knowledge, skills, and competencies to address the needs of English language learner students. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2008)	<del>(\$14,783,000)</del>
	\$14,283,000
General Fund--State Appropriation (FY 2009)	<del>(\$16,459,000)</del>
	\$17,117,000
General Fund--Federal Appropriation	\$55,890,000
TOTAL APPROPRIATION	<del>(\$87,132,000)</del>

\$87,290,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2008 and \$2,541,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$96,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(vi) \$271,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$271,000)~~ \$396,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(vii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies for preventing youth suicide.

(viii) \$800,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for

FORTY-SIXTH DAY, FEBRUARY 28, 2008

programs to improve safety and emergency preparedness and planning in public schools, as generally described in Substitute Senate Bill No. 5097. The superintendent of public instruction shall design and implement the grant program in consultation with the educational service districts, the school safety advisory committee, and the Washington association of sheriffs and police chiefs. The funding shall support grants to school districts for the development and updating of comprehensive safe school plans, school safety training, and the conducting of safety-related drills. As a condition of receiving these funds, school districts must ensure that schools (A) conduct at least one lockdown and one shelter in place safety drill each school year, and (B) send updated school mapping database information on an annual basis to the Washington association of sheriffs and police chiefs.

(ix) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Substitute Senate Bill No. 6418 (restraints of children). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(b) TECHNOLOGY

\$1,939,000 of the general fund--state appropriation for fiscal year 2008 and \$1,939,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$652,000 of the general fund--state appropriation for fiscal year 2008 and \$1,329,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW (~~28A.630.015~~) 28A.630.016. Of the amounts provided, \$11,000 of the general fund--state appropriation for fiscal year 2008 and \$11,000 of the general fund--state appropriation for fiscal year 2009 are provided for the office of the superintendent of public instruction to conduct a study of the expanded special services pilot.

(ii) \$31,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the Cispus environmental learning center.

(iii) \$97,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support vocational student leadership organizations.

(iv) \$146,000 of the general fund--state appropriation for fiscal year 2008 and \$146,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington civil liberties education program.

(v) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(vi) \$294,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Lorraine Wajohn dyslexia pilot reading program in up to five school districts.

(vii) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for

2008 REGULAR SESSION

developing and disseminating curriculum and other materials documenting women's role in World War II.

(viii) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for incentive grants for districts and pilot projects to develop preapprenticeship programs. Incentive grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(ix) \$3,220,000 of the general fund--state appropriation for fiscal year 2008 and \$3,220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the dissemination of the Navigation 101 curriculum to all districts, including disseminating electronic student planning tools and software for analyzing the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts each year for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(x) \$36,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the enhancement of civics education. Of this amount, \$25,000 each year is provided solely for competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment established in chapter 113, Laws of 2006.

(xi) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute House Bill No. 1573 (authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(xii) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the communities in school program in Pierce county.

~~(xiii) (\$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of superintendent of public instruction to contract with a company to develop and implement a pilot program for providing indigenous learning curriculum and standards specific online learning programs based on the recommended standards in chapter 205, Laws of 2005 (Washington's tribal history). The specific content areas covered by the pilot program will include social studies and science. The contractor selected will have experience in developing and implementing indigenous learning curricula and if possible will be affiliated with a recognized Washington state tribe. The pilot program will be implemented in a minimum of three school districts in collaboration with Washington tribes and school districts. To the extent possible and appropriate, the pilot program will involve organizations including the University of Washington's mathematics science and engineering achievement, the digital learning commons, the virtual possibilities network, the museum of arts and culture in Spokane, Eastern Washington University, and Washington State University.~~

~~(xiv))~~ \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support and expand the mentoring advanced placement program in current operation in southwest Washington.

~~((xv))~~ (xiv) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to

FORTY-SIXTH DAY, FEBRUARY 28, 2008

implement House Bill No. 1051 (expanding high school completion programs). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((xvi))~~ (xv) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for program initiatives to address the educational needs of Latino students and families. Using the full amounts of the appropriations under this subsection, the office of the superintendent of public instruction shall contract with the Seattle community coalition of compaña quetzal to provide for three initiatives: (A) Early childhood education; (B) parent leadership training; and (C) high school success and college preparation programs. Campaña quetzal shall report to the office of the superintendent of public instruction by June 30, 2009, regarding impact of the programs on addressing the academic achievement gap, including high school drop-out rates and college readiness rates, for Latino students.

(xvi) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5714 (Spanish and Chinese language instruction). Within the amounts specifically appropriated for this purpose, the funding is provided for the pilot program in two school districts to provide sequentially articulated Spanish and Chinese language instruction in elementary schools. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(xvii) \$493,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which provides for reimbursing school districts for ninth graders enrolled in the district that opt to take the PSAT at no cost to the student. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 502 2007 c 522 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2008)	(( <del>\$4,448,333,000</del> ))
	<u>\$4,436,719,000</u>
General Fund--State Appropriation (FY 2009)	(( <del>\$4,474,199,000</del> ))
	<u>\$4,478,359,000</u>
Education Legacy Trust Account--State Appropriation	(( <del>\$9,387,000</del> ))
	<u>\$9,373,000</u>
Pension Funding Stabilization Account Appropriation	\$341,624,000
TOTAL APPROPRIATION	(( <del>\$9,273,543,000</del> ))
	<u>\$9,266,075,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2007-08 and 2008-09 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent

2008 REGULAR SESSION

enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) Forty-nine certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2008-09 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for

FORTY-SIXTH DAY, FEBRUARY 28, 2008

students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 and 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(i) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

2008 REGULAR SESSION

(3) Allocations for classified salaries for the 2007-08 and 2008-09 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (i) of this section, one classified staff unit for each (~~(2.95)~~) 2.90 certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each (~~(fifty-nine)~~) 58.0 average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of (~~(14.13)~~) 14.11 percent in the 2007-08 school year and (~~(16.69)~~) 16.67 percent in the 2008-09 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of (~~(17.06)~~) 17.04 percent in the 2007-08 school year and (~~(18.74)~~) 18.72 percent in the 2008-09 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,703 per certificated staff unit in the 2007-08 school year and a maximum of (~~(\$9,907)~~) \$10,052 per certificated staff unit in the 2008-09 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$23,831 per certificated staff unit in the 2007-08 school year and a maximum of (~~(\$24,331)~~) \$24,689 per certificated staff unit in the 2008-09 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$18,489 per certificated staff unit in the 2007-08 school year and a maximum of (~~(\$18,877)~~) \$19,155 per certificated staff unit in the 2008-09 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$555.20 for the 2007-08 and 2008-09 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy

FORTY-SIXTH DAY, FEBRUARY 28, 2008

authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) \$1,870,000 of the general fund--state appropriation for fiscal year 2008 and \$2,421,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute House Bill No. 1432 (granting service credit to educational staff associates for nonschool employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) The superintendent may distribute a maximum of (~~(\$16,622,000)~~) \$16,620,000 outside the basic education formula during fiscal years 2008 and 2009 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$547,000 may be expended in fiscal year 2008 and a maximum of (~~(\$558,000)~~) \$567,000 may be expended in fiscal year 2009;

(b) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2008 fiscal year and a maximum of \$2,385,000 for the 2009 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of (~~(\$390,000)~~) \$393,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) (~~(\$9,387,000)~~) \$9,373,000 of the education legacy trust account appropriation is provided solely for allocations for equipment replacement in vocational programs and skills centers. Each year of the biennium, the funding shall be allocated based on \$75 per full-time equivalent vocational student and \$125 per full-time equivalent skills center student.

(f) \$2,991,000 of the general fund--state appropriation for fiscal year 2008 and \$4,403,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5790 (regarding skills centers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.7 percent from the 2006-07 school year to the 2007-08 school year and (~~(5.1)~~) 6.0 percent from the 2007-08 school year to the 2008-09 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(13) The appropriation levels in part V of this act assume implementation of the reimbursement provisions of Senate Bill No. 6450 (school district reimbursement of performance audits).

**Sec. 503** 2007 c 522 s 503 (unmodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.** (1) The following calculations determine

2008 REGULAR SESSION

the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on (~~(March 24, 2007, at 07:29))~~ February 22, 2008, at 14:22 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on (~~(April 19, 2007, at 06:03))~~ February 22, 2008, at 14:22 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of (~~(14.13)~~) 14.11 percent for school year 2007-08 and (~~(16.69)~~) 16.67 percent for school year 2008-09 for certificated staff and for classified staff (~~(17.06)~~) 17.04 percent for school year 2007-08 and (~~(18.74)~~) 18.72 percent for the 2008-09 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2007-08 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	32,746	33,630	34,547	35,465	38,412	40,310	39,260	42,207	44,107
1	33,187	34,083	35,011	35,970	38,948	40,836	39,696	42,674	44,560
2	33,607	34,512	35,450	36,483	39,452	41,359	40,135	43,104	45,012
3	34,039	34,953	35,901	36,967	39,930	41,884	40,552	43,513	45,468
4	34,464	35,418	36,372	37,474	40,455	42,423	40,988	43,969	45,938
5	34,902	35,861	36,824	37,988	40,958	42,965	41,432	44,403	46,410
6	35,353	36,291	37,287	38,508	41,464	43,482	41,887	44,843	46,860
7	36,145	37,097	38,106	39,394	42,393	44,467	42,739	45,737	47,812
8	37,304	38,308	39,340	40,735	43,775	45,925	44,079	47,120	49,269
9		39,562	40,646	42,091	45,202	47,425	45,434	48,547	50,770
10			41,967	43,516	46,669	48,966	46,861	50,014	52,310
11				44,984	48,204	50,547	48,328	51,550	53,891
12				46,404	49,781	52,194	49,853	53,126	55,540
13					51,397	53,882	51,431	54,741	57,226
14					53,020	55,632	53,056	56,471	58,977
15					54,400	57,080	54,435	57,939	60,511
16 or more					55,487	58,220	55,523	59,097	61,720

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2008-09 School Year

(Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	33,898	34,814	35,762	36,713	39,763	41,728	40,641	43,691	45,658
1	34,354	35,282	36,243	37,236	40,318	42,272	41,093	44,175	46,128
2	34,789	35,726	36,697	37,766	40,840	42,814	41,547	44,621	46,596
3	35,237	36,183	37,164	38,267	41,335	43,357	41,979	45,044	47,067
4	35,676	36,664	37,651	38,793	41,878	43,915	42,430	45,516	47,554
5	36,130	37,123	38,120	39,324	42,399	44,476	42,890	45,965	48,043
6	36,597	37,567	38,598	39,863	42,923	45,011	43,361	46,421	48,508
7	37,416	38,402	39,446	40,780	43,885	46,031	44,243	47,346	49,494
8	38,616	39,655	40,724	42,168	45,315	47,541	45,630	48,778	51,002
9		40,954	42,076	43,572	46,792	49,093	47,032	50,255	52,556
10			43,443	45,047	48,310	50,688	48,509	51,773	54,150
11				46,566	49,900	52,326	50,028	53,363	55,787
12				48,036	51,533	54,030	51,606	54,995	57,493
13					53,205	55,777	53,240	56,667	59,239

<u>Years of Service</u>	<u>BA</u>	<u>BA+15</u>	<u>BA+30</u>	<u>BA+45</u>	<u>BA+90</u>	<u>BA+135</u>	<u>MA</u>	<u>MA+45</u>	<u>MA+90 or PHD</u>
+4					54,885	57,589	54,922	58,457	61,052
+5					56,313	59,088	56,350	59,977	62,639
+6 or more					57,439	60,269	57,476	61,176	63,892))
<u>0</u>	<u>34,261</u>	<u>35,186</u>	<u>36,145</u>	<u>37,106</u>	<u>40,189</u>	<u>42,175</u>	<u>41,076</u>	<u>44,159</u>	<u>46,147</u>
<u>1</u>	<u>34,722</u>	<u>35,660</u>	<u>36,631</u>	<u>37,634</u>	<u>40,750</u>	<u>42,725</u>	<u>41,533</u>	<u>44,648</u>	<u>46,622</u>
<u>2</u>	<u>35,161</u>	<u>36,109</u>	<u>37,090</u>	<u>38,171</u>	<u>41,277</u>	<u>43,273</u>	<u>41,992</u>	<u>45,098</u>	<u>47,094</u>
<u>3</u>	<u>35,614</u>	<u>36,571</u>	<u>37,562</u>	<u>38,677</u>	<u>41,778</u>	<u>43,822</u>	<u>42,428</u>	<u>45,526</u>	<u>47,571</u>
<u>4</u>	<u>36,058</u>	<u>37,057</u>	<u>38,054</u>	<u>39,208</u>	<u>42,327</u>	<u>44,385</u>	<u>42,885</u>	<u>46,004</u>	<u>48,063</u>
<u>5</u>	<u>36,517</u>	<u>37,520</u>	<u>38,528</u>	<u>39,746</u>	<u>42,853</u>	<u>44,952</u>	<u>43,349</u>	<u>46,458</u>	<u>48,557</u>
<u>6</u>	<u>36,989</u>	<u>37,970</u>	<u>39,012</u>	<u>40,290</u>	<u>43,382</u>	<u>45,493</u>	<u>43,825</u>	<u>46,918</u>	<u>49,027</u>
<u>7</u>	<u>37,817</u>	<u>38,813</u>	<u>39,868</u>	<u>41,216</u>	<u>44,355</u>	<u>46,524</u>	<u>44,716</u>	<u>47,853</u>	<u>50,024</u>
<u>8</u>	<u>39,030</u>	<u>40,080</u>	<u>41,160</u>	<u>42,620</u>	<u>45,800</u>	<u>48,050</u>	<u>46,119</u>	<u>49,300</u>	<u>51,548</u>
<u>9</u>		<u>41,392</u>	<u>42,526</u>	<u>44,038</u>	<u>47,293</u>	<u>49,619</u>	<u>47,536</u>	<u>50,793</u>	<u>53,119</u>
<u>10</u>			<u>43,908</u>	<u>45,530</u>	<u>48,828</u>	<u>51,231</u>	<u>49,029</u>	<u>52,328</u>	<u>54,730</u>
<u>11</u>				<u>47,065</u>	<u>50,435</u>	<u>52,886</u>	<u>50,564</u>	<u>53,935</u>	<u>56,385</u>
<u>12</u>				<u>48,551</u>	<u>52,085</u>	<u>54,609</u>	<u>52,159</u>	<u>55,584</u>	<u>58,109</u>
<u>13</u>					<u>53,775</u>	<u>56,374</u>	<u>53,810</u>	<u>57,274</u>	<u>59,873</u>
<u>14</u>					<u>55,473</u>	<u>58,206</u>	<u>55,510</u>	<u>59,083</u>	<u>61,706</u>
<u>15</u>					<u>56,916</u>	<u>59,720</u>	<u>56,953</u>	<u>60,619</u>	<u>63,310</u>
<u>16 or more</u>					<u>58,054</u>	<u>60,914</u>	<u>58,092</u>	<u>61,832</u>	<u>64,576</u>

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 2 and the salary schedules in subsection (4)(a) of this section include two learning

improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180- day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school- wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

Sec. 504 2007 c 522 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2008) (( <del>\$161,665,000</del> ))	\$161,280,000
General Fund--State Appropriation (FY 2009) (( <del>\$348,871,000</del> ))	\$390,354,000



FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2008 appropriation and \$5,000 of the fiscal year 2009 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$44.84 per weighted mile in the 2007-08 school year and (~~(\$45.48)~~) \$45.68 per weighted mile in the 2008-09 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) \$25,000,000 of the education legacy trust account--state appropriation is provided solely for temporary assistance to school districts for pupil transportation programs. The office of the superintendent of public instruction, in consultation with the joint legislative audit and review committee, will develop a method of allocating these funds to school districts. The allocation method shall be based primarily on the findings and analysis from the joint legislative and audit review committee's K-12 pupil transportation study completed in December 2006.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

Sec. 506 2007 c 522 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2008)	<del>(\$532,192,000)</del>
	\$543,469,000
General Fund--State Appropriation (FY 2009)	<del>(\$566,174,000)</del>
	\$582,053,000
General Fund--Federal Appropriation . . . . .	<del>(\$435,735,000)</del>
	\$435,692,000
Education Legacy Trust Account--State Appropriation . . . . .	\$14,561,000
<b>TOTAL APPROPRIATION</b>	<del>(\$1,548,662,000)</del>
	\$1,575,775,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through

the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall adopt the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006, and ensure that all school districts adopt the method beginning in the 2007-08 school year.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2007-08 and 2008-09 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

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

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

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

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section,

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, ~~((~~\$30,690,000~~))~~ \$53,926,000 of the general fund--state appropriation and \$29,574,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the ((amount appropriated)) federal appropriation in this subsection (8) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

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

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

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services.

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

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

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

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

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

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

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

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

(11) The office of the superintendent of public instruction shall review and streamline the application process to access safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process.

(12) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate

their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008, \$50,000 of the general fund--state appropriation for fiscal 2009, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center. Within the appropriations in this section there is sufficient funding provided to also provide at least a half-time support staff position for the special education ombudsman program.

(15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(19) \$262,000 of the general fund--state appropriation for fiscal year 2008 and \$251,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

**Sec. 507** 2007 c 522 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund--State Appropriation (FY 2008)	. (( <del>\$7,520,000</del> ))
	\$7,519,000
General Fund--State Appropriation (FY 2009)	. (( <del>\$8,527,000</del> ))
	\$9,994,000
<b>TOTAL APPROPRIATION</b>	<b>. ((<del>\$16,047,000</del>))</b>
	<b>\$17,513,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$1,662,000 of the general fund--state appropriation in fiscal year 2008 and \$3,355,000 of the general fund--state appropriation in fiscal year 2009 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. For each educational service district, \$184,933 is provided in fiscal year 2008 for

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

professional development activities related to mathematics curriculum and instruction and \$372,357 is provided in fiscal year 2009 for professional development activities related to mathematics and science curriculum and instruction. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(4) \$876,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which established reading improvement specialist positions in each of the nine educational service districts. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(5) \$592,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which provides for educational service district outreach to community-based programs and organizations within the district that are serving non-English speaking segments of the population as well as those programs that target subgroups of students that may be struggling academically. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 508** 2007 c 522 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2008) ~~((202,394,000))~~  
 \$203,555,000  
 General Fund--State Appropriation (FY 2009) ~~((212,310,000))~~  
 \$220,100,000  
 TOTAL APPROPRIATION ~~((414,704,000))~~  
 \$423,655,000

**Sec. 509** 2007 c 522 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2008) ~~((18,301,000))~~  
 \$19,105,000  
 General Fund--State Appropriation (FY 2009) ~~((18,513,000))~~  
 \$19,757,000  
 TOTAL APPROPRIATION ~~((36,814,000))~~  
 \$38,862,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) ~~((196,000))~~ \$187,000 of the general fund--state appropriation for fiscal year 2008 and ~~((196,000))~~ \$133,797 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**Sec. 510** 2007 c 522 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2008) ~~((8,396,000))~~  
 \$8,383,000  
 General Fund--State Appropriation (FY 2009) ~~((8,779,000))~~  
 \$8,785,000  
 TOTAL APPROPRIATION ~~((17,175,000))~~  
 \$17,168,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of ~~((372.19))~~ \$372.15 per funded student for the 2007-08 school year and ~~((378.17))~~ \$378.13 per funded student for the 2008-09 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of 2.314 percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2008 appropriation and \$170,000 of the fiscal year 2009 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2008 appropriation and \$90,000 of the fiscal year 2009 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

**Sec. 511** 2007 c 522 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2008) ~~((66,278,000))~~  
 \$66,272,000  
 General Fund--State Appropriation (FY 2009) ~~((73,567,000))~~  
 \$94,679,000

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Education Legacy Trust Account--State  
 Appropriation . . . . . (~~(\$125,325,000)~~)  
 \$120,790,000  
 General Fund--Federal Appropriation . . . . . \$152,616,000  
 TOTAL APPROPRIATION (~~(\$417,786,000)~~)  
 \$434,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,966,000 of the general fund--state appropriation for fiscal year 2008, (~~(\$19,946,000)~~) \$19,796,000 of the general fund--state appropriation for fiscal year 2009, and \$15,870,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL; and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year.

(2) (~~(\$250,000)~~) \$1,950,000 of the general fund--state appropriation (~~(for fiscal year 2008, \$250,000 of the general fund--state appropriation for fiscal year 2009;)~~) and (~~(\$10,750,000)~~) \$1,350,000 of the education legacy trust account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments), including section 2 and section 5 of that act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Additionally, the funding provided in this subsection is subject to the following conditions and limitations:

(a) The funding may be spent on reviewing, developing, and implementing approved alternative assessments authorized in Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments).

(b) The funding may also be used for reviewing, developing, and implementing end-of-course examinations pursuant to Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments).

(c) (~~The funding may be used for~~) Amounts provided in section 502 of this act are sufficient for any increased costs associated with additional full-time equivalent students directly resulting from additional course-taking requirements specified in Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments).

(d) (~~(\$4,900,000 of the funds provided in this subsection are provided solely for allocations for school districts to purchase diagnostic assessments as specified in Engrossed Substitute Senate Bill No. 6023. By September 1, 2007, the office of the superintendent of public instruction shall:~~) (i) Negotiate an agreement with an assessment vendor or vendors to secure competitive pricing for school districts for high quality diagnostic assessment tools, and (ii) provide quality comparison information to school districts regarding various diagnostic assessment tools available. Of the funding provided, a maximum of \$100,000 may be spent by the office of the superintendent of public instruction for administrative support.

(~~e~~) Beginning on September 1, 2007, the office of the superintendent of public instruction shall submit quarterly reports to the office of financial management and the appropriate policy and fiscal committees of the legislature detailing the actions taken pursuant to Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments) and amounts spent of each aspect of the legislation.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$250,000 of the general fund--state

appropriation for fiscal year 2009, and \$4,400,000 of the education legacy trust account--state appropriation is provided solely for the development and implementation of diagnostic assessments, subject to the following terms and conditions:

(a) A maximum of \$2,540,000 of the funding provided in this subsection shall support the development and implementation of voluntary classroom-based diagnostic assessments and progress monitoring tools for all subject areas included in the WASL by the office of the superintendent of public instruction; and

(b) \$2,360,000 of the funding provided in this subsection is for allocations to school districts to purchase assessment tools which supplement the system of diagnostic tests developed by the office of the superintendent of public instruction as described in (a) of this subsection.

(4) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the second grade assessments.

(~~4~~) (5) \$1,414,000 of the general fund--state appropriation for fiscal year 2008 and \$1,414,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for (a) the tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level; (b) tenth grade mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students; and (c) making the modules available on-line.

(~~5~~) (6) \$2,267,000 of the general fund--state appropriation for fiscal year 2009 and \$2,367,000 of the education legacy trust account appropriation are provided solely to develop a system of mathematics and science standards and instructional materials that are internationally competitive and consistent with emerging best practices research. Funding in this subsection shall fund all of the following specific projects:

(a) The office of the superintendent of public instruction shall adopt revised state standards in mathematics as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in mathematics selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in mathematics.

(b) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic mathematics curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised mathematics standards.

(c) The office of the superintendent of public instruction shall adopt revised state standards in science as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in science selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in science.

(d) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic science curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised science standards.

(e) The office of the superintendent of public instruction shall evaluate science textbooks, instructional materials, and diagnostic tools to determine the extent to which they are aligned with the revised science standards. Once the evaluations

FORTY-SIXTH DAY, FEBRUARY 28, 2008

have been conducted, results will be shared with science teachers, other educators, and community members.

(f) Funding is provided for the office of the superintendent of public instruction to develop WASL knowledge and skill learning modules to assist students performing at tenth grade level 1 and level 2 in science.

(g) Of the amounts provided in this subsection, \$300,000 is provided solely to the state board of education to increase capacity to implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) and Engrossed Second Substitute Senate Bill No. 6023 (regarding alternative assessments).

~~((6))~~ (7) \$8,950,000 of the education legacy trust account appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of two additional professional development days each school year for fourth and fifth grade teachers. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. In the 2007-08 school year, the professional development activities funded by this subsection shall be focused on development of mathematics knowledge and instructional skills and on improving instruction in science. In the 2008-09 school year, the additional professional development shall focus on skills related to implementing the new international mathematics and science standards and curriculum. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

~~((7))~~ (8) \$13,058,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math teachers and the equivalent of three additional professional development days for middle and high school science teachers. The office of the superintendent of public instruction shall develop rules to determine the number of math and science teachers in middle and high schools within each district. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development, consistent with the following:

(a) For middle school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on development of basic mathematics knowledge and instructional skills and the additional science professional development shall focus on examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For middle school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(b) For high school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on skills related to implementing state math learning modules, the segmented math class/assessment program, the collection of evidence alternative assessment, and basic mathematics knowledge and instructional skills, and the additional science professional development shall focus on skills related to examination of student science assessment data and

2008 REGULAR SESSION

identification of science knowledge and skill areas in need of additional instructional attention. For high school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

~~((8))~~ (9) \$17,491,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for specialized professional development in math for one math teacher and one science teacher in each middle school and one math teacher and one science teacher in each high school. The allocations shall be based on five additional professional development days per teacher and an additional allocation per teacher of \$1,500 for training costs. In order to generate an allocation under this subsection, a teacher must participate in specialized professional development that leads to the implementation of mathematics and science courses that add new rigor to the math and science course offerings in the school. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008.

~~((9))~~ (10) \$5,376,000 of the education legacy trust account--state appropriation is provided solely for a math and science instructional coaches program pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities to twenty-five instructional coaches in middle and high school math in the 2007-08 and 2008-09 school years and twenty-five instructional coaches in middle and high school science in the 2008-09 school years; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program. Each instructional coach will receive five days of training at a coaching institute prior to being assigned to serve two schools each. These coaches will attend meetings during the year to further their training and assist with coordinating statewide trainings on math and science.

~~((10))~~ (11) ~~(\$1,500,000)~~ \$1,133,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,500,000)~~ \$1,133,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

~~((11))~~ (12) \$143,000 of the general fund--state appropriation for fiscal year 2008 and \$139,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

~~((12))~~ (13) \$5,303,000 of the general fund--state appropriation for fiscal year 2008 and \$5,303,000 of the general

FORTY-SIXTH DAY, FEBRUARY 28, 2008

fund--state appropriation for fiscal year 2009 are provided solely for in-service training and educational programs conducted by the Pacific science center and for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific science center.

~~((13))~~ (14) \$675,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support state college readiness assessment fees for eleventh grade students. The office of the superintendent of public instruction shall allocate funds for this purpose to school districts based on the number of eleventh grade students who complete the college readiness exam. School districts shall use these funds to reimburse institutions of higher education for the assessments students take and report to the office of the superintendent of public instruction on the number of assessments provided.

~~((14) \$51,236,000)~~ (15) \$51,701,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in Engrossed Second Substitute Senate Bill 5841 (enhancing student learning opportunities and achievement). The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 10 percent of kindergarten enrollment in the 2007-08 school year and 20 percent of kindergarten enrollment in the 2008-09 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(b) Student enrollment pursuant to this program shall not be included in the determination of a school district's overall K-12 FTE for the allocation of student achievement programs and other funding formulas unless specifically stated.

~~((15))~~ (16) \$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a full-day kindergarten "lighthouse" resource program at the Bremerton school district, as provided in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). The purpose of the program is to provide technical assistance to districts in the initial stages of implementing a high quality full-day kindergarten program.

~~((16))~~ (17) \$3,047,000 of the education legacy trust account--state appropriation is provided solely for grants for three demonstration projects for kindergarten through grade three. The purpose of the grants is to implement best practices in developmental learning in kindergarten through third grade pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement).

~~((17))~~ (18) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely

2008 REGULAR SESSION

for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

~~((18))~~ (19) \$661,000 of the general fund--state appropriation for fiscal year 2008 and \$684,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to school districts to implement emerging best practices activities in support of classroom teachers' instruction of students, with a first language other than English, who struggle with acquiring academic English skills, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). Best practices shall focus on professional development for classroom teachers and support of instruction for English language learners in regular classrooms. School districts qualifying for these grants shall serve a student population that reflects many different first languages among their students. The Northwest educational research laboratory (NWREL) shall evaluate the effectiveness of the practices supported by the grants as provided in section 501 of this act. Recipients of these grants shall cooperate with NWREL in the collection of program data.

~~((19))~~ (20) \$548,000 of the fiscal year 2008 general fund--state appropriation and \$548,000 of the fiscal year 2009 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

~~((20))~~ (21) \$2,348,000 of the general fund--state appropriation for fiscal year 2008 and \$2,348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

~~((21))~~ (22) \$705,000 of the general fund--state appropriation for fiscal year 2008 and \$705,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

~~((22) \$98,761,000)~~ (23) \$105,765,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

~~((23))~~ (24)(a) \$488,000 of the general fund--state appropriation for fiscal year 2008 and \$488,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year

FORTY-SIXTH DAY, FEBRUARY 28, 2008

shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2008 and \$3,046,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

~~((24))~~ (25) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in subsection (25)(b) of this section. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

~~((25))~~ (26) A maximum of \$375,000 of the general fund--state appropriation for fiscal year 2008 and a maximum of \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall offer at least one institute specifically for improving instruction in mathematics in fiscal years 2008 and 2009 and at least one institute specifically for improving instruction in science in fiscal year 2009.

~~((26))~~ (27) \$515,000 of the general fund--state appropriation for fiscal year 2008 and \$515,000 of the general fund--state appropriation for fiscal year 2009 are provided for the evaluation of mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. Once the evaluations have been conducted, results will be shared with math teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students to learn and teachers to teach the content of international standards. In addition, the office of the superintendent shall continue to provide support and information on essential components of comprehensive, school-based reading programs.

~~((27))~~ (28) \$1,764,000 of the general fund--state appropriation for fiscal year 2008 and \$1,764,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

2008 REGULAR SESSION

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

~~((28))~~ (29) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

~~((29) \$30,401,000)~~ (30) \$30,706,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates.

(b) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(c) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(d) The office of the superintendent of public instruction shall issue a report to the legislature in the 2009 session on the progress of each of the pilot programs.

~~((30))~~ (31) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of the superintendent of public instruction to support and award Washington community learning center program grants pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and

FORTY-SIXTH DAY, FEBRUARY 28, 2008

achievement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((31))~~ (32) ~~(\$1,629,000)~~ \$1,643,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,638,000)~~ \$1,667,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to eliminate the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

~~((32))~~ (33) \$400,000 of the education legacy trust account--state appropriation is provided solely for the development of mathematics support activities provided by community organizations in after school programs. Pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education), the office of the superintendent of public instruction shall administer grants to community organizations that partner with school districts to provide these activities and develop a mechanism to report program and student success.

~~((33))~~ (34) \$5,222,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$5,222,000)~~ \$5,285,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

~~((34))~~ (35) \$1,056,000 of the general fund--state appropriation for fiscal year 2008 and \$1,056,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2007 through August 31, 2009.

~~((35))~~ (36) \$3,594,000 of the general fund--state appropriation for fiscal year 2008 and \$3,594,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

~~((36))~~ (37) \$1,959,000 of the general fund--state appropriation for fiscal year 2008 and \$1,959,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

~~((37))~~ (38) \$126,000 of the general fund--state appropriation for fiscal year 2008 and \$126,000 of the general fund--state appropriation for fiscal year 2009 are provided for the development and posting of web-based instructional tools,

2008 REGULAR SESSION

assessment data, and other information that assists schools and teachers implementing higher academic standards.

~~((38))~~ (39) \$333,000 of the general fund--state appropriation for fiscal year 2008 and \$333,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

~~((39))~~ (40) \$12,400,000 of the education legacy trust account--state appropriation is provided solely for one-time allocations for technology upgrades and improvements. The funding shall be allocated based on \$3,000 for each elementary school, \$6,000 for each middle or junior high school, and \$11,000 for each high school. In cases where a particular school's grade span or configuration does not fall into these categories, the office of superintendent of public instruction will develop an allocation to that school that recognizes the unique characteristics but maintains the proportionate allocation identified in this subsection.

~~((40))~~ (41) \$250,000 of the education legacy trust account--state appropriation is provided solely for costs associated with office of the superintendent of public instruction establishing a statewide director of technology position pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((41))~~ (42)(a) ~~(\$9,150,000)~~ \$9,747,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$12,447,000)~~ \$16,047,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher in fiscal year 2008 and adjusted for inflation in fiscal year 2009;

(ii) For national board certified teachers who teach in schools where at least 70 percent of student headcount enrollment is eligible for the federal free or reduced price lunch program, an additional \$5,000 annual bonus to be paid in one lump sum; and

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits. The annual bonus shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) For purposes of this subsection, "schools where at least 70 percent of the student headcount enrollment is eligible for the federal free or reduced price lunch program" shall be defined as:

(i) For the 2007-08 and the 2008-09 school years, schools in which the prior year percentage of students eligible for the federal free and reduced price lunch program was at least 70 percent; and (ii) in the 2008-09 school year, any school that met the criterion in (c)(i) of this subsection in the 2007-08 school year.

(d) Within the amounts appropriated in this subsection, the office of superintendent of public instruction shall revise rules to allow teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching at the Washington school for the deaf or Washington school for the blind, to receive the annual bonus amounts specified in this subsection if they are otherwise eligible.

(e) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute Senate Bill No. 6377 (career and technical education). Of the amount provided in this subsection, up to \$300,000 is provided for administrative costs associated with implementing the legislation, including the establishment of a

FORTY-SIXTH DAY, FEBRUARY 28, 2008

career and technical education awareness campaign. Of the amount provided in this subsection, at least \$2,700,000 is provided for grants and allocations to school districts and skills centers, including, but not limited to, high demand career and technical education programs and summer school programs. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(f) \$11,700,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for an allocation of twelve dollars per full-time equivalent student to maintain and improve library materials, collections, and services. The funding provided in this subsection shall be used to augment current funding for librarian programs provided through basic education and other existing funding mechanisms. In order to receive allocations under this section, school districts must agree that to the maximum extent possible they will ensure that library programs and services are equitably provided throughout the district.

(g) \$600,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute Senate Bill No. 6483 (local farms-healthy kids and communities). Of the amount provided in subsection, up to \$30,000 is provided for administrative costs associated with implementing the legislation and at least \$570,000 is provided for grants to school districts associated with implementing the legislation. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(h) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which requires the office of the superintendent of public instruction to explore online curriculum support in languages other than English. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 512 2007 c 522 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2008)	<del>(\$65,320,000)</del>
	\$65,595,000
General Fund--State Appropriation (FY 2009)	<del>(\$69,217,000)</del>
	\$69,526,000
General Fund--Federal Appropriation	\$45,243,000
TOTAL APPROPRIATION	<del>(\$179,780,000)</del>
	\$180,364,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of ~~(\$824.24)~~ \$824.12 per eligible bilingual student in the 2007-08 school year and ~~(\$840.25)~~ \$840.13 in the 2008-09 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English

2008 REGULAR SESSION

language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(6) Pursuant to RCW 28A.150.260, during the 2007-09 biennium, the office of the superintendent of public instruction shall not make exit of the transitional bilingual program contingent on passing both the Washington language proficiency test and the Washington assessment of student learning without prior legislative approval.

Sec. 513 2007 c 522 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$70,792,000)</del>
	\$68,381,000
General Fund--State Appropriation (FY 2009)	<del>(\$73,156,000)</del>
	\$92,718,000
General Fund--Federal Appropriation	\$360,660,000
Education Legacy Trust Account--State Appropriation	45,953,000
TOTAL APPROPRIATION	<del>(\$550,561,000)</del>
	\$567,712,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of ~~(\$220.37)~~ \$220.34 per funded student for the 2007-08 school year and ~~(\$224.73)~~ \$294.31 per funded student for the 2008-09 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however,

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

carryover funds shall be expended for the learning assistance program.

(5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

(6) \$23,066,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which establishes the extended learning program to provide additional instructional services for eligible students in grades eight, eleven, and twelve during the regular school day, evenings, on weekends, or at other times in order to meet the needs of these students. This funding is in addition to the estimated \$1,732,000 of associated compensation increases associated with this legislation in section 504 of this act. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 514 2007 c 522 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS**

General Fund--State Appropriation (FY 2008)	<del>(\$23,820,000)</del>
	\$12,108,000
General Fund--State Appropriation (FY 2009)	<del>(\$25,177,000)</del>
	\$22,462,000
TOTAL APPROPRIATION	<del>(\$48,997,000)</del>
	\$34,570,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(The)~~ Except as provided in subsection (4) of this section, the amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the Washington assessment of student learning in the spring of their tenth grade year or on a subsequent retake. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) Allocations shall be made to districts only for students actually served in a promoting academic success program.

(b) A portion of the district's annual student units shall be the number of content area assessments (reading, writing, and mathematics) on which eleventh and twelfth grade students were more than one standard error of measurement from meeting standard on the WASL in their most recent attempt to pass the WASL.

(c) The other portion of the district's annual student units shall be the number of content area assessments (reading, writing, and mathematics) on which eleventh and twelfth grade students were less than one standard error of measurement from meeting standard but did not meet standard on the WASL in their most recent attempt to pass the WASL.

(d) Districts with at least one but less than 20 student units combining the student units generated from (b) and (c) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (e) and (f)(i) of this subsection.

(e) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of

certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(f) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:

(i) \$12.80 in school year 2007-08 and ~~(\$13.07)~~ \$13.26 in school year 2008-09 for maintenance, operations, and transportation;

(ii) \$12.29 in school year 2007-08 and ~~(\$12.55)~~ \$12.73 in school year 2008-09 for pre- and post-remediation assessments;

(iii) \$17.41 in school year 2007-08 and ~~(\$17.77)~~ \$18.03 in school year 2008-09 per reading remediation student unit;

(iv) \$8.19 in school year 2007-08 and ~~(\$8.36)~~ \$8.49 in school year 2008-09 per mathematics remediation student unit; and

(v) \$8.19 in school year 2007-08 and ~~(\$8.36)~~ \$8.49 in school year 2008-09 per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) By November 15th of each year, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature and to the office of financial management on the use of these funds in the prior school year, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores. The office of the superintendent for public instruction shall complete its review and make adjustments to district reporting procedures to ensure consistency of reporting categories and minimize district administrative workload.

(4) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program(~~;~~ ~~however;~~). Carryover funds shall be expended for (promoting academic success programs) extended learning activities as described in subsection (1) of this section. Carryover funds may be expended for students eligible for the promoting academic success program as described in subsection (1) of this section or for ninth and tenth grade students determined to be at risk of not passing one or more content areas of the WASL based on eighth grade assessment scores.

Sec. 515 2007 c 522 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Account--State Appropriation (FY 2008)	<del>(\$423,414,000)</del>
	\$423,369,000

Student Achievement Account--State Appropriation (FY 2009)	<del>(\$446,357,000)</del>
	\$444,970,000

TOTAL APPROPRIATION	<del>(\$869,771,000)</del>
	\$868,339,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$450.00 per FTE student for the 2007- 08 school year and ~~(\$459.45)~~ \$458.10 per FTE student for the 2008-09 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as

FORTY-SIXTH DAY, FEBRUARY 28, 2008

reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

**Sec. 516** 2007 c 522 s 519 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** (1) Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2008, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2008 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(End of part)

## PART VI HIGHER EDUCATION

**Sec. 601** 2007 c 522 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

2008 REGULAR SESSION

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection and described in section 603 and part IX of this act shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under (~~RCW 28B.16.015~~) chapter 41.80 RCW. Any additional salary increase granted under the authority of this subsection (2)(c) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c).

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(e) By January 1, 2008, the office of financial management shall work with the institutions of higher education, and with staff from the legislative fiscal committees and the legislative evaluation and accountability program, to identify ways in which the office's "compensation impact model" should be revised or replaced to make the system less costly for institutions to maintain, and more transparent, informative, and useful to the legislature and institutions, while providing information needed to accurately and efficiently negotiate and budget employee compensation changes.

(3) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(4) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2007-08 and 2008-09 academic years, other than the summer term, shall be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges. Tuition fees may be increased in excess of the fiscal growth factor under RCW 43.135.055.

For the 2007-08 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2006-07 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

2006-07 academic year. The state board for community and technical colleges may implement an increase no greater than an average of two percent over tuition and fees charged to (~~full-time~~) resident students for the 2006-07 academic year. The board may increase tuition and fees differentially according to quarterly credit hour load, provided the overall increase in average tuition revenue per resident student does not exceed 2.0 percent.

For the 2008-09 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2007-08 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2007-08 academic year. The state board for community and technical colleges may implement an increase no greater than an average of two percent over tuition and fees charged to (~~full-time~~) resident students for the 2007-08 academic year. The board may increase tuition and fees differentially according to quarterly credit hour load, provided the overall increase in average tuition revenue per resident student does not exceed 2.0 percent.

In addition to the tuition authorization provided under this subsection, amounts appropriated in this budget provide an amount approximately equal to a one percent tuition increase per academic year for the state board for community and technical colleges.

(5) For the 2007-09 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(6) Technical colleges may increase their building fee in excess of the fiscal growth factor until parity is reached with the community colleges.

(7) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(8) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2007-09 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(9) Pursuant to RCW 43.135.055, community and technical colleges are authorized to increase services and activities fee charges in excess of the fiscal growth factor during the 2007-09 biennium. The services and activities fee charges increased pursuant to this subsection shall not exceed the maximum level authorized by the state board for community and technical colleges.

(10) From within the appropriations in sections 603 through 609 of this act, institutions of higher education shall increase compensation for nonrepresented employees in accordance with the following:

(a) Across the Board Adjustments.

(i) Appropriations are provided for a 3.2 percent salary increase effective September 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(ii) Appropriations are provided for a 2.0 percent salary increase effective September 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(iii) No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the director of personnel.

(b) Salary Survey.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's 2006 salary survey, for job classes more than 25 percent below market rates and affected classes.

(c) Classification Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's phase 4 job class consolidation and revisions under chapter 41.80 RCW.

(d) Agency Request Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's agency request job class consolidation and reclassification plan. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v State/Shroll v State*.

(e) Additional Pay Step.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for a new pay step L for those who have been in step K for at least one year.

(f) Retain Fiscal Year 2007 Pay Increase.

For all classified state employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, funding is provided for continuation of the 1.6 percent salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(g) The appropriations are also sufficient for the research and the regional higher education institutions to (i) continue the 1.6 percent salary increase that was provided during fiscal year 2007; and (ii) provide average salary increases of 3.2 percent effective September 1, 2007, and of 2.0 percent effective September 1, 2008, for faculty, exempt administrative and professional staff, graduate assistants, and for all other nonclassified employees.

**Sec. 602** 2007 c 522 s 602 (uncodified) is amended to read as follows:

(1) The appropriations in sections 603 through 609 of this act provide state support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2007-08 Annual Average	2008-09 Annual Average
University of Washington		

Main campus	33,782	34,197
Bothell campus	1,760	1,980
Tacoma campus	2,109	2,349
Washington State University		
Main campus	19,112	19,272
Tri-Cities campus	800	865
Vancouver campus	1,888	2,113
Central Washington University		
	8,952	9,322
Eastern Washington University		
	8,996	9,184
The Evergreen State College		
	4,165	4,213
Western Washington University		
	12,022	12,175
State Board for Community and Technical Colleges	<del>((136,022))</del> <u>136,102</u>	<del>((138,977))</del> <u>139,620</u>

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the Bothell, Tacoma, Tri-Cities, and Vancouver campuses are the minimum levels at which the universities should seek to enroll students for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments among campuses. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needed by the forecast division for tracking and monitoring state-supported college enrollment.

Sec. 603 2007 c 522 s 603 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2008)	<del>(\$638,521,000)</del> \$617,805,000
General Fund--State Appropriation (FY 2009)	<del>(\$654,446,000)</del> \$684,533,000
Education Legacy Trust Account--State Appropriation	<del>(\$105,432,000)</del> \$104,432,000
Administrative Contingency Account--State Appropriation	\$2,950,000
Pension Funding Stabilization Account Appropriation	\$49,800,000
<b>TOTAL APPROPRIATION</b>	<del>(\$1,448,199,000)</del> <u>\$1,459,520,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,040,000 of the education legacy trust account--state appropriation and \$10,920,000 of the general fund--state appropriation for fiscal year 2009 are to expand general enrollments by 900 student FTEs in academic year 2008 and by an additional 1,050 student FTEs in academic year 2009.

(2) \$5,720,000 of the education legacy trust account--state appropriation and \$11,440,000 of the general fund--state appropriation for fiscal year 2009 are to expand high-demand enrollments by 650 student FTEs in fiscal year 2008 and by an additional 650 student FTEs in fiscal year 2009. The programs expanded shall include, but are not limited to, mathematics and health sciences. The state board shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,960,000 of the education legacy trust account--state appropriation is to expand early childhood education programs with a focus on early math and science awareness by 100 student FTEs in fiscal year 2008 and by an additional 150 student FTEs in 2009. The board shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$28,761,000 of the general fund--state appropriation for fiscal year 2008 and \$28,761,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(5) \$3,813,000 of the education legacy trust account--state appropriation and \$7,625,000 of the general fund--state appropriation for fiscal year 2009 are for basic skills education enrollments at community and technical colleges. Budgeted enrollment levels shall increase by 625 student FTEs each year.

(6) \$3,750,000 of the general fund--state appropriation for fiscal year 2008 and \$7,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase salaries and related benefits for part-time faculty. It is intended that part-time faculty salaries will increase relative to full-time faculty salaries after all salary increases are collectively bargained.

(7) \$7,350,000 of the education legacy trust account appropriation is to increase enrollment levels in the integrated basic education, skills, and language program (I-BEST) by 250 student FTEs per year. Each student participating on a full-time basis is budgeted and shall be reported as a single FTE for purposes of this expansion.

(8) \$375,000 of the general fund--state appropriation for fiscal year 2008 and \$375,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the transitions math project. This phase of work shall include the establishment of a single math placement test to be used at colleges and universities statewide.

(9) \$2,835,000 of the education legacy trust account appropriation is to increase enrollment in apprenticeship training programs by 150 student FTEs in each fiscal year.

(10) \$4,000,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the community and technical college system by 1,700 students each year. TRIO eligible students include low-income, first-generation, and college students with disabilities. The state board for community and technical colleges shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 65 percent for TRIO students and other low-

FORTY-SIXTH DAY, FEBRUARY 28, 2008

income and first-generation students served through this appropriation.

(11)(a) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures and targets in 2006. By July 31, 2007, the state board for community and technical colleges and the higher education coordinating board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

(b) The targets previously agreed by the state board and the higher education coordinating board are enumerated as follows:

(i) Increase the percentage and number of academic students who are eligible to transfer to baccalaureate institutions to 18,700;

(ii) Increase the percentage and number of students prepared for work to 23,490; and

(iii) Increase the percentage and number of basic skills students who demonstrate substantive skill gain by 22,850.

The state board for community and technical colleges shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(12) \$452,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for start-up and planning funds for two applied baccalaureate degree programs at community and technical colleges, of which one degree program must be at a technical college. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

(13) \$2,502,000 of the general fund--state appropriation for fiscal year 2008 and \$5,024,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. The state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$50,000)~~ \$550,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(15) ~~(\$2,725,000)~~ \$1,250,000 of the general fund--state appropriation for fiscal year 2008 ~~(and \$2,725,000)~~, \$1,250,000 of the general fund--state appropriation for fiscal year 2009, and \$2,950,000 of the administrative contingency account appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(16) \$504,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for 80 student FTEs in the existing four applied baccalaureate degree programs at community and technical colleges as authorized in chapter 28B.50 RCW.

2008 REGULAR SESSION

(17) \$4,000,000 of the general fund--state appropriation for fiscal year 2008 ~~(, \$4,000,000 of the general fund--state appropriation for fiscal year 2009;)~~ and ~~(\$15,000,000)~~ \$14,000,000 of the education legacy trust account--state appropriation are provided solely for implementation of Second Substitute House Bill No. 1096 (postsecondary opportunities). The state board shall seek additional private sector involvement and support for the opportunity grants program. If the bill is not enacted by June 30, 2007, the education legacy trust account--state appropriation shall lapse. Remaining amounts in this subsection shall be used for an opportunity grant program to provide grants covering community and technical college tuition and fees for up to 45 credits and books or other materials to be awarded to eligible students. Program participants will earn credentials or certificates in industry-defined occupations with a need for skilled employees.

(18) From within the funds appropriated in this section, community and technical colleges shall increase salaries for employees subject to the provisions of Initiative Measure No. 732 by an average of 3.7 percent effective July 1, 2007, and by an average of ~~(2.8)~~ 3.9 percent effective July 1, 2008.

(19) From within the funds appropriated in this section, community and technical colleges shall increase salaries for exempt professional staff by an average of 3.2 percent effective September 1, 2007, and by an average of 2.0 percent effective September 1, 2008.

(20) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for competitive grants to labor, management, and college partnerships to develop or expand and evaluate innovative training programs for incumbent hospital workers that lead to careers in nursing and other high-demand health care fields. The board shall report to the appropriate policy and fiscal committees of the legislature by November 1, 2008, on the initial implementation of the program, including components of the program created, the program sites, and program enrollments including student background and early progress. By November 2009, the board shall provide a follow-up report that additionally includes information on student progress and outcomes.

(21) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the gateway center pilot project at Highline community college for coaching and managing student participants in the pilot program. The coach will be responsible for credentials interpretation, evaluating prior learning experience, ensuring licensure guidance, providing academic advising and translation services, and helping establish employer relationships.

(22) \$198,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Senate Bill No. 6849 (resident student classification). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(23) \$600,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Senate Bill No. 6804 (long-term care worker training grants) at one pilot site. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(24) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 is provided to the state board for community and technical colleges solely for design, development, training, and related expenses associated with a joint labor/management apprenticeship program established under the auspices of an international union, which will include but not be limited to training in composite technology. Of this amount, \$2,150,000 may be used for program development, curriculum development and equipment, training, and related expenses of the apprenticeship program; and \$850,000 may be used to support 130 full time equivalent enrollments at no more than three community and technical colleges, with at least one college being located east of the Cascade mountains. The community and technical colleges shall be selected by the joint

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

labor/management apprenticeship program established under the auspices of an international union in consultation with the state board for community and technical colleges.

(25) \$2,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for 333 additional building and construction trade full-time equivalent apprenticeships. Three-quarters of the new full time equivalent enrollments will be in existing contracted programs, and the remainder will be in college-based programs.

(26) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Renton technical college to implement workplace-based instructional programs that will enable low-wage working immigrants to improve their English language and work-related skills.

(27) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to convert classes taught by faculty employed in part-time positions to classes taught by faculty employed in full-time, tenure-track positions. Particular emphasis shall be placed upon increasing the number of full-time faculty in departments of mathematics, science, adult basic education, early childhood education, and English. The state board shall determine the distribution of these funds among the colleges in consultation with representatives of faculty unions.

Sec. 604 2007 c 522 s 604 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2008)	<del>(\$373,680,000)</del>
	\$373,726,000
General Fund--State Appropriation (FY 2009)	<del>(\$390,058,000)</del>
	\$392,256,000
General Fund--Private/Local Appropriation . . . . .	\$300,000
Education Legacy Trust Account--State	
Appropriation . . . . .	\$43,181,000
Accident Account--State Appropriation . . . . .	\$6,621,000
Medical Aid Account--State Appropriation . . . . .	\$6,448,000
TOTAL APPROPRIATION	<del>(\$820,288,000)</del>
	\$822,532,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,744,000 of the education legacy trust account--state appropriation is to expand general enrollments by 625 student FTEs in fiscal year 2008 and by an additional 625 student FTEs in fiscal year 2009. Of these, 165 FTEs in 2008 and 165 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$6,975,000 of the education legacy trust account--state appropriation is to expand math and science undergraduate enrollments by 250 student FTEs in each fiscal year. The programs expanded shall include mathematics, engineering, and the physical sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, authorized by chapter 70.220 RCW.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at the University of Washington by 250 students each year.

TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$84,000 of the general fund--state appropriation for fiscal year 2008 and \$84,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state climatologist position.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2008 (~~(\$~~) and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007. Work will continue after the submission of the initial report, to include continuing research and the development of financial and policy options and a progress report on fact-finding efforts and stakeholder positions due December 1, 2008.

(8) \$3,830,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences capacity at the University of Washington. Consistent with the medical and dental school extension program appropriations at Washington State University and Eastern Washington University, funding is provided to expand classes at the University of Washington. Medical and dental students shall take the first year of courses for this program at the Riverpoint campus in Spokane and the second year of courses at the University of Washington in Seattle.

(9) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the University of Washington are enumerated as follows:

(a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 8,850;

(b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 1,380;

(c) Increase the combined number of advanced degrees conferred per year at all campuses to 3,610;

(d) Improve the six-year graduation rate for baccalaureate students to 74.7 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 76.0 percent;

(f) Improve the freshman retention rate to 93.0 percent;

(g) Improve time to degree for baccalaureate students to 92 percent at the Seattle campus and 92.5 percent at the Bothell and Tacoma campuses, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this subsection.

The University of Washington shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(10) \$750,000 of the education legacy trust account appropriation is provided solely to increase participation in international learning opportunities, particularly for students with lower incomes who would otherwise not have the chance to study, work, or volunteer outside the United States.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for forestry research by the Olympic natural resources center.

(12) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for coastal marine research by the Olympic natural resources center.

(13) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased education, training, and support services for the families of children with autism, and for the production and distribution of digital video discs in both English and Spanish about strategies for working with people with autism.

(14) \$2,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support for the department of global health.

(15) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the rural technology initiative (initiative) at the University of Washington and the transportation research group (group) at the Washington State University to conduct an economic analysis of the costs to safely provide log hauling services. The initiative will be the lead investigator and administer the project. Neither the University of Washington nor the Washington State University may make a deduction for administrative costs. The project shall rely upon the Washington state patrol for determination of basic safe characteristics, consistent with applicable state and federal law. The analysis shall include:

(a) An estimate of log haulers' cost to operate and maintain a basic and safe log truck without operator including:

(i) Variable costs such as fuel, etc;

(ii) Quasi-variable costs such as:

(A) Tires, brakes, wrappers, and other safety related equipment;

(B) Vehicle insurance, taxes, fees, etc;

(C) Maintenance costs such as oil, lubrication, and minor repairs; and

(D) Depreciation and replacement costs;

(b) The source of these cost estimates where possible should be independent vendors of equipment and services or already existing studies;

(c) A calculation of costs for safe operation expressed as per mile, hour or load volume including consideration for regional differences as well as off-road vs. on-road;

(d) An evaluation of comparable trucking services; and

(e) A review of log truck safety statistics in Washington state.

In conducting the analysis, the initiative shall consult with the northwest log truckers cooperative, the Washington trucking association, the Washington contract loggers association, the Washington farm forestry association, and the Washington forest protection association. By June 30, 2008, the initiative shall provide a report of its findings to the legislature and governor and distribute the findings to interested industry groups.

(17) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state

appropriation for fiscal year 2009 are provided solely to the Burke museum to support science and social science educational programs including public outreach programs, new educational programs and resources, web-based interactive learning experiences, teacher training, and traveling educational opportunities.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the institute for learning and brain sciences.

(19) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(20)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the University of Washington school of law loan repayment assistance program endowment fund. The University of Washington shall conduct fund-raising activities to increase private sector support of the endowment program and \$250,000 of the appropriation in this subsection is contingent on a private sector match. Funds in the law school repayment assistance program endowment fund shall be used to provide graduates who pursue careers in public interest legal positions with payment assistance toward their student loan debt.

(b) The University of Washington law school shall report to the legislature by December 1, 2010, information about the loan repayment assistance program. The report shall contain at least the following information:

(i) A financial summary of the endowment program;

(ii) The number of individuals receiving assistance from the program and information related to the positions in which these individuals are working;

(iii) Any available information regarding the effect of the loan repayment assistance program on student recruitment and enrollment; and

(iv) Other information the school of law deems relevant to the evaluation of the program.

(c) In its rules for administering the program, the school of law must make provision for cases of hardship or exceptional circumstances, as defined by the school of law. Examples of such circumstances include, but are not limited to, family leave, medical leave, illness or disability, and loss of employment.

(d) The loan repayment assistance program must be available to otherwise eligible graduates of the law school who work in positions with nonprofit organizations or government agencies. Such positions must be located within Washington state. Government agencies shall include the various branches of the military.

(21) \$54,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington geriatric education center to develop a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty-two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.

(22) \$88,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the university to increase

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

mental health professional staff by one full-time equivalent employee.

(23) \$408,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Senate Bill No. 5367 (international trade fellowships). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(24) \$340,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Senate Bill No. 6849 (resident student classification). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(25) \$65,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the additional responsibilities assigned to the office of the state climatologist by Senate Bill No. 6308 (climate change research). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(26) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to establish an e-Science institute that will provide infrastructure and consulting expertise to university researchers in advanced computational techniques needed to capture, store, organize, access, mine, visualize, and interpret massive data sets.

(27) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center for implementation of section 5 of Substitute Senate Bill No. 6734 (nurse staffing). If section 5 of the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(28) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the purpose of incentive grants for research or training projects as described by section 1 of Substitute Senate Bill No. 6470 (patients with disabilities) and by Engrossed Substitute House Bill No. 1394 (medical students). If neither bill is enacted by June 30, 2008, then the funding shall lapse.

**Sec. 605** 2007 c 522 s 605 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2008)	<del>(\$231,382,000)</del>
	\$232,201,000
General Fund--State Appropriation (FY 2009)	<del>(\$240,898,000)</del>
	\$244,622,000
Education Legacy Trust Account--State	
Appropriation	\$33,884,000
Pension Funding Stabilization Account	
Appropriation	\$2,450,000
<b>TOTAL APPROPRIATION</b>	<del>(\$508,614,000)</del>
	\$513,157,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,315,000 of the education legacy trust account--state appropriation is to expand general enrollments by 290 student FTEs in fiscal year 2008 and by an additional 300 student FTEs in fiscal year 2009.

(2) \$3,525,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 65 student FTEs in fiscal year 2008, and by an additional 90 FTE students in fiscal year 2009, of which 15 FTEs in each fiscal year are expected to be graduate enrollments. The programs expanded shall include mathematics, engineering, and the physical sciences. Fifty student FTEs in each year will be shifted from general enrollments to high-demand, high-cost fields, and thus do not affect the enrollment levels listed in section 602 of this act. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college

graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$2,356,000 of the education legacy trust account appropriation is to expand bachelors-level, masters-level, and PhD enrollment at the Tri-Cities and Spokane campuses by 45 FTE students in fiscal year 2008, and by an additional 40 FTEs in fiscal year 2009.

(4) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for research and commercialization in bio-products and bio-fuels. Of this amount, \$2,000,000 shall be targeted at the development of new crops to be used in the bio-products facility at WSU-Tri-Cities. The remainder shall be used for research into new bio-products created from agricultural waste to be conducted in the Tri-Cities in a joint program between Washington State University and Pacific Northwest national laboratories.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Washington State University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the development of the Spokane-based applied sciences laboratory into a strong, self-sustaining research organization. The state funds shall be used to recruit and retain at least three senior research scientists; to employ business development and administrative personnel; and to establish and equip facilities for computational modeling and for materials and optical characterization.

(7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, under chapter 70.220 RCW.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(9) \$25,000 of the general fund--state appropriation for fiscal year 2008 ~~(is)~~ and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007. Work will continue after the submission of the initial report, to include continuing research and the development of financial and policy options and a progress report on fact-finding efforts and stakeholder positions due December 1, 2008.

(10) \$6,360,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences offerings in Spokane. The university shall enroll 20 student FTEs in fiscal year 2009 in a University of Washington medical school extension program at the Riverpoint campus of WSU in Spokane. Students shall take the first year of courses for this

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

program at the Riverpoint campus in Spokane, and shall do their clinical rotations and other upper level training in the inland northwest.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for start-up and ongoing operation of the Vancouver campus-based electrical engineering program.

(12) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Washington State University are enumerated as follows:

- (a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 4,170;
- (b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 630;
- (c) Increase the combined number of advanced degrees conferred per year at all campuses to 1,090;
- (d) Improve the six-year graduation rate for baccalaureate students to 63.2 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 65.4 percent;
- (f) Improve the freshman retention rate to 84.8 percent;
- (g) Improve time to degree for baccalaureate students to 92 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Washington State University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(13) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(14) \$3,000,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the unified agriculture initiative at Washington State University. Funds are provided for competitive agriculture grant funds, of which \$400,000 is provided for biological intensive and organic agriculture grants; for operating and program support for the university's research and extension centers, of which \$735,000 is for maintenance and operations support for the Mount Vernon research facility; and for positions to fill research gaps in the development of value-added agricultural products and economically and environmentally sustainable food production.

(15) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for support of basic operations and research at the university's grizzly bear study center.

(16) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the energy development center to establish certification standards and to process applications for renewable energy cost recovery incentives, as provided in chapters 300 and 301, Laws of 2005.

(17) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Washington State University to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(18) \$77,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the university to increase mental health professional staff by one full-time equivalent employee.

(19) \$160,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for administrative resources and personnel necessary for the implementation of Senate Bill No. 6737 (WSU collective bargaining). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(20) \$159,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Senate Bill No. 6849 (resident student classification). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(21) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Senate Bill No. 6775 (digital literacy). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(22) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement a teacher preparation program at Washington State University-Vancouver that will prepare currently-licensed teachers to more effectively educate K-12 students who are deaf or hearing-impaired. The program will use a variety of distance learning instructional methods and delivery formats in order to reach teachers throughout the state.

(23) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to expand services at the Renton small business development center.

(24) \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center for implementation of section 5 of Substitute Senate Bill No. 6734 (nurse staffing). If section 5 of the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 606** 2007 c 522 s 606 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008)	( <del>(\$48,907,000)</del> )
	\$48,911,000
General Fund--State Appropriation (FY 2009)	( <del>(\$50,736,000)</del> )
	\$51,047,000
Education Legacy Trust Account--State	
Appropriation .....	\$14,753,000
Pension Funding Stabilization Account	
Appropriation .....	\$4,758,000
	<b>TOTAL APPROPRIATION</b> ( <del>(\$119,154,000)</del> )
	<b>\$119,469,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$930,000 of the education legacy trust account--state appropriation is to expand general enrollments by 130 student FTEs in fiscal year 2009. Of these, 30 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$1,170,000 of the education legacy trust account--state appropriation is to expand high-demand undergraduate enrollments by 50 student FTEs in each fiscal year. The

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

programs expanded shall include, but are not limited to, mathematics, engineering, and health sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Eastern Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(4) \$1,021,000 of the education legacy trust account--state appropriation is provided solely for the RIDE program. The program shall enroll eight student FTEs in the University of Washington school of dentistry in fiscal year 2009. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and their second and third years at the University of Washington school of dentistry.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Eastern Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2035;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 405;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 550;
- (d) Improve the six-year graduation rate for baccalaureate students to 50.0 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.0 percent;
- (f) Improve the freshman retention rate to 76.0 percent;
- (g) Improve time to degree for baccalaureate students to 81.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and
- (h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Eastern Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(7) \$85,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the university to increase mental health professional staff by one full-time equivalent employee.

(8) \$62,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the institute for public policy and economic analysis to conduct an assessment of the likely medical, health care delivery, and economic consequences of the proposed sale of a major eastern Washington health care delivery system.

(9) \$165,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the northwest autism center to increase child diagnostic services and teacher training services.

Sec. 607 2007 c 522 s 607 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008)	<del>(\$47,326,000)</del>
	\$47,691,000
General Fund--State Appropriation (FY 2009)	<del>(\$49,539,000)</del>
	\$50,289,000
Education Legacy Trust Account--State	
Appropriation .....	\$16,219,000
Pension Funding Stabilization Account	
Appropriation .....	\$4,330,000
<b>TOTAL APPROPRIATION</b>	<del>(\$117,414,000)</del>
	\$118,529,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,474,000 of the education legacy trust account--state appropriation is to increase general enrollments by 70 FTE students in fiscal year 2008 and by an additional 211 FTE enrollments in fiscal year 2009. At least 30 of the additional fiscal year 2009 enrollments are expected to be graduate students.

(2) \$1,816,000 of the education legacy trust account--state appropriation for fiscal year 2008 is to increase math and science enrollments by 105 FTE students in fiscal year 2008 and by an additional 89 FTE students in fiscal year 2009. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,801,000 of the education legacy trust account--state appropriation is to increase high-demand undergraduate enrollments by 85 student FTEs in fiscal year 2008 and by an additional 70 FTE students in fiscal year 2009. The programs expanded shall include, but are not limited to, bilingual education and information technology. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Central Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Central Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,050;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 49;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 196;
- (d) Improve the six-year graduation rate for baccalaureate students to 51.1 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 72.3 percent;
- (f) Improve the freshman retention rate to 78.2 percent;
- (g) Improve time to degree for baccalaureate students to 86.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and
- (h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Central Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) \$500,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1497 (Central Washington University operating fee waivers). If the bill is not enacted by June 30, 2007, this appropriation shall lapse.

(7) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(8) \$80,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the university to increase mental health professional staff by one full-time equivalent employee.

(9) \$11,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement the 2.0 percent fiscal year 2009 cost-of-living adjustment effective July 1, 2008, rather than September 1, 2008, for employees represented by the public school employees of Washington collective bargaining unit. If a collective bargaining agreement is not reached by June 30, 2009, the amount provided in this subsection shall lapse.

Sec. 608 2007 c 522 s 608 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2008)	<del>((29,744,000))</del>
	\$29,747,000
General Fund--State Appropriation (FY 2009)	<del>((30,057,000))</del>
	\$30,429,000
Education Legacy Trust Account--State	
Appropriation	\$4,758,000
TOTAL APPROPRIATION	<del>((64,559,000))</del>
	\$64,934,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$562,000 of the education legacy trust account--state appropriation is to expand upper division math and science enrollments by 22 student FTEs in fiscal year 2008 and by an additional 28 student FTEs in fiscal year 2009.

(2) \$260,000 of the education legacy trust account--state appropriation for fiscal year 2009 is for 20 student FTE graduate enrollments in the masters in education program.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at The Evergreen State College by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

(4) \$614,000 of the education legacy trust account appropriation is provided solely to increase the number and value of tuition waivers awarded to state-supported students.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the college and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and The Evergreen State College are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 1182;
- (b) Increase the number of advanced degrees conferred per year at all campuses to 92;
- (c) Improve the six-year graduation rate for baccalaureate students to 57.0 percent;
- (d) Improve the three-year graduation rate for students who transfer with an associates degree to 72.8 percent;
- (e) Improve the freshman retention rate to 73.9 percent;
- (f) Improve time to degree for baccalaureate students to 97.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(g) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Evergreen State College shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(7) \$435,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the Washington state institute for public policy (WSIPP) to assist the joint task force on basic education finance created pursuant to Engrossed Second Substitute Senate Bill No. 5627 (requiring a review and development of basic education funding). The institute shall assist the joint task force in a review of the definition of basic education and the development of options for a new funding structure for K-12 public schools. ~~((If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.))~~ The joint task force on basic education finance as created in chapter 399, Laws of 2007 shall consider the ruling of the King County Superior Court in the matter of *Federal Way School District v. The State of Washington* in developing recommendations for a new basic education school finance formula. The recommendations should include proposals that

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

directly address the issue of equity in salary allocations in the new school finance formula.

(8) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to study the program effectiveness and cost-benefit of state-funded programs that meet the criteria of evidence-based programs and practices, and emerging best practice/promising practice, as defined in RCW 71.24.025 (12) and (13) for adult offenders in the department of corrections, and juvenile offenders under state and local juvenile authority.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to evaluate the effectiveness of current methods for screening and treating depression in women who receive temporary assistance for needy families (TANF), and to make recommendations for their improvement.

(10) \$133,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Substitute House Bill No. 1472 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(11) Notwithstanding other provisions in this section, the Washington state institute for public policy may adjust due dates for projects included on the institute's 2007-09 workplan as necessary to efficiently manage workload.

(12) \$85,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the college to increase mental health professional staff by one full-time equivalent employee.

(13) \$45,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy (WSIPP) to implement Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(14) \$10,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Senate Bill No. 6849 (resident student classification). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(15) \$23,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement the evaluation required by Senate Bill No. 6665 (crisis response programs). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(16) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to conduct a review of research on service and support programs for children and adults with developmental disabilities, excluding special education, and an economic analysis of net program costs and benefits. The institute shall submit a preliminary report of findings by January 1, 2009, and a final report by June 30, 2009.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to examine data gathered through the address verification activities funded in section 217(10) of this act and through interviews with selected law enforcement jurisdictions who receive the funding to assess the prevalence of sex offenders who register as homeless as a means to avoid disclosing their residence. The institute shall report its findings and estimates to appropriate policy committees of the legislature by December 1, 2008.

(18) \$55,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to analyze local practices regarding RCW 28A.225.020, 28A.225.025, and 28A.225.030.

(a) The institute shall: (i) Sample school districts' and superior courts' expenditures in fiscal years 2005, 2006, 2007, and 2008 used to comply with RCW 28A.225.020, 28A.225.025, and 28A.225.030; (ii) evaluate evidence-based, research-based, promising, and consensus-based truancy intervention and prevention programs and report on local practices that could be designated as such; (iii) survey school district truancy petition and intervention programs and services currently available and report on any gaps in accessing services; (iv) survey the districts' definitions of "absence" and "unexcused absence"; and (v) survey the courts' frequency of use of contempt proceedings and barriers to the use of proceedings.

(b) In conducting its analysis, the institute may consult with employees and access data systems of the office of the superintendent of public instruction and any educational service district or school district and the administrative office of the courts, each of which shall provide the institute with access to necessary data and administrative systems.

Sec. 609 2007 c 522 s 609 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008)	<del>(\$66,716,000)</del>
	\$66,774,000
General Fund--State Appropriation (FY 2009)	<del>(\$69,917,000)</del>
	\$70,197,000
Education Legacy Trust Account--State	
Appropriation .....	\$11,845,000
<b>TOTAL APPROPRIATION</b>	<del><b>(\$148,478,000)</b></del>
	<b>\$148,816,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 8 student FTEs in fiscal year 2008 and by an additional 8 student FTEs in fiscal year 2009. Programs expanded include cell and molecular biology. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(2) \$4,013,000 of the education legacy trust account--state appropriation is to expand general enrollments by 235 student FTEs in fiscal year 2008 and by an additional 130 student FTEs in fiscal year 2009. Of these, 24 FTEs in each fiscal year are expected to be graduate student FTEs.

(3) \$920,000 of the education legacy trust account--state appropriation is to expand high demand enrollments by 50 FTE students in fiscal year 2008 and by an additional 15 FTE students in fiscal year 2009. Programs expanded include early childhood education and teaching English as a second language. The university shall provide data to the office of financial management regarding high-demand enrollments, graduations, and employment of college graduates related to state investments in high demand enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of low-income and first-generation students served in the student outreach services program at Western Washington University by 500 students over the biennium. The student outreach services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

TOTAL APPROPRIATION . ~~((18,218,000))~~  
\$19,054,000

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The appropriations in this section are subject to the following conditions and limitations:

The checkpoints previously agreed by the board and the Western Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,968;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 371;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 375;
- (d) Improve the six-year graduation rate for baccalaureate students to 62.8 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.4 percent;
- (f) Improve the freshman retention rate to 85.0 percent;
- (g) Improve time to degree for baccalaureate students to 95.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(1) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain and update a scholarship clearinghouse that lists every public and private scholarship available to Washington students. The higher education coordinating board shall develop a web-based interface for students and families as well as a common application for these scholarships.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2008 and \$330,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (the passport to college promise). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Western Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008 and \$191,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration of conditional scholarships.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, the university shall report progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations to the higher education coordinating board by October 1st of each year.

(5) Except for moneys provided in this section for specific purposes, and to the extent that the executive director finds that the agency will not require the full amount appropriated for a fiscal year in this section, the unexpended appropriation shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes of fulfilling unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(7) \$1,169,000 of the education legacy trust account appropriation is for the advanced materials science and engineering program. The program shall develop the advanced materials science and engineering center for research, teaching, and development which will offer a minor degree in materials science and engineering beginning in the fall 2009.

(6) \$200,000 of the general fund--state appropriation is provided solely to implement a capital facility and technology capacity study which will compare the 10-year enrollment projections with the capital facility requirements and technology application and hardware capacity needed to deliver higher education programs for the period 2009-2019. The ~~(joint legislative audit and review committee)~~ higher education coordinating board shall:

(8) \$444,000 of the general fund--state appropriation for fiscal year 2008 and \$611,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of the biomedical research activities in neuroscience (BRAIN) program. The program shall link biology and chemistry curriculum to prepare students for biomedical research positions in academia and industry.

(a) Develop the study in collaboration with the state board for community and technical colleges, ~~(the higher education coordinating board),~~ four-year universities, and the Washington independent colleges;

(9) \$62,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the university to increase mental health professional staff by one full-time equivalent employee.

(b) Determine the 10-year capital facilities and technology application and hardware investment needed by location to deliver higher education programs to additional student FTE;

Sec. 610 2007 c 522 s 610 (uncodified) is amended to read as follows:

(c) Estimate operational and capital costs of the additional capacity; and

**FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

(d) Report findings to the legislature on October 1, 2008.

General Fund--State Appropriation (FY 2008) .	<del>((6,922,000))</del>
	\$7,282,000
General Fund--State Appropriation (FY 2009) .	<del>((6,954,000))</del>
	\$7,430,000
General Fund--Federal Appropriation . . . . .	\$4,342,000

(7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to prepare a program and operating plan for a higher education center in the Kitsap county area. The plan shall be developed in consultation with an advisory committee of civic, business, and educational leaders from Clallam, Jefferson, Kitsap, and Mason counties. It shall include a projection of lower and upper division and graduate enrollment trends in the study area; a review of assessments of employer needs; an inventory of existing and needed post-secondary programs; recommended strategies for promoting active program participation in, and extensive program offerings at, the center by public and private baccalaureate institutions; and an estimate of operating and capital costs for the creation and operation of the center. The board shall submit its findings and

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

recommendations to the governor and legislature by December 1, 2008.

(8) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

Sec. 611 2007 c 522 s 611 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 2008)	<del>(\$163,286,000)</del>
	\$163,012,000
General Fund--State Appropriation (FY 2009)	<del>(\$187,252,000)</del>
	\$188,716,000
General Fund--Federal Appropriation . . . . .	\$13,122,000
Education Legacy Trust Account--State Appropriation . . . . .	\$108,188,000
<b>TOTAL APPROPRIATION</b>	<del>(\$471,848,000)</del>
	\$473,038,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$154,837,000)~~ \$154,486,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$177,863,000)~~ \$178,421,000 of the general fund--state appropriation for fiscal year 2009, \$49,902,000 of the education legacy trust account appropriation for fiscal year 2008, \$40,050,000 of the education legacy trust account appropriation for fiscal year 2009, and \$2,886,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program; the Washington scholars program; and the Washington award for vocational excellence. All four programs shall increase grant awards sufficiently to offset the full cost of the resident undergraduate tuition increases authorized under this act.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall be expanded to include students with family incomes at or below 70 percent of the state median family income, adjusted for family size. Awards for students with incomes between 66 percent and 70 percent of the state median shall be 50 percent of the award amount granted to those with incomes below 51 percent of the median.

(3) To the extent that the executive director determines that the agency will not award the full amount appropriated in subsection (1) of this section for a fiscal year, unexpended funds shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes first of fulfilling the unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(4) \$7,400,000 of the education legacy trust account appropriation is provided solely for investment to fulfill the scholarship commitments that the state incurs in accordance with Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$2,500,000 of the education legacy trust account--state appropriation is provided solely to expand the gaining early awareness and readiness for undergraduate programs project to at least 25 additional school districts.

(6) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to teach secondary mathematics and science. \$500,000 of this amount is provided to increase the future teacher scholarship and conditional loan program by at least 35 students per year. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary math and science classrooms.

(7) \$2,336,000 of the education legacy trust account--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). Funds are provided for student scholarships, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$246,000 of the general fund--state appropriation for fiscal year 2008 and \$246,000 of the general fund--state appropriation for fiscal year 2009 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$75,000)~~ \$575,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1179 (state need grant). State need grants provided to students enrolled in just three to five credit-bearing quarter credits, or the equivalent semester credits, shall not exceed the amounts appropriated in this subsection. By November 1 of each year, the board shall report to the office of financial management and to the operating budget committees of the house of representatives and senate on the number of eligible but unserved students enrolled in just three to five quarterly credits, or the semester equivalent, and the estimated cost of serving them. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$5,000,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1779 (GET ready for math and science). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the health professional scholarship and loan program. The funds provided in this subsection (a) shall be prioritized for health care delivery sites demonstrating a commitment to serving uninsured patients, as measured by the percentage of their patients that are uninsured; and (b) shall be allocated between loan repayments and scholarships proportional to current program allocations.

Sec. 612 2007 c 522 s 612 (uncodified) is amended to read as follows:

**FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2008) . . . .	\$1,757,000
General Fund--State Appropriation (FY 2009) .	<del>(\$1,772,000)</del>
	\$2,072,000
General Fund--Federal Appropriation . . . . .	\$54,011,000
General Fund--Private/Local Appropriation . . . . .	\$300,000
<b>TOTAL APPROPRIATION</b> .	<del>(\$57,540,000)</del>

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

\$58,140,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$340,000 of the general fund--state appropriation for fiscal year 2008 and \$340,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to:

(a) Allocate grants on a competitive basis to establish and support industry skill panels. Grant recipients shall provide an employer match of at least twenty-five percent, and identify work force strategies to benefit employers and workers across the industry; and

(b) Establish industry skill panel standards that identify the expectations for industry skill panel products and services.

(2) \$53,000 of the general fund--state appropriation for fiscal year 2008 and \$53,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the oversight of private vocational and career schools.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Senate Bill No. 6295 (workplace-based learning). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 613** 2007 c 522 s 614 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF EARLY LEARNING**

General Fund--State Appropriation (FY 2008)	<del>(\$61,780,000)</del>
	\$62,302,000
General Fund--State Appropriation (FY 2009)	<del>(\$72,707,000)</del>
	\$75,936,000
General Fund--Federal Appropriation . . . . .	\$192,360,000
General Fund--Private/Local Appropriation . . . . .	\$6,000
TOTAL APPROPRIATION	<del>(\$326,853,000)</del>
	\$330,604,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$47,919,000 of the general fund--state appropriation for fiscal year 2008 and \$56,437,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for early childhood education and assistance program services.

(a) Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(b) Within the amounts provided in this subsection (1), the department shall increase the number of children receiving early childhood education and assistance program services by 2,250 slots.

(c) Within the amounts provided in this subsection (1), the department shall increase the minimum provider per slot payment to \$6,500 in fiscal year 2008. Any provider receiving slot payments higher than \$6,500 shall receive a 2.0 percent vendor rate increase in fiscal year 2008. All providers shall receive a 2.0 percent vendor rate increase in fiscal year 2009.

(2) \$775,000 of the general fund--state appropriation for fiscal year 2008 and \$4,225,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to: (a) Develop a quality rating and improvement system; and (b) pilot the quality rating and improvement system in multiple locations. Four of the pilot sites are to be located within the following counties: Spokane, Kitsap, King, and Yakima. The department shall analyze and evaluate the pilot sites and report initial findings to the legislature by December 1, 2008. Prior to statewide implementation of the quality rating and improvement system, the department of early learning shall present the system to the legislature and the legislature shall formally approve the implementation of the system through the omnibus appropriations act or by statute or concurrent resolution.

(3) \$850,000 of the general fund--state appropriation for fiscal year 2008 and \$850,000 of the general fund--state

appropriation for fiscal year 2009 are provided solely for the department to contract for child care referral services.

(4) \$1,200,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers. This includes funding for the department to conduct a random sample survey of parents to determine the types of early learning services and materials parents are interested in receiving from the state. The department shall report the findings to the appropriate policy and fiscal committees of the legislature by October 1, 2008.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a child care consultation pilot program linking child care providers with evidence-based and best practice resources regarding caring for infants and young children who present behavior concerns.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the child care career and wage ladder program created by chapter 507, Laws of 2005.

(7) \$172,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to purchase licensing capability from the department of social and health services through the statewide automated child welfare information system.

(8) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and \$1,100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a childcare grant program for public community colleges and public universities. A community college or university that employs collectively bargained staff to operate childcare programs may apply for up to \$25,000 per year from the department per each type of the following programs: Head start, childcare, early childhood assistance and education. The funding shall only be provided for salaries for collectively bargained employees.

(9) Beginning October 1, 2007, the department shall be the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(10) Prior to the development of an early learning information system, the department shall submit to the education and fiscal committees of the legislature a completed feasibility study and a proposal approved by the department of information systems and the information services board. The department shall ensure that any proposal for the early learning information system includes the cost for modifying the system as a result of licensing rule changes and implementation of the quality rating and improvement system.

(11) The department, in conjunction with the early learning advisory council, shall report by June 30, 2009, to the governor and the appropriate committees of the legislature regarding the following:

(a) Administration of the state training and registry system, including annual expenditures, participants, and average hours of training provided per participant;

(b) The status of activities related to parent and consumer access to accurate information about child care, including the toll-free number established under RCW 43.215.520 and the web site on licensing and enforcement actions as provided in RCW 43.215.525, 43.215.530, and 43.512.370;

(c) Efforts concerning public education regarding unlicensed child care;

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

(d) The results of negotiated rule-making for family child care licensees as provided in RCW 43.215.350, and if applicable, negotiated rule-making for child care centers;

(e) Evaluations available on the roles and responsibilities of the child care resource and referral network in providing information to assist parents in making informed child care decisions; and

(f) Efforts regarding the establishment of statewide standards on preservice and continuing training and education for child care providers.

(12) The department shall use federal child care development fund money to satisfy the federal audit requirement of the improper payments act (IPIA) of 2002. In accordance with the IPIA's rules, the money spent on the audits will not count against the five percent state limit on administrative expenditures.

Sec. 614 2007 c 522 s 615 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 2008)	. (( <del>\$5,958,000</del> ))
	\$5,969,000
General Fund--State Appropriation (FY 2009)	. (( <del>\$6,186,000</del> ))
	\$6,237,000
General Fund--Private/Local Appropriation . . . .	(( <del>\$1,600,000</del> ))
	\$1,608,000
TOTAL APPROPRIATION . . . .	(( <del>\$13,744,000</del> ))
	\$13,814,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to defend the state's interpretive position in the case of *Delyria & Koch v. Washington State School for the Blind*.

Sec. 615 2007 c 522 s 616 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (FY 2008)	. (( <del>\$8,731,000</del> ))
	\$8,858,000
General Fund--State Appropriation (FY 2009)	. (( <del>\$9,015,000</del> ))
	\$9,146,000
General Fund--Private/Local Appropriation . . . . .	(( <del>\$232,000</del> ))
	\$316,000
TOTAL APPROPRIATION . . . . .	(( <del>\$17,978,000</del> ))
	\$18,320,000

The appropriations in this section are subject to the following conditions and limitations: \$84,000 of the general fund--private/local appropriation for fiscal year 2009 is provided solely for the operation of the shared reading video outreach program. The school for the deaf shall provide this service to the extent it is funded by contracts with school districts and educational service districts.

Sec. 616 2007 c 522 s 618 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2008)	. . . . \$3,558,000
General Fund--State Appropriation (FY 2009)	. (( <del>\$3,609,000</del> ))
	\$3,864,000
TOTAL APPROPRIATION . . . . .	(( <del>\$7,167,000</del> ))
	\$7,422,000

The appropriations in this section are subject to the following conditions and limitations: \$255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state Holocaust education resource center

for the purposes of preserving Washington's historical connection to the Holocaust and expanding understanding of the Holocaust and genocide. Grant moneys may be used to develop and disseminate education and multimedia curriculum resources; provide teacher training; acquire and maintain primary source materials and Holocaust artifacts; collect and preserve oral accounts from Washington state Holocaust survivors, liberators, and witnesses; and build organizational capacity.

Sec. 617 2007 c 522 s 619 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2008)	. . . . \$1,918,000
General Fund--State Appropriation (FY 2009)	. (( <del>\$2,046,000</del> ))
	\$2,134,000
TOTAL APPROPRIATION . . . . .	(( <del>\$3,964,000</del> ))
	\$4,052,000

The appropriations in this section are subject to the following conditions and limitations: \$88,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to catalog the American Indian collection.

(End of part)

**PART VII SPECIAL APPROPRIATIONS**

Sec. 701 2007 c 522 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund--State Appropriation (FY 2008)	(( <del>\$724,362,000</del> ))
	\$835,274,000
General Fund--State Appropriation (FY 2009)	(( <del>\$764,561,000</del> ))
	\$684,324,000
State Building Construction Account--State	
Appropriation . . . . .	(( <del>\$8,970,000</del> ))
	\$11,970,000
Columbia River Basin Water Supply Development	
Account--State Appropriation . . . . .	\$148,000
Hood Canal Aquatic Rehabilitation Bond	
Account--State Appropriation . . . . .	\$23,000
State Taxable Building Construction	
Account--State Appropriation . . . . .	(( <del>\$168,000</del> ))
	\$513,000
Gardner-Evans Higher Education Construction	
Account--State Appropriation . . . . .	(( <del>\$1,790,000</del> ))
	\$1,902,000
Debt-Limit Reimbursable Bond Retire	
Account--State Appropriation . . . . .	(( <del>\$2,624,000</del> ))
	\$2,589,000
TOTAL APPROPRIATION (( <del>\$1,502,646,000</del> ))	
	\$1,536,743,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account.

Sec. 702 2007 c 522 s 702 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

**GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account--State Appropriation . . . . .	<del>(\$22,553,000)</del>
	\$22,535,000
Accident Account--State Appropriation . . . . .	<del>(\$5,204,000)</del>
	\$5,135,000
Medical Aid Account--State Appropriation . . . . .	<del>(\$5,204,000)</del>
	\$5,135,000
TOTAL APPROPRIATION . . . . .	<del>(\$32,961,000)</del>
	\$32,805,000

**Sec. 703** 2007 c 522 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$27,068,000)</del>
	\$26,848,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$27,825,000)</del>
	\$27,728,000
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation . . . . .	<del>(\$136,332,000)</del>
	\$135,967,000
TOTAL APPROPRIATION . . . . .	<del>(\$191,225,000)</del>
	\$190,543,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**Sec. 704** 2007 c 522 s 704 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$1,357,000)</del>
	\$750,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$1,357,000)</del>
	\$750,000
State Building Construction Account--State Appropriation . . . . .	\$1,546,000
Columbia River Basin Water Supply Development Account--State Appropriation . . . . .	\$17,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation . . . . .	\$3,000
State Taxable Building Construction Account--State Appropriation . . . . .	\$122,000
Gardner-Evans Higher Education Construction Account--State Appropriation . . . . .	\$452,000
TOTAL APPROPRIATION . . . . .	<del>(\$4,854,000)</del>
	\$3,640,000

**Sec. 705** 2007 c 522 s 705 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY POOL**

Disaster Response Account--State Appropriation . . . . .	<del>(\$4,000,000)</del>
	\$8,500,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is for the purpose of making allocations to the Washington state patrol for ~~((fire mobilizations costs or to the department of natural resources for fire suppression costs))~~ any Washington state fire

service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964.

**Sec. 706** 2007 c 522 s 706 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$2,000,000)</del>
	\$6,500,000
General Fund--State Appropriation (FY 2009) . . . . .	\$2,000,000
TOTAL APPROPRIATION . . . . .	<del>(\$4,000,000)</del>
	\$8,500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account for the purposes specified in section 705 of this act.

NEW SECTION. **Sec. 707** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
  - (a) George E. Linkenhoker, claim number SCJ 2008-01 . . . . . \$24,628
  - (b) Charles A. Gardner, claim number SCJ 2008-02 . . . . . \$ 2,715
  - (c) Judd Hurst, claim number SCJ 2008-03 . . . . . \$ 2,000
  - (d) Thomas J. Nelson, claim number SCJ 2008-04 . . . . . \$ 5,000
  - (e) William R. Sauters, Jr., claim number SCJ 2008-05 . . . . . \$11,408
  - (f) Michael E. Greene, claim number SCJ 2008-06 . . . . . \$ 1,500
  - (g) Jeffery A. Cobb, claim number SCJ 2008-08 . . . . . \$ 7,600

**Sec. 708** 2007 c 522 s 716 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT-- WATER QUALITY CAPITAL ACCOUNT**

Water Quality Account--State Appropriation (FY 2008) . . . . .	<del>(\$25,135,000)</del>
	\$19,274,000
<u>Water Quality Account--State Appropriation (FY 2009) . . . . .</u>	<u>\$3,000,000</u>
TOTAL APPROPRIATION . . . . .	<u>\$22,274,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the water quality capital account. ~~((# House Bill No. 1137 (water quality capital account) is not enacted by June 30, 2007, the appropriation in this section shall lapse.))~~

**Sec. 709** 2007 c 522 s 718 (uncodified) is amended to read as follows:

**INCENTIVE SAVINGS--FY 2008.** The sum of one hundred twenty-five million dollars or so much thereof as may be available on June 30, 2008, from the total amount of unspent fiscal year 2008 state general fund and related funds appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

- (1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality,

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

TOTAL APPROPRIATION . . . ~~(\$64,241,000)~~  
\$61,499,000

(2) The remainder of the total amount, not to exceed ~~((seventy-five))~~ one hundred million dollars, is appropriated to the education savings account.

The appropriations in this section are provided solely for deposit to and expenditure from the data processing revolving account and are subject to the following conditions and limitations:

**Sec. 710** 2007 c 522 s 719 (uncodified) is amended to read as follows:

(1) The appropriations in this section, for expenditure to the data processing revolving account, are to be known as the "information technology funding pool" and are under the joint control of the department of information services and the office of financial management. The department of information services shall review information technology proposals and work jointly with the office of financial management to determine the projects to be funded and the amounts and timing of release of funds. To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special technology funding revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management pursuant to LEAP Document ~~((FA-2007))~~ ITA-2008 as developed by the legislative evaluation and program committee on ~~((April 20, 2007, at 13:04))~~ February 26, 2008, at 16:00 hours.

**INCENTIVE SAVINGS--FY 2009.** The sum of one hundred ~~twenty-five~~ million dollars or so much thereof as may be available on June 30, 2009, from the total amount of unspent fiscal year 2009 state general fund and related funds appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) In exercising this authority, the department of information services and the office of financial management shall:

(2) The remainder of the total amount, not to exceed ~~((seventy-five))~~ one hundred million dollars, is appropriated to the education savings account.

**Sec. 711** 2007 c 522 s 722 (uncodified) is amended to read as follows:

(a) Seek opportunities to reduce costs and achieve economies of scale by leveraging statewide investments in systems and data and other common or enterprise-wide solutions within and across state agencies that include standard software, hardware, and other information technology systems infrastructure, and common data definitions and data stores that promote the sharing of information across agencies whenever possible;

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
COUNTY SUBSTANCE ABUSE PROGRAMS**

General Fund--State Appropriation (FY 2008) . . . . \$600,000  
General Fund--State Appropriation (FY 2009) . . . ~~(\$600,000)~~  
\$800,000  
TOTAL APPROPRIATION . . ~~(\$1,200,000)~~  
\$1,400,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for allocation to counties that are eligible for funding for chemical dependency or substance abuse treatment programs pursuant to RCW 70.96A.325.

(b) Ensure agencies incorporate project management best practices and consider lessons learned from other information technology projects; and

**NEW SECTION. Sec. 712** A new section is added to 2007 c 522 (uncodified) to read as follows:

(c) Develop criteria for the evaluation of information technology project funding proposals to include the determination of where common or coordinated technology or data solutions may be established, and identification of projects that cross fiscal biennia or are dependent on other prior, current, or future related investments.

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT--FEDERAL REIMBURSEMENT FOR  
HEALTH INSURANCE TRANSFERS**

General Fund--State Appropriation (FY 2008) . . . \$11,000,000

The appropriation in this section is subject to the following conditions and limitations: The United States department of health and human services has determined that a portion of funds transferred from the public employees' and retirees' insurance account in fiscal years 2006 and 2007, made pursuant to sections 805 and 806, chapter 372, Laws of 2006, contained federal funds that were not authorized to be included in the transfer. The appropriation in this section is provided solely to reimburse the United States department of health and human services in accordance with their determination letter that the federal funds transferred from the public employees' and retirees' insurance account were transferred in error and must be reimbursed to the United States Treasury.

(3) In allocating funds for the routine replacement of software and hardware, the information services board and office of financial management shall presume that agencies should have sufficient funding in their base allocation to pay for such replacement and that any allocations out of these funds are for extraordinary maintenance costs.

**Sec. 713** 2007 c 522 s 1621 (uncodified) is amended to read as follows:

~~(((5)))~~ (4) Funds in the 2007-09 biennium may only be expended on the projects listed on LEAP Document ~~((FA-2007))~~ IT-2008, as generated by the legislative evaluation and accountability program committee on ~~((April 20, 2007, at 13:04))~~ February 26, 2008, at 16:00 hours. Future biennia allocations from the information technology funding pool shall be determined jointly by the department of information services and the office of financial management.

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
TECHNOLOGY FUNDING**

General Fund--State Appropriation (FY 2007) . . . \$26,277,000  
Special Technology Funding Revolving Account  
Appropriation ~~((FY 2008))~~ . . . . . ~~(\$37,964,000)~~  
\$35,222,000

~~(((6)))~~ (5) Beginning December 1, 2008, and every biennium thereafter, the department of information services shall submit a statewide information technology plan to the office of financial management and the legislative evaluation and accountability program committee that supports a consolidated funding request. In alternate years, a plan addendum shall be submitted that reflects any modified funding pool request requiring action in the ensuing supplemental budget session.

~~(((7)))~~ (6) The department of information services shall report to the office of financial management and the legislative evaluation and accountability program committee by October 1, 2007, and annually thereafter, the status of planned allocations from funds appropriated in this section.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

~~((8))~~ (7) State agencies shall report project performance in consistent and comparable terms using common methodologies to calculate project performance by measuring work accomplished (scope and schedule) against work planned and project cost against planned budget. The department of information services shall provide implementation guidelines and oversight of project performance reporting.

~~((9))~~ (8) The information services board shall require all agencies receiving funds appropriated in this section to account for project expenses included in an information technology portfolio report submitted annually to the department of information services, the office of financial management, and the legislative evaluation and accountability program committee by October 1st of each year. The department of information services, with the advice and approval of the office of financial management, shall establish criteria for complete and consistent reporting of expenditures from these funds and project staffing levels.

~~((10))~~ (9) In consultation with the legislative evaluation and accountability program committee, the department of information services shall develop criteria for evaluating requests for these funds and shall report annually to the office of financial management and the legislative evaluation and accountability program committee by November 1st the status of distributions and expenditures from this pool.

NEW SECTION. Sec. 714 A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
HEALTH CARE AUTHORITY ADMINISTRATIVE  
ACCOUNT**

General Fund--State Appropriation (FY 2008)	.....	\$1,993,000
General Fund--State Appropriation (FY 2009)	.....	\$1,993,000
Public Safety and Education Account--State		
Appropriation (FY 2008)	.....	\$13,000
Public Safety and Education Account--State		
Appropriation (FY 2009)	.....	\$13,000
Water Quality Account--State Appropriation (FY 2008)		\$4,000
Water Quality Account--State Appropriation (FY 2009)		\$4,000
Violence Reduction and Drug Enforcement Account--State		
Appropriation (FY 2008)	.....	\$1,000
Violence Reduction and Drug Enforcement Account--State		
Appropriation (FY 2009)	.....	\$1,000
Health Services Account--State Appropriation (FY 2008)		\$7,000
Health Services Account--State Appropriation (FY 2009)		\$7,000
Dedicated Funds and Accounts Appropriation	.....	\$633,000
TOTAL APPROPRIATION	.....	\$4,669,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for expenditure into the health care authority administrative account.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the office of financial management shall transfer or direct the transfer of sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the health care authority administrative account in accordance with LEAP document number H03-2008, dated February 19, 2008. Agencies and institutions of higher education with local funds will deposit sufficient money to the health care authority administrative account.

**Sec. 715** 2007 c 522 s 728 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
COMMUNITY PRESERVATION AND DEVELOPMENT  
ACCOUNT**

General Fund--State Appropriation (FY 2008)	.....	\$350,000
---	-------	-----------

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the community preservation and development authority account. If Substitute Senate Bill No. 6156 (community preservation authorities) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

NEW SECTION. Sec. 716 A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
FAMILY LEAVE INSURANCE ACCOUNT**

General Fund--State Appropriation (FY 2008)	.....	\$6,218,000
---	-------	-------------

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the family leave insurance account.

NEW SECTION. Sec. 717 A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM  
ACCOUNT**

General Fund--State Appropriation (FY 2008)	.....	\$500,000
General Fund--State Appropriation (FY 2009)	.....	\$500,000
TOTAL APPROPRIATION	.....	\$1,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the individual development account program account.

NEW SECTION. Sec. 718 A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
EXTRAORDINARY CRIMINAL JUSTICE COSTS**

General Fund--State Appropriation (FY 2008)	.....	\$189,000
---	-------	-----------

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute \$48,000 to Klickitat county and \$141,000 to Yakima county for extraordinary criminal justice costs.

NEW SECTION. Sec. 719 A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
BOATING ACTIVITIES ACCOUNT**

Boating Activity Account--State Appropriation	.....	\$1,000,000
---	-------	-------------

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the general fund.

NEW SECTION. Sec. 720 A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
DEVELOPMENTAL DISABILITIES ENDOWMENT  
TRUST FUND**

General Fund--State Appropriation (FY 2009)	.....	\$100,000
---	-------	-----------

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for expenditure into the developmental disabilities endowment trust fund.

NEW SECTION. Sec. 721 2007 c 522 s 713 (uncodified) is repealed.

(End of part)

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

FOR THE STATE TREASURER--TRANSFERS.

Sec. 801 2007 c 522 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Table listing various state revenue appropriations and transfers, including items like 'General Fund Appropriation for fire insurance premium distributions', 'General Fund Appropriation for public utility district excise tax distributions', and 'Streamline Sales and Use Tax Account Appropriation'. Includes numerical values and some crossed-out amounts.

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802 2007 c 522 s 805 (uncodified) is amended to read as follows:

Table listing various state treasurer transfers and accounts, including 'State Treasurer's Service Account', 'Education Legacy Trust Account', 'Pension Funding Stabilization Account', and 'Nisqually Earthquake Account'. Includes numerical values and some crossed-out amounts.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

disaster response account for fiscal year 2008 . . . . \$3,000,000  
**NEW SECTION. Sec. 803** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF REVENUE--STATE REVENUE FOR DISTRIBUTION**

General Fund Appropriation for fiscal year 2008 . . . \$422,012  
 The appropriation in this section is subject to the following conditions and limitations: Revenues for the general fund are reduced to correct for a prior period distribution shortage of \$422,012. This represents one time distributions to Jefferson County in the amount of \$352,196, and Klickitat County in the amount of \$89,816, to be used in accordance with RCW 82.14.370.

(End of part)

**PART IX MISCELLANEOUS**

**Sec. 901** 2007 c 522 s 910 (uncodified) is amended to read as follows:

**COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS.** Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed (~~(\$732)~~) \$561 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065, but in no case to increase the actuarial value of the plans offered as compared to the comparable plans offered to enrollees in calendar year 2007.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$164.08. Starting January 1, 2009, the subsidy shall be \$182.89 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$57.71 per month beginning September 1, 2007, and (~~(\$65.97)~~) \$60.40 beginning September 1, 2008;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$57.71 each month

2008 REGULAR SESSION

beginning September 1, 2007, and (~~(\$65.97)~~) \$60.40 beginning September 1, 2008, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**Sec. 902** 2007 c 522 s 911 (uncodified) is amended to read as follows:

**COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS.** The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed (~~(\$732)~~) \$561 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065, but in no case to increase the actuarial value of the plans offered as compared to the comparable plans offered to enrollees in calendar year 2007.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$164.08. Starting January 1, 2009, the subsidy shall be \$182.89 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$57.71 per month beginning September 1, 2007, and (~~(\$65.97)~~) \$60.40 beginning September 1, 2008;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$57.71 each month beginning September 1, 2007, and (~~(\$65.97)~~) \$60.40 beginning September 1, 2008, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**Sec. 903** 2007 c 522 s 912 (uncodified) is amended to read as follows:

**COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION.** Collective bargaining agreements

FORTY-SIXTH DAY, FEBRUARY 28, 2008

negotiated as part of the super coalition under chapter 41.80 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and ~~(\$732)~~ \$561 per month for fiscal year 2009. The agreements also include a one-time payment of \$756 for each employee who is eligible for insurance for the month of June 2007 and is covered by a 2007-2009 collective bargaining agreement negotiated pursuant to chapter 41.80 RCW, and the continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

**NEW SECTION. Sec. 904** A new section is added to 2007 c 522 (uncodified) to read as follows:

**COMPENSATION--STATE EMPLOYEES--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 2009) .	(\$113,889,000)
Health Services Account--State	
Appropriation (FY 2009) . . . . .	(\$467,000)
Public Safety and Education Account--	
State Appropriation (FY 2009) . . . . .	(\$868,000)
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009) . . . . .	(\$26,000)
Water Quality Account--State	
Appropriation (FY 2009) . . . . .	(\$274,000)
General Fund--Federal Appropriation . . . . .	(\$16,948,000)
General Fund--Private/Local Appropriation . . . . .	(\$1,834,000)
Dedicated Funds and Accounts Appropriation . . . . .	(\$23,112,000)
<b>TOTAL APPROPRIATION . . . . .</b>	<b>(\$157,418,000)</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for the insurance premium rate reductions to state agencies, including institutions of higher education, in sections 901, 902, and 903 of this act, in accordance with LEAP document number H01 - 2008.

**Sec. 905** 2007 c 522 s 913 (uncodified) is amended to read as follows:

**ACROSS THE BOARD SALARY ADJUSTMENTS.**

Appropriations for state agency nonrepresented employee compensation adjustments in this act are sufficient for across the board adjustments.

(1) Appropriations are for a 3.2 percent salary increase effective September 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

The appropriations are also sufficient to fund a 3.2 percent salary increase effective September 1, 2007, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(2) Appropriations are for a 2.0 percent salary increase effective September 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to fund a 2.0 percent salary increase effective September 1, 2008, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

2008 REGULAR SESSION

(3) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the director of personnel.

**NEW SECTION. Sec. 906** A new section is added to 2007 c 522 (uncodified) to read as follows:

**SUPPLEMENTAL COLLECTIVE BARGAINING AGREEMENT--TEAMSTERS.**

Appropriations in this act reflect the supplemental collective bargaining agreement reached between the governor and the brotherhood of teamsters under the provisions of chapter 41.80 RCW. Select classifications will receive wage increases effective July 1, 2008, to address recruitment and retention issues. Select employees covered under this supplemental agreement will receive targeted increases to the base salary and/or increases relating to assignment in a specific geographic work location. These provisions are in addition to the general terms of the collective bargaining agreement effective July 1, 2007.

**NEW SECTION. Sec. 907** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE GAMBLING COMMISSION--GAMBLING REVOLVING FUND.**

The gambling revolving fund may incur a cash deficit of up to \$1,000,000, pursuant to RCW 43.88.050, for fiscal year 2009 in anticipation of payments of forfeiture revenue from the federal government.

**Sec. 908** RCW 28B.105.110 and 2007 c 214 s 11 are each amended to read as follows:

(1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.

(2) The board shall deposit into the account all money received for the GET ready for math and science scholarship program from appropriations and private sources. The account shall be self-sustaining.

(3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased GET units shall be owned and held in trust by the board. Expenditures from the account shall be an equal match of state appropriations and private funds raised by the program administrator. During the 2007-09 fiscal biennium, expenditures from the account not to exceed five percent of the amount contributed from private sources and the corresponding amount of state matching funds shall be paid to the program administrator to carry out the provisions of RCW 28B.105.090.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the board.

**Sec. 909** RCW 38.52.106 and 2003 1st sp.s. c 25 s 913 are each amended to read as follows:

The Nisqually earthquake account is created in the state treasury. Moneys may be placed in the account from tax revenues, budget transfers or appropriations, federal appropriations, gifts, or any other lawful source. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only to support state and local government disaster response and recovery efforts associated with the Nisqually earthquake. During the 2003-2005 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for fire suppression and mobilization costs. During the 2007-2009 fiscal biennium, moneys in the account may also be used to support disaster response and recovery efforts associated with flood and storm damage.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

**Sec. 910** RCW 41.45.230 and 2006 c 56 s 1 are each amended to read as follows:

The pension funding stabilization account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for payment of state government employer contributions for members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system. During the 2007-09 fiscal biennium, expenditures from the account may also be used for payment of the retirement and annuity plans for higher education employees and for transfer into the general fund. The account may not be used to pay for any new benefit or for any benefit increase that takes effect after July 1, 2005. An increase that is provided in accordance with a formula that is in existence on July 1, 2005, is not considered a benefit increase for this purpose. Moneys in the account shall be for the exclusive use of the specified retirement systems and invested by the state investment board pursuant to RCW 43.33A.030 and 43.33A.170. For purposes of RCW 43.135.035, expenditures from the pension funding stabilization account shall not be considered a state program cost shift from the state general fund to another account.

**Sec. 911** RCW 43.08.190 and 2005 c 518 s 925 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040 or 43.84.092(4)(~~(b)~~). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

During the (~~2005-2007~~) 2007-2009 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 912** RCW 43.330.250 and 2005 c 427 s 1 are each amended to read as follows:

(1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.

(2) Only the governor, with the recommendation of the director of the department of community, trade, and economic development and the economic development commission, may authorize expenditures from the account.

(3) Expenditures from the account shall be made in an amount sufficient to fund a minimum of one staff position for the economic development commission and to cover any other operational costs of the commission.

(4) During the 2007-2009 fiscal biennium, moneys in the account may also be transferred into the state general fund.

(5) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or to recruit a business or facility to the state. Expenditures may be authorized for:

- (a) Workforce development;
- (b) Public infrastructure needed to support or sustain the operations of the business or facility; and
- (c) Other lawfully provided assistance, including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest

and may only be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention.

~~((5))~~ (6) The funds shall not be expended from the account unless:

(a) The circumstances are such that time does not permit the director of the department of community, trade, and economic development or the business or facility to secure funding from other state sources;

(b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(c) The business or facility does not require continuing state support;

(d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;

(e) The expenditure will not supplant private investment; and

(f) The expenditure is accompanied by private investment.

~~((6))~~ (7) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.

~~((7))~~ (8) If the account balance in the strategic reserve account exceeds fifteen million dollars at any time, the amount in excess of fifteen million dollars shall be transferred to the education construction account.

**Sec. 913** RCW 50.16.010 and 2007 c 327 s 4 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title

FORTY-SIXTH DAY, FEBRUARY 28, 2008

or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) During the 2007-2009 biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for the (i) cost of the job skills program at the community and technical colleges and (ii) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development, and the remaining appropriation upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

**Sec. 914** RCW 67.40.040 and 2007 c 228 s 106 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170, and during the 2007-2009 biennium, the legislature may transfer from the state convention and trade center account to the general fund such amounts as reflect the excess fund balance in the account;

(iii) For acquisition, design, and construction of the state convention and trade center;

(iv) For debt service for the acquisition, design, and construction and retrofit of the museum of history and industry

2008 REGULAR SESSION

museum property or other future expansions of the convention center as approved by the legislature; and

(v) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) Subject to the conditions in subsection (6) of this section, starting in fiscal year 2008, the state treasurer shall transfer:

(a) The sum of four million dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism enterprise account, with the maximum transfer being four million dollars per fiscal year; and

(b) The sum of five hundred thousand dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism development and promotion account, with the maximum transfer being five hundred thousand dollars per fiscal year.

(6)(a) Funds required for debt service payments and reserves for bonds issued under RCW 67.40.030; for debt service authorized under RCW 67.40.170; and for the issuance and sale of financial instruments associated with the acquisition, design, construction, and retrofit of the museum of history and industry museum property or for other future expansions of the center, as approved by the legislature, shall be maintained within the state convention and trade center account.

(b) No less than six million one hundred fifty thousand dollars per year shall be retained in the state convention and trade center account for funding capital maintenance as required by the center's long-term capital plan, facility enhancements, unanticipated replacements, and operating reserves for the convention center operation. This amount shall be escalated annually as follows:

(i) Four percent for annual inflation for capital maintenance, repairs, and replacement;

(ii) An additional two percent for enhancement to the facility; and

(iii) An additional three percent for growth in expenditure due to aging of the facility and the need to maintain an operating reserve.

(c) Sufficient funds shall be reserved within the state convention and trade center account to fund operating appropriations for the annual operation of the convention center.

**Sec. 915** RCW 69.50.520 and 2005 c 518 s 937, 2005 c 514 s 1107, and 2005 c 514 s 202 are each reenacted and amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(9)(a), 82.08.150 (5) and (7)(b)(iii), 82.24.020(2), 82.24.026(2)(c),

FORTY-SIXTH DAY, FEBRUARY 28, 2008

82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the 2003-2005 (~~and~~), 2005-2007, and 2007-2009 bienniums, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, funding drug offender treatment services in accordance with RCW 70.96A.350, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, maintenance and operating costs of the juvenile rehabilitation administration's client activity tracking system, civil indigent legal representation, multijurisdictional narcotics task forces, transfers to the health services account, and grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 916** RCW 70.105D.070 and 2007 c 341 s 30 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to

2008 REGULAR SESSION

that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process.

(c) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay.

**Sec. 917** RCW 70.105D.070 and 2007 c 446 s 2 are each amended to read as follows:

FORTY-SIXTH DAY, FEBRUARY 28, 2008

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium,

2008 REGULAR SESSION

moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the 2005-2007 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.

(9) During the 2007-2009 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

**Sec. 918** RCW 70.105D.070 and 2007 c 522 s 954 and 2007 c 520 s 6033 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be

2008 REGULAR SESSION

allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay.

**Sec. 919** RCW 77.32.010 and 2006 c 57 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a recreational license issued by the director is required to hunt for or take wild animals or wild birds, fish for, take, or harvest fish, shellfish, and seaweed. A recreational fishing or shellfish license is not required for carp, smelt, and crawfish, and a hunting license is not required for bullfrogs.

(2) A permit issued by the department is required to park a motor vehicle upon improved department access facilities.

(3) During the 2007-09 fiscal biennium to enable the implementation of the pilot project established in section 307 of this act, a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods.

**Sec. 920** RCW 83.100.230 and 2005 c 514 s 1101 are each amended to read as follows:

The education legacy trust account is created in the state treasury. Money in the account may be spent only after

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

appropriation. Expenditures from the account may be used only for deposit into the student achievement fund and for expanding access to higher education through funding for new enrollments and financial aid, and other educational improvement efforts. During the 2007-2009 fiscal biennium, moneys in the account may also be transferred into the state general fund.

**Sec. 921** RCW 90.48.390 and 1991 sp.s. c 13 s 84 are each amended to read as follows:

The coastal protection fund is established to be used by the department as a revolving fund for carrying out the purposes of restoration of natural resources under this chapter and chapter 90.56 RCW. To this fund there shall be credited penalties, fees, damages, charges received pursuant to the provisions of this chapter and chapter 90.56 RCW, compensation for damages received under this chapter and chapter 90.56 RCW, and an amount equivalent to one cent per gallon from each marine use refund claim under RCW 82.36.330.

Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its powers, duties, and functions under RCW 90.48.142, 90.48.366, 90.48.367, and 90.48.368 shall be deposited with the state treasurer to the credit of the fund. During the 2007-2009 fiscal biennium, the coastal protection fund may also be used for a standby rescue tug at Neah Bay.

**NEW SECTION. Sec. 922** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 923** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of part)

INDEX	PAGE #
ACROSS THE BOARD SALARY ADJUSTMENTS	334
ADMINISTRATOR FOR THE COURTS	8
ATTORNEY GENERAL	20
BOARD OF INDUSTRIAL INSURANCE APPEALS	126
CASELOAD FORECAST COUNCIL	22
CENTRAL WASHINGTON UNIVERSITY	293
COLUMBIA RIVER GORGE COMMISSION	160
COMPENSATION	
NONREPRESENTED EMPLOYEES--INSURANCE	
BENEFITS	331
REPRESENTED EMPLOYEES OUTSIDE--SUPER	
COALITION INSURANCE BENEFITS	332
REPRESENTED EMPLOYEES--SUPER COALITION	333
STATE EMPLOYEES--INSURANCE BENEFITS	334
CONSERVATION COMMISSION	173
COURT OF APPEALS	8
CRIMINAL JUSTICE TRAINING COMMISSION	126
DEPARTMENT OF AGRICULTURE	189
DEPARTMENT OF ARCHAEOLOGY AND HISTORIC	
PRESERVATION	64
DEPARTMENT OF COMMUNITY, TRADE, AND	
ECONOMIC DEVELOPMENT	22
DEPARTMENT OF CORRECTIONS	146, 147
DEPARTMENT OF EARLY LEARNING	309
DEPARTMENT OF ECOLOGY	160
DEPARTMENT OF FISH AND WILDLIFE	174
DEPARTMENT OF GENERAL ADMINISTRATION	55
DEPARTMENT OF HEALTH	135
DEPARTMENT OF INFORMATION SERVICES	56
DEPARTMENT OF LABOR AND INDUSTRIES	129
DEPARTMENT OF LICENSING	194
DEPARTMENT OF NATURAL RESOURCES	182
DEPARTMENT OF PERSONNEL	48
DEPARTMENT OF RETIREMENT SYSTEMS	

OPERATIONS	49
DEPARTMENT OF REVENUE	52
STATE REVENUE FOR DISTRIBUTION	329
DEPARTMENT OF SERVICES FOR THE BLIND	155
DEPARTMENT OF SOCIAL AND HEALTH SERVICES	66
ADMINISTRATION AND SUPPORTING SERVICES	
PROGRAM	119
AGING AND ADULT SERVICES PROGRAM	96
ALCOHOL AND SUBSTANCE ABUSE PROGRAM	107
CHILDREN AND FAMILY SERVICES PROGRAM	68
DEVELOPMENTAL DISABILITIES PROGRAM	89
ECONOMIC SERVICES PROGRAM	103
JUVENILE REHABILITATION PROGRAM	75
MEDICAL ASSISTANCE PROGRAM	109
MENTAL HEALTH PROGRAM	79
PAYMENTS TO OTHER AGENCIES PROGRAM	122
SPECIAL COMMITMENT PROGRAM	119
VOCATIONAL REHABILITATION PROGRAM	118
DEPARTMENT OF VETERANS AFFAIRS	134
EASTERN WASHINGTON STATE HISTORICAL SOCIETY	
	313
EASTERN WASHINGTON UNIVERSITY	290
ECONOMIC AND REVENUE FORECAST COUNCIL	43
EMPLOYMENT SECURITY DEPARTMENT	156
ENVIRONMENTAL HEARINGS OFFICE	172
FOR SUNDRY CLAIMS	318
FOR THE WASHINGTON STATE GAMBLING	
COMMISSION	
GAMBLING REVOLVING FUND	336
GROWTH MANAGEMENT HEARINGS BOARD	65
HIGHER EDUCATION COORDINATING BOARD	
FINANCIAL AID AND GRANT PROGRAMS	305
HOUSE OF REPRESENTATIVES	1
HUMAN RIGHTS COMMISSION	125
INCENTIVE SAVINGS	
FY 2008	319
FY 2009	319
INDETERMINATE SENTENCE REVIEW BOARD	134
INSURANCE COMMISSIONER	58
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE	
	3
JOINT LEGISLATIVE SYSTEMS COMMITTEE	6
LAW LIBRARY	7
LIQUOR CONTROL BOARD	59
MILITARY DEPARTMENT	61
OFFICE OF ADMINISTRATIVE HEARINGS	48
OFFICE OF CIVIL LEGAL AID	14
OFFICE OF FINANCIAL MANAGEMENT	44
BOATING ACTIVITIES ACCOUNT	325
COMMUNITY PRESERVATION AND DEVELOPMENT	
ACCOUNT	324
COUNTY SUBSTANCE ABUSE PROGRAMS	319
DEVELOPMENTAL DISABILITIES ENDOWMENT	
TRUST FUND	325
EXTRAORDINARY CRIMINAL JUSTICE COSTS	325
FAMILY LEAVE INSURANCE ACCOUNT	324
FEDERAL REIMBURSEMENT FOR HEALTH	
INSURANCE TRANSFERS	320
FIRE CONTINGENCY	317
FIRE CONTINGENCY POOL	317
HEALTH CARE AUTHORITY ADMINISTRATIVE	
ACCOUNT	323
INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM	
ACCOUNT	324
TECHNOLOGY FUNDING	320
WATER QUALITY CAPITAL ACCOUNT	318
OFFICE OF PUBLIC DEFENSE	13
OFFICE OF THE GOVERNOR	15
OFFICE OF THE STATE ACTUARY	6
PUBLIC EMPLOYMENT RELATIONS COMMISSION	64
PUGET SOUND PARTNERSHIP	191

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

RECREATION AND CONSERVATION FUNDING BOARD  
 SECRETARY OF STATE ..... 171  
 SENATE ..... 2  
 SENTENCING GUIDELINES COMMISSION ..... 156  
 STATE AUDITOR ..... 19  
 STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES ..... 272  
 STATE CONVENTION AND TRADE CENTER ..... 65  
 STATE HEALTH CARE AUTHORITY ..... 122  
 STATE INVESTMENT BOARD ..... 54  
 STATE PARKS AND RECREATION COMMISSION .. 168  
 STATE PATROL ..... 196  
 STATE SCHOOL FOR THE BLIND ..... 312  
 STATE SCHOOL FOR THE DEAF ..... 312  
 STATE TREASURER ..... 18  
 BOND RETIREMENT AND INTEREST ..... 315, 316  
 STATE REVENUES FOR DISTRIBUTION ..... 326  
 TRANSFERS ..... 327  
 STATUTE LAW COMMITTEE ..... 7  
 SUPERINTENDENT OF PUBLIC INSTRUCTION . 199, 264  
 BASIC EDUCATION EMPLOYEE COMPENSATION 221  
 EDUCATION REFORM PROGRAMS ..... 239  
 EDUCATIONAL SERVICE DISTRICTS ..... 235  
 GENERAL APPORTIONMENT ..... 213  
 INSTITUTIONAL EDUCATION PROGRAMS ..... 237  
 LEARNING ASSISTANCE PROGRAM ..... 258  
 LOCAL EFFORT ASSISTANCE ..... 237  
 PROGRAMS FOR HIGHLY CAPABLE STUDENTS 238  
 PROMOTING ACADEMIC SUCCESS ..... 260  
 PUPIL TRANSPORTATION ..... 228  
 SCHOOL EMPLOYEE COMPENSATION  
 ADJUSTMENTS ..... 225  
 SPECIAL EDUCATION PROGRAMS ..... 230  
 STUDENT ACHIEVEMENT PROGRAM ..... 263  
 TRANSITIONAL BILINGUAL PROGRAMS ..... 257  
 SUPPLEMENTAL COLLECTIVE BARGAINING AGREEMENT  
 TEAMSTERS ..... 335  
 SUPREME COURT ..... 7  
 THE EVERGREEN STATE COLLEGE ..... 296  
 TRAFFIC SAFETY COMMISSION ..... 198  
 UNIVERSITY OF WASHINGTON ..... 278  
 UTILITIES AND TRANSPORTATION COMMISSION .. 60  
 WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM ..... 191  
 WASHINGTON STATE HISTORICAL SOCIETY ..... 313  
 WASHINGTON STATE LOTTERY ..... 49  
 WASHINGTON STATE UNIVERSITY ..... 285  
 WESTERN WASHINGTON UNIVERSITY ..... 300  
 WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD ..... 308"

MOTION

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

On page 20, after line 4, insert the following:

"(5) Within the appropriations provided in this section, the auditor shall identify the state-funded services and programs, and estimated expenditures from each, provided to undocumented immigrants in this state during fiscal year 2008. The results of the audit shall be provided to the legislature by June 30, 2009."

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

Senator Brown spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 20, after line 14 to the committee striking amendment to Engrossed Substitute House Bill No. 2687.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 17; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Excused: Senator Hewitt - 1

MOTION

Senator Murray moved that the following amendment by Senator Murray to the committee striking amendment be adopted.

On page 22, line 35 reduce the general fund-state appropriation for fiscal year 2009 by \$250,000

Correct the total accordingly.

On page 41, after line 7, strike everything through line 19

Renumber the sections consecutively and correct any internal references accordingly.

Senators Murray, Honeyford, Hatfield, Schoesler and Rockefeller spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Kohl-Welles, Franklin, Kastama, Prentice and Fraser spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Regala, Senator Shin was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 22, line 35 to the committee striking amendment to Engrossed Substitute House Bill No. 2687.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Murray to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 23; Absent, 0; Excused, 2.

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, King, Marr, McCaslin, Morton, Murray, Parlette, Pflug, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli - 24

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McDermott, Oemig, Prentice, Pridemore, Rasmussen, Regala, Spanel and Weinstein - 23

Excused: Senators Hewitt and Shin - 2

## MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the committee striking amendment be adopted.

On page 41, beginning on line 8, strike all material through line 19.

On page 325, line 21, strike "\$100,000" and insert "\$350,000"

On page 325, line 23, following "limitations", strike "\$100,000" and insert "\$350,000"

## WITHDRAWAL OF AMENDMENT

On motion of Senator Schoesler, the amendment by Senator Schoesler on page 41, line 8 to the committee striking amendment to Engrossed Substitute House Bill No. 2687 was withdrawn.

## MOTION

Senator King moved that the following amendment by Senator Hewitt to the committee striking amendment be adopted.

On page 48, after line 7, insert the following:

"(13) \$175,000 of the economic development strategic reserve account appropriation is provided solely for the office of financial management to contract for a study of the state and local tax burden on businesses located in Washington state, including recommendations for tax relief to provide an incentive for businesses to remain in Washington state and for businesses to relocate to Washington state. The study shall be submitted to the governor and appropriate committees of the legislature by January 1, 2009."

Senator King spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kilmer spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 48, after line 7 to the committee striking amendment to Engrossed Substitute House Bill No. 2687.

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

## MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist and others to the committee striking amendment be adopted.

On page 133, line 37 of the amendment, strike "shall" and insert "may not"

On page 158, line 21 of the amendment, after "program," insert "If a bill designating a specific long term funding source for the implementation of the family and medical leave insurance program that cites chapter 49.86 RCW is not enacted by June 30, 2008, the amount provided in this subsection shall lapse."

Senators Holmquist and Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Keiser spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist and others on page 133, line 37 to the committee striking amendment to Engrossed Substitute House Bill No. 2687.

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

## MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the committee striking amendment be adopted.

On page 135, line 33, decrease the general fund--state appropriation by \$681,000 and adjust the totals accordingly

Senator Zarelli spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Keiser and Prentice spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 135, line 33 to the committee striking amendment to Engrossed Substitute House Bill No. 2687.

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

## MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Oemig to the committee striking amendment be adopted.

On page 199, line 8, increase the general fund--state appropriation for fiscal year 2008 by \$150,000 and adjust the total accordingly.

On page 205, line 36, after "(t)" insert "\$150,000 of the general fund--state appropriation for fiscal year 2008 and".

On page 205, line 37, after "2009" strike "is" and insert "are".

Senators McAuliffe and Prentice spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Oemig on page 199, line 8 to the committee striking amendment to Engrossed Substitute House Bill No. 2687.

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

## MOTION

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

Senator Tom moved that the following amendment by Senator Tom and others to the committee striking amendment be adopted.

On page 222, line 4, after "February" strike "22" and insert "28".

On page 222, line 10, after "February" strike "22" and insert "28".

On page 223, after line 28, strike all material down to including "64,576" on line 15 on page 224 and insert the following:

On page 225, line 36, increase the general fund--state appropriation for fiscal year 2009 by \$35,835,000 and adjust the total accordingly.

On 226, line 6, after "(\$444,366,000)" strike "\$485,043,000" and insert "\$520,878,000".

On page 226, after line 10, insert the following: "(b) An additional one percent cost of living adjustment is provided above the amount required by Initiative Measure No. 732, effective September 1, 2008."

On page 226, line 30, after "(\$57,097)" strike "\$57,709" and insert "\$58,264".

On page 226, line 36, after "(\$31,376)" strike "\$31,713" and insert "\$32,018".

On page 228, after line 7, insert the following: "(i) For the 2008-09 school year, the office of superintendent of public instruction shall adjust the appropriate formula allocation factors in part V of this act to reflect the additional one percent cost of living adjustment above the amount required by Initiative Measure No. 732."

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

Senator Tom spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Pridemore, Zarelli and Honeyford spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tom and others on page 222, line 4 to the committee striking amendment to Engrossed Substitute House Bill No. 2687.

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

MOTION

Senator Stevens moved that the following amendment by Senator Stevens and McCaslin to the committee striking amendment be adopted.

On page 227, line 2, after "staff." insert "In order to receive funding provided in this subsection for salary increases for state formula classified units, school districts shall certify to the office of superintendent of public instruction that the school district will provide the salary increases in the percentages specified in LEAP Document 2, defined in section 503 (2) (b) of this act."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Stevens and Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens and McCaslin on page 227, line 2 to the committee striking amendment to Engrossed Substitute House Bill No. 2687.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Stevens and McCaslin and the amendment to the committee striking amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Haugen, Holmquist, Honeyford, Kauffman, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

Excused: Senator Hewitt - 1

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Hargrove to the committee striking amendment be adopted.

On page 296, line 7, increase the general fund--state appropriation by \$15,000 and adjust the total appropriation accordingly.

On page 300, line 4, strike the first word on the line: "and"

On page 300, line 5, after "use of proceedings" insert "; and analyze the academic impact of RCW 28A.225.030 by sampling school districts' student academic records to ascertain the students' post-petition attendance rate, grade progression, and high school graduation for students where the school district filed a truancy petition in superior court"

Senator McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe and Hargrove on page 296, line 7 to the committee striking amendment to Engrossed Substitute House Bill No. 2687.

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

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford and Holmquist to the committee striking amendment be adopted.

On page 335, after line 30, insert the following:

" NEW SECTION. Sec. 906. FOR THE OFFICE OF FINANCIAL MANAGEMENT--SALARY INCREASES FOR NONREPRESENTED EMPLOYEES

General Fund--State Appropriation (FY 2009) . . . . \$6,037,000 Health Services Account--State Appropriation (FY 2009) \$1,000 Public Safety and Education Account--State

Appropriation (FY 2009) . . . . . \$47,000 Violence Reduction and Drug Enforcement Account--

State Appropriation (FY 2009) . . . . .	\$2,000
Water Quality Account--State Appropriation (FY 2009)	\$12,000
Equal Justice Subaccount--State Appropriation (FY 2009)	\$1,000
General Fund--Federal Appropriation . . . . .	\$395,000
General Fund--Private/Local Appropriation . . . . .	\$33,000
Dedicated Funds and Accounts Appropriation . . . . .	\$720,000
TOTAL APPROPRIATION . . . . .	\$7,248,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for adjustments to the appropriations for state agencies and institutions of higher education for the purpose of providing the across the board salary increases in 2007 c 522 s 913(2) (uncodified) and 2007 c 522 s 601(10)(a)(ii) (uncodified) on July 1, 2008 rather than September 1, 2008. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number S6500 - 2008, and adjust appropriations schedules accordingly.

**NEW SECTION. Sec. 907. FOR THE OFFICE OF FINANCIAL MANAGEMENT--AGENCY TRAVEL EXPENDITURES**

General Fund--State Appropriation (FY 2008) . . .	(\$1,401,000)
General Fund--State Appropriation (FY 2009) . . .	(\$5,604,000)
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2008) . . . . .	(\$100,000)
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2009) . . . . .	(\$402,000)
Education Legacy Trust Account--State Appropriation (FY 2008) . . . . .	(\$74,000)
Education Legacy Trust Account--State Appropriation (FY 2009) . . . . .	(\$297,000)
Dedicated Funds and Accounts Appropriation . . . . .	(\$7,497,000)
TOTAL APPROPRIATION . . . . .	(\$15,375,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for reductions to the appropriations for state agencies and institutions of higher education to reflect reduced expenditures on employee travel. The reductions correspond to the projected increase in agency expenditures on travel during the 2007-09 fiscal biennium over travel expenditures in the 2005-07 fiscal biennium. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number S6501 - 2008, and adjust appropriations schedules accordingly."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Honeyford and Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford and Holmquist on page 335, after line 30 to the committee striking amendment to Engrossed Substitute House Bill No. 2687.

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

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 1, line 9, decrease the general fund--state appropriation for fiscal year 2008 by \$194,000 and on line 11, decrease the general fund--state appropriation for fiscal year 2009 by \$194,000 and adjust the totals accordingly

On page 2, line 18, decrease the general fund--state appropriation for fiscal year 2008 by \$194,000 and on line 20, decrease the general fund--state appropriation for fiscal year 2009 by \$194,000 and adjust the totals accordingly

On page 44, line 5, decrease the general fund--state appropriation for fiscal year 2008 by \$250,000 and on line 7, decrease the general fund--state appropriation for fiscal year 2009 by \$250,000 and adjust the totals accordingly

On page 122, line 26, increase the state health care authority administrative account - - state appropriation by \$620,000 and adjust the totals accordingly

On page 125, after line 29, insert the following:

"(14) \$620,000 of the state health care authority administrative account--state appropriation is provided solely for the implementation and maintenance of a health savings account high-deductible health plan as one of the public employee benefits board medical plan offerings, pursuant to Chapter 299, Laws of 2006 (health savings account). This new offering shall be made available no later than January 1, 2009."

On page 1, strike lines 22 through 29

On page 2, strike lines 1 through 13

On page 2, strike lines 31 through 36

On page 3, strike lines 1 through 15

On page 46, strike lines 27 through 38

On page 47, strike lines 1 through 3

Senators Pflug and Parlette spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Keiser and Franklin spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 1, line 9 to the committee striking amendment to Engrossed Substitute House Bill No. 2687.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pflug to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 17; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Excused: Senator Hewitt - 1

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 2687.

The motion by Senator Prentice carried and the committee

FORTY-SIXTH DAY, FEBRUARY 28, 2008

2008 REGULAR SESSION

striking amendment as amended was adopted by voice vote.

THOMAS HOEMANN, Secretary of the Senate

MOTION

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

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28B.105.110, 38.52.106, 41.45.230, 43.08.190, 43.330.250, 50.16.010, 67.40.040, 70.105D.070, 70.105D.070, 77.32.010, 83.100.230, and 90.48.390; reenacting and amending RCW 69.50.520 and 70.105D.070; amending 2007 c 522 ss 101, 102, 103, 105, 106, 107, 109, 110, 111, 113, 114, 115, 116, 119, 122, 123, 125, 126, 127, 128, 129, 130, 131, 132, 135, 136, 137, 141, 142, 143, 147, 149, 150, 151, 152, 153, 154, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 222, 223, 224, 225, 226, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 513, 514, 515, 516, 517, 519, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 614, 615, 616, 618, 619, 701, 702, 703, 704, 705, 706, 716, 718, 719, 722, 1621, 728, 801, 805, 910, 911, 912, and 913 (uncodified); adding new sections to 2007 c 522 (uncodified); repealing 2007 c 522 s 713 (uncodified); making appropriations; and declaring an emergency."

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 2687 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Kastama spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

Senator Zarelli spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2687 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2687 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Excused: Senator Hewitt - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2687 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:54 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 29, 2008.

BRAD OWEN, President of the Senate

**FORTY-SEVENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, February 29, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hewitt and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Elisa Swanson and Sarah Carlson, presented the Colors.

In lieu of the prayer Total Experience Gospel Choir of Seattle performed for the Senate.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 27, 2008

ESHB 1031 Prime Sponsor, Committee on Technology, Energy & Communications: Changing provisions concerning electronic devices. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 1115 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Creating programs to end homelessness. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Delvin.

Passed to Committee on Rules for second reading.

February 27, 2008

2SHB 1273 Prime Sponsor, Committee on Insurance, Financial Services & Consumer Protection: Authorizing fraud alert networks. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

February 27, 2008

EHB 1283 Prime Sponsor, Representative Roach: Authorizing high school diplomas to be issued to persons who left high school before graduation to serve in the United States armed forces. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 1621 Prime Sponsor, Committee on Finance: Preserving manufactured/mobile home communities. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

HB 2137 Prime Sponsor, Representative Wallace: Allowing school employees' children with disabilities to enroll in special services programs in the district where the employee is assigned. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2279 Prime Sponsor, Committee on Housing: Prohibiting discrimination against affordable housing developments. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 2471 Prime Sponsor, Committee on Appropriations: Modifying the responsibilities of the Washington geological survey. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Stevens.

Passed to Committee on Ways & Means.

February 28, 2008

2SHB 2479 Prime Sponsor, Committee on Appropriations: Requiring subscribers' consent to disclosure of wireless phone

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

numbers. Reported by Committee on Consumer Protection & Housing

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

EHB 2516 Prime Sponsor, Representative Green: Eliminating requirements for scoliosis screening in schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Rasmussen.

Passed to Committee on Rules for second reading.

February 27, 2008

2SHB 2523 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Creating the position of world language supervisor in the office of the superintendent of public instruction. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig and Rasmussen.

MINORITY recommendation: Do not pass. Signed by Senators King and Holmquist.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Ways & Means.

February 28, 2008

2SHB 2597 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Requiring the department of early learning and the office of the superintendent of public instruction to develop a kindergarten entry assessment. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Hobbs; Kauffman; McDermott; Oemig and Rasmussen.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist.

Passed to Committee on Ways & Means.

February 28, 2008

2SHB 2635 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Regarding school district boundaries and organization. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Rasmussen.

February 28, 2008

EHB 2641 Prime Sponsor, Representative Jarrett: Creating a pilot program to test performance agreements at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Passed to Committee on Ways & Means.

February 28, 2008

SHB 2666 Prime Sponsor, Committee on Health Care & Wellness: Establishing standards for long-term care insurance. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 2668 Prime Sponsor, Committee on Appropriations: Expanding programs for persons needing long-term care. (REVISED FOR ENGROSSED: Concerning long-term care.) Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

February 28, 2008

ESHB 2693 Prime Sponsor, Committee on Appropriations: Regarding training and certification of long-term care workers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

February 27, 2008

SHB 2775 Prime Sponsor, Committee on Appropriations: Regarding bonuses for instructional staff certified by the national board for professional teaching standards. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig and Rasmussen.

MINORITY recommendation: Do not pass. Signed by Senators King and Holmquist.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Brandland.

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

Passed to Committee on Ways &amp; Means.

Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

February 28, 2008

HB 2781 Prime Sponsor, Representative Wallace: Enhancing Washington state history and government course requirements for high school graduation. Reported by Committee on Early Learning & K-12 Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Weinstein.

February 28, 2008  
2SHB 2869 Prime Sponsor, Committee on Appropriations: Extending the national board for professional teaching standards bonus to certificated principals. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 2809 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Regarding mathematics and science teachers. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; McDermott; Oemig and Rasmussen.

February 27, 2008  
2SHB 2870 Prime Sponsor, Committee on Appropriations: Providing opportunities for professional development for instructional assistants. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Rasmussen.

Passed to Committee on Ways &amp; Means.

MINORITY recommendation: Do not pass. Signed by Senator Tom, Vice Chair.

February 27, 2008

SHB 2811 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Creating the healthy student grant program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig and Rasmussen.

Passed to Committee on Ways &amp; Means.

MINORITY recommendation: Do not pass. Signed by Senator King.

February 28, 2008  
SHB 2879 Prime Sponsor, Committee on Technology, Energy & Communications: Modifying provisions regulating spyware. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Holmquist.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways &amp; Means.

February 28, 2008

February 27, 2008  
2SHB 2829 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Expanding financial literacy through education and counseling to promote greater homeownership security. Reported by Committee on Financial Institutions & Insurance

E2SHB 2882 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Concerning the labeling of lead-containing products. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and Tom.

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin and McCaslin.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways &amp; Means.

February 28, 2008

SHB 2859 Prime Sponsor, Committee on Health Care & Wellness: Establishing new requirements for licensing massage therapists. Reported by Committee on Health & Long-Term Care

February 27, 2008  
SHB 2925 Prime Sponsor, Committee on Community & Economic Development & Trade: Establishing a plan for improving the effectiveness of the office of minority and women's business enterprises. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

February 27, 2008

EHB 2985 Prime Sponsor, Representative Liias: Establishing local public works assistance funds. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 3059 Prime Sponsor, Committee on Appropriations: Requiring coverage for lead blood level assessments. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

February 28, 2008

SHB 3071 Prime Sponsor, Committee on Housing: Harmonizing statutes that address the termination of condominiums. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and McCaslin.

Passed to Committee on Rules for second reading.

February 27, 2008

E2SHB 3115 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Concerning small business incubators. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

February 27, 2008

E2SHB 3125 Prime Sponsor, Committee on Capital Budget: Creating the building communities fund program. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

February 28, 2008

HB 3141 Prime Sponsor, Representative Liias: Concerning sustainable residential weatherization for low-

income households. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 3180 Prime Sponsor, Committee on Capital Budget: Addressing housing reform policies to achieve greater efficiencies in housing investments. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Ways & Means.

February 28, 2008

2SHB 3269 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Creating a roving early intervention specialist pilot program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig and Rasmussen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King and Holmquist.

Passed to Committee on Ways & Means.

#### GUBERNATORIAL APPOINTMENTS REPORTS OF STANDING COMMITTEES

February 28, 2008

SGA 9306 CLAIRE GRACE, reappointed on July 1, 2007, for the term ending June 30, 2011, as Member of the Housing Finance Commission. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 28, 2008

SGA 9328 M.A. LEONARD, appointed on July 1, 2007, for the term ending June 30, 2011, as Member of the Housing Finance Commission. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

February 28, 2008

SGA 9345 RAYMOND C RIECKERS, reappointed on July 19, 2007, for the term ending June 30, 2011, as Member of the Housing Finance Commission. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

## MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Second Substitute House Bill No. 1115, Engrossed Second Substitute House Bill No. 1621 and Second Substitute House Bill No. 2869 which were referred to the Committee on Rules.

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 6954 by Senators Jacobsen and Rasmussen

AN ACT Relating to meat and poultry inspection programs; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

## MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

## MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9263, James Garrison, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Spanel spoke in favor of the motion.

## MOTION

On motion of Senator Brandland, Senators Hewitt, Pflug and Roach were excused.

## APPOINTMENT OF JAMES GARRISON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9263, James

Garrison as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9263, James Garrison as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Pflug - 2

Gubernatorial Appointment No. 9263, James Garrison, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9257, Tom Koenninger, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Pridemore spoke in favor of the motion.

## APPOINTMENT OF TOM KOENNINGER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9257, Tom Koenninger as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9257, Tom Koenninger as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Pflug - 2

Gubernatorial Appointment No. 9257, Tom Koenninger, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

## MOTION

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

## MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION  
8726

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

By Senators Shin, Holmquist, Kilmer, Brandland, McDermott, Berkey, Kohl-Welles, King, Schoesler, Delvin, Sheldon, Jacobsen, and Kastama

WHEREAS, Dr. Jerilyn S. McIntyre, the president of Central Washington University, will retire from the Office of the President on December 31, 2008; and

WHEREAS, Dr. McIntyre is the first woman to serve as the university's president, a post she assumed in July 2000; and

WHEREAS, Dr. McIntyre earned her Bachelor of Arts in History and Master of Arts in Journalism at Stanford University and received her Doctor of Philosophy in History and Communications from the University of Washington; and

WHEREAS, Dr. McIntyre served on the faculty at California State University at Chico, at the University of Iowa, and at the University of Utah, where she also served as vice president for academic affairs and as interim president; and

WHEREAS, Dr. McIntyre, CWU's 13th president, has led the university through a period of unprecedented growth in enrollment, which has increased 27 percent since 2001; and

WHEREAS, Dr. McIntyre has made diversity a priority, increasing the percentage of students of color from 12.9 percent in 2000 to 20 percent in fall 2007; and

WHEREAS, Dr. McIntyre established the Performing Arts and Presidential Speaker Series, which has brought nationally renowned speakers and artists to central Washington; and

WHEREAS, Dr. McIntyre's commitment to stewardship of public facilities has won national recognition, beautified CWU's residential and University Center campuses, and energized student life and enriched programs; and

WHEREAS, President McIntyre launched the university's first comprehensive fund-raising campaign, a 21 million dollar initiative that is nearly completed; and

WHEREAS, Funding associated with grants and research has tripled during President McIntyre's tenure;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate extend to Dr. Jerilyn S. McIntyre their sincere thanks for her service to the people of Washington and her work to expand educational opportunity for the citizens of our state; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Dr. Jerilyn S. McIntyre and the Board of Trustees of Central Washington University.

Senators Shin, Holmquist, King, Kohl-Welles, Parlette and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8726.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. Jerilyn S. McIntyre, President of Central Washington University; her husband, David Smith; and former State Senator Ann Anderson, Central Washington University's Director of Government Relations, who were seated in the gallery.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6423, by Senators Brown, Hewitt, Kohl-Welles and McAuliffe

Strengthening the tax credit and modifying the governing board of a Washington motion picture competitiveness program.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6423 was substituted for Senate Bill No. 6423 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Holmquist, Brown and Brandland spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senators Haugen and McAuliffe were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6423.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6423 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and McAuliffe - 2

SUBSTITUTE SENATE BILL NO. 6423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6931, by Senators Kline, Weinstein and McDermott

Providing funding for additional emphasis patrols for DUI enforcement and chemical dependency treatment.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6931 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Delvin, Senator Carrell was excused.

#### POINT OF ORDER

Senator Sheldon: "Mr. President, I'd ask that you announce the number of votes necessary to pass Senate Bill No. 6931. Mr. President, Senate Bill No. 6931 imposes a liquor tax of forty-two cents per liter on all retail sales of certain spirits. The funds raised from this surcharge are allocated equally between funding additional DUI emphasis patrols and funding chemical dependency treatment. The monies raised are deposited into

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

certain funds including the general fund. Mr. President, this bill clearly imposes a tax, as the tax revenues will increase the monies flowing into the general fund. This constitutes 'raising taxes' as provided in Initiative 960. Under this Initiative the Legislature can only raise taxes if supported by a two-thirds vote of each body. Mr. President, I request that you rule that a two-thirds super-majority or thirty-three votes in support of this bill is required in order to pass Senate Bill No. 6931."

#### REMARKS BY THE PRESIDENT

President Owen: "Senator Sheldon, the President is going to take your question as or your request as a point of order. Senator Sheldon raises the point of order as to the number of votes necessary to pass Senate Bill No. 6931. Senator Brown."

#### REMARKS BY SENATOR BROWN

Senator Brown: "Thank you Mr. President. May I respond to Senator Sheldon's Point of Order? Thank you Mr. President. Mr. President I believe this Point of Order raises a dilemma and I'd like to elaborate on that a bit. Like you each of us took an oath when we took office. In part, that oath requires us to follow the Constitution and Laws of the United States and the State of Washington. Unfortunately, sometimes the laws and the Constitution conflict and I believe this is one of those times. Our state Constitution has a clear statement about the number of votes necessary to pass a bill. In Article II, Section 22 the Constitution states that: 'No bill shall become a law unless on it's final passage, the vote be taken by yeas and nays, the names of the members voting for and against the same entered on the journal of each house and a majority of the members elected to each house be recorded thereon as voting in it's favor.' To me this provision is clear, a bill must receive a majority vote in order to pass. It does not state, Mr. President, that a super majority, such as a two-thirds majority, is required for certain types of bills such as bills that raise taxes. I would point out that the Constitution does have a super-majority requirement in other circumstances. For example, the Constitution requires that sixty percent of the body must support an expansion of gambling in order for it to pass. I have no difficulty with following that. However, here we have a super-majority requirement brought about by the passage of a law, a statute that does not amend the Constitution. We are a democracy. Except in unusual circumstances, we allow decisions to be made by a majority. We pass laws and elect officials and decide bond measures based on a majority. And this is reflected in our Constitution, the Constitution that is superior to our laws. Mr. President. A two-thirds requirement to pass certain types of bills, in my opinion, is anti-democratic and violates the Washington Constitution. If this limitation stands I believe we are elevating the statutes which we can change every year over the Constitution which has stood largely unchanged for over a hundred years. The Constitution is difficult to change and it should be. It should remain superior to the statutes we pass each year and the supremacy of the Constitution can not be affected by any statute whether passed by the legislature or by initiative. Mr. President, I do not envy you having to make this decision. I know it is difficult one that you won't make easily. I stand ready to respect you regardless of the outcome. I would ask that you find against the point of order raised by Senator Sheldon."

#### REMARKS BY THE PRESIDENT

2008 REGULAR SESSION

President Owen: "Thank you Senator Brown, the President is not prepared to rule on this as in many of the other cases on the number of votes that's pretty clear but because of the recent passage of Initiative 960, the President believes that each one of these decisions relative to numbers of votes when it pertains to Initiative 960 will set future precedence and guidance for future rulings. Therefore, it will take me some time to review this."

#### MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 6931 was deferred and the bill held its place on the third reading calendar.

Senator Franklin assumed the chair.

#### SECOND READING

SENATE BILL NO. 6626, by Senators Kilmer, Kastama, Rasmussen, Regala, Franklin, Marr, Carrell and Shin

Creating a sales and use tax deferral program for eligible investment projects in community empowerment zones.

#### MOTIONS

On motion of Senator Kilmer, Second Substitute Senate Bill No. 6626 was substituted for Senate Bill No. 6626 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Second Substitute Senate Bill No. 6626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6626.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6626 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hewitt - 1

SECOND SUBSTITUTE SENATE BILL NO. 6626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6828, by Senators Marr, Prentice, Zarelli, Schoesler, Hobbs, Kilmer, Shin and Rasmussen

Concerning the excise taxation of the aerospace industry.

#### MOTIONS

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

On motion of Senator Marr, Substitute Senate Bill No. 6828 was substituted for Senate Bill No. 6828 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 6828 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

MOTION

On motion of Senator Hobbs, Senator Kilmer was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6828.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6828 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 44

Voting nay: Senators Fraser, Kline, Oemig and Weinstein - 4

Excused: Senator Hewitt - 1

SUBSTITUTE SENATE BILL NO. 6828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6111, by Senators Hobbs, Poulsen, Jacobsen and Tom

Concerning electricity generation from tidal and wave energy. Revised for 2nd Substitute: Creating a wave and tidal energy work group.

MOTION

On motion of Senator Hobbs, Second Substitute Senate Bill No. 6111 was substituted for Senate Bill No. 6111 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hobbs moved that the following amendment by Senator Hobbs and others be adopted.

On page 2, after line 28, insert the following:

"NEW SECTION. Sec. 2 A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of machinery and equipment used directly in generating tidal or wave energy, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, but only if the purchaser develops with such

machinery, equipment, and labor a facility capable of generating not less than five kilowatts of electricity and provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(2) For purposes of this section and section 3 of this act:

(a) "Machinery and equipment" has the same meaning as provided in RCW 82.08.02567.

(b) Machinery and equipment is "used directly" in generating electricity with tidal or wave energy if it provides any part of the process that captures the energy of the tidal or wave energy.

(3) This section expires June 30, 2018.

NEW SECTION. Sec. 3 A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to machinery and equipment used directly in generating not less than five kilowatts of electricity using tidal or wave energy as the principal source of power, or to the use of labor and services rendered in respect to installing such machinery and equipment.

(2) The definitions in section 2 of this act apply to this section.

(3) This section expires June 30, 2018.

NEW SECTION. Sec. 4 A new section is added to chapter 82.16 RCW to read as follows:

(1) In computing tax under this chapter, an amount equal to the cost of production at the plant for consumption within the state of Washington of electrical energy produced or generated from tidal or wave energy is deducted from gross income.

(2) This section applies only to new facilities for the production or generation of energy from tidal or wave energy on which construction or installation is begun after January 1, 2008, and before January 1, 2018.

(3) Deductions under subsection (1) of this section are allowed for a period not to exceed thirty years after the project is placed in operation.

(4) The department of revenue, after consultation with the utilities and transportation commission in the case of investor-owned utilities and the governing bodies of locally regulated utilities, must determine the eligibility of individual projects and measures for deductions under this section."

Senator Hobbs spoke in favor of adoption of the amendment.

Senator Spanel spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hobbs and others on page 2, after line 28 to Second Substitute Senate Bill No. 6111.

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

MOTION

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

On page 1, line 2 of the title, after "energy;" strike the remainder of the title and insert "adding a new section to chapter 43.31 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; and providing expiration dates."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6111 was

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6111.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6111 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Kohl-Welles, Regala and Spanel - 3

Excused: Senator Hewitt - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6912, by Senators Haugen, Swecker, Berkey, McAuliffe, Marr, Kilmer, Rasmussen, Hargrove and Fraser

Providing property tax relief for senior citizens and persons retired by reason of physical disability by increasing the income thresholds.

The measure was read the second time.

#### MOTION

Senator Benton moved that the following amendment by Senators Benton, Pflug, Stevens, Swecker and Zarelli be adopted.

On page 4, after line 5, insert the following:

"**Sec. 2** RCW 84.36.383 and 2006 c 62 s 1 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" means a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre, except that a residence includes any additional property up to a total of five acres that comprises the residential parcel if this larger parcel size is required under land use regulations. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities. A mobile home located on land leased by the owner of the mobile home is subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) "Department" means the state department of revenue.

(4) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the assessment year, less amounts paid by the person claiming the exemption or his or her spouse during the assessment year for:

(a) Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions;

(b) The treatment or care of either person received in the home or in a nursing home, boarding home, or adult family home; (~~and~~)

(c) Health care insurance premiums for health care coverage, including dental coverage, vision coverage, copayments, and for medicare under Title XVIII of the social security act;

(d) Durable medical equipment and mobility enhancing equipment, as defined in RCW 82.08.0283; and

(e) Long-term care insurance, as defined in RCW 48.84.020.

(5) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(6) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

(7) "Disability" has the same meaning as provided in 42 U.S.C. Sec. 423(d)(1)(A) as amended prior to January 1, 2004, or such subsequent date as the director may provide by rule consistent with the purpose of this section."

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

On page 1, line 3 of the title, after "84.36.381" insert ", 84.36.383,"

Senators Benton, Stevens, Schoesler and Pflug spoke in favor of adoption of the amendment.

Senators Pridemore, Spanel, Brown, Prentice and Marr spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President Pro Tempore declared that one-sixth of the

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

members supported the demand and the demand was sustained.

POINT OF ORDER

Senator Benton: "Thank you Madam President, I do not believe this speaker is speaking to the amendment at all. He's speaking about a bill that's previously passed the body. I ask the President to ask the speaker to confine his remarks to the amendment."

REMARKS BY PRESIDENT PRO TEMPORE

Senator Franklin: "Senator, would you confine your remarks to the amendment?"

MOTION

Senator Eide demanded that the previous question be put.

The President Pro Tempore declared that at least two additional senators joined the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was carried by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Benton, Pflug, Stevens, Swecker and Zarelli on page 4, after line 5 to Senate Bill No. 6912.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Benton, Pflug, Stevens, Swecker and Zarelli and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Haugen, Holmquist, Honeyford, Kastama, Kilmer, King, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Shin, Spanel, Tom and Weinstein - 26

Excused: Senator Hewitt - 1

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6912 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

Senator Spanel spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6912.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6912 and the bill passed the Senate by the following

vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Franklin and Spanel - 2

Excused: Senator Hewitt - 1

SENATE BILL NO. 6912, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the following measures on the document titled "Bills to be moved to the Rules "X" file were referred to the Rules "X" File.

Senate Bill No. 5075,  
 Substitute Senate Bill No. 5145,  
 Senate Bill No. 5151,  
 Substitute Senate Bill No. 5153,  
 Senate Bill No. 5276,  
 Senate Bill No. 5279,  
 Senate Bill No. 5451,  
 Second Substitute Senate Bill No. 5455,  
 Senate Bill No. 5457,  
 Senate Bill No. 5472,  
 Senate Bill No. 5603,  
 Senate Bill No. 5706,  
 Substitute Senate Bill No. 5733,  
 Senate Bill No. 5742,  
 Substitute Senate Bill No. 5754,  
 Engrossed Second Substitute Senate Bill No. 5805,  
 Senate Bill No. 5854,  
 Senate Bill No. 5860,  
 Senate Bill No. 5892,  
 Engrossed Substitute Senate Bill No. 5909,  
 Senate Bill No. 5996,  
 Senate Bill No. 6042,  
 Senate Bill No. 6083,  
 Substitute Senate Bill No. 6168,  
 Senate Bill No. 6205,  
 Senate Bill No. 6230,  
 Senate Bill No. 6232,  
 Senate Bill No. 6238,  
 Senate Bill No. 6240,  
 Senate Bill No. 6252,  
 Senate Bill No. 6270,  
 Senate Bill No. 6280,  
 Senate Bill No. 6287,  
 Senate Bill No. 6293,  
 Senate Bill No. 6301,  
 Senate Bill No. 6302,  
 Senate Bill No. 6312,  
 Senate Bill No. 6315,  
 Senate Bill No. 6345,  
 Senate Bill No. 6372,  
 Senate Bill No. 6388,  
 Senate Bill No. 6399,  
 Senate Bill No. 6418,  
 Senate Bill No. 6427,  
 Senate Bill No. 6434,  
 Senate Bill No. 6435,  
 Senate Bill No. 6443,  
 Senate Bill No. 6444,  
 Senate Bill No. 6522,

Senate Bill No. 6528,  
 Senate Bill No. 6547,  
 Senate Bill No. 6611,  
 Senate Bill No. 6637,  
 Senate Bill No. 6645,  
 Senate Bill No. 6654,  
 Senate Bill No. 6655,  
 Senate Bill No. 6656,  
 Senate Bill No. 6658,  
 Senate Bill No. 6660,  
 Senate Bill No. 6668,  
 Senate Bill No. 6674,  
 Senate Bill No. 6682,  
 Senate Bill No. 6683,  
 Senate Bill No. 6693,  
 Senate Bill No. 6703,  
 Senate Bill No. 6704,  
 Senate Bill No. 6714,  
 Senate Bill No. 6724,  
 Senate Bill No. 6731,  
 Senate Bill No. 6755,  
 Senate Bill No. 6757,  
 Senate Bill No. 6789,  
 Senate Bill No. 6796,  
 Senate Bill No. 6820,  
 Senate Bill No. 6822,  
 Senate Bill No. 6832,  
 Senate Bill No. 6835,  
 Senate Bill No. 6843,  
 Senate Bill No. 6890,  
 Senate Bill No. 6908,  
 Senate Bill No. 6929,  
 Senate Bill No. 6930,  
 Senate Joint Memorial No. 8025,  
 Senate Joint Resolution No. 8223,  
 Senate Concurrent Resolution No. 8412,

**GREEN SHEET**

**BILLS IN SENATE RULES - FEBRUARY 18, 2008**  
**MOVE TO RULES X FILE**

**SENATE BILLS - THIRD READING**

Senate Bill No. 5026,  
 Substitute Senate Bill No. 5027,  
 Substitute Senate Bill No. 5305,  
 Second Substitute Senate Bill No. 5509,  
 Senate Bill No. 5526,  
 Senate Bill No. 5685,  
 Engrossed Senate Bill No. 5738,  
 Substitute Senate Bill No. 5964,  
 Substitute Senate Bill No. 6011,  
 Substitute Senate Bill No. 6053,  
 Substitute Senate Bill No. 6081,  
 Engrossed Substitute Senate Bill No. 6120,  
 Engrossed Substitute Senate Concurrent Resolution No. 8407,

**SENATE BILLS - SECOND READING**

Senate Bill No. 5067,  
 Senate Bill No. 5152,  
 Senate Bill No. 5180,  
 Senate Bill No. 5345,  
 Senate Bill No. 5352,  
 Senate Bill No. 5390,  
 Senate Bill No. 5420,  
 Senate Bill No. 5493,  
 Senate Bill No. 5587,  
 Senate Bill No. 5730,  
 Senate Bill No. 6000,  
 Senate Bill No. 6024,

Senate Bill No. 6180,  
 Senate Bill No. 6194,  
 Senate Bill No. 6254,  
 Senate Bill No. 6256,  
 Senate Bill No. 6334,  
 Senate Bill No. 6353,  
 Senate Bill No. 6373,  
 Senate Bill No. 6413,  
 Senate Bill No. 6436,  
 Senate Bill No. 6496,  
 Senate Bill No. 6618,  
 Senate Bill No. 6718,  
 Senate Bill No. 6737,  
 Senate Bill No. 6762,  
 Senate Bill No. 6784,  
 Senate Bill No. 6836,  
 Senate Bill No. 6925,  
 Senate Joint Memorial No. 8021,  
 Substitute Joint Memorial No. 8023,

**MOTION**

On motion of Senator Delvin, Senator Brandland was excused.

The President assumed the chair.

**RULING BY THE PRESIDENT**

President Owen: "In ruling upon the inquiry raised by Senator Sheldon as to the application of Initiative Number 960 to Senate Bill 6931, as well as the point raised by Senator Brown as to the Constitutional duties of this body, the President finds and rules as follows.

The President begins by addressing the argument raised by Senator Brown as to a possible conflict between the Constitution and I-960 with respect to the number of votes required to pass a measure. The Constitution is the preeminent law of our state, and all other laws and rules applicable to this body are unquestionably subordinate to the Constitution. Nonetheless, the President has taken an oath to uphold all of the laws of our state and nation, including both Constitutional and statutory law. Whatever the merits of Senator Brown's legal argument—and the President is inclined to agree with her arguments—it is not for him to decide legal matters. Under our Constitutional framework of separation of powers, the authority for determining a legal conflict between the Constitution and a statute is clearly vested with the courts. It is for this reason that the President has a long-standing tradition of refraining from making legal determinations, and he does so, again, in this case. Senator Brown's arguments are cogent and persuasive, but the proper venue for these legal arguments is in the courts, not in a parliamentary body. For these reasons, the President believes he lacks any discretion to make such a ruling, and he explicitly rejects making any determination as to the Constitutionality of I-960 and instead is compelled to give its provisions the full force and effect he would give any other law.

Turning now to the issue raised by Senator Sheldon as to whether or not the surcharge imposed by this measure is a tax or a fee, the President takes note of his prior rulings and the plain language of I-960 in making this determination. In so doing, it is worth noting that I-960 includes a very broad definition of tax, covering 'any action or combination of actions by the legislature that increases state tax revenue deposited in any fund, budget, or account.' The President still believes that there is a distinction between a 'tax' and a 'fee,' just as there was under Initiative Number 601—indeed, I-960, itself, speaks of both

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

taxes and fees. As a result, the President's earlier body of precedent for determining fees and taxes under I-601 is still instructive, albeit working within this tighter definition of 'tax' set forth in I-960.

Harmonizing these past rulings with the specific language of I-960, the President believes that there must be a very close nexus between those paying a fee and the purpose for which that fee is being used; absent this tight connection, a revenue action is more properly characterized as a general tax, not a specific fee.

Applying this analysis to the measure before us, the President does find a connection between collecting a charge on liquor and spending the proceeds on increased drunk driving patrols and drug treatment, but he believes the nexus is not sufficiently direct under the tighter definition of I-960—that is, the connection between those paying the surcharge and the purposes for which it may be used is not narrow. The purposes are very noble and desirable, but they are not directly connected to those paying the surcharge: Many who pay the surcharge will benefit from increased patrols, but so will the general populace; likewise, almost all who pay the surcharge will not need drug treatment programs. Because the purposes for which the surcharge's proceeds will be spent are not specifically connected with those who will pay the surcharge, it should more properly be characterized as a tax, not a fee. For this reason, a super majority vote of this body—that is, 33 votes—is needed for final passage, and Senator Sheldon's point is well-taken."

The Senate resumed consideration of Senate Bill No. 6931.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6931.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6931 and the bill failed to pass the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 1; Excused, 2.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Priddy, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 25

Voting nay: Senators Benton, Berkey, Carrell, Delvin, Haugen, Holmquist, Honeyford, Kastama, Kauffman, Kilmer, King, McCaslin, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Absent: Senator Morton - 1

Excused: Senators Brandland and Hewitt - 2

SENATE BILL NO. 6931, having failed to receive the constitutional majority, was declared lost.

MOTION

At 12:24 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:00 p.m. by President Owen.

MOTION

On motion of Senator Hatfield, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 27, 2008

ESHB 1030 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Enhancing the penalty for eluding a police vehicle. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; Roach and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senator McDermott.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 1142 Prime Sponsor, Representative Williams: Changing provisions regarding statutory costs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 1143 Prime Sponsor, Representative Lantz: Concerning notices of dishonor. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

2ESHB 1147 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning damage to livestock. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Hargrove; Spanel; Stevens and Swecker.

Passed to Committee on Ways & Means.

February 28, 2008

HB 1296 Prime Sponsor, Representative Hunter: Regarding state purchasing of information technology projects. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Benton.

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

Passed to Committee on Rules for second reading.

February 29, 2008

E2SHB 1332 Prime Sponsor, Committee on Appropriations: Addressing affordable housing development. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Jacobsen; Kilmer and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 1534 Prime Sponsor, Committee on State Government & Tribal Affairs: Modifying provisions affecting candidates for elective office. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 1545 Prime Sponsor, Representative Kirby: Providing industrial insurance benefits for life for the surviving spouses of law enforcement officers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 1597 Prime Sponsor, Committee on Commerce & Labor: Requiring plumbing, electrical, and conveyance workers to have licenses, certificates, or permits in their possession while working. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

3SHB 1741 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Transferring the oral history program from the secretary of state to the legislature. (REVISED FOR PASSED LEGISLATURE: Transferring the legislative oral history program from the secretary of state to the legislature.) Reported by Committee on Government Operations & Elections

2008 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 1775 Prime Sponsor, Representative Hinkle: Regarding crimes against livestock belonging to another person. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

E4SHB 1806 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Developing a model integrated pest management program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Weinstein.

Passed to Committee on Ways &amp; Means.

February 28, 2008

HB 1836 Prime Sponsor, Representative Ericks: Requiring registered sex and kidnapping offenders to register after serving a term of confinement for a subsequent offense that is not a sex or kidnapping offense. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 29, 2008

2ESHB 2016 Prime Sponsor, Committee on Judiciary: Changing provisions pertaining to eminent domain. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Transportation.

February 28, 2008

HB 2026 Prime Sponsor, Representative Santos: Regarding recruiter access to student records. Reported by Committee on Early Learning & K-12 Education

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

facility used to house persons awaiting deportation. Reported by Committee on Human Services & Corrections

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 29, 2008

ESHB 2143 Prime Sponsor, Committee on Select Committee on Environmental Health: Requiring the use of alternatives to lead wheel weights. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Oemig; Pridemore and Regala.

February 28, 2008

SHB 2444 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Requiring registered sex and kidnapping offenders to submit information regarding any e-mail addresses and any web sites they create or operate. Reported by Committee on Human Services & Corrections

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Hatfield and Holmquist.

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2203 Prime Sponsor, Representative Blake: Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

February 28, 2008

E2SHB 2449 Prime Sponsor, Committee on Appropriations: Providing collective bargaining for child care center directors and workers. Reported by Committee on Labor, Commerce, Research & Development

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Ways & Means.

February 28, 2008

ESHB 2438 Prime Sponsor, Committee on Agriculture & Natural Resources: Making permanent a pilot project that allows for the use of dogs to hunt cougars. (REVISED FOR ENGROSSED: Extending a pilot project that allows for the use of dogs to hunt cougars. ) Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Hargrove; Stevens and Swecker.

February 28, 2008

SHB 2452 Prime Sponsor, Committee on Agriculture & Natural Resources: Creating a wildlife rehabilitation advisory committee. Reported by Committee on Natural Resources, Ocean & Recreation

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Rockefeller.

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2439 Prime Sponsor, Committee on Human Services: Requiring the governing authorities of facilities where convicted sex offenders are confined to determine the offender's immigration status and to release offenders subject to deportation into the custody of federal authorities or at a federal

February 28, 2008

ESHB 2468 Prime Sponsor, Committee on Appropriations: Authorizing the department of natural resources to establish an inventory, conduct an assessment, and develop recommendations to improve community and urban forest conditions in Washington state. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Ways & Means.

February 28, 2008

SHB 2472 Prime Sponsor, Committee on Ecology & Parks: Seeking to improve recreational opportunities on state-owned lands managed by the department of natural resources. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2474 Prime Sponsor, Committee on Health Care & Wellness: Modifying supervised experience requirements for social worker licenses. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 29, 2008

EHB 2476 Prime Sponsor, Representative McCoy: Authorizing tribal police officers to act as general authority Washington state peace officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell; Hargrove; McDermott and Weinstein.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 2487 Prime Sponsor, Committee on Judiciary: Concerning vulnerable adult protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

2SHB 2514 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Protecting orca whales from the impacts from vessels. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Spanel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2525 Prime Sponsor, Committee on Agriculture & Natural Resources: Mitigating flood damage. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 29, 2008

E2SHB 2533 Prime Sponsor, Committee on Appropriations: Concerning attachments to utility poles of locally regulated utilities. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Fraser; Hatfield; Holmquist; Morton and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senator Oemig.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Regala.

Passed to Committee on Rules for second reading.

February 29, 2008

2SHB 2557 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Improving the operation of the trial courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 27, 2008

HB 2565 Prime Sponsor, Representative O'Brien: Including defendants who are persons specifically authorized to assist and act at the direction of law enforcement officers for the purpose of affirmative defenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2580 Prime Sponsor, Committee on Appropriations: Concerning paydates for employees participating in state active

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

military duty. Reported by Committee on Government Operations & Elections

Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline and Pridemore.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2595 Prime Sponsor, Committee on State Government & Tribal Affairs: Including national guard members in county veterans' assistance programs. Reported by Committee on Government Operations & Elections

E2SHB 2631 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Regarding the office of regulatory assistance. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott and Pridemore.

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 2602 Prime Sponsor, Committee on Commerce & Labor: Regarding employment leave for victims of domestic violence, sexual assault, or stalking. Reported by Committee on Labor, Commerce, Research & Development

HB 2637 Prime Sponsor, Representative Pearson: Concerning records in a criminal case. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; McDermott; Roach and Weinstein.

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 29, 2008

SHB 2609 Prime Sponsor, Committee on Finance: Concerning the use of digital image technology in property revaluation plans. Reported by Committee on Government Operations & Elections

SHB 2639 Prime Sponsor, Committee on Local Government: Regarding the procurement of renewable resources. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Hatfield; Oemig; Pridemore and Regala.

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Holmquist and Morton.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 29, 2008

E2SHB 2624 Prime Sponsor, Committee on Appropriations: Concerning human remains. Reported by Committee on Government Operations & Elections

E2SHB 2647 Prime Sponsor, Committee on Appropriations: Regarding the children's safe products act. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Oemig; Pridemore and Regala.

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Hatfield; Holmquist and Morton.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 28, 2008

ESHB 2626 Prime Sponsor, Committee on Commerce & Labor: Studying options for suspending the waiting week for individuals who are unemployed because of an emergency or disaster. Reported by Committee on Labor, Commerce, Research & Development

SHB 2690 Prime Sponsor, Committee on Appropriations: Creating a mental health first aid course. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

MAJORITY recommendation: Do pass. Signed by

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

Passed to Committee on Ways & Means.

February 28, 2008

HB 2699 Prime Sponsor, Representative Moeller: Recodifying RCW 19.48.130 as a section in the minimum wage act. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 2709 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Authorizing school districts to establish a price preference to purchase locally grown food. (REVISED FOR ENGROSSED: Exempting purchases of Washington grown food from school district competitive bid procedures. ) Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 29, 2008

E2SHB 2712 Prime Sponsor, Committee on Appropriations: Concerning criminal street gangs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Ways & Means.

February 28, 2008

2SHB 2713 Prime Sponsor, Committee on Appropriations: Providing for broader collection of biological samples for the DNA identification of convicted sex offenders and other persons. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 28, 2008

2SHB 2714 Prime Sponsor, Committee on Appropriations: Making failure to register as a sex offender a class B felony. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 2719 Prime Sponsor, Representative Priest: Ensuring that offenders receive accurate sentences. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 29, 2008

SHB 2727 Prime Sponsor, Committee on Judiciary: Extending personality rights to deceased persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott and Weinstein.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2728 Prime Sponsor, Representative Eddy: Requiring sex offender registration for misdemeanor and gross misdemeanor-level indecent exposure when there has been a finding of sexual motivation. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2740 Prime Sponsor, Representative Hudgins: Concerning private cemeteries. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2756 Prime Sponsor, Committee on Appropriations: Logging the telephone calls of residents of the special commitment center. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 29, 2008

ESHB 2758 Prime Sponsor, Committee on Technology, Energy & Communications: Adding products to the energy efficiency code. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 2762 Prime Sponsor, Representative Takko: Increasing the number of district court judges in Cowlitz county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 2774 Prime Sponsor, Representative Barlow: Making a false or misleading material statement that results in an Amber alert. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2778 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions concerning real estate licensure law. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; King; Murray and Prentice.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2779 Prime Sponsor, Committee on Agriculture & Natural Resources: Requiring a specialized forest products permit to sell raw or unprocessed huckleberries. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2780 Prime Sponsor, Representative Haigh: Regarding alternative public works contracting procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2788 Prime Sponsor, Committee on Agriculture & Natural Resources: Organizing definitions in Title 77 RCW. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 2791 Prime Sponsor, Representative Lantz: Concerning distressed property conveyances. (REVISED FOR PASSED LEGISLATURE: Concerning distressed home conveyances.) Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2792 Prime Sponsor, Representative Wood: Relating to computing breaks in the parimutuel system. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

2SHB 2807 Prime Sponsor, Committee on State Government & Tribal Affairs: Regarding the electronic submittal and publication of voters' pamphlet information. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 29, 2008

ESHB 2818 Prime Sponsor, Committee on Select Committee on Environmental Health: Concerning the duties of the department of ecology's office of waste reduction and sustainable production. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Hatfield; Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 28, 2008

2SHB 2822 Prime Sponsor, Committee on Appropriations: Concerning the family and juvenile court improvement program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 28, 2008

HB 2835 Prime Sponsor, Representative Kagi: Requiring federal name-based criminal history record checks when a child is placed in out-of-home care in an emergency situation. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Ways & Means.

February 29, 2008

SHB 2836 Prime Sponsor, Committee on Judiciary: Protecting animals from perpetrators of domestic violence. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 2844 Prime Sponsor, Committee on Appropriations: Regarding urban forestry. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Fraser; Hargrove; Rockefeller and Spanel.

2008 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens.

Passed to Committee on Ways & Means.

February 28, 2008

SHB 2848 Prime Sponsor, Committee on Housing: Concerning a voluntary contribution program for property owners taking the multifamily property tax exemption. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Jacobsen; Kilmer and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 29, 2008

SHB 2858 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Expanding metal property provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 2864 Prime Sponsor, Committee on Commerce & Labor: Requiring the filing of certified payroll records on public works projects. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 27, 2008

ESHB 2884 Prime Sponsor, Committee on Education: Requiring policies on and limiting the use of mechanical, chemical, and physical restraint of students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senators King; Brandland and Holmquist.

Passed to Committee on Rules for second reading.

February 28, 2008

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

SHB 2885 Prime Sponsor, Committee on Commerce & Labor: Modifying industrial insurance coverage for geoduck harvesters. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 29, 2008

2SHB 2903 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Creating an access coordinator for the administrative office of the courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2955 Prime Sponsor, Representative Hunter: Ensuring access to criminal justice information. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2959 Prime Sponsor, Committee on Commerce & Labor: Concerning craft distilleries. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2963 Prime Sponsor, Committee on Appropriations: Authorizing collective bargaining for Washington State University employees who are enrolled in academic programs. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2986 Prime Sponsor, Committee on Finance: Concerning property tax collection and assessment. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 2996 Prime Sponsor, Committee on Commerce & Labor: Requiring aversive agents in antifreeze products. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 2999 Prime Sponsor, Representative Hurst: Concerning the "chief for a day" program. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 3002 Prime Sponsor, Committee on Commerce & Labor: Applying arbitration to bargaining by the state and the Washington state patrol. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 29, 2008

ESHB 3012 Prime Sponsor, Committee on Judiciary: Regarding estate distribution documents. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 3103 Prime Sponsor, Committee on Education: Expanding the list of crimes that require dismissal or certificate revocation for school employees. Reported by Committee on Early Learning & K-12 Education

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; McDermott; Oemig and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 3122 Prime Sponsor, Committee on Commerce & Labor: Consolidating, aligning, and clarifying exception tests for determination of independent contractor status under unemployment compensation and workers' compensation laws. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 29, 2008

2ESHB 3133 Prime Sponsor, Committee on Housing: Requiring a minimum of three years' notice on closures or conversions of mobile home parks and manufactured housing communities. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer and Tom.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 3139 Prime Sponsor, Committee on Appropriations: Providing for stays of industrial insurance orders on appeal. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 3145 Prime Sponsor, Committee on Appropriations: Implementing a tiered classification system for foster parent licensing. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Marr and McAuliffe.

MINORITY recommendation: That it be referred without

2008 REGULAR SESSION

recommendation. Signed by Senators Stevens; Brandland and Carrell.

Passed to Committee on Rules for second reading.

February 29, 2008

ESHB 3148 Prime Sponsor, Committee on Judiciary: Concerning firearm licenses for persons from other countries. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 3160 Prime Sponsor, Committee on Commerce & Labor: Addressing the availability of nutrition information. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 3161 Prime Sponsor, Representative Smith: Requiring certain sex offenders to pay the costs of electronic monitoring. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 3166 Prime Sponsor, Committee on Education: Concerning the design of the state assessment system and the WASL. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King; Brandland; Holmquist and McDermott.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 3205 Prime Sponsor, Committee on Appropriations: Promoting the long-term well-being of children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended.

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Ways & Means.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pridemore.

February 28, 2008

Passed to Committee on Rules for second reading.

HB 3220 Prime Sponsor, Representative Condotta: Allowing counties, cities, and towns to conduct raffles under certain terms and conditions. Reported by Committee on Labor, Commerce, Research & Development

February 28, 2008

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; King and Murray.

HB 3281 Prime Sponsor, Representative Seaquist: Requiring public notification of industrial development levies by port districts. Reported by Committee on Government Operations & Elections

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

February 29, 2008

Passed to Committee on Rules for second reading.

2SHB 3227 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Protecting the water quality in Hood Canal. Reported by Committee on Water, Energy & Telecommunications

February 28, 2008

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Fraser; Hatfield; Holmquist; Morton; Oemig and Pridemore.

SHB 3291 Prime Sponsor, Committee on Capital Budget: Enacting the community schools act of 2008. Reported by Committee on Early Learning & K-12 Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

February 29, 2008

MINORITY recommendation: Do not pass. Signed by Senators Tom, Vice Chair; King; Brandland and Holmquist.

E2SHB 3254 Prime Sponsor, Committee on Transportation: Concerning accountability for persons driving under the influence of intoxicating liquor or drugs. Reported by Committee on Judiciary

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

February 27, 2008

Passed to Committee on Transportation.

EHB 3317 Prime Sponsor, Representative Hunter: Regarding standards and curriculum in mathematics and science. (REVISED FOR ENGROSSED: Regarding mathematics standards.) Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig and Rasmussen.

February 28, 2008

Passed to Committee on Rules for second reading.

SHB 3255 Prime Sponsor, Committee on Commerce & Labor: Regarding workers' compensation coverage for work performed outside Washington. Reported by Committee on Labor, Commerce, Research & Development

February 28, 2008

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

2SHB 3349 Prime Sponsor, Committee on Appropriations: Providing a review of the need for residential contractor licensing. Reported by Committee on Labor, Commerce, Research & Development

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

February 28, 2008

Passed to Committee on Ways & Means.

2SHB 3274 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Addressing public contracting by public port districts. Reported by Committee on Government Operations & Elections

February 29, 2008

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton and McDermott.

HJM 4031 Prime Sponsor, Representative Santos: Requesting that Congress and the President demand Ethiopia fulfill its human rights obligations. Reported by Committee on Judiciary

FORTY-SEVENTH DAY, FEBRUARY 29, 2008

2008 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Hatfield, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Third Substitute House Bill No. 1741, Engrossed Substitute House Bill No. 2143, Engrossed Substitute House Bill No. 2818, Substitute House Bill No. 2963 and Second Substitute House Bill No. 3274 which were referred to the Committee on Rules; Second Engrossed Substitute House Bill No. 2016 and Engrossed Second Substitute House Bill No. 3254 which were referred to the Committee on Transportation; and Second Engrossed Substitute House Bill No. 1147 and House Bill No. 2835 which were referred to the Committee on Ways & Means.

MOTION

At 6:03 p.m., on motion of Senator Hatfield, the Senate adjourned until 12:00 noon, Monday, March 3, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTIETH DAY, MARCH 3, 2008

2008 REGULAR SESSION

**FIFTIETH DAY**

**NOON SESSION**

Senate Chamber, Olympia, Monday, March 3, 2008

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 29, 2008

SB 6806 Prime Sponsor, Senator Haugen: Providing tax incentives for anaerobic digester production. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6806 as recommended by Committee on Agriculture & Rural Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 29, 2008

SB 6949 Prime Sponsor, Senator Brown: Simplifying the administration of the low-income homeowner deferral program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Rasmussen; Regala; Roach; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 1404 Prime Sponsor, Representative Wallace: Providing a sales tax exemption for certain trail grooming services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kohl-Welles; Rasmussen; Regala; Roach and Tom.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 2700 Prime Sponsor, Representative O'Brien: Creating the military department active state service account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 29, 2008

ESHB 3303 Prime Sponsor, Committee on Finance: Concerning tax incentives for certain polysilicon manufacturers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

February 29, 2008

ESHB 3329 Prime Sponsor, Committee on Capital Budget: Prioritizing four-year higher education institutions' capital project requests. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Rasmussen; Regala; Roach; Rockefeller and Tom.

Passed to Committee on Rules for second reading.

**MOTION**

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

**MOTION**

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

**MESSAGE FROM THE HOUSE**

February 29, 2008

MR. PRESIDENT:  
The House concurred in the Senate amendment to the following bills and passed the bills as amended by the Senate:  
HOUSE BILL NO. 2437,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

March 3, 2008

FIFTIETH DAY, MARCH 3, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:

HOUSE BILL NO. 2437,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 29, 2008

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3096,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 2437,

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 3096 by House Committee on Transportation (originally sponsored by Representatives Clibborn and McIntire)

AN ACT Relating to financing the state route number 520 bridge replacement project; adding new sections to chapter 47.01 RCW; adding new sections to chapter 47.56 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION  
8738

By Senator Honeyford

WHEREAS, It is the tradition of the Washington State Senate to honor the dedication, teamwork, and triumph of our state's students; and

WHEREAS, The Sunnyside Christian Knights defeated the Tekoa-Oakesdale team in the Class 1B Boys State Championship game by a score of 38 to 37; and

WHEREAS, The Sunnyside Christian Knights basketball team, through determination and perseverance, attained a 20-5 record for the 2007-2008 season; and

2008 REGULAR SESSION

WHEREAS, The commitment to excellence on the basketball court is an extension of the Knight's commitment to academic excellence and a Christian education; and

WHEREAS, Coaches Dean Wagenaar, Brian Bosma, and Henry Bosma; managers Ryan Burton, Kevin De Jong, Chris Newhouse, and Trevor Wagenaar; and team members Steven Bosma, Steven Broersma, Jesse Brouwer, Matt Crabtree, Marc De Jong, Tim De Vries, Jason Friend, Joel Koopmans, Ryker Van Belle, Rylee Van Belle, Danny Van Boven, and Jordan Vogel have demonstrated incredible teamwork in achieving victory over the Tekoa-Oakesdale team to clinch the school's second consecutive title as State 1B Champions; and Joel Koopmans was named the State Tournament MVP; and

WHEREAS, The Sunnyside Christian Knights were supported by cheerleaders Anna Cleveland, Jenni Crabtree, Annaka Erickson, Taylor Gardner, Devi Knotts, and Vanessa Van Boven, and cheer advisor Lori Gardner;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby acknowledge and honor the Sunnyside Christian High School Knights boys' basketball team as an example to all Washingtonians of the rewards of hard work and commitment to team effort; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the coaches and members of the Sunnyside Christian Knights boys' basketball team and to Sunnyside Christian High School.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8738.

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

MOTION

At 12:05 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:33 p.m. by Senator Pridemore.

MOTION

On motion of Senator Marr, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING  
COMMITTEES

March 3, 2008

4SHB 1103 Prime Sponsor, Committee on Appropriations: Increasing the authority of regulators to remove health care practitioners who pose a risk to the public. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Pridemore, Vice Chair; Operating Budget; Zarelli; Brandland; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 1230 Prime Sponsor, Representative Hurst: Designating state route number 164 as a highway of statewide significance. Reported by Committee on Transportation

FIFTIETH DAY, MARCH 3, 2008

2008 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Jacobsen; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Berkey; Eide; Jacobsen; Kauffman; Kilmer; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Swecker; Delvin; Kastama; King and Pflug.

Passed to Committee on Rules for second reading.

March 3, 2008

March 3, 2008

SHB 1625 Prime Sponsor, Committee on Transportation: Allowing motorcycles to stop and proceed through traffic signals under certain conditions. Reported by Committee on Transportation

E4SHB 1806 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Developing a model integrated pest management program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Jacobsen; Kauffman; Kilmer; King and Sheldon.

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & K-12 Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Regala; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pflug.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Honeyford; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 3, 2008

March 3, 2008

SHB 1675 Prime Sponsor, Committee on Appropriations: Providing certain public notices in a language other than English. Reported by Committee on Ways & Means

E3SHB 1873 Prime Sponsor, Committee on Appropriations: Changing the requirements for, and recoveries under, a wrongful injury or death cause of action, or a survival action. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Regala; Rockefeller and Tom.

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli, Carrell, Hewitt, Honeyford and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Hewitt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Parlette and Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Honeyford; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 3, 2008

March 3, 2008

ESHB 1727 Prime Sponsor, Committee on Local Government: Planning to ensure sufficient land and densities available to accommodate growth. Reported by Committee on Ways & Means

3SHB 2053 Prime Sponsor, Committee on Finance: Providing for improved availability of motor vehicle fuel during power outages or interruptions in electrical service. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland; Carrell; Fairley; Hewitt; Hobbs; Keiser; Kohl-Welles; Parlette; Rasmussen; Rockefeller; Schoesler and Tom.

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Honeyford and Roach.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 3, 2008

March 3, 2008

E2SHB 1773 Prime Sponsor, Committee on Transportation: Concerning the imposition of tolls. Reported by Committee on Transportation

HB 2134 Prime Sponsor, Representative Van De Wege: Authorizing port district fire fighter membership in the law enforcement officers' and fire fighters' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair;

FIFTIETH DAY, MARCH 3, 2008

2008 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Keiser; Kohl-Welles; Rasmussen; Roach; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 3, 2008

2E2SHB 2176 Prime Sponsor, Committee on Appropriations: Revising provisions involving court interpreters. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

2SHB 2344 Prime Sponsor, Committee on Transportation: Preserving rail corridors. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 2449 Prime Sponsor, Committee on Appropriations: Providing collective bargaining for child care center directors and workers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Carrell; Fairley; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Roach and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Hewitt and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Hobbs; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 2460 Prime Sponsor, Representative Fromhold: Concerning the leasehold excise tax exemption for certain amphitheater property. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield;

Hobbs; Honeyford; Keiser; Kohl-Welles; Rasmussen; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 2492 Prime Sponsor, Representative Takko: Modifying the date for establishing school district boundaries for excess property tax levies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Carrell; Parlette and Roach.

Passed to Committee on Rules for second reading.

March 3, 2008

2SHB 2507 Prime Sponsor, Committee on Capital Budget: Expanding the statewide first responder building mapping information system to higher education facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Parlette; Rasmussen; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 2510 Prime Sponsor, Representative Simpson: Allowing medicare only health insurance benefits for certain employees of political subdivisions under a divided referendum process. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Rasmussen; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

2SHB 2523 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Creating the position of world language supervisor in the office of the superintendent of public instruction. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield; Hobbs; Keiser; Kohl-Welles; Rasmussen; Regala; Roach; Rockefeller and Tom.

FIFTIETH DAY, MARCH 3, 2008

2008 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators Zarelli, Carrell, Hewitt and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Honeyford and Parlette.

Passed to Committee on Rules for second reading.

March 3, 2008

2SHB 2530 Prime Sponsor, Committee on Appropriations: Studying the effectiveness of the existing hydraulic project approval process under chapter 77.55 RCW in protecting fish life. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

2SHB 2537 Prime Sponsor, Committee on Appropriations: Modifications to the health insurance partnership act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kohl-Welles; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli, Hewitt, Honeyford, Parlette, Roach and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Carrell and Hatfield.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 2549 Prime Sponsor, Committee on Appropriations: Establishing a patient-centered primary care collaborative program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long-Term Care. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 2564 Prime Sponsor, Representative Upthegrove: Adding bicyclist and pedestrian safety information to drivers' education curriculum. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 2571 Prime Sponsor, Representative Seaquist: Modifying armed forces provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 2624 Prime Sponsor, Committee on Appropriations: Concerning human remains. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Government Operations & Elections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland; Carrell; Fairley; Hatfield; Hobbs; Keiser; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2008

EHB 2641 Prime Sponsor, Representative Jarrett: Creating a pilot program to test performance agreements at institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Carrell; Honeyford; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 2647 Prime Sponsor, Committee on Appropriations: Regarding the children's safe products act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Water, Energy & Telecommunications. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Hatfield and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 2651 Prime Sponsor, Representative Fromhold: Modifying requirements for participation in public employees' benefits board programs by K-12 school districts and educational service districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Honeyford; Keiser; Kohl-Welles; Rasmussen; Regala; Roach; Rockefeller and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 2652 Prime Sponsor, Representative Morrell: Transferring the dependent care assistance program to the health care authority by coordinating benefit plans that allow state and public employees to pay on a pretax basis. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 2668 Prime Sponsor, Committee on Appropriations: Expanding programs for persons needing long-term care. (REVISED FOR ENGROSSED: Concerning long-term care.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 2679 Prime Sponsor, Committee on Appropriations: Creating programs to improve educational outcomes for students in foster care. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & K-12 Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 2690 Prime Sponsor, Committee on Appropriations: Creating a mental health first aid course. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Honeyford; Parlette and Roach.

Passed to Committee on Rules for second reading.

March 3, 2008

ESHB 2693 Prime Sponsor, Committee on Appropriations: Regarding training and certification of long-term care workers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 2712 Prime Sponsor, Committee on Appropriations: Concerning criminal street gangs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

2SHB 2722 Prime Sponsor, Committee on Appropriations: Creating an advisory committee to address the achievement gap for African-American students. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 2729 Prime Sponsor, Committee on Technology, Energy & Communications: Addressing the reading and

FIFTIETH DAY, MARCH 3, 2008

2008 REGULAR SESSION

handling of certain identification documents. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 2746 Prime Sponsor, Committee on Transportation: Concerning the purchasing of fuel by certain state and local agencies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Jacobsen; Kauffman; Kilmer; King; Sheldon and Spanel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pflug.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 2783 Prime Sponsor, Committee on Appropriations: Regarding transfer and articulation between institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 2809 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Regarding mathematics and science teachers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 2811 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Creating the healthy student grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & K-12 Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 2815 Prime Sponsor, Committee on Appropriations: Providing a framework for reducing greenhouse gas emissions in the Washington economy. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 2817 Prime Sponsor, Committee on Transportation: Concerning motor vehicles, vehicles, and vessels contaminated with methamphetamines. (REVISED FOR PASSED LEGISLATURE: Concerning contaminated motor vehicles, vehicles, and vessels. ) Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended by Committee on Water, Energy & Telecommunications. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

March 3, 2008

2SHB 2822 Prime Sponsor, Committee on Appropriations: Concerning the family and juvenile court improvement program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 2835 Prime Sponsor, Representative Kagi: Requiring federal name-based criminal history record checks when a child is placed in out-of-home care in an emergency situation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

FIFTIETH DAY, MARCH 3, 2008

E2SHB 2844 Prime Sponsor, Committee on Appropriations: Regarding urban forestry. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell; Fairley; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2008

ESHB 2847 Prime Sponsor, Committee on Finance: Creating a sales and use tax exemption of materials and services used in the weatherization assistance program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

2SHB 2870 Prime Sponsor, Committee on Appropriations: Providing opportunities for professional development for instructional assistants. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 2887 Prime Sponsor, Representative Fromhold: Authorizing the purchase of an increased benefit multiplier for past judicial service for judges in the public employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

2008 REGULAR SESSION

SHB 2899 Prime Sponsor, Committee on Appropriations: Promoting and providing resources for adult literacy education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Parlette; Rasmussen; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 2925 Prime Sponsor, Committee on Community & Economic Development & Trade: Establishing a plan for improving the effectiveness of the office of minority and women's business enterprises. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Economic Development, Trade & Management. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hatfield; Hobbs; Keiser; Oemig; Parlette; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 2949 Prime Sponsor, Representative Linville: Designating nonappropriated expenses of the liquor control board paid from the liquor revolving fund. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 3007 Prime Sponsor, Representative Conway: Addressing the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 3059 Prime Sponsor, Committee on Appropriations: Requiring coverage for lead blood level assessments. Reported by Committee on Ways & Means

FIFTIETH DAY, MARCH 3, 2008

2008 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 3069 Prime Sponsor, Committee on Transportation: Regulating driver improvement schools. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Eide; Jacobsen; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

March 3, 2008

ESHB 3096 Prime Sponsor, Committee on Transportation: Financing the state route number 520 bridge replacement project. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey; Eide; Jacobsen; Kastama; Kauffman; Kilmer and Spanel.

MINORITY recommendation: Do not pass. Signed by Senators Swecker and Pflug.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and King.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 3120 Prime Sponsor, Committee on Finance: Requiring a study on tax incentives to encourage green building. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Hatfield; Hobbs; Keiser; Kohl-Welles; Rasmussen; Regala; Roach; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Honeyford.

Passed to Committee on Rules for second reading.

March 3, 2008

2SHB 3121 Prime Sponsor, Committee on Appropriations: Implementing the recommendations of the joint legislative task force on the underground economy in the construction industry. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Labor, Commerce, Research & Development. Signed by Senators Prentice, Chair; Fraser, Vice Chair,

Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 3126 Prime Sponsor, Committee on Finance: Clarifying the interaction of the streamlined sales and use tax legislation and the power of local governments to license and tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

EHB 3142 Prime Sponsor, Representative Liias: Creating the affordable housing and community facilities rapid response loan program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Consumer Protection & Housing. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 3149 Prime Sponsor, Committee on Appropriations: Changing state investment board personnel compensation provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

2SHB 3168 Prime Sponsor, Committee on Appropriations: Regarding the creation of the Washington head start program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Roach; Rockefeller and Tom.

MINORITY recommendation: That it be referred without

FIFTIETH DAY, MARCH 3, 2008

2008 REGULAR SESSION

recommendation. Signed by Senators Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 3177 Prime Sponsor, Representative Sommers: Reducing the membership of the state expenditure limit committee. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell; Fairley; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli, Honeyford and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 3180 Prime Sponsor, Committee on Capital Budget: Addressing housing reform policies to achieve greater efficiencies in housing investments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 3188 Prime Sponsor, Representative Roach: Exempting waste vegetable oil from excise tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 3205 Prime Sponsor, Committee on Appropriations: Promoting the long-term well-being of children. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Honeyford; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 3216 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Developing wave and tidal energy technologies in Washington. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Water, Energy & Telecommunications. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell; Fairley; Hatfield; Hobbs; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Honeyford; Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 3224 Prime Sponsor, Committee on Transportation: Reviewing and conducting studies on providing commuter rail services. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Jacobsen; Kastama; Kauffman; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 3249 Prime Sponsor, Representative Cody: Administering benefits under the public employees' benefits board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

E2SHB 3254 Prime Sponsor, Committee on Transportation: Concerning accountability for persons driving under the influence of intoxicating liquor or drugs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Jacobsen; Kastama; Kilmer; King; Pflug; Sheldon and Spanel.

Passed to Committee on Rules for second reading.

March 3, 2008

SHB 3283 Prime Sponsor, Committee on Finance: Relieving active duty military personnel of interest and penalties on delinquent excise taxes. Reported by Committee on Ways & Means

FIFTIETH DAY, MARCH 3, 2008

2008 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Rasmussen; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

2SHB 3349 Prime Sponsor, Committee on Appropriations: Providing a review of the need for residential contractor licensing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Oemig; Parlette; Rasmussen; Regala; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2008

HB 3362 Prime Sponsor, Representative Kelley: Providing tax incentives to encourage businesses to purchase highly energy efficient equipment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs; Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Marr, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated.

#### MOTION

At 7:35 p.m., on motion of Senator Marr, the Senate adjourned until 9:00 a.m. Tuesday, March 4, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

**FIFTY-FIRST DAY****MORNING SESSION**

Senate Chamber, Olympia, Tuesday, March 4, 2008

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Fairley, McDermott, Rasmussen and Rockefeller.

The Sergeant at Arms Color Guard consisting of Pages Andrew Scott and Kyle Wilson, presented the Colors.

The Navy Band Northwest consisting of Lieutenant Charles Roegiers, Director; Musician 1<sup>st</sup> Class James Raasch; Musician 3<sup>rd</sup> Class Drew Williams and Musician 3<sup>rd</sup> Class Eric Cavender performed the National Anthem.

Pastor Bob Rorabaugh of Northshore Baptist Church offered the prayer.

The Navy Band Northwest consisting of Lieutenant Charles Roegiers, Director; Musician 1<sup>st</sup> Class James Raasch; Musician 3<sup>rd</sup> Class Drew Williams and Musician 3<sup>rd</sup> Class Eric Cavender performed the "Stars and Stipes."

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced Rear Admiral John P. Currier, Commander of the U. S. Coast Guard Thirteenth District which serves Washington, Idaho, Oregon and Montana, a Coast Guard aviator and a recipient of the Legion of Merit, Distinguished Flying Cross, Meritorious Service Medal, Air Medal and other awards. The President also recognized Lt. Commander Kelly Larson, a watch officer at the Puget Sound Joint Harbor Operations Center in Seattle who was deployed on very short notice to Lewis County to command air operations providing relief and rescue during the December 2007 floods. Lt. Cdr. Larson is also the first woman to graduate, in 1985, from the rescue swimmer school – which averages a 40 percent attrition rate, failure higher even than for the notoriously challenging Navy SEAL program and is a rescue helicopter pilot. Rear Admiral Currier and Lt. Cmdr. Larson were seated at the rostrum.

**INTRODUCTION OF SPECIAL GUESTS**

The President recognized former Secretary of State Ralph Munro who was present in the wings of the senate and assisted in the day's events.

**PERSONAL PRIVILEGE**

Senator Swecker: "It's my understanding we have visitors here today from the 13<sup>th</sup> Coast Guard District. I just wanted to take a moment to thank them if I may? I'm the Senator from the Twentieth District. I guess this is a point of personal privilege sir. I'm the Senator from the Twentieth District which includes all of Lewis County and part of Thurston County so you can imagine how we how my district was impacted by the recent flood event. We had an incredible response from the U. S. Coast Guard, six helicopters were deployed from air station Port Angeles, Air Station Astoria, Air Station North Bend, Air Station San Francisco. They reported to the onsite mobile command center at the Chehalis airport in cooperation with FEMA in Region Ten and oh, by the way, that airport went under water. Later we had to move it to a ball field to continue the operations. The six helicopters flew a total of twenty-four hours and rescued one hundred fifty-six people from roofs and tree

tops. More than three hundred other citizens were assisted from dangerous and difficult circumstances. Admiral Currier, Commander of the Thirteenth Coast Guard District, serves as a Coast Guard leader for Washington, Idaho, Oregon and Montana. He has more than eighteen hundred active and civilian employees reporting to his command and more than four hundred reserves. I just want to, at this time, thank you profoundly. I was a helicopter pilot in Vietnam and I know exactly what they went through and I understand how valuable they were. The Lord's on our side when the helicopters arrive. Thank you sir."

**MOTION**

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

**MOTION**

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

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Fraser moved that Gubernatorial Appointment No. 9302, Diana Gale, as a member of the Puget Sound Partnership, be confirmed.

Senator Fraser spoke in favor of the motion.

**MOTION**

On motion of Senator Marr, Senators Brown, Eide, Haugen, Regala and Spanel were excused.

**APPOINTMENT OF DIANA GALE**

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9302, Diana Gale as a member of the Puget Sound Partnership.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9302, Diana Gale as a member of the Puget Sound Partnership and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senators Fairley, McDermott, Rasmussen and Rockefeller - 4

Excused: Senator Brown - 1

Gubernatorial Appointment No. 9302, Diana Gale, having received the constitutional majority was declared confirmed as a member of the Puget Sound Partnership.

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Fraser moved that Gubernatorial Appointment No. 9382, Bill Wilkerson, as a member of the Puget Sound Partnership, be confirmed.

FIFTY-FIRST DAY, MARCH 4, 2008

Senator Fraser spoke in favor of the motion.

#### MOTION

On motion of Senator Regala, Senators Fairley, McDermott, Rasmussen and Rockefeller were excused.

#### APPOINTMENT OF BILL WILKERSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9382, Bill Wilkerson as a member of the Puget Sound Partnership.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9382, Bill Wilkerson as a member of the Puget Sound Partnership and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Fairley, McDermott and Rasmussen - 4

Gubernatorial Appointment No. 9382, Bill Wilkerson, having received the constitutional majority was declared confirmed as a member of the Puget Sound Partnership.

#### MOTION

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

#### MOTION

Senator Spanel moved adoption of the following resolution:

#### SENATE RESOLUTION 8739

By Senators Spanel and Haugen

WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and

WHEREAS, The beautiful Skagit Valley is the Northwest's tulip capital and the number one producer of tulip bulbs in North America; and

WHEREAS, The Skagit Valley Tulip Festival kicks off the festival season in Washington; and

WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of the event and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's festival celebrates the 25th anniversary of the event; and

WHEREAS, The festival will run from April 1st through April 30th, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, Visitors will be greeted by more than 750 acres of tulips reflecting all the vibrant colors of the rainbow, by the fullness of life in the valley, and by its wonderful people; and

WHEREAS, This year's Tulip Festival Ambassadors, Claire Kenning and Carl Johnson, will ably and personally perform their responsibilities as representatives of the festival; and

WHEREAS, Highlights of the event include the Kiwanis Salmon Barbecue; art shows; the Tulip Parade; the Tour de Fleur, a benefit for Meals on Wheels programs; the Early Day

2008 REGULAR SESSION

Gas Engine and Tractor Association National Show; a 10K run; and a 50 mile bike ride;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Skagit Valley Tulip Festival Executive Director Cindy Verge and the Tulip Festival Ambassadors.

Senator Spanel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8739.

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

#### MOTION

At 9:33 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:14 a.m. by President Owen.

#### MOTION

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2602, by House Committee on Commerce & Labor (originally sponsored by Representatives Kessler, Dickerson, Williams, O'Brien, Hurst, Lantz, Moeller, Hasegawa, Pedersen, Ormsby, VanDeWege, Conway, Goodman, Hudgins, Santos, Campbell, Upthegrove, Chase, Darneille, Barlow, Green and Simpson)

Regarding employment leave for victims of domestic violence, sexual assault, or stalking.

The measure was read the second time.

#### MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 3** (1) It is in the public interest to reduce domestic violence, sexual assault, and stalking by enabling victims to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries, and to reduce the devastating economic consequences of domestic violence, sexual assault, and stalking to employers and employees. Victims of domestic violence, sexual assault, and stalking should be able to recover from and cope with the effects of such violence and participate in criminal and civil justice processes without fear of adverse economic consequences.

(2) One of the best predictors of whether a victim of domestic violence, sexual assault, or stalking will be able to stay away from an abuser is his or her degree of economic independence. However, domestic violence, sexual assault, and stalking often negatively impact victims' ability to maintain employment.

(3) An employee who is a victim of domestic violence, sexual assault, or stalking, or an employee whose family

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

member is a victim, must often take leave from work due to injuries, court proceedings, or safety concerns requiring legal protection.

(4) Thus, it is in the public interest to provide reasonable leave from employment for employees who are victims of domestic violence, sexual assault, or stalking, or for employees whose family members are victims, to participate in legal proceedings, receive medical treatment, or obtain other necessary services.

**NEW SECTION. Sec. 4** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Child," "spouse," "parent," "parent-in-law," "grandparent," and "sick leave and other paid time off" have the same meanings as in RCW 49.12.265.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Department," "director," "employer," and "employee" have the same meanings as in RCW 49.12.005.

(4) "Domestic violence" has the same meaning as in RCW 26.50.010.

(5) "Family member" means any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

(6) "Intermittent leave" and "reduced leave schedule" have the same meanings as in RCW 49.78.020.

(7) "Sexual assault" has the same meaning as in RCW 70.125.030.

(8) "Stalking" has the same meaning as in RCW 9A.46.110.

**NEW SECTION. Sec. 5** An employee may take reasonable leave from work, intermittent leave, or leave on a reduced leave schedule, with or without pay, to:

(1) Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;

(2) Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member;

(3) Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;

(4) Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking; or

(5) Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.

**NEW SECTION. Sec. 6** (1) As a condition of taking leave for any purpose described in section 3 of this act, an employee shall give an employer advance notice of the employee's intention to take leave. The timing of the notice shall be consistent with the employer's stated policy for requesting such leave, if the employer has such a policy. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or his or her designee must give notice to the employer no later than the end of the first day that the employee takes such leave.

(2) When an employee requests leave under section 3 of this act the employer may require that the request be supported by verification that:

(a) The employee or employee's family member is a victim of domestic violence, sexual assault, or stalking; and

(b) The leave taken was for one of the purposes described in section 3 of this act.

(3) If an employer requires verification, verification must be provided in a timely manner. In the event that advance notice of the leave cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, and the employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave.

(4) An employee may satisfy the verification requirement of this section by providing the employer with one or more of the following:

(a) A police report indicating that the employee or employee's family member was a victim of domestic violence, sexual assault, or stalking;

(b) A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;

(c) Documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, or stalking: An advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional. The provision of documentation under this section does not waive or diminish the confidential or privileged nature of communications between a victim of domestic violence, sexual assault, or stalking with one or more of the individuals named in this subsection (4)(c) pursuant to RCW 5.60.060, 70.123.075, 70.123.076, or 70.125.065; or

(d) An employee's written statement that the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes described in section 3 of this act.

(5) If the victim of domestic violence, sexual assault, or stalking is the employee's family member, verification of the familial relationship between the employee and the victim may include, but is not limited to, a statement from the employee, a birth certificate, a court document, or other similar documentation.

(6) An employee who is absent from work pursuant to section 3 of this act may elect to use the employee's sick leave and other paid time off, compensatory time, or unpaid leave time.

(7) An employee is required to provide only the information enumerated in subsection (2) of this section to establish that the employee's leave is protected under this chapter. An employee is not required to produce or discuss any information with the employer that is beyond the scope of subsection (2) of this section, or that would compromise the employee's safety or the safety of the employee's family member in any way, and an employer is prohibited from requiring any such disclosure.

(8)(a) Except as provided in (b) of this subsection, an employer shall maintain the confidentiality of all information provided by the employee under this section, including the fact that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking, that the employee has requested or obtained leave under this chapter, and any

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

written or oral statement, documentation, record, or corroborating evidence provided by the employee.

(b) Information given by an employee may be disclosed by an employer only if:

- (i) Requested or consented to by the employee;
- (ii) Ordered by a court or administrative agency; or
- (iii) Otherwise required by applicable federal or state law.

**NEW SECTION. Sec. 7** (1) The taking of leave under section 3 of this act may not result in the loss of any pay or benefits to the employee that accrued before the date on which the leave commenced.

(2) Upon an employee's return, an employer shall either:

(a) Restore the employee to the position of employment held by the employee when the leave commenced; or

(b) Restore the employee to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(3)(a) This section does not apply if the employment from which the individual takes leave is with a staffing company and the individual is assigned on a temporary basis to perform work at or services for another organization to support or supplement the other organization's workforces, or to provide assistance in special work situations such as, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects, all under the direction and supervision of the organization to which the individual is assigned.

(b) This section does not apply if an employee was hired for a specific term or only to perform work on a discrete project, the employment term or project is over, and the employer would not otherwise have continued to employ the employee.

(4) To the extent allowed by law, an employer shall maintain coverage under any health insurance plan for an employee who takes leave under section 3 of this act. The coverage must be maintained for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not taken the leave.

**NEW SECTION. Sec. 8** (1) The rights provided in this act are in addition to any other rights provided by state and federal law.

(2) Nothing in this chapter shall be construed to discourage employers from adopting policies that provide greater leave rights to employees who are victims of domestic violence, sexual assault, or stalking than those required by this act.

(3) Nothing in this act shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement, or any employment benefit program or plan, that provides greater leave rights to employees than the rights provided by this act.

**NEW SECTION. Sec. 9** Upon complaint by an employee, the director shall investigate to determine if there has been compliance with this chapter and the rules adopted under this chapter. If the investigation indicates that a violation has occurred, the director shall issue a notice of infraction. Appeal from the director's decision is governed by chapter 34.05 RCW.

**NEW SECTION. Sec. 10** Any finding, determination, conclusion, declaration, or notice of infraction made for the purposes of enforcing this chapter by the director or by an appeal tribunal, administrative law judge, or reviewing officer is neither conclusive nor binding in any civil action filed pursuant to section 12 of this act or in any other common law or civil action, regardless of whether the prior action was between the same or related parties or involved the same facts.

**NEW SECTION. Sec. 11** (1) If an employer is found to have committed an infraction under section 7 of this act, the director may impose upon the employer a fine of up to five hundred dollars for the first infraction and a fine of up to one thousand dollars for each subsequent infraction committed within three years of a previous infraction.

(2) The director may also order an employer found to have committed an infraction under section 7 of this act to comply with section 5(2) of this act.

**NEW SECTION. Sec. 12** (1) Except as provided in subsection (2) of this section, information contained in the department's complaint files and records of employees under this chapter is confidential and shall not be open to public inspection.

(2) Except as limited by state or federal statute or regulations:

(a) The information in subsection (1) of this section may be provided to public employees in the performance of their official duties; and

(b) A complainant or a representative of a complainant, be it an individual or an organization, may review a complaint file or receive specific information therefrom upon the presentation of the signed authorization of the complainant.

**NEW SECTION. Sec. 13** No employer may discharge, threaten to discharge, demote, deny a promotion to, sanction, discipline, retaliate against, harass, or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee:

(1) Exercised rights under section 3 of this act;

(2) Filed or communicated to the employer an intent to file a complaint under section 7 or 12 of this act; or

(3) Participated or assisted, as a witness or otherwise, in another employee's attempt to exercise rights under section 3, 7, or 12 of this act.

**NEW SECTION. Sec. 14** (1) Any employee deeming herself or himself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees.

(2) The remedy provided by this section is in addition to any common law remedy or other remedy that may be available to an employee.

(3) An employee is not required to exhaust administrative remedies before filing a civil action to enforce this chapter.

**NEW SECTION. Sec. 15** The department shall include notice of the provisions of this chapter in the next reprinting of employment posters printed under RCW 49.78.340. Employers shall post this notice as required in RCW 49.78.340.

**NEW SECTION. Sec. 16** Prosecuting attorney and victim/witness offices are encouraged to make information regarding this chapter available for distribution at their offices.

**NEW SECTION. Sec. 17** The director shall adopt rules as necessary to implement this chapter.

**Sec. 18** RCW 7.69.030 and 2004 c 120 s 8 are each amended to read as follows:

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

(3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

(4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

(9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance. Victims of domestic violence, sexual assault, or stalking, as defined in section 2 of this act, shall be notified of their right to reasonable leave from employment under chapter 49. . . . RCW (sections 1 through 15 of this act);

(10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

(13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions;

(15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment; and

(16) With respect to victims and survivors of victims, to present a statement in person, via audio or videotape, in writing

or by representation at any hearing conducted regarding an application for pardon or commutation of sentence.

NEW SECTION. Sec. 19 Sections 1 through 15 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 20 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce, Research & Development to Substitute House Bill No. 2602.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

#### MOTION

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

On page 1, line 2 of the title, after "stalking;" strike the remainder of the title and insert "amending RCW 7.69.030; adding a new chapter to Title 49 RCW; and declaring an emergency."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2602 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2602 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2602 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2602 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2427, by House Committee on Commerce & Labor (originally sponsored by Representatives Kenney, Hankins, Dickerson, Conway, Ormsby, Pettigrew, Santos, Fromhold, Haler, Sullivan, Schual-Berke, Moeller, McCoy, Quall, Darneille, Morris, Williams, Skinner, Flannigan, Bailey, Kelley, Hunt, Campbell, Grant, Morrell, Chase, Barlow and Green)

Modifying provisions for the cosmetology apprenticeship program.

The measure was read the second time.

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

## MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2427 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2427.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2427 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Brown - 1

SUBSTITUTE HOUSE BILL NO. 2427, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2963, by House Committee on Appropriations (originally sponsored by Representatives Conway, Campbell, Chase, Hasegawa, Sullivan, Simpson, Seaquist, Appleton, Sells, Wood, Green, Blake, Ericks, Kenney, Williams, McIntire, Pettigrew, Kirby, Moeller, Fromhold, Hunt, VanDeWege, Ormsby and Hudgins)

Authorizing collective bargaining for Washington State University employees who are enrolled in academic programs.

The measure was read the second time.

## MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** (1) The legislature acknowledges the ability of student employees who provide instructional, research, and related academic services at the University of Washington to collectively bargain and recognizes that student employees performing equivalent services at Washington State University do not enjoy collective bargaining rights. The legislature further recognizes that while the titles of the student employees may differ between the two institutions, student employees at Washington State University should enjoy the same collective bargaining rights as their counterparts at the University of Washington. The legislature therefore intends to grant bargaining rights to student employees at Washington State University to the same extent such rights are granted to student employees at the University of Washington.

(2) This act is intended to promote cooperative labor relations between Washington State University and the employees who provide instructional, research, and related academic services, and who are enrolled as students at the university by extending collective bargaining rights under

chapter 41.56 RCW and using the orderly procedures administered by the public employment relations commission. To achieve this end, the legislature intends that under chapter 41.56 RCW the university will exclusively bargain in good faith over all matters within the scope of bargaining under section 2 of this act.

(3) The legislature recognizes the importance of the shared governance practices developed at Washington State University. The legislature does not intend to restrict, limit, or prohibit the exercise of the functions of the faculty in any shared governance mechanisms or practices, including the faculty senate, faculty councils, and faculty codes of Washington State University; nor does the legislature intend to restrict, limit, or prohibit the exercise of the functions of the graduate and professional student association, the associated students of Washington State University, or any other student organization in matters outside the scope of bargaining covered by chapter 41.56 RCW.

(4) The legislature intends that nothing in this act will restrict, limit, or prohibit Washington State University from consideration of the merits, necessity, or organization of any program, activity, or service established by Washington State University, including, but not limited to, any decision to establish, modify, or discontinue any such program, activity, or service. The legislature further intends that nothing in this act will restrict, limit, or prohibit Washington State University from having sole discretion over admission requirements for students, criterion for the award of certificates and degrees to students, academic criterion for selection of employees covered by this act, initial appointment of students, and the content, conduct, and supervision of courses, curricula, grading requirements, and research programs.

(5) The legislature does not intend to limit the matters excluded from collective bargaining to those items specified in section 2 of this act.

**NEW SECTION. Sec. 2** A new section is added to chapter 41.56 RCW to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to Washington State University with respect to employees who are enrolled in an academic program and are in a classification in (a) through (g) of this subsection on any Washington State University campus. The employees in (a) through (g) of this subsection constitute an appropriate bargaining unit:

- (a) Graduate teaching assistant;
- (b) Graduate staff assistant;
- (c) Graduate project assistant;
- (d) Graduate veterinary assistant;
- (e) Tutor, reader, and graders in all academic units and tutoring centers;

(f) Except as provided in this subsection (1)(f), graduate research assistant. The employees that constitute an appropriate bargaining unit under this subsection (1) do not include graduate research assistants who are performing research primarily related to their dissertation and who have incidental or no service expectations placed upon them by the university; and

(g) All employees enrolled in an academic program whose duties and responsibilities are substantially equivalent to those employees in (a) through (f) of this subsection.

(2)(a) The scope of bargaining for employees at Washington State University under this section excludes:

(i) The ability to terminate the employment of any individual if the individual is not meeting academic requirements as determined by Washington State University;

(ii) The amount of tuition or fees at Washington State University. However, tuition and fee remission and waiver is within the scope of bargaining;

(iii) The academic calendar of Washington State University; and

FIFTY-FIRST DAY, MARCH 4, 2008

(iv) The number of students to be admitted to a particular class or class section at Washington State University.

(b)(i) Except as provided in (b)(ii) of this subsection, provisions of collective bargaining agreements relating to compensation must not exceed the amount or percentage established by the legislature in the appropriations act. If any compensation provision is affected by subsequent modification of the appropriations act by the legislature, both parties must immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the affected provision.

(ii) Washington State University may provide additional compensation to student employees covered by this section that exceeds that provided by the legislature.

**NEW SECTION. Sec. 3** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce, Research & Development to Substitute House Bill No. 2963.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

#### MOTION

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

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 41.56 RCW; and creating new sections."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2963 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Marr spoke in favor of passage of the bill.

Senators Schoesler, Holmquist, Pflug and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2963 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2963 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 34

Voting nay: Senators Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens, Swecker and Zarelli - 15

SUBSTITUTE HOUSE BILL NO. 2963 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 3029, by House Committee on Transportation (originally sponsored by Representatives Eddy, Takko, Armstrong, Sells, Simpson and Springer)

Requiring the provision of a secure internet-based system to generate temporary permits to operate vehicles. Revised for 1st Substitute: Providing access to a secure system to generate temporary permits to operate vehicles.

The measure was read the second time.

#### MOTION

On motion of Senator Marr, the rules were suspended, Substitute House Bill No. 3029 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3029.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3029 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 3029, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 3275, by Representatives Linville, Ericksen, Morris and McIntire

Revising the taxation of grocery distribution cooperatives.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 3275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3275.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3275 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford,

FIFTY-FIRST DAY, MARCH 4, 2008

Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 3275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3123, by House Committee on Appropriations (originally sponsored by Representatives Morrell, Cody, Roberts, Green and Ormsby)

Establishing a process to identify best practices related to patient safety. Revised for 2nd Substitute: Establishing evidence-based nurse staffing in hospitals.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 3123 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 3123.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 3123 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:00 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### AFTERNOON SESSION

The Senate was called to order at 1:58 p.m. by President Owen.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

2008 REGULAR SESSION

Senator Spanel moved that Gubernatorial Appointment No. 9349, Steve Sakuma, as a member of the Puget Sound Partnership, be confirmed.

Senator Spanel spoke in favor of the motion.

#### MOTION

On motion of Senator Brandland, Senators Benton, Delvin and Parlette were excused.

#### MOTION

On motion of Senator Eide, Senator Brown was excused.

#### APPOINTMENT OF STEVE SAKUMA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9349, Steve Sakuma as a member of the Puget Sound Partnership.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9349, Steve Sakuma as a member of the Puget Sound Partnership and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Absent: Senators Murray and Zarelli - 2

Excused: Senators Brown and Delvin - 2

Gubernatorial Appointment No. 9349, Steve Sakuma, having received the constitutional majority was declared confirmed as a member of the Puget Sound Partnership.

#### SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Haugen moved that Gubernatorial Appointment No. 9307, Paula Hammond, as Secretary of the Department of Transportation, be confirmed.

Senators Haugen and Swecker spoke in favor of passage of the motion.

#### MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

#### MOTION

On motion of Senator McDermott, Senator Murray was excused.

#### APPOINTMENT OF PAULA HAMMOND

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9307, Paul Hammond as Secretary of the Department of Transportation.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9307, Paula Hammond as Secretary of the Department of Transportation and the appointment was confirmed by the following vote: Yeas, 46;

FIFTY-FIRST DAY, MARCH 4, 2008

Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Excused: Senators Brown, Murray and Zarelli - 3

Gubernatorial Appointment No. 9307, Paula Hammond, having received the constitutional majority was declared confirmed as Secretary of the Department of Transportation.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2714, by House Committee on Appropriations (originally sponsored by Representatives Loomis, Hurst, Lantz, Upthegrove, Conway, Simpson, VanDeWege and Kelley)

Changing provisions concerning registration of sex offenders and kidnapping offenders. Revised for 2nd Substitute: Making failure to register as a sex offender a class B felony.

The measure was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** (1) The sex offender policy board, as created by chapter . . . (Substitute Senate Bill No. 6596), Laws of 2008, shall review and make recommendations for changes to the statutory requirements relating to sex offender and kidnapping offender registration and notification. The review and recommendations shall include, but are not limited to:

(a) The appropriate class of felony and sentencing designations for a conviction of the failure to register;

(b) The appropriate groups and classes of adult offenders who should be required to register;

(c) The appropriate groups and classes of juvenile offenders who should be required to register;

(d) When a sex offender or kidnapping offender should be relieved of registration or notification requirements and the process for termination of those obligations; and

(e) Simplification of the statutory language to allow the department of corrections, law enforcement, and offenders to more easily identify registration and notification requirements.

(2) In formulating its recommendations, the board shall review the experience of other jurisdictions and any available evidence-based research to ensure that its recommendations have the maximum impact on public safety.

(3) The board shall report to the governor and the relevant committees of the legislature no later than November 1, 2009."

Senators Hargrove and Stevens spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Second Substitute House Bill No. 2714.

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

#### MOTION

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

On page 1, line 2 of the title, after "felony;" strike the remainder of the title and insert "and creating a new section."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 2714 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2714 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2714 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Excused: Senators Brown, Murray and Zarelli - 3

SECOND SUBSTITUTE HOUSE BILL NO. 2714 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Moeller, Linville, B. Sullivan and Chase)

Changing provisions concerning electronic devices.

The measure was read the second time.

#### MOTION

Senator Berkey moved that the following committee striking amendment by the Committee on Financial Institutions & Insurance be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** The legislature finds that Washington state, from its inception, has recognized the importance of maintaining individual privacy. The legislature further finds that protecting the confidentiality and privacy of an individual's personal information, especially when collected from the individual without his or her knowledge or consent, is critical to maintaining the safety and well-being of its citizens. The legislature recognizes that inclusion of identification devices that broadcast data or enable data or information to be collected or scanned either secretly or remotely, or both, may greatly magnify the potential risk to individual privacy, safety, and economic well-being that can occur from unauthorized interception and use of personal information. The legislature further recognizes that these types of technologies, whether offered by the private sector or issued by the government, can be pervasive.

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

**NEW SECTION. Sec. 2** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Identification device" means an item that uses radio frequency identification technology or facial recognition technology.

(2) "Person" means a natural person who resides in Washington.

(3) "Personal information" has the same meaning as in RCW 19.255.010.

(4) "Data" means personal information, numerical values associated with a person's facial features, or unique personal identifier numbers stored on an identification device.

(5) "Radio frequency identification" means a technology that uses radio waves to transmit data remotely to readers.

(6) "Reader" means a scanning device that is capable of using radio waves to communicate with an identification device and read the data transmitted by that identification device.

(7) "Remotely" means that no physical contact between the identification device and the reader is necessary in order to transmit data.

(8) "Unique personal identifier number" means a randomly assigned string of numbers or symbols that is encoded on the identification device and is intended to identify the identification device.

**NEW SECTION. Sec. 3** A person that intentionally scans another person's identification device remotely, without that person's prior knowledge and prior consent, for the purpose of fraud, identity theft, or for any other illegal purpose, shall be guilty of a class C felony.

**NEW SECTION. Sec. 4** If any provision of this act is found to be in conflict with federal law or regulations, the conflicting provision of this act is declared to be inoperative solely to the extent of the conflict, and that finding or determination shall not affect the operation of the remainder of this act.

**NEW SECTION. Sec. 5** Sections 2 and 3 of this act constitute a new chapter in Title 19 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions & Insurance to Engrossed Substitute House Bill No. 1031.

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

#### MOTION

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

On page 1, line 1 of the title, after "devices;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; creating new sections; and prescribing penalties."

#### MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed Substitute House Bill No. 1031 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1031 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1031 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield,

Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Murray - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3186, by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representative Nelson)

Authorizing the creation of beach management districts.

The measure was read the second time.

#### MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 36.61.010 and 1987 c 432 s 1 are each amended to read as follows:

The legislature finds that the environmental, recreational, and aesthetic values of many of the state's lakes are threatened by eutrophication and other deterioration and that existing governmental authorities are unable to adequately improve and maintain the quality of the state's lakes.

The legislature intends that an ecosystem-based beach management approach should be used to help promote the health of aquatic ecosystems and that such a management approach be undertaken in a manner that retains ecosystem values within the state. This management approach should use long-term strategies that focus on reducing nutrient inputs from human activities affecting the aquatic ecosystem, such as decreasing nutrients into storm water sewers, decreasing fertilizer application, promoting the proper disposal of pet waste, promoting the use of vegetative borders, promoting the reduction of nutrients from on-site septic systems where appropriate, and protecting riparian areas. Organic debris, including vegetation, driftwood, seaweed, kelp, and organisms, are extremely important to beach ecosystems.

It is the purpose of this chapter to establish a governmental mechanism by which property owners can embark on a program of lake or beach improvement and maintenance for their and the general public's benefit, health, and welfare. Public property, including state property, shall be considered the same as private property in this chapter, except liens for special assessments and liens for rates and charges shall not extend to public property. Lake bottom property and marine property below the line of the ordinary high water mark shall not be considered to be benefited, shall not be subject to special assessments or rates and charges, and shall not receive voting rights under this chapter.

**NEW SECTION. Sec. 2** A new section is added to chapter 36.61 RCW to read as follows:

(1) Beach management districts may be created for the purpose of controlling and removing aquatic plants or vegetation. These districts must develop a plan for these activities, in consultation with appropriate federal, state, and local agencies. The plan must include an element addressing nutrient loading from land use activities in a subbasin that is a tributary to the area targeted for management. The plan must be

FIFTY-FIRST DAY, MARCH 4, 2008

consistent with the action agenda approved by the Puget Sound partnership, where applicable.

(2) Plans for the control and removal of aquatic plants or vegetation must, to the greatest extent possible, meet the following requirements:

(a) Avoid or minimize the excess removal of living and nonliving nontarget native vegetation and organisms;

(b) Avoid or minimize management activities that will result in compacting beach sand, gravel, and substrate;

(c) Minimize adverse impacts to: (i) The project site when disposing of excessive accumulations of vegetation; and (ii) other areas of the beach or deep water environment; and

(d) Retain all natural habitat features on the beach, including retaining trees, stumps, logs, and large rocks in their natural location.

(3) Seaweed removal under this section may only occur on the shore of a saltwater body that lies between the extreme low tide and the ordinary high water mark, as those terms are defined in RCW 90.58.030.

(4) The control or removal of native aquatic plants or vegetation shall be authorized in the following areas:

(a) Beaches or near shore areas located within at least one mile of a ferry terminal that are in a county with a population of one million or more residents; and

(b) Beaches or near shore areas in a city that meets the following:

(i) Is adjacent to Puget Sound;

(ii) Has at least eighty-five thousand residents;

(iii) Shares a common boundary with a neighboring county;

and

(iv) Is in a county with a population of one million or more residents.

**Sec. 3** RCW 36.61.020 and 2000 c 184 s 5 are each amended to read as follows:

Any county may create lake or beach management districts to finance the improvement and maintenance of lakes or beaches located within or partially within the boundaries of the county. All or a portion of a lake or beach and the adjacent land areas may be included within one or more lake or beach management districts. More than one lake or beach, or portions of lakes or beaches, and the adjacent land areas may be included in a single lake or beach management district.

Special assessments or rates and charges may be imposed on the property included within a lake or beach management district to finance lake or beach improvement and maintenance activities, including: (1) ~~((The control or removal of))~~ Controlling or removing aquatic plants and vegetation; (2) improving water quality; (3) ~~((the control of))~~ controlling water levels; (4) treating and diverting storm water ~~((diversion and treatment))~~; (5) controlling agricultural waste ~~((control))~~; (6) studying lake or marine water quality problems and solutions; (7) cleaning and maintaining ditches and streams entering the lake or marine waters or leaving the lake; ~~((and))~~ (8) monitoring air quality; and (9) the related administrative, engineering, legal, and operational costs, including the costs of creating the lake or beach management district.

Special assessments or rates and charges may be imposed annually on all the land in a lake or beach management district for the duration of the lake or beach management district without a related issuance of lake or beach management district bonds or revenue bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake or beach management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake or beach management district bonds.

**Sec. 4** RCW 36.61.025 and 2000 c 184 s 4 are each amended to read as follows:

To improve the ability of counties to finance long-term lake or beach management objectives, lake or beach management districts may be created for any needed period of time.

**Sec. 5** RCW 36.61.030 and 1987 c 432 s 3 are each amended to read as follows:

A lake or beach management district may be initiated upon either the adoption of a resolution of intention by a county legislative authority or the filing of a petition signed by ten landowners or the owners of at least fifteen percent of the acreage contained within the proposed lake or beach management district, whichever is greater. A petition or resolution of intention shall set forth: (1) The nature of the lake or beach improvement or maintenance activities proposed to be financed; (2) the amount of money proposed to be raised by special assessments or rates and charges; (3) if special assessments are to be imposed, whether the special assessments will be imposed annually for the duration of the lake or beach management district, or the full special assessments will be imposed at one time, with the possibility of installments being made to finance the issuance of lake or beach management district bonds, or both methods; (4) if rates and charges are to be imposed, the annual amount of revenue proposed to be collected and whether revenue bonds payable from the rates and charges are proposed to be issued; (5) the number of years proposed for the duration of the lake or beach management district; and (6) the proposed boundaries of the lake or beach management district.

The county legislative authority may require the posting of a bond of up to five thousand dollars before the county considers the proposed creation of a lake or beach management district initiated by petition. The bond may only be used by the county to finance its costs in studying, holding hearings, making notices, preparing special assessment rolls or rolls showing the rates and charges on each parcel, and conducting elections related to the lake or beach management district if the proposed lake or beach management district is not created.

A resolution of intention shall also designate the number of the proposed lake or beach management district, and fix a date, time, and place for a public hearing on the formation of the proposed lake or beach management district. The date for the public hearing shall be at least thirty days and no more than ninety days after the adoption of the resolution of intention unless an emergency exists.

Petitions shall be filed with the county legislative authority. The county legislative authority shall determine the sufficiency of the signatures, which shall be conclusive upon all persons. No person may withdraw his or her name from a petition after it is filed. If the county legislative authority determines a petition to be sufficient and the proposed lake or beach management district appears to be in the public interest and the financing of the lake or beach improvement or maintenance activities is feasible, it shall adopt a resolution of intention, setting forth all of the details required to be included when a resolution of intention is initiated by the county legislative authority.

**Sec. 6** RCW 36.61.040 and 1994 c 264 s 9 are each amended to read as follows:

Notice of the public hearing shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed lake or beach management district, the date of the first publication to be at least fifteen days prior to the date fixed for the public hearing by the resolution of intention. Notice of the public hearing shall also be given to the owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake or beach management district by mailing the notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county assessor at the address shown thereon. Notice of the public hearing shall also be mailed to the departments of fish and wildlife, natural resources, and ecology at least fifteen days before the date fixed for the public hearing.

Notices of the public hearing shall: (1) Refer to the resolution of intention; (2) designate the proposed lake or beach management district by number; (3) set forth a proposed plan describing: (a) The nature of the proposed lake or beach improvement or maintenance activities; (b) the amount of special assessments or rates and charges proposed to be raised by the lake or beach management district; (c) if special assessments are proposed to be imposed, whether the special

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

assessments will be imposed annually for the duration of the lake or beach management district, or the full special assessments will be payable at one time, with the possibility of periodic installments being paid and lake or beach management bonds being issued, or both; (d) if rates and charges are proposed to be imposed, the annual amount of revenue proposed to be collected and whether revenue bonds payable from the rates and charges are proposed to be issued; and (e) the proposed duration of the lake or beach management district; and (4) indicate the date, time, and place of the public hearing designated in the resolution of intention.

In the case of the notice sent to each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost of the lake or beach improvement or maintenance activities to be borne by special assessment, or annual special assessments, or rates and charges on the lot, tract, parcel of land, or other property owned by the owner or reputed owner.

If the county legislative authority has designated a committee of itself or an officer to hear complaints and make recommendations to the full county legislative authority, as provided in RCW 36.61.060, the notice shall also describe this additional step before the full county legislative authority may adopt a resolution creating the lake or beach management district.

**Sec. 7** RCW 36.61.050 and 1994 c 264 s 10 are each amended to read as follows:

The county legislative authority shall hold a public hearing on the proposed lake or beach management district at the date, time, and place designated in the resolution of intention.

At this hearing the county legislative authority shall hear objections from any person affected by the formation of the lake or beach management district. Representatives of the departments of fish and wildlife, natural resources, and ecology shall be afforded opportunities to make presentations on and comment on the proposal. Members of the public shall be afforded an opportunity to comment on the proposal. The county legislative authority must consider recommendations provided to it by the departments of fish and wildlife, natural resources, and ecology. The public hearing may be extended to other times and dates declared at the public hearing. The county legislative authority may make such changes in the boundaries of the lake or beach management district or such modification in plans for the proposed lake or beach improvement or maintenance activities as it deems necessary. The county legislative authority may not change boundaries of the lake or beach management district to include property that was not included previously without first passing an amended resolution of intention and giving new notice to the owners or reputed owners of property newly included in the proposed lake or beach management district in the manner and form and within the time provided for the original notice. The county legislative authority shall not alter the plans for the proposed lake or beach improvement or maintenance activities to result in an increase in the amount of money proposed to be raised, and shall not increase the amount of money proposed to be raised, without first passing an amended resolution of intention and giving new notice to property owners in the manner and form and within the time provided for the original notice.

**Sec. 8** RCW 36.61.060 and 1985 c 398 s 10 are each amended to read as follows:

A county legislative authority may adopt an ordinance providing for a committee of itself, or an officer, to hold public hearings on the proposed formation of a lake or beach management district and hear objections to the proposed formation as provided in RCW 36.61.050. The committee or officer shall make a recommendation to the full legislative authority, which need not hold a public hearing on the proposed creation of the lake or beach management district. The full county legislative authority by resolution may approve or disapprove the recommendation and submit the question of creating the lake or beach management district to the property owners as provided in RCW 36.61.070 through 36.61.100.

**Sec. 9** RCW 36.61.070 and 1987 c 432 s 5 are each amended to read as follows:

After the public hearing, the county legislative authority may adopt a resolution submitting the question of creating the lake or beach management district to the owners of land within the proposed lake or beach management district, including publicly owned land, if the county legislative authority finds that it is in the public interest to create the lake or beach management district and the financing of the lake or beach improvement and maintenance activities is feasible. The resolution shall also include: (1) A plan describing the proposed lake or beach improvement and maintenance activities which avoid adverse impacts on fish and wildlife and provide for appropriate measures to protect and enhance fish and wildlife; (2) the number of years the lake or beach management district will exist; (3) the amount to be raised by special assessments or rates and charges; (4) if special assessments are to be imposed, whether the special assessments shall be imposed annually for the duration of the lake or beach management district or only once with the possibility of installments being imposed and lake or beach management bonds being issued, or both, and, if both types of special assessments are proposed to be imposed, the lake or beach improvement or maintenance activities proposed to be financed by each type of special assessment; (5) if rates and charges are to be imposed, a description of the rates and charges and the possibility of revenue bonds being issued that are payable from the rates and charges; and (6) the estimated special assessment or rate and charge proposed to be imposed on each parcel included in the proposed lake or beach management district.

No lake or beach management district may be created by a county that includes territory located in another county without the approval of the legislative authority of the other county.

**Sec. 10** RCW 36.61.080 and 1987 c 432 s 6 are each amended to read as follows:

(1) A ballot shall be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district, including publicly owned land, which ballot shall contain the following proposition:

"Shall lake management district No. . . . be formed?"

Yes . . . . .

No . . . . .

(2) A ballot shall be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed beach management district, including publicly owned land, which ballot shall contain the following proposition:

"Shall beach management district No. . . . be formed?"

Yes . . . . .

No . . . . .

(3) In addition, the ballot shall contain appropriate spaces for the signatures of the landowner or landowners, or officer authorized to cast such a ballot. Each ballot shall include a description of the property owner's property and the estimated special assessment, or rate and charge, proposed to be imposed upon the property. A copy of the instructions and the resolution submitting the question to the landowners shall also be included.

**Sec. 11** RCW 36.61.090 and 1987 c 432 s 7 are each amended to read as follows:

The balloting shall be subject to the following conditions, which shall be included in the instructions mailed with each ballot, as provided in RCW 36.61.080: (1) All ballots must be signed by the owner or reputed owner of property according to the assessor's tax rolls; (2) each ballot must be returned to the county legislative authority not later than ((~~five o'clock~~) 5:00 p.m. of a specified day, which shall be at least twenty but not more than thirty days after the ballots are mailed; (3) each property owner shall mark his or her ballot for or against the creation of the proposed lake or beach management district, with the ballot weighted so that the property owner has one vote for each dollar of estimated special assessment or rate and charge proposed to be imposed on his or her property; and (4) the valid ballots shall be tabulated and a simple majority of the votes cast shall determine whether the proposed lake or beach management district shall be approved or rejected.

**Sec. 12** RCW 36.61.100 and 1987 c 432 s 8 are each amended to read as follows:

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

If the proposal receives a simple majority vote in favor of creating the lake or beach management district, the county legislative authority shall adopt an ordinance creating the lake or beach management district and may proceed with establishing the special assessments or rates and charges, collecting the special assessments or rates and charges, and performing the lake or beach improvement or maintenance activities. If a proposed lake management district includes more than one lake and its adjacent areas, the lake management district may only be established if the proposal receives a simple majority vote in favor of creating it by the voters on each lake and its adjacent areas. The county legislative authority shall publish a notice in a newspaper of general circulation in a lake or beach management district indicating that such an ordinance has been adopted within ten days of the adoption of the ordinance.

The ballots shall be available for public inspection after they are counted.

**Sec. 13** RCW 36.61.110 and 1985 c 398 s 11 are each amended to read as follows:

No lawsuit may be maintained challenging the jurisdiction or authority of the county legislative authority to proceed with the lake or beach improvement and maintenance activities and creating the lake or beach management district or in any way challenging the validity of the actions or decisions or any proceedings relating to the actions or decisions unless the lawsuit is served and filed no later than forty days after publication of a notice that the ordinance has been adopted ordering the lake or beach improvement and maintenance activities and creating the lake or beach management district. Written notice of the appeal shall be filed with the county legislative authority and clerk of the superior court in the county in which the property is situated.

**Sec. 14** RCW 36.61.115 and 1987 c 432 s 9 are each amended to read as follows:

A special assessment, or rate and charge, on any lot, tract, parcel of land, or other property shall not be increased beyond one hundred ten percent of the estimated special assessment, or rate and charge, proposed to be imposed as provided in the resolution adopted in RCW 36.61.070, unless the creation of a lake or beach management district is approved under another mailed ballot election that reflects the weighted voting arising from such increases.

**Sec. 15** RCW 36.61.120 and 1985 c 398 s 12 are each amended to read as follows:

After a lake or beach management district is created, the county shall prepare a proposed special assessment roll. A separate special assessment roll shall be prepared for annual special assessments if both annual special assessments and special assessments paid at one time are imposed. The proposed special assessment roll shall list: (1) Each separate lot, tract, parcel of land, or other property in the lake or beach management district; (2) the acreage of such property, and the number of feet of lake or beach frontage, if any; (3) the name and address of the owner or reputed owner of each lot, tract, parcel of land, or other property as shown on the tax rolls of the county assessor; and (4) the special assessment proposed to be imposed on each lot, tract, parcel of land, or other property, or the annual special assessments proposed to be imposed on each lot, tract, parcel of land, or other property.

At the time, date, and place fixed for a public hearing, the county legislative authority shall act as a board of equalization and hear objections to the special assessment roll, and at the times to which the public hearing may be adjourned, the county legislative authority may correct, revise, raise, lower, change, or modify the special assessment roll or any part thereof, or set the proposed special assessment roll aside and order a new proposed special assessment roll to be prepared. The county legislative authority shall confirm and approve a special assessment roll by adoption of a resolution.

If a proposed special assessment roll is amended to raise any special assessment appearing thereon or to include omitted property, a new public hearing shall be held. The new public hearing shall be limited to considering the increased special assessments or omitted property. Notices shall be sent to the owners or reputed owners of the affected property in the same

manner and form and within the time provided for the original notice.

Objections to a proposed special assessment roll must be made in writing, shall clearly state the grounds for objections, and shall be filed with the governing body prior to the public hearing. Objections to a special assessment or annual special assessments that are not made as provided in this section shall be deemed waived and shall not be considered by the governing body or a court on appeal.

**Sec. 16** RCW 36.61.140 and 1985 c 398 s 14 are each amended to read as follows:

Notice of the original public hearing on the proposed special assessment roll, and any public hearing held as a result of raising special assessments or including omitted property, shall be published and mailed to the owner or reputed owner of the property as provided in RCW 36.61.040 for the public hearing on the formation of the lake or beach management district. However, the notice need only provide the total amount to be collected by the special assessment roll and shall state that: (1) A public hearing on the proposed special assessment roll will be held, giving the time, date, and place of the public hearing; (2) the proposed special assessment roll is available for public perusal, giving the times and location where the proposed special assessment roll is available for public perusal; (3) objections to the proposed special assessment must be in writing, include clear grounds for objections, and must be filed prior to the public hearing; and (4) failure to so object shall be deemed to waive an objection.

Notices mailed to the owners or reputed owners shall additionally indicate the amount of special assessment ascribed to the particular lot, tract, parcel of land, or other property owned by the person so notified.

**Sec. 17** RCW 36.61.160 and 1987 c 432 s 10 are each amended to read as follows:

Whenever special assessments are imposed, all property included within a lake or beach management district shall be considered to be the property specially benefited by the lake or beach improvement or maintenance activities and shall be the property upon which special assessments are imposed to pay the costs and expenses of the lake or beach improvement or maintenance activities, or such part of the costs and expenses as may be chargeable against the property specially benefited. The special assessments shall be imposed on property in accordance with the special benefits conferred on the property up to but not in excess of the total costs and expenses of the lake or beach improvement or maintenance activities as provided in the special assessment roll.

Special assessments may be measured by front footage, acreage, the extent of improvements on the property, or any other factors that are deemed to fairly reflect special benefits, including those authorized under RCW 35.51.030. Special assessments may be calculated by using more than one factor. Zones around the public improvement may be used that reflect different levels of benefit in each zone that are measured by a front footage, acreage, the extent of improvements, or other factors.

Public property, including property owned by the state of Washington, shall be subject to special assessments to the same extent that private property is subject to the special assessments, except no lien shall extend to public property.

**Sec. 18** RCW 36.61.170 and 1985 c 398 s 17 are each amended to read as follows:

The total annual special assessments may not exceed the estimated cost of the lake or beach improvement or maintenance activities proposed to be financed by such special assessments, as specified in the resolution of intention. The total of special assessments imposed in a lake or beach management district that are of the nature of special assessments imposed in a local improvement district shall not exceed one hundred fifty percent of the estimated total cost of the lake or beach improvement or maintenance activities that are proposed to be financed by the lake or beach management district as specified in the resolution of intention. After a lake or beach management district has been created, the resolution of intention may be amended to increase the amount to be financed by the lake or beach management

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

district by using the same procedure in which a lake or beach management district is created.

**Sec. 19** RCW 36.61.190 and 1985 c 398 s 19 are each amended to read as follows:

Special assessments and installments on any special assessment shall be collected by the county treasurer.

The county treasurer shall publish a notice indicating that the special assessment roll has been confirmed and that the special assessments are to be collected. The notice shall indicate the duration of the lake or beach management district and shall describe whether the special assessments will be paid in annual payments for the duration of the lake or beach management district, or whether the full special assessments will be payable at one time, with the possibility of periodic installments being paid and lake or beach management bonds being issued, or both.

If the special assessments are to be payable at one time, the notice additionally shall indicate that all or any portion of the special assessments may be paid within thirty days from the date of publication of the first notice without penalty or interest. This notice shall be published in a newspaper of general circulation in the lake or beach management district.

Within ten days of the first newspaper publication, the county treasurer shall notify each owner or reputed owner of property whose name appears on the special assessment roll, at the address shown on the special assessment roll, for each item of property described on the list: (1) Whether one special assessment payable at one time or special assessments payable annually have been imposed; (2) the amount of the property subject to the special assessment or annual special assessments; and (3) the total amount of the special assessment due at one time, or annual amount of special assessments due. If the special assessment is due at one time, the notice shall also describe the thirty-day period during which the special assessment may be paid without penalty, interest, or cost.

**Sec. 20** RCW 36.61.200 and 1985 c 398 s 20 are each amended to read as follows:

If the special assessments are to be payable at one time, all or any portion of any special assessment may be paid without interest, penalty, or costs during this thirty-day period and placed into a special fund to defray the costs of the lake or beach improvement or maintenance activities. The remainder shall be paid in installments as provided in a resolution adopted by the county legislative authority, but the last installment shall be due at least two years before the maximum term of the bonds issued to pay for the improvements or maintenance. The installments shall include amounts sufficient to redeem the bonds issued to pay for the lake or beach improvement and maintenance activities. A twenty-day period shall be allowed after the due date of any installment within which no interest, penalty, or costs on the installment may be imposed.

The county shall establish by ordinance an amount of interest that will be imposed on late special assessments imposed annually or at once, and on installments of a special assessment. The ordinance shall also specify the penalty, in addition to the interest, that will be imposed on a late annual special assessment, special assessment, or installment which shall not be less than five percent of the delinquent special assessment or installment.

The owner of any lot, tract, parcel of land, or other property charged with a special assessment may redeem it from all liability for the unpaid amount of the installments by paying, to the county treasurer, the remaining portion of the installments that is attributable to principal on the lake or beach management district bonds.

**Sec. 21** RCW 36.61.220 and 1985 c 398 s 22 are each amended to read as follows:

Within fifteen days after a county creates a lake or beach management district, the county shall cause to be filed with the county treasurer, a description of the lake or beach improvement and maintenance activities proposed that the lake or beach management district finances, the lake or beach management district number, and a copy of the diagram or print showing the boundaries of the lake or beach management district and preliminary special assessment roll or abstract of same showing thereon the lots, tracts, parcels of land, and other property that

will be specially benefited thereby and the estimated cost and expense of such lake or beach improvement and maintenance activities to be borne by each lot, tract, parcel of land, or other property. The treasurer shall immediately post the proposed special assessment roll upon his or her index of special assessments against the properties affected by the lake or beach improvement or maintenance activities.

**Sec. 22** RCW 36.61.230 and 1985 c 398 s 23 are each amended to read as follows:

The special assessment or annual special assessments imposed upon the respective lots, tracts, parcels of land, and other property in the special assessment roll or annual special assessment roll confirmed by resolution of the county legislative authority for the purpose of paying the cost and expense in whole or in part of any lake or beach improvement or maintenance activities shall be a lien upon the property assessed from the time the special assessment roll is placed in the hands of the county treasurer for collection, but as between the grantor and grantee, or vendor and vendee of any real property, when there is no express agreement as to payment of the special assessments against the real property, the lien of such special assessments shall attach thirty days after the filing of the diagram or print and the estimated cost and expense of such lake or beach improvement or maintenance activities to be borne by each lot, tract, parcel of land, or other property, as provided in RCW 36.61.220. Interest and penalty shall be included in and shall be a part of the special assessment lien. No lien shall extend to public property subjected to special assessments.

The special assessment lien shall be paramount and superior to any other lien or encumbrance theretofore or thereafter created except a lien for general taxes.

**Sec. 23** RCW 36.61.260 and 2000 c 184 s 6 are each amended to read as follows:

(1) Counties may issue lake or beach management district bonds in accordance with this section. Lake or beach management district bonds may be issued to obtain money sufficient to cover that portion of the special assessments that are not paid within the thirty-day period provided in RCW 36.61.190.

Whenever lake or beach management district bonds are proposed to be issued, the county legislative authority shall create a special fund or funds for the lake or beach management district from which all or a portion of the costs of the lake or beach improvement and maintenance activities shall be paid. Lake or beach management district bonds shall not be issued in excess of the costs and expenses of the lake or beach improvement and maintenance activities and shall not be issued prior to twenty days after the thirty days allowed for the payment of special assessments without interest or penalties.

Lake or beach management district bonds shall be exclusively payable from the special fund or funds and from a guaranty fund that the county may have created out of a portion of proceeds from the sale of the lake or beach management district bonds.

(2) Lake or beach management district bonds shall not constitute a general indebtedness of the county issuing the bond nor an obligation, general or special, of the state. The owner of any lake or beach management district bond shall not have any claim for the payment thereof against the county that issues the bonds except for payment from the special assessments made for the lake or beach improvement or maintenance activities for which the lake or beach management district bond was issued and from a lake or beach management district guaranty fund that may have been created. The county shall not be liable to the owner of any lake or beach management district bond for any loss to the lake or beach management district guaranty fund occurring in the lawful operation of the fund. The owner of a lake or beach management district bond shall not have any claim against the state arising from the lake or beach management district bond, special assessments, or guaranty fund. Tax revenues shall not be used to secure or guarantee the payment of the principal of or interest on lake or beach management district bonds.

The substance of the limitations included in this subsection shall be plainly printed, written, engraved, or reproduced on: (a)

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

Each lake or beach management district bond that is a physical instrument; (b) the official notice of sale; and (c) each official statement associated with the lake or beach management district bonds.

(3) If the county fails to make any principal or interest payments on any lake or beach management district bond or to promptly collect any special assessment securing the bonds when due, the owner of the lake or beach management district bond may obtain a writ of mandamus from any court of competent jurisdiction requiring the county to collect the special assessments, foreclose on the related lien, and make payments out of the special fund or guaranty fund if one exists. Any number of owners of lake or beach management districts may join as plaintiffs.

(4) A county may create a lake or beach management district bond guaranty fund for each issue of lake or beach management district bonds. The guaranty fund shall only exist for the life of the lake or beach management district bonds with which it is associated. A portion of the bond proceeds may be placed into a guaranty fund. Unused moneys remaining in the guaranty fund during the last two years of the installments shall be used to proportionally reduce the required level of installments and shall be transferred into the special fund into which installment payments are placed.

(5) Lake or beach management district bonds shall be issued and sold in accordance with chapter 39.46 RCW. The authority to create a special fund or funds shall include the authority to create accounts within a fund.

**Sec. 24** RCW 36.61.270 and 1987 c 432 s 11 are each amended to read as follows:

Whenever rates and charges are to be imposed in a lake or beach management district, the county legislative authority shall prepare a roll of rates and charges that includes those matters required to be included in a special assessment roll and shall hold a public hearing on the proposed roll of rates and charges as provided under RCW 36.61.120 through 36.61.150 for a special assessment roll. The county legislative authority shall have full jurisdiction and authority to fix, alter, regulate, and control the rates and charges imposed by a lake or beach management district and may classify the rates or charges by any reasonable factor or factors, including benefit, use, front footage, acreage, the extent of improvements on the property, the type of improvements on the property, uses to which the property is put, service to be provided, and any other reasonable factor or factors. The flexibility to establish rates and charges includes the authority to reduce rates and charges on property owned by low-income persons.

Except as provided in this section, the collection of rates and charges, lien status of unpaid rates and charges, and method of foreclosing on such liens shall be subject to the provisions of chapter 36.94 RCW. Public property, including state property, shall be subject to the rates and charges to the same extent that private property is subject to them, except that liens may not be foreclosed on the public property, and the procedure for imposing such rates and charges on state property shall conform with the procedure provided for in chapter 79.44 RCW concerning the imposition of special assessments upon state property. The total amount of rates and charges cannot exceed the cost of lake or beach improvement or maintenance activities proposed to be financed by such rates and charges, as specified in the resolution of intention. Revenue bonds exclusively payable from the rates and charges may be issued by the county under chapter 39.46 RCW.

**Sec. 25** RCW 36.94.020 and 1997 c 447 s 11 are each amended to read as follows:

The construction, operation, and maintenance of a system of sewerage and/or water is a county purpose. Subject to the provisions of this chapter, every county has the power, individually or in conjunction with another county or counties to adopt, provide for, accept, establish, condemn, purchase, construct, add to, operate, and maintain a system or systems of sanitary and storm sewers, including outfalls, interceptors, plans, and facilities and services necessary for sewerage treatment and disposal, and/or system or systems of water supply within all or a portion of the county. However, counties shall not have power

to condemn sewerage and/or water systems of any municipal corporation or private utility.

Such county or counties shall have the authority to control, regulate, operate, and manage such system or systems and to provide funds therefor by general obligation bonds, revenue bonds, local improvement district bonds, utility local improvement district or local improvement district assessments, and in any other lawful fiscal manner. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

A county shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using county employees unless the on-site system is connected by a publicly owned collection system to the county's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of a state or local health officer to carry out their responsibilities under any other applicable law.

A county may, as part of a system of sewerage established under this chapter, provide for, finance, and operate any of the facilities and services and may exercise the powers expressly authorized for county storm water, flood control, pollution prevention, and drainage services and activities under chapters 36.89, 86.12, 86.13, and 86.15 RCW. A county also may provide for, finance, and operate the facilities and services and may exercise any of the powers authorized for aquifer protection areas under chapter 36.36 RCW; for lake or beach management districts under chapter 36.61 RCW; for diking districts, and diking, drainage, and sewerage improvement districts under chapters 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection districts under chapter 90.72 RCW. However, if a county by reference to any of those statutes assumes as part of its system of sewerage any powers granted to such areas or districts and not otherwise available to a county under this chapter, then (1) the procedures and restrictions applicable to those areas or districts apply to the county's exercise of those powers, and (2) the county may not simultaneously impose rates and charges under this chapter and under the statutes authorizing such areas or districts for substantially the same facilities and services, but must instead impose uniform rates and charges consistent with RCW 36.94.140. By agreement with such an area or district that is not part of a county's system of sewerage, a county may operate that area's or district's services or facilities, but a county may not dissolve any existing area or district except in accordance with any applicable provisions of the statute under which that area or district was created.

**Sec. 26** RCW 39.34.190 and 2003 c 327 s 2 are each amended to read as follows:

(1) The legislative authority of a city or county and the governing body of any special purpose district enumerated in subsection (2) of this section may authorize up to ten percent of its water-related revenues to be expended in the implementation of watershed management plan projects or activities that are in addition to the county's, city's, or district's existing water-related services or activities. Such limitation on expenditures shall not apply ~~((to additional revenues for watershed plan~~

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

~~implementation that are authorized by voter approval under section 5 of this act or~~) to water-related revenues of a public utility district organized according to Title 54 RCW. Water-related revenues include rates, charges, and fees for the provision of services relating to water supply, treatment, distribution, and management generally, and those general revenues of the local government that are expended for water management purposes. A local government may not expend for this purpose any revenues that were authorized by voter approval for other specified purposes or that are specifically dedicated to the repayment of municipal bonds or other debt instruments.

(2) The following special purpose districts may exercise the authority provided by this section:

- (a) Water districts, sewer districts, and water-sewer districts organized under Title 57 RCW;
- (b) Public utility districts organized under Title 54 RCW;
- (c) Irrigation, reclamation, conservation, and similar districts organized under Titles 87 and 89 RCW;
- (d) Port districts organized under Title 53 RCW;
- (e) Diking, drainage, and similar districts organized under Title 85 RCW;
- (f) Flood control and similar districts organized under Title 86 RCW;
- (g) Lake or beach management districts organized under chapter 36.61 RCW;
- (h) Aquifer protection areas organized under chapter 36.36 RCW; and
- (i) Shellfish protection districts organized under chapter 90.72 RCW.

(3) The authority for expenditure of local government revenues provided by this section shall be applicable broadly to the implementation of watershed management plans addressing water supply, water transmission, water quality treatment or protection, or any other water-related purposes. Such plans include but are not limited to plans developed under the following authorities:

- (a) Watershed plans developed under chapter 90.82 RCW;
- (b) Salmon recovery plans developed under chapter 77.85 RCW;
- (c) Watershed management elements of comprehensive land use plans developed under the growth management act, chapter 36.70A RCW;
- (d) Watershed management elements of shoreline master programs developed under the shoreline management act, chapter 90.58 RCW;
- (e) Nonpoint pollution action plans developed under the Puget Sound water quality management planning authorities of chapter 90.71 RCW and chapter 400-12 WAC;
- (f) Other comprehensive management plans addressing watershed health at a WRIA level or sub-WRIA basin drainage level;
- (g) Coordinated water system plans under chapter 70.116 RCW and similar regional plans for water supply; and
- (h) Any combination of the foregoing plans in an integrated watershed management plan.

(4) The authority provided by this section to expend revenues for watershed management plan implementation shall be construed broadly to include, but not be limited to:

- (a) The coordination and oversight of plan implementation, including funding a watershed management partnership for this purpose;
- (b) Technical support, monitoring, and data collection and analysis;
- (c) The design, development, construction, and operation of projects included in the plan; and
- (d) Conducting activities and programs included as elements in the plan.

**Sec. 27** RCW 86.09.151 and 1986 c 278 s 52 are each amended to read as follows:

(1) Said flood control districts shall have full authority to carry out the objects of their creation and to that end are authorized to acquire, purchase, hold, lease, manage, improve, repair, occupy, and sell real and personal property or any interest therein, either inside or outside the boundaries of the

district, to enter into and perform any and all necessary contracts, to appoint and employ the necessary officers, agents and employees, to sue and be sued, to exercise the right of eminent domain, to levy and enforce the collection of special assessments and in the manner herein provided against the lands within the district, for district revenues, and to do any and all lawful acts required and expedient to carry out the purpose of this chapter.

(2) In addition to the powers conferred in this chapter and those in chapter 85.38 RCW, flood control districts may engage in activities authorized under RCW 36.61.020 for lake or beach management districts using procedures granted in this chapter and in chapter 85.38 RCW.

**Sec. 28** RCW 35.21.403 and 1985 c 398 s 27 are each amended to read as follows:

Any city or town may establish lake and beach management districts within its boundaries as provided in chapter 36.61 RCW. When a city or town establishes a lake or beach management district pursuant to chapter 36.61 RCW, the term "county legislative authority" shall be deemed to mean the city or town governing body, the term "county" shall be deemed to mean the city or town, and the term "county treasurer" shall be deemed to mean the city or town treasurer or other fiscal officer.

**NEW SECTION. Sec. 29** A new section is added to chapter 43.21A RCW to read as follows:

(1) The department shall, within available funds, provide technical assistance to community groups and county and city legislative authorities requesting assistance with the development of beach management programs. The department shall work with the departments of fish and wildlife, natural resources, and the Puget Sound partnership in coordinating agency assistance to community groups and county and city legislative authorities.

(2) The department shall coordinate with relevant state agencies and marine resources committees established in the area of beach management districts to provide technical assistance to beach management districts.

(3) The department shall, within available funds, coordinate with relevant state agencies to provide technical assistance to beach management districts so that beach management districts are able to ensure that proposed beach improvement and maintenance plans and activities of these districts are consistent with applicable federal, state, and local laws, and federal, state, and local resource management plans including, but not limited to:

- (a) Shoreline master programs;
- (b) Development regulations adopted to protect critical areas;
- (c) State and federally identified habitat conservation plans and species recovery plans;
- (d) State marine species management plans; and
- (e) Shoreline and nearshore protection and restoration plans.

(4) The department, in consultation with the Puget Sound partnership, shall monitor and assess the results of the removal of native aquatic plants and vegetation in areas designated in section 2(4) of this act, and provide recommendations regarding areas for future designations.

**NEW SECTION. Sec. 30** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications to Engrossed Second Substitute House Bill No. 3186.

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

#### MOTION

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

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 36.61.010, 36.61.020, 36.61.025, 36.61.030, 36.61.040, 36.61.050,

FIFTY-FIRST DAY, MARCH 4, 2008

36.61.060, 36.61.070, 36.61.080, 36.61.090, 36.61.100, 36.61.110, 36.61.115, 36.61.120, 36.61.140, 36.61.160, 36.61.170, 36.61.190, 36.61.200, 36.61.220, 36.61.230, 36.61.260, 36.61.270, 36.94.020, 39.34.190, 86.09.151, and 35.21.403; adding a new section to chapter 36.61 RCW; adding a new section to chapter 43.21A RCW; and creating a new section."

## MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute House Bill No. 3186 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Eide spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 3186 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 3186 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 34

Voting nay: Senators Benton, Carrell, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler, Stevens and Zarelli - 13

Excused: Senators Brown and Murray - 2

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3186 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2730, by Representatives Rolfes, Appleton and Hudgins

Addressing the provision of ferry service by port districts.

The measure was read the second time.

## MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 2730 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2730.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2730 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Delvin, Eide,

2008 REGULAR SESSION

Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Benton, Carrell, Honeyford, Roach, Schoesler and Stevens - 6

Excused: Senators Brown and Murray - 2

HOUSE BILL NO. 2730, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2778, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood, Condotta, Chandler and Williams)

Modifying provisions concerning real estate licensure law.

The measure was read the second time.

## MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2778 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2778.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2778 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senator Holmquist - 1

Absent: Senator Hobbs - 1

Excused: Senators Brown and Murray - 2

SUBSTITUTE HOUSE BILL NO. 2778, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2858, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Morrell, Warnick, Campbell, Hurst, Newhouse, O'Brien, Green, Kelley and Conway)

Expanding metal property provisions.

The measure was read the second time.

## MOTION

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 19.290.010 and 2007 c 377 s 1 are each amended to read as follows:

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

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under RCW 19.290.030.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, commercial mobile radio services, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, forty-two inches high with four-inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys. "Nonferrous metal property" does not include precious metals.

(5) "Precious metals" means gold, silver, and platinum.

(6) "Private metal property" means catalytic converters, either singly or in bundles, bales, or bulk, that have been removed from vehicles for sale as a specific commodity.

(7) "Record" means a paper, electronic, or other method of storing information.

~~((7))~~ (8) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, and scrap metal processor.

~~((8))~~ (9) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving private metal property, nonferrous metal property, and commercial metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

~~((9))~~ (10) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving private metal property, nonferrous metal property, and commercial metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

~~((10))~~ (11) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving private metal property or nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

~~((11))~~ (12) "Transaction" means a pledge, or the purchase of, or the trade of any item of private metal property or nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of private metal property or nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

Sec. 2 RCW 19.290.020 and 2007 c 377 s 2 are each amended to read as follows:

(1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving private metal property or nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and

(h) A description of the predominant types of private metal property or nonferrous metal property subject to the transaction, including the property's classification code as provided in the institute of scrap recycling industries scrap specifications circular, 2006, and weight, quantity, or volume.

(2) For every transaction that involves private metal property or nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for one year following the date of the transaction.

Sec. 3 RCW 19.290.030 and 2007 c 377 s 3 are each amended to read as follows:

(1) No scrap metal business may enter into a transaction to purchase or receive private metal property or nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive private metal property or commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4) No transaction involving private metal property or nonferrous metal property valued at greater than thirty dollars may be made in cash or with any person who does not provide a

FIFTY-FIRST DAY, MARCH 4, 2008

street address under the requirements of RCW 19.290.020. For transactions valued at greater than thirty dollars, the person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under RCW 19.290.020, no earlier than ten days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 19.290.020.

(5) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

**Sec. 4** RCW 19.290.040 and 2007 c 377 s 4 are each amended to read as follows:

(1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

(a) The full name of the commercial enterprise or commercial account;

(b) The business address and telephone number of the commercial enterprise or commercial account; and

(c) The full name of the person employed by the commercial enterprise who is authorized to deliver private metal property, nonferrous metal property, and commercial metal property to the scrap metal business.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of private metal property, nonferrous metal property, and commercial metal property from the commercial enterprise. The documentation must include, at a minimum, the following information:

(a) The time, date, and value of the property being purchased or received;

(b) A description of the predominant types of property being purchased or received; and

(c) The signature of the person delivering the property to the scrap metal business.

**Sec. 5** RCW 19.290.050 and 2007 c 377 s 5 are each amended to read as follows:

(1) Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall furnish a full, true, and correct transcript of the records from the purchase or receipt of private metal property, nonferrous metal property, and commercial metal property involving a specific individual, vehicle, or item of private metal property, nonferrous metal property, or commercial metal property. This information may be transmitted within a specified time of not less than two business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

(2) If the scrap metal business has good cause to believe that any private metal property, nonferrous metal property, or commercial metal property in his or her possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

**Sec. 6** RCW 19.290.060 and 2007 c 377 s 6 are each amended to read as follows:

(1) Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of private metal property, nonferrous metal property, or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed

by the applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of private metal property, nonferrous metal property, or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.

**Sec. 7** RCW 19.290.070 and 2007 c 377 s 7 are each amended to read as follows:

It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of private metal property, nonferrous metal property, or commercial metal property in order to deceive a scrap metal business;

(2) Any scrap metal business to enter into a transaction to purchase or receive any private metal property, nonferrous metal property, or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

(3) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(4) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property from any person under the age of eighteen years or any person who is discernibly under the influence of intoxicating liquor or drugs;

(5) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ten years whether the person is acting in his or her own behalf or as the agent of another;

(6) Any person to sign the declaration required under RCW 19.290.020 knowing that the private metal property or nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under RCW 19.290.020 constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the private metal property or nonferrous metal property subject to the transaction was stolen;

(7) Any scrap metal business to possess private metal property or commercial metal property that was not lawfully purchased or received under the requirements of this chapter; or

(8) Any scrap metal business to engage in a series of transactions valued at less than thirty dollars with the same seller for the purposes of avoiding the requirements of RCW 19.290.030(4).

**Sec. 8** RCW 19.290.090 and 2007 c 377 s 9 are each amended to read as follows:

The provisions of this chapter do not apply to transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

(2) Metal and other materials from vehicles acquired by vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW, and acquired in accordance with those laws;

(3) Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

(4) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers.

**Sec. 9** RCW 9.94A.535 and 2007 c 377 s 10 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender to the state as set forth in RCW 9.94A.585 (2) through (6).

**(1) Mitigating Circumstances - Court to Consider**

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

**(2) Aggravating Circumstances - Considered and Imposed by the Court**

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation

pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

**(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court**

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010."

## MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon and others to the committee striking amendment be adopted.

On page 8, after line 5 of the amendment, strike all of section 8 and insert the following:

"Sec. 8 RCW 19.290.090 and 2007 c 377 s 9 are each amended to read as follows:

The provisions of this chapter do not apply to transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

(2) ~~(Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;~~

~~(3))~~ Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and

~~((4))~~ (3) Persons in the business of buying or selling empty

food and beverage containers, including metal food and beverage containers."

Senator Sheldon spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon and others on page 8, after line 5 to the committee striking amendment to Substitute House Bill No. 2858.

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary as amended to Substitute House Bill No. 2858.

The motion by Senator Kline carried and the committee striking amendment as amended was adopted by voice vote.

## MOTION

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

On page 1, line 1 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 19.290.010, 19.290.020, 19.290.030, 19.290.040, 19.290.050, 19.290.060, 19.290.070, 19.290.090, and 9.94A.535; and prescribing penalties."

## MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2858 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2858 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2858 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Murray - 2

SUBSTITUTE HOUSE BILL NO. 2858 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 3097, by Representatives Quall, Barlow, Priest and Anderson

Specifying authority of the executive director of the state board of education.

The measure was read the second time.

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

## MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 3097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

## MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

## MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 3097.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3097 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Excused: Senators Murray, Prentice and Zarelli - 3

HOUSE BILL NO. 3097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3012, by House Committee on Judiciary (originally sponsored by Representatives Ross, Lantz, Rodne and Williams)

Regarding estate distribution documents.

The measure was read the second time.

## MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 3012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3012.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3012 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline,

Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 46

Absent: Senator Weinstein - 1

Excused: Senators Murray and Prentice - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

## MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 4, 2008."

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

The motion by Senator Eide carried and debate was limited through March 4, 2008.

## SECOND READING

HOUSE BILL NO. 1149, by Representatives O'Brien, Dunn, McCune, Wallace and Simpson

Eliminating advance property tax payments for binding site plans.

The measure was read the second time.

## MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1149.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1149 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Murray and Prentice - 2

HOUSE BILL NO. 1149, having received the constitutional

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2496, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Williams, Condotta, Moeller, Chandler, Green, Hurst, Wood, McIntire, Kenney and Chase)

Enhancing the mobility of certified public accountants.

The measure was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2496 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2496.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2496 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Murray and Prentice - 2

SUBSTITUTE HOUSE BILL NO. 2496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 3151, by Representatives Alexander, DeBolt, Hunt and McCune

Extending the commencement-of-construction date for a sales and use tax for public facilities districts in national disaster counties.

The measure was read the second time.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 3151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3151.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3151 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Voting nay: Senator Tom - 1

Excused: Senator Murray - 1

HOUSE BILL NO. 3151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2781, by Representatives Wallace, Chase, Sells, Conway, Morrell, Haigh, Hankins and Santos

Enhancing Washington state history and government course requirements for high school graduation.

The measure was read the second time.

#### MOTION

Senator Rasmussen moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The study of the state's history and government is vital to providing a well-rounded education to students. It is important for students to have a firm understanding of where we have come from as a state and the institutions that guide and serve citizens of the state. It is equally important to provide students with context for the information that enables them to apply it to the present and future, with an understanding of Washington's place in our country and the broader global community.

The legislature finds that the current high school graduation requirements for coursework in Washington state history and government should be enhanced to ensure students understand the complex issues of today's world and Washington's place in the global community. It is therefore the intent of the legislature to modernize high school graduation requirements for coursework in Washington state history and government.

**NEW SECTION. Sec. 2** A new section is added to chapter 28A.230 RCW to read as follows:

Beginning with the 2009-10 school year, school districts shall ensure that any course in Washington state history and government offered to fulfill high school requirements includes, but is not limited to, the following content:

(1) Commerce in Washington state and Washington's place in a global economy;

(2) The Constitution of the state of Washington and Washington state politics. Educators are encouraged to incorporate instruction on the meaning and history of the pledge of allegiance into existing coursework on state politics. The superintendent of public instruction shall adopt rules to provide guidance for complying with this subsection;

(3) Washington state geography; and

(4) Washington state history and culture."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to House Bill No. 2781.

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

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

#### MOTION

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

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

On page 1, line 2 of the title, after "graduation;" strike the remainder of the title and insert "adding a new section to chapter 28A.230 RCW; and creating a new section."

#### MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 2781 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2781 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2781 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

HOUSE BILL NO. 2781 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2666, by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Cody, McCoy, Green, Hunt, Wallace, Pedersen, Moeller, McIntire, Barlow, Conway, Simpson and Darneille)

Establishing standards for long-term care insurance.

The measure was read the second time.

#### MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1** The intent of this chapter is to promote the public interest, support the availability of long-term care coverage, establish standards for long-term care coverage, facilitate public understanding and comparison of long-term care contract benefits, protect persons insured under long-term care insurance policies and certificates, protect applicants for long-term care policies from unfair or deceptive sales or enrollment practices, and provide for flexibility and innovation in the development of long-term care insurance coverage.

**NEW SECTION. Sec. 2** This chapter applies to all long-term care insurance policies, contracts, or riders delivered or issued for delivery in this state on or after January 1, 2009. This chapter does not supersede the obligations of entities subject to this chapter to comply with other applicable laws to the extent that they do not conflict with this chapter, except that laws and

regulations designed and intended to apply to medicare supplement insurance policies shall not be applied to long-term care insurance.

(1) Coverage advertised, marketed, or offered as long-term care insurance shall comply with the provisions of this chapter. Any coverage, policy, or rider advertised, marketed, or offered as long-term care or nursing home insurance shall comply with the provisions of this chapter.

(2) Individual and group long-term care contracts issued prior to January 1, 2009, remain governed by chapter 48.84 RCW and rules adopted thereunder.

(3) This chapter is not intended to prohibit approval of long-term care funded through life insurance.

**NEW SECTION. Sec. 3** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means: (a) In the case of an individual long-term care insurance policy, the person who seeks to contract for benefits; and (b) in the case of a group long-term care insurance policy, the proposed certificate holder.

(2) "Certificate" includes any certificate issued under a group long-term care insurance policy that has been delivered or issued for delivery in this state.

(3) "Commissioner" means the insurance commissioner of Washington state.

(4) "Issuer" includes insurance companies, fraternal benefit societies, health care service contractors, health maintenance organizations, or other entity delivering or issuing for delivery any long-term care insurance policy, contract, or rider.

(5) "Long-term care insurance" means an insurance policy, contract, or rider that is advertised, marketed, offered, or designed to provide coverage for at least twelve consecutive months for a covered person. Long-term care insurance maybe on an expense incurred, indemnity, prepaid, or other basis, for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital. Long-term care insurance includes any policy, contract, or rider that provides for payment of benefits based upon cognitive impairment or the loss of functional capacity.

(a) Long-term care insurance includes group and individual annuities and life insurance policies or riders that provide directly or supplement long-term care insurance. However, long-term care insurance does not include life insurance policies that: (i) Accelerate the death benefit specifically for one or more of the qualifying events of terminal illness, medical conditions requiring extraordinary medical intervention, or permanent institutional confinement; (ii) provide the option of a lump-sum payment for those benefits; and (iii) do not condition the benefits or the eligibility for the benefits upon the receipt of long-term care.

(b) Long-term care insurance also includes qualified long-term care insurance contracts.

(c) Long-term care insurance does not include any insurance policy, contract, or rider that is offered primarily to provide coverage for basic medicare supplement, basic hospital expense, basic medical-surgical expense, hospital confinement indemnity, major medical expense, disability income, related income, asset protection, accident only, specified disease, specified accident, or limited benefit health.

(6) "Group long-term care insurance" means a long-term care insurance policy or contract that is delivered or issued for delivery in this state and is issued to:

(a) One or more employers; one or more labor organizations; or a trust or the trustees of a fund established by one or more employers or labor organizations for current or former employees, current or former members of the labor organizations, or a combination of current and former employees or members, or a combination of such employers, labor organizations, trusts, or trustees; or

(b) A professional, trade, or occupational association for its members or former or retired members, if the association:

(i) Is composed of persons who are or were all actively engaged in the same profession, trade, or occupation; and

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

(ii) Has been maintained in good faith for purposes other than obtaining insurance; or

(c)(i) An association, trust, or the trustees of a fund established, created, or maintained for the benefit of members of one or more associations. Before advertising, marketing, or offering long-term care coverage in this state, the association or associations, or the insurer of the association or associations, must file evidence with the commissioner that the association or associations have at the time of such filing at least one hundred persons who are members and that the association or associations have been organized and maintained in good faith for purposes other than that of obtaining insurance; have been in active existence for at least one year; and have a constitution and bylaws that provide that:

(A) The association or associations hold regular meetings at least annually to further the purposes of the members;

(B) Except for credit unions, the association or associations collect dues or solicit contributions from members; and

(C) The members have voting privileges and representation on the governing board and committees of the association.

(ii) Thirty days after filing the evidence in accordance with this section, the association or associations will be deemed to have satisfied the organizational requirements, unless the commissioner makes a finding that the association or associations do not satisfy those organizational requirements.

(d) A group other than as described in (a), (b), or (c) of this subsection subject to a finding by the commissioner that:

(i) The issuance of the group policy is not contrary to the best interest of the public;

(ii) The issuance of the group policy would result in economies of acquisition or administration; and

(iii) The benefits are reasonable in relation to the premiums charged.

(7) "Policy" includes a document such as an insurance policy, contract, subscriber agreement, rider, or endorsement delivered or issued for delivery in this state by an insurer, fraternal benefit society, health care service contractor, health maintenance organization, or any similar entity authorized by the insurance commissioner to transact the business of long-term care insurance.

(8) "Qualified long-term care insurance contract" or "federally tax-qualified long-term care insurance contract" means:

(a) An individual or group insurance contract that meets the requirements of section 7702B(b) of the internal revenue code of 1986, as amended; or

(b) The portion of a life insurance contract that provides long-term care insurance coverage by rider or as part of the contract and that satisfies the requirements of sections 7702B(b) and (e) of the internal revenue code of 1986, as amended.

**NEW SECTION. Sec. 4** A group long-term care insurance policy may not be offered to a resident of this state under a group policy issued in another state to a group described in section 3(6)(d) of this act, unless this state or another state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in this state has made a determination that such requirements have been met.

**NEW SECTION. Sec. 5** (1) A long-term care insurance policy or certificate may not define "preexisting condition" more restrictively than as a condition for which medical advice or treatment was recommended by or received from a provider of health care services, within six months preceding the effective date of coverage of an insured person, unless the policy or certificate applies to group long-term care insurance under section 3(6) (a), (b), or (c) of this act.

(2) A long-term care insurance policy or certificate may not exclude coverage for a loss or confinement that is the result of a preexisting condition unless the loss or confinement begins within six months following the effective date of coverage of an insured person, unless the policy or certificate applies to a group as defined in section 3(6)(a) of this act.

(3) The commissioner may extend the limitation periods for specific age group categories in specific policy forms upon finding that the extension is in the best interest of the public.

(4) An issuer may use an application form designed to elicit the complete health history of an applicant and underwrite in accordance with that issuer's established underwriting standards, based on the answers on that application. Unless otherwise provided in the policy or certificate and regardless of whether it is disclosed on the application, a preexisting condition need not be covered until the waiting period expires.

(5) A long-term care insurance policy or certificate may not exclude or use waivers or riders to exclude, limit, or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions beyond the waiting period.

**NEW SECTION. Sec. 6** No long-term care insurance policy may:

(1) Be canceled, nonrenewed, or otherwise terminated on the grounds of the age or the deterioration of the mental or physical health of the insured individual or certificate holder;

(2) Contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder;

(3) Provide coverage for skilled nursing care only or provide significantly more coverage for skilled care in a facility than coverage for lower levels of care;

(4) Condition eligibility for any benefits on a prior hospitalization requirement;

(5) Condition eligibility for benefits provided in an institutional care setting on the receipt of a higher level of institutional care;

(6) Condition eligibility for any benefits other than waiver of premium, postconfinement, postacute care, or recuperative benefits on a prior institutionalization requirement;

(7) Include a postconfinement, postacute care, or recuperative benefit unless:

(a) Such requirement is clearly labeled in a separate paragraph of the policy or certificate entitled "Limitations or Conditions on Eligibility for Benefits;" and

(b) Such limitations or conditions specify any required number of days of preconfinement or postconfinement;

(8) Condition eligibility for noninstitutional benefits on the prior receipt of institutional care;

(9) A long-term care insurance policy or certificate may be field-issued if the compensation to the field issuer is not based on the number of policies or certificates issued. For purposes of this section, "field-issued" means a policy or certificate issued by a producer or a third-party administrator of the policy pursuant to the underwriting authority by an issuer and using the issuer's underwriting guidelines.

**NEW SECTION. Sec. 7** (1) Long-term care insurance applicants may return a policy or certificate for any reason within thirty days after its delivery and to have the premium refunded.

(2) All long-term care insurance policies and certificates shall have a notice prominently printed on or attached to the first page of the policy stating that the applicant may return the policy or certificate within thirty days after its delivery and to have the premium refunded.

(3) Refunds or denials of applications must be made within thirty days of the return or denial.

(4) This section shall not apply to certificates issued pursuant to a policy issued to a group defined in section 3(6)(a) of this act.

**NEW SECTION. Sec. 8** (1) An outline of coverage must be delivered to a prospective applicant for long-term care insurance at the time of initial solicitation through means that prominently direct the attention of the recipient to the document and its purpose.

(a) The commissioner must prescribe a standard format, including style, arrangement, overall appearance, and the content of an outline of coverage.

(b) When an insurance producer makes a solicitation in person, he or she must deliver an outline of coverage before presenting an application or enrollment form.

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

(c) In a direct response solicitation, the outline of coverage must be presented with an application or enrollment form.

(d) If a policy is issued to a group as defined in section 3(6)(a) of this act, an outline of coverage is not required to be delivered, if the information that the commissioner requires to be included in the outline of coverage is in other materials relating to enrollment. Upon request, any such materials must be made available to the commissioner.

(2) If an issuer approves an application for a long-term care insurance contract or certificate, the issuer must deliver the contract or certificate of insurance to the applicant within thirty days after the date of approval. A policy summary must be delivered with an individual life insurance policy that provides long-term care benefits within the policy or by rider. In a direct response solicitation, the issuer must deliver the policy summary, upon request, before delivery of the policy, if the applicant requests a summary.

(a) The policy summary shall include:

(i) An explanation of how the long-term care benefit interacts with other components of the policy, including deductions from any applicable death benefits;

(ii) An illustration of the amount of benefits, the length of benefits, and the guaranteed lifetime benefits if any, for each covered person;

(iii) Any exclusions, reductions, and limitations on benefits of long-term care;

(iv) A statement that any long-term care inflation protection option required by section 12 of this act is not available under this policy; and

(v) If applicable to the policy type, the summary must also include:

(A) A disclosure of the effects of exercising other rights under the policy;

(B) A disclosure of guarantees related to long-term care costs of insurance charges; and

(C) Current and projected maximum lifetime benefits.

(b) The provisions of the policy summary may be incorporated into a basic illustration required under chapter 48.23A RCW, or into the policy summary which is required under rules adopted by the commissioner.

**NEW SECTION. Sec. 9** If a long-term care benefit funded through a life insurance policy by the acceleration of the death benefit is in benefit payment status, a monthly report must be provided to the policyholder. The report must include:

(1) A record of all long-term care benefits paid out during the month;

(2) An explanation of any changes in the policy resulting from paying the long-term care benefits, such as a change in the death benefit or cash values; and

(3) The amount of long-term care benefits that remain to be paid.

**NEW SECTION. Sec. 10** All long-term care denials must be made within sixty days after receipt of a written request made by a policyholder or certificate holder, or his or her representative. All denials of long-term care claims by the issuer must provide a written explanation of the reasons for the denial and make available to the policyholder or certificate holder all information directly related to the denial.

**NEW SECTION. Sec. 11** (1) An issuer may rescind a long-term care insurance policy or certificate or deny an otherwise valid long-term care insurance claim if:

(a) A policy or certificate has been in force for less than six months and upon a showing of misrepresentation that is material to the acceptance for coverage; or

(b) A policy or certificate that has been in force for at least six months but less than two years, upon a showing of misrepresentation that is both material to the acceptance for coverage and that pertains to the condition for which benefits are sought.

(2) After a policy or certificate has been in force for two years it is not contestable upon the grounds of misrepresentation alone. Such a policy or certificate may be contested only upon a showing that the insured knowingly and intentionally misrepresented relevant facts relating to the insured's health.

(3) An issuer's payments for benefits under a long-term care insurance policy or certificate may not be recovered by the issuer if the policy or certificate is rescinded.

(4) This section does not apply to the remaining death benefit of a life insurance policy that accelerates benefits for long-term care that are governed by RCW 48.23.050 the state's life insurance incontestability clause. In all other situations, this section shall apply to life insurance policies that accelerate benefits for long-term care.

**NEW SECTION. Sec. 12** (1) The commissioner must establish minimum standards for inflation protection features.

(2) An issuer must comply with the rules adopted by the commissioner that establish minimum standards for inflation protection features.

**NEW SECTION. Sec. 13** (1) Except as provided by this section, a long-term care insurance policy may not be delivered or issued for delivery in this state unless the policyholder or certificate holder has been offered the option of purchasing a policy or certificate that includes a nonforfeiture benefit. The offer of a nonforfeiture benefit may be in the form of a rider that is attached to the policy. If a policyholder or certificate holder declines the nonforfeiture benefit, the issuer must provide a contingent benefit upon lapse that is available for a specified period of time following a substantial increase in premium rates.

(2) If a group long-term care insurance policy is issued, the offer required in subsection (1) of this section must be made to the group policyholder. However, if the policy is issued as group long-term care insurance as defined in section 3(6)(d) of this act other than to a continuing care retirement community or other similar entity, the offering shall be made to each proposed certificate holder.

(3) The commissioner must adopt rules specifying the type or types of nonforfeiture benefits to be offered as part of long-term care insurance policies and certificates, the standards for nonforfeiture benefits, and the rules regarding contingent benefit upon lapse, including a determination of the specified period of time during which a contingent benefit upon lapse will be available and the substantial premium rate increase that triggers a contingent benefit upon lapse.

**NEW SECTION. Sec. 14** A person may not sell, solicit, or negotiate long-term care insurance unless he or she is appropriately licensed as an insurance producer and has successfully completed long-term care coverage education that meets the requirements of this section.

(1) All long-term care education required by this chapter must meet the requirements of chapter 48.17 RCW and rules adopted by the commissioner.

(2)(a)(i) After January 1, 2009, prior to soliciting, selling, or negotiating long-term care insurance coverage, an insurance producer must successfully complete a one-time education course consisting of no fewer than eight hours on long-term care coverage, long-term care services, state and federal regulations and requirements for long-term care and qualified long-term care insurance coverage, changes or improvements in long-term care services or providers, alternatives to the purchase of long-term care insurance coverage, the effect of inflation on benefits and the importance of inflation protection, and consumer suitability standards and guidelines.

(ii) In order to continue soliciting, selling, or negotiating long-term care coverage in this state, all insurance producers selling, soliciting, or negotiating long-term care insurance coverage prior to the effective date of this act must successfully complete the eight-hour, one-time long-term care education and training course no later than July 1, 2009.

(b) In addition to the one-time education and training requirement set forth in (a) of this subsection, insurance producers who engage in the solicitation, sale, or negotiation of long-term care insurance coverage must successfully complete no fewer than four hours every twenty-four months of continuing education specific to long-term care insurance coverage and issues. Long-term care insurance coverage continuing education shall consist of topics related to long-term care insurance, long-term care services, and, if applicable, qualified state long-term care insurance partnership programs, including, but not limited to, the following:

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

(i) State and federal regulations and requirements and the relationship between qualified state long-term care insurance partnership programs and other public and private coverage of long-term care services, including medicaid;

(ii) Available long-term care services and providers;

(iii) Changes or improvements in long-term care services or providers;

(iv) Alternatives to the purchase of private long-term care insurance;

(v) The effect of inflation on benefits and the importance of inflation protection;

(vi) This chapter and chapters 48.84 and 48.85 RCW; and

(vii) Consumer suitability standards and guidelines.

(3) The insurance producer education required by this section shall not include training that is issuer or company product-specific or that includes any sales or marketing information, materials, or training, other than those required by state or federal law.

(4) Issuers shall obtain verification that an insurance producer receives training required by this section before that producer is permitted to sell, solicit, or otherwise negotiate the issuer's long-term care insurance products.

(5) Issuers shall maintain records subject to the state's record retention requirements and shall make evidence of that verification available to the commissioner upon request.

(6)(a) Issuers shall maintain records with respect to the training of its producers concerning the distribution of its long-term care partnership policies that will allow the commissioner to provide assurance to the state department of social and health services, medicaid division, that insurance producers engaged in the sale of long-term care insurance contracts have received the training required by this section and any rules adopted by the commissioner, and that producers have demonstrated an understanding of the partnership policies and their relationship to public and private coverage of long-term care, including medicaid, in this state.

(b) These records shall be maintained in accordance with the state's record retention requirements and shall be made available to the commissioner upon request.

(7) The satisfaction of these training requirements for any state shall be deemed to satisfy the training requirements of this state.

**NEW SECTION. Sec. 15** Issuers and their agents, if any, must determine whether issuing long-term care insurance coverage to a particular person is appropriate, except in the case of a life insurance policy that accelerates benefits for long-term care.

(1) An issuer must:

(a) Develop and use suitability standards to determine whether the purchase or replacement of long-term care coverage is appropriate for the needs of the applicant or insured;

(b) Train its agents in the use of the issuer's suitability standards; and

(c) Maintain a copy of its suitability standards and make the standards available for inspection, upon request.

(2) The following must be considered when determining whether the applicant meets the issuer's suitability standards:

(a) The ability of the applicant to pay for the proposed coverage and any other relevant financial information related to the purchase of or payment for coverage;

(b) The applicant's goals and needs with respect to long-term care and the advantages and disadvantages of long-term care coverage to meet those goals or needs; and

(c) The values, benefits, and costs of the applicant's existing health or long-term care coverage, if any, when compared to the values, benefits, and costs of the recommended purchase or replacement.

(3) The sale or transfer of any suitability information provided to the issuer or agent by the applicant to any other person or business entity is prohibited.

(4)(a) The commissioner shall adopt, by rule, forms of consumer-friendly personal worksheets that issuers and their agents must use for applications for long-term care coverage.

(b) The commissioner may require each issuer to file its current forms of suitability standards and personal worksheets with the commissioner.

**NEW SECTION. Sec. 16** A person engaged in the issuance or solicitation of long-term care coverage shall not engage in unfair methods of competition or unfair or deceptive acts or practices, as such methods, acts, or practices are defined in chapter 48.30 RCW, or as defined by the commissioner.

**NEW SECTION. Sec. 17** An issuer or an insurance producer who violates a law or rule relating to the regulation of long-term care insurance or its marketing shall be subject to a fine of up to three times the amount of the commission paid for each policy involved in the violation or up to ten thousand dollars, whichever is greater.

**NEW SECTION. Sec. 18** (1) The commissioner must adopt rules that include standards for full and fair disclosure setting forth the manner, content, and required disclosures for the sale of long-term care insurance policies, terms of renewability, initial and subsequent conditions of eligibility, nonduplication of coverage provisions, coverage of dependents, preexisting conditions, termination of insurance, continuation or conversion, probationary periods, limitations, exceptions, reductions, elimination periods, requirements for replacement, recurrent conditions, and definitions of terms. The commissioner must adopt rules establishing loss ratio standards for long-term care insurance policies. The commissioner must adopt rules to promote premium adequacy and to protect policyholders in the event of proposed substantial rate increases, and to establish minimum standards for producer education, marketing practices, producer compensation, producer testing, penalties, and reporting practices for long-term care insurance.

(2) The commissioner shall adopt rules establishing standards protecting patient privacy rights, rights to receive confidential health care services, and standards for an issuer's timely review of a claim denial upon request of a covered person.

(3) The commissioner may adopt reasonable rules to effectuate any provision of this chapter in accordance with the requirements of chapter 34.05 RCW.

**Sec. 19** RCW 48.84.010 and 1986 c 170 s 1 are each amended to read as follows:

This chapter may be known and cited as the "long-term care insurance act" and is intended to govern the content and sale of long-term care insurance and long-term care benefit contracts issued before January 1, 2009, as defined in this chapter. This chapter shall be liberally construed to promote the public interest in protecting purchasers of long-term care insurance from unfair or deceptive sales, marketing, and advertising practices. The provisions of this chapter shall apply in addition to other requirements of Title 48 RCW.

**Sec. 20** RCW 48.43.005 and 2007 c 296 s 1 and 2007 c 259 s 32 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least six thousand dollars, both amounts to be adjusted annually by the insurance commissioner; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

In July 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. The adjusted amount shall apply on the following January 1st.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical

services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 ((RCW)) or 48.-- RCW (sections 1 through 18 of this act);

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any

FIFTY-FIRST DAY, MARCH 4, 2008

"membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

**Sec. 21** RCW 48.85.010 and 1995 1st sp.s. c 18 s 76 are each amended to read as follows:

The department of social and health services shall, in conjunction with the office of the insurance commissioner, coordinate a long-term care insurance program entitled the Washington long-term care partnership, whereby private insurance and medicaid funds shall be used to finance long-term care. For individuals purchasing a long-term care insurance policy or contract governed by chapter 48.84 ((RCW)) or 48.--RCW (sections 1 through 18 of this act) and meeting the criteria prescribed in this chapter, and any other terms as specified by the office of the insurance commissioner and the department of social and health services, this program shall allow for the exclusion of some or all of the individual's assets in determination of medicaid eligibility as approved by the federal health care financing administration.

2008 REGULAR SESSION

**NEW SECTION. Sec. 22** Sections 1 through 18 of this act constitute a new chapter in Title 48 RCW.

**NEW SECTION. Sec. 23** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 24** This act takes effect January 1, 2009."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 2666.

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

#### MOTION

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

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 48.84.010 and 48.85.010; reenacting and amending RCW 48.43.005; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date."

#### MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2666 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2666 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2666 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

SUBSTITUTE HOUSE BILL NO. 2666 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 3088, by Representatives Cody, Hinkle and Schual-Berke

Limiting the scope of chapter 18.260 RCW over certain dental assistant and education and training programs.

The measure was read the second time.

#### MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 18.260.110 and 2007 c 269 s 11 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a dental assistant in the discharge of official duties by dental assistants in the United States federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs; ((or))

(2) Expanded function dental auxiliary education and training programs approved by the commission and the practice as an expanded function dental auxiliary by students in expanded function dental auxiliary education and training programs approved by the commission, when acting under the direction and supervision of persons licensed under chapter 18.29 or 18.32 RCW;

(3) Dental assistant education and training programs, and the practice of dental assisting by students in dental assistant education and training programs approved by the commission or offered at a school approved or licensed by the workforce training and education coordinating board, higher education coordinating board, state board for community and technical colleges, or Washington state skill centers certified by the office of the superintendent of public instruction, when acting under the direction and supervision of persons registered or licensed under this chapter or chapter 18.29 or 18.32 RCW; or

(4) The practice of a volunteer dental assistant providing services under the supervision of a licensed dentist in a charitable dental clinic, as approved by the commission in rule."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to House Bill No. 3088.

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

#### MOTION

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

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "and amending RCW 18.260.110."

#### MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 3088 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3088 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3088 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens,

Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

HOUSE BILL NO. 3088 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2923, by Representatives Hinkle, Warnick, Blake, Chandler, Hailey, Schmick, Kretz, Williams, Eickmeyer, Condotta, McCune, VanDeWege and Newhouse

Providing an alternative method for weight tickets for transporting hay or straw.

The measure was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 2923 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2923.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2923 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Murray - 1

HOUSE BILL NO. 2923, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

THIRD SUBSTITUTE HOUSE BILL NO. 1741, by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Hunt, Skinner and Conway)

Transferring the oral history program from the secretary of state to the legislature.

The measure was read the second time.

#### MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 Washington has developed an impressive oral history program of recording and documenting the recollections of public officials and citizens who have contributed to the rich political history surrounding the legislature. Schools, museums, historians, state agencies, and

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

interested citizens have benefited from the availability of these educational materials. The purpose of this act is to enhance this resource by reinforcing the decision-making role of the legislature.

**NEW SECTION. Sec. 2** A new section is added to chapter 42.52 RCW to read as follows:

This chapter does not prohibit the secretary of the senate, the chief clerk of the house of representatives, or their designee from soliciting and accepting contributions to the legislative oral history account created in section 8 of this act.

**Sec. 3** RCW 43.07.220 and 1991 c 237 s 1 are each amended to read as follows:

(1) The secretary of ~~((state))~~ the senate and the chief clerk of the house of representatives, at the direction of the legislative oral history ~~(advisory)~~ committee, shall administer and conduct a program to record and document oral histories of current and former members and staff of the Washington state legislature, ~~((current and former state government officials and personnel))~~ and other citizens who have participated in the political history of the Washington state legislature. The secretary of ~~((state shall))~~ the senate and the chief clerk of the house of representatives may contract with independent oral historians ~~((and through))~~ or the history departments of the state universities to interview and record oral histories. The ~~((tapes and tape transcripts))~~ manuscripts and publications shall be ~~((indexed and))~~ made available for research and reference through the state archives. The ~~((transcripts))~~ manuscripts, together with current and historical photographs, may be published for distribution to libraries and ~~((for sale to))~~ the general public, and posted on the legislative oral history web site.

(2) The oral history of a person who occupied positions, or was staff to a person who occupied positions, in more than one branch of government, shall be conducted by the entity authorized to conduct oral histories of persons in the position last held by the person who is the subject of the oral history. However, the person being interviewed may select the entity he or she wishes to prepare his or her oral history.

**Sec. 4** RCW 43.07.230 and 1991 c 237 s 2 are each amended to read as follows:

~~((An))~~ (1) A legislative oral history ~~(advisory)~~ committee is created, which shall consist of the following individuals:

~~((+))~~ (a) Four members of the house of representatives, two from each of the two largest caucuses of the house, appointed by the speaker of the house of representatives;

~~((2))~~ (b) Four members of the senate, two from each of the two largest caucuses of the senate, appointed by the president of the senate;

~~((3))~~ (c) The chief clerk of the house of representatives; and

~~((4))~~ (d) The secretary of the senate ~~((and the secretary of state)).~~

(2) Ex officio members may be appointed by a majority vote of the committee's members appointed under subsection (1) of this section.

(3) The chair of the committee shall be elected by a majority vote of the committee members appointed under subsection (1) of this section.

**Sec. 5** RCW 43.07.240 and 1991 c 237 s 3 are each amended to read as follows:

The legislative oral history ~~(advisory)~~ committee shall have the following responsibilities:

(1) To select appropriate oral history interview candidates and subjects;

(2) To select transcripts or portions of transcripts, and related historical material, for publication;

(3) To advise the secretary of ~~((state))~~ the senate and the chief clerk of the house of representatives on the format and length of individual interview series and on appropriate issues and subjects for related series of interviews;

(4) To advise the secretary of ~~((state))~~ the senate and the chief clerk of the house of representatives on the appropriate subjects, format, and length of interviews and on the process for conducting oral history interviews ~~((with subjects currently serving in the Washington state legislature));~~

(5) To advise the secretary of ~~((state))~~ the senate and the chief clerk of the house of representatives on joint programs and activities with state universities, colleges, museums, and other groups conducting oral histories; and

(6) To advise the secretary of ~~((state))~~ the senate and the chief clerk of the house of representatives on other aspects of the administration of the oral history program and on the conduct of individual interview projects.

**NEW SECTION. Sec. 6** A new section is added to chapter 44.04 RCW to read as follows:

The secretary of the senate and the chief clerk of the house of representatives may fund oral history activities through donations as provided in section 7 of this act and through funds in the legislative gift center account created in RCW 44.73.020. The activities may include, but not be limited to, conducting interviews, preparing and indexing transcripts, publishing manuscripts and photographs, and presenting displays and programs. Donations that do not meet the criteria of the legislative oral history program may not be accepted. The secretary of the senate and the chief clerk of the house of representatives shall adopt joint rules necessary to implement this section.

**NEW SECTION. Sec. 7** A new section is added to chapter 44.04 RCW to read as follows:

(1) The secretary of the senate and the chief clerk of the house of representatives may solicit and accept gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend these donations or the proceeds, rents, profits, and income from the donations except as limited by the donor's terms.

(2) Moneys received under this section may be used only for conducting oral histories.

(3) Moneys received under this section must be deposited in the legislative oral history account established in section 8 of this act.

(4) The secretary of the senate and the chief clerk of the house of representatives shall adopt joint rules to govern and protect the receipt and expenditure of the proceeds.

**NEW SECTION. Sec. 8** A new section is added to chapter 44.04 RCW to read as follows:

The legislative oral history account is created in the custody of the state treasurer. All moneys received under section 7 of this act and from the legislative gift center account created in RCW 44.73.020 must be deposited in the account. Expenditures from the account may be made only for the purposes of the legislative oral history program under RCW 43.07.220 (as recodified by this act). Only the secretary of the senate or the chief clerk of the house of representatives or their designee may authorize expenditures from the account. An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW.

**NEW SECTION. Sec. 9** (1) All powers, duties, and functions of the secretary of state pertaining to the legislative oral history program are transferred to the secretary of the senate and the chief clerk of the house of representatives. All references to the secretary of state or the office of the secretary of state in the Revised Code of Washington shall be construed to mean the secretary of the senate and the chief clerk of the house of representatives when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the secretary of state pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the secretary of the senate and the chief clerk of the house of representatives. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the secretary of the senate and the chief clerk of the house of representatives.

(b) Any appropriations made to the secretary of state for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the secretary of the senate and the chief clerk of the house of representatives.

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

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

(3) All rules and all pending business before the secretary of state pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the secretary of the senate and the chief clerk of the house of representatives. All existing contracts and obligations shall remain in full force and shall be performed by the secretary of the senate and the chief clerk of the house of representatives.

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

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

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the public employment relations commission as provided by law.

(7) The secretary of the senate and the chief clerk of the house of representatives will determine location and staff reporting for the program.

**NEW SECTION. Sec. 10** A new section is added to chapter 43.07 RCW to read as follows:

(1) The secretary of state shall administer and conduct a program to record and document oral histories of current and former members and staff of the Washington state executive and judicial branches, the state's congressional delegation, and other citizens who have participated in the political history of Washington state. The program shall be called the Washington state legacy project. The secretary of state may contract with independent oral historians or history departments of the state universities to interview and record oral histories. The manuscripts and publications shall be made available for research and reference through the state archives. The transcripts, together with current and historical photographs, may be published for distribution to libraries and the general public, and be posted on the secretary of state's web site.

(2) The Washington state legacy project may act as a principal repository for oral histories related to community, family, and other various projects.

(3) The oral history of a person who occupied positions, or was staff to a person who occupied positions, in more than one branch of government shall be conducted by the entity authorized to conduct oral histories of persons in the position last held by the person who is the subject of the oral history. However, the person being interviewed may select the entity he or she wishes to prepare his or her oral history.

(4) The secretary of state may create a Washington state legacy project advisory council to provide advice and guidance on matters pertaining to operating the legacy project. The secretary of state may not compensate members of the legacy project advisory council but may provide reimbursement to members for expenses that are incurred in the conduct of their official duties.

**Sec. 11** RCW 43.07.365 and 2002 c 358 s 3 are each amended to read as follows:

The secretary of state may fund ~~((oral history))~~ Washington state legacy project activities through donations as provided in RCW 43.07.037. The activities may include, but not be limited to, conducting interviews, preparing and indexing transcripts, publishing transcripts and photographs, and presenting displays and programs. Donations that do not meet the criteria of the ~~((oral history program))~~ Washington state legacy project may

not be accepted. The secretary of state shall adopt rules necessary to implement this section.

**Sec. 12** RCW 43.07.370 and 2007 c 523 s 3 are each amended to read as follows:

(1) The secretary of state may solicit and accept gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend these donations or the proceeds, rents, profits, and income from the donations except as limited by the donor's terms.

(2) Moneys received under this section may be used only for the following purposes:

(a) Conducting ~~((oral histories))~~ the Washington state legacy project;

(b) Archival activities;

(c) Washington state library activities; and

(d) Development, construction, and operation of the Washington state heritage center.

(3)(a) Moneys received under subsection (2)(a) through (c) of this section must be deposited in the ~~((oral history))~~ Washington state legacy project, state library, and archives account established in RCW 43.07.380.

(b) Moneys received under subsection (2)(d) of this section must be deposited in the Washington state heritage center account created in RCW 43.07.129.

(4) The secretary of state shall adopt rules to govern and protect the receipt and expenditure of the proceeds.

**Sec. 13** RCW 43.07.380 and 2003 c 164 s 2 are each amended to read as follows:

The ~~((oral history))~~ Washington state legacy project, state library, and archives account is created in the custody of the state treasurer. All moneys received under RCW 43.07.370 must be deposited in the account. Expenditures from the account may be made only for the purposes of the ~~((oral history program under RCW 43.07.220))~~ Washington state legacy project under section 10 of this act, archives program under RCW 40.14.020, and the state library program under chapter 27.04 RCW. Only the secretary of state or the secretary of state's designee may authorize expenditures from the account. An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW.

**Sec. 14** RCW 42.52.802 and 2003 c 164 s 4 are each amended to read as follows:

This chapter does not prohibit the secretary of state or a designee from soliciting and accepting contributions to the ~~((oral history))~~ Washington state legacy project, state library, and archives account created in RCW 43.07.380.

**NEW SECTION. Sec. 15** The following are each recodified as sections in chapter 44.04 RCW:

RCW 43.07.220

RCW 43.07.230

RCW 43.07.240

**NEW SECTION. Sec. 16** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Third Substitute House Bill No. 1741.

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

#### MOTION

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

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.07.220, 43.07.230, 43.07.240, 43.07.365, 43.07.370, 43.07.380, and 42.52.802; adding a new section to chapter 42.52 RCW; adding new sections to chapter 44.04 RCW; adding a new section to chapter 43.07 RCW; creating new sections; and recodifying RCW 43.07.220, 43.07.230, and 43.07.240."

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

## MOTION

On motion of Senator Fairley, the rules were suspended, Third Substitute House Bill No. 1741 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.  
Senator Roach spoke against passage of the bill.

## MOTION

On motion of Senator Regala, Senators Kline and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of Third Substitute House Bill No. 1741 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Third Substitute House Bill No. 1741 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 33

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Roach, Schoesler, Stevens, Swecker and Zarelli - 14

Excused: Senators Kline and Murray - 2

THIRD SUBSTITUTE HOUSE BILL NO. 1741 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1923, by Representatives Hunt and Condotta

Modifying requirements for motor vehicle transporter license applications.

The measure was read the second time.

## MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1923 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senators Rockefeller and Shin were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1923.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1923 and the bill passed the Senate by the following

vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Kline, Murray, Rockefeller and Shin - 4

HOUSE BILL NO. 1923, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 3206, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Haler, Rolfes and Santos)

Concerning the information required to be reported in the annual economic impact report on lodging tax revenues.

The measure was read the second time.

## MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 3206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3206.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3206 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kline, Murray and Shin - 3

SUBSTITUTE HOUSE BILL NO. 3206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 4:00 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:21 p.m. by President Owen.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1421, by House Committee on State Government & Tribal Affairs (originally

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

sponsored by Representatives Green, Miloscia, Kretz, Armstrong, Appleton, Kessler, Ormsby, Warnick and Moeller)

Modifying address confidentiality program provisions.

The measure was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1421.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1421 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 3104, by House Committee on Finance (originally sponsored by Representatives Pedersen, Hankins, Moeller, Walsh, Linville, Takko, Upthegrove, Kessler, Jarrett, Ericks, Wallace, Grant, Eickmeyer, Quall, Clibbom, Dunshee, Lantz, Sullivan, Simpson, Blake, Hunter, Roberts, Rolfes, Williams, Sells, Schual-Berke, Springer, Eddy, Hunt, Hudgins, Santos, Cody, Seaquist, Fromhold, Nelson, McIntire, Chase, Hasegawa, Appleton, Darneille, Haigh, Sommers, Dickerson, Kirby, Wood, Flannigan, Conway, Goodman, Kenney, Kagi, Ormsby, Loomis, McCoy, Barlow, O'Brien, Pettigrew, Morris, Liias and VanDeWege)

Expanding rights and responsibilities for domestic partnerships.

The measure was read the second time.

#### MOTION

Senator Swecker moved that the following amendment by Senator Swecker and others be adopted.

Beginning on page 146, line 13, strike all material through "43.07.130." on page 149, line 5, and insert the following:

"A domestic partnership may be terminated by filing a petition for dissolution in superior court."

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

On page 195, after line 23, insert the following:

"NEW SECTION. **Sec. 1307** RCW 26.60.050 (Termination--Records--Fees) and 2007 c 156 s 6 are each repealed."

On page 2, line 2 of the title, after "11.114.010," strike "26.60.050,"

On page 2, line 12 of the title, after "sections;" insert "repealing RCW 26.60.050;"

Senator Swecker spoke in favor of adoption of the amendment.

Senator Weinstein spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker and others on page 146, line 13 to Second Substitute House Bill No. 3104.

The motion by Senator Swecker failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Swecker moved that the following amendment by Senator Swecker and others be adopted.

On page 195, after line 23, insert the following:

"NEW SECTION. **Sec. 1307** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 2, line 12 of the title, after "dates;" strike "and" and on line 13 of the title after "date" insert "; and providing for submission of this act to a vote of the people"

Senator Swecker spoke in favor of adoption of the amendment.

Senator Murray spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker and others on page 195, after line 23 to Second Substitute House Bill No. 3104.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Swecker and others and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

#### MOTION

On motion of Senator Fairley, the rules were suspended, Second Substitute House Bill No. 3104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McDermott and Murray spoke in favor of passage of the bill.

Senator Swecker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 3104.

#### ROLL CALL

FIFTY-FIRST DAY, MARCH 4, 2008

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Second Substitute House Bill No. 3104 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 29

Voting nay: Senators Benton, Carrell, Delvin, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, Kastama, McCaslin, Morton, Parlette, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 20

SECOND SUBSTITUTE HOUSE BILL NO. 3104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2438, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Williams, Blake, McCune, Newhouse, Takko, Chandler, Condotta, Armstrong, Dunn, McDonald, Warnick and Pearson)

Making permanent a pilot project that allows for the use of dogs to hunt cougars. Revised for 1st Substitute: Making permanent a pilot project that allows for the use of dogs to hunt cougars. (REVISED FOR ENGROSSED: Extending a pilot project that allows for the use of dogs to hunt cougars.)

The measure was read the second time.

## MOTION

Senator Tom moved that the following amendment by Senator Tom and others be adopted.

On page 2, line 5, after "(a)" strike "Designed to protect public safety or property" and insert "~~((Designed to protect public safety or property))~~ In response to documented predation, public safety, or property protection complaints verified as cougar-related by the department of fish and wildlife prior to lethal removal"

Senator Tom spoke in favor of adoption of the amendment.

Senators Morton and Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tom and others on page 2, line 5 to Engrossed Substitute House Bill No. 2438.

The motion by Senator Tom failed and the amendment was not adopted by voice vote.

## MOTION

Senator Fairley moved that the following amendment by Senator Fairley be adopted.

On page 2, line 9, after "(d)" strike all material through "wildlife" on line 13 and insert "~~((Consistent with any applicable recommendations emerging from research on cougar population dynamics in a multiprey environment conducted by Washington State University's department of natural resource sciences that was funded in whole or in part by the department of fish and wildlife))~~ This section shall not prohibit the lawful trapping or killing of wildlife causing damage in emergency situations allowed pursuant to RCW 77.36.030"

Senator Fairley spoke in favor of adoption of the amendment.

Senators Jacobsen and Morton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 2, line 9 to Engrossed Substitute House Bill No. 2438.

The motion by Senator Fairley failed and the amendment was not adopted by voice vote.

## MOTION

Senator Tom moved that the following amendment by Senators Tom and Fairley be adopted.

On page 2, after line 25, insert the following:

"(4) The department of fish and wildlife shall not authorize any additional seasons pursuant to subsection (3) of this section in which cougars may be pursued or killed with the aid of dogs until the fish and wildlife commission approves a report submitted by the department that has been peer-reviewed and demonstrates a reduction in human-cougar interactions as a direct result of hunting cougars with the aid of dogs."

Senator Tom spoke in favor of adoption of the amendment.

Senators Morton and Jacobsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Tom and Fairley on page 2, after line 25 to Engrossed Substitute House Bill No. 2438.

The motion by Senator Tom failed and the amendment was not adopted by voice vote.

## MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 2438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2438.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2438 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, King, Marr, McAuliffe, McCaslin, Morton, Parlette, Pflug, Pridemore, Rasmussen, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 31

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McDermott, Murray, Oemig, Prentice, Regala, Rockefeller, Tom and Weinstein - 18

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## STATEMENT FOR THE JOURNAL

During the House Bill No. 2438 debate, I was working on the education budget and inadvertently voted for 2438. Even had I voted no, it would not have changed the outcome. I will state for the record that I did not support this bill and had actively opposed it during session.

FIFTY-FIRST DAY, MARCH 4, 2008  
SENATOR ROSEMARY MCAULIFFE, 1<sup>st</sup> Legislative District

2008 REGULAR SESSION

MOTION

At 6:09 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Wednesday, March 5, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-SECOND DAY, MARCH 5, 2008

**FIFTY-SECOND DAY****MORNING SESSION**

Senate Chamber, Olympia, Wednesday, March 5, 2008

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hewitt, Kline, Murray and Spanel.

The Sergeant at Arms Color Guard consisting of Pages Jordan Terrell and Anne McCaslin, presented the Colors. Pastor Leon Meyer of Calvary Baptist Church offered the prayer.

**MOTION**

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

**MOTION**

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

**MOTION**

Senator Kastama moved adoption of the following resolution:

**SENATE RESOLUTION  
8737**

By Senators Kastama, Rasmussen, Regala, Franklin, Roach, Carrell, Kilmer, and Eide

WHEREAS, The annual Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, 2008 marks the seventy-fifth annual Daffodil Festival; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a place to live and visit, to give citizens of Pierce County a civic endeavor where "75 Years . . . Remembering Your First Daffodil Parade" comes alive, fostering civic pride, to give young people and organizations of the local area an opportunity to display their talents and abilities, to vent citizens' enthusiasm in parades, pageantry, and events, and to stimulate the business economy through expenditures by and for the Festival and by visitors attracted during Festival Week; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934, when flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival's 2008 events are ongoing with the Queen's Coronation on March 14, 2008, and will culminate in the April 12, 2008, Grand Floral Street Parade, winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting, and consisting of approximately 40 float entries and over 80 other entries, including bands, marching and mounted units, and floats that are decorated with fresh-cut daffodils numbering in the thousands; and

WHEREAS, This year's Festival royalty includes: Princesses Lyndsay Moore, Bethel High School; Sarah Martin, Bonney Lake High School; Olivia Anderson, Cascade Christian High School; Wahayla McCloud, Chief Leschi High School; Brittany Ward, Clover Park High School; Megan Jones, Curtis High School; Kate McKee, Eatonville High School; Anna Anderson, Emerald Ridge High School; Katie Berry, Fife High School; Janice Rim, Franklin Pierce High School; Gloria Bleakley, Graham-Kapowsin High School; Alexandria Batdorf, Henry Foss High School; Kelli Bornander, Lakes High School; Jasrael Stokes, Lincoln High School; Amber Perez, Mt. Tahoma

2008 REGULAR SESSION

High School; Tessa Grossnickle, Orting High School; Jessica Merrell, Puyallup High School; Katie Potasky, Rogers High School; Lainy Hanson, Spanaway Lake High School; Justine Gray, Stadium High School; Alysha Barry, Sumner High School; Courtney Price, Wilson High School; and Nicolle Thompson, Washington High School;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the many contributions made to our state by the Daffodil Festival and its organizers for the past seventy-five years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2008 Daffodil Festival Officers and to the members of the Festival Royalty.

Senators Kastama, Regala, Rasmussen, Franklin and Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8737.

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

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced Miss. Jessica Merrell, a 2008 Daffodil Festival Princess, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Princess Jessica Merrell to address the Senate.

**REMARKS BY JESSICA MERRELL**

Jessica Merrell: "Hello, again, I am Jessica Merrell from Puyallup High School. I would like to introduce again the 2008 Daffodil Royal Court. I would like to also thank you for letting us be here today. Like it's been said, 2008 is the seventy-fifth anniversary of the Daffodil Festival and our theme this year is 'Seventy-five Years Remembering Your First Parade'. On behalf of the Royal Court and myself I would like to thank you again for letting us be here today. We really appreciate this opportunity and to also we will be selling our Daffodil Festival pen which is the seventy-fifth anniversary pen which all the lovely girls have them on their sashes. If you'd like to buy them, there's a donation of five dollars and each princess will have them with them so you could just go up to them and ask them and again thank you."

**MOTION**

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

**MESSAGE FROM THE HOUSE**

March 4, 2008

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5278,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

March 4, 2008

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5524,  
SUBSTITUTE SENATE BILL NO. 6260,  
SENATE BILL NO. 6283,  
SENATE BILL NO. 6284,

FIFTY-SECOND DAY, MARCH 5, 2008

SENATE BILL NO. 6464,  
SENATE BILL NO. 6465,  
SUBSTITUTE SENATE BILL NO. 6604,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5651,  
SENATE BILL NO. 5868,  
SUBSTITUTE SENATE BILL NO. 6244,  
SENATE BILL NO. 6271,  
SUBSTITUTE SENATE BILL NO. 6322,  
SUBSTITUTE SENATE BILL NO. 6324,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9291, Craig W. Cole, as a member of the Board of Regents, University of Washington, be confirmed.

Senators Shin and Brandland spoke in favor of passage of the motion.

MOTION

On motion of Senator Regala, Senators Kline, Murray and Spanel were excused.

MOTION

On motion of Senator Brandland, Senator Holmquist was excused.

APPOINTMENT OF CRAIG W. COLE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9291, Craig W. Cole as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9291, Craig W. Cole as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette,

2008 REGULAR SESSION

Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Hewitt - 1

Excused: Senators Kline, Murray and Spanel - 3

Gubernatorial Appointment No. 9291, Craig W. Cole, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Jacobsen moved that Gubernatorial Appointment No. 9327, Erin Lennon, as a member of the Board of Regents, University of Washington, be confirmed.

Senator Jacobsen spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

APPOINTMENT OF ERIN LENNON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9327, Erin Lennon as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9327, Erin Lennon as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Brown - 1

Excused: Senators Kline, Murray and Spanel - 3

Gubernatorial Appointment No. 9327, Erin Lennon, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2549, by House Committee on Appropriations (originally sponsored by Representatives Seaquist, Lantz, Morrell, Lias, Barlow and Green)

Establishing patient-centered primary care pilots. Revised for 2nd Substitute: Establishing a patient-centered primary care collaborative program.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking

FIFTY-SECOND DAY, MARCH 5, 2008

amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1308** The legislature finds that our primary care system is severely faltering and the number of people choosing primary care as a profession is decreasing dramatically. Primary care providers include family medicine and general internal medicine physicians, pediatricians, naturopathic physicians, advanced registered nurse practitioners, and physician assistants. A strong primary care system has been shown to improve health outcomes and quality and to reduce overall health system costs. To improve the health and well-being of the people in the state of Washington; enhance the recruitment, retention, performance, and satisfaction of primary providers; and control costs, our statewide system of primary care providers needs to be rapidly expanded, improved, and supported, in line with current research and professional innovations.

The legislature further finds that a medical home can best deliver the patient-centered approach that can manage chronic diseases, address acute illnesses, and provide effective prevention. A medical home is a place where health care is accessible and compassionate. It is built on evidence-based strategies with a team approach. Each patient receives medically necessary acute, chronic, prevention, and wellness services, as well as other medically appropriate dental and behavioral services, and community support services, all which are tailored to the individual needs of the patient. Development and maintenance of medical homes require changes in the reimbursement of primary care providers in medical home practices. There is a critical need to identify reimbursement strategies to appropriately finance this model of delivering medical care.

**NEW SECTION. Sec. 1309** (1) Within funds appropriated for this purpose, and with the goal of catalyzing and providing financial incentives for the rapid expansion of primary care practices that use the medical home model, the department of health shall offer primary care practices an opportunity to participate in a medical home collaborative program, as authorized under RCW 43.70.533. Qualifying primary care practices must be willing and able to adopt and maintain medical home models, as defined by the department of social and health services in its November 2007 report to the legislature concerning implementation of chapter 5, Laws of 2007.

(2) The collaborative program shall be structured to promote adoption of medical homes in a variety of primary care practice settings throughout the state and consider different populations, geographic locations, including at least one location that would agree to operate extended hours, which could include nights or weekends, and other factors to allow a broad application of medical home adoption, including rural communities and areas that are medically underserved. The collaborative program shall assist primary care practices to implement the medical home requirements and provide the full complement of primary care services as established by the medical home definition in this section. Key goals of the collaborative program are to:

(a) Develop common and minimal core components to promote a reasonable level of consistency among medical homes in the state;

(b) Allow for standard measurement of outcomes; and

(c) Promote adoption, and use of the latest techniques in effective and cost-efficient patient-centered integrated health care.

Medical home collaborative participants must agree to provide data on patients' experience with the program and health outcome measures. The department of health shall consult with the Puget Sound health alliance and other interested organizations when selecting specific measures to be used by

2008 REGULAR SESSION

primary care providers participating in the medical home collaborative.

(3) The medical home collaborative shall be coordinated with the Washington health information collaborative, the health information infrastructure advisory board, and other efforts directed by RCW 41.05.035. If the health care authority makes grants to primary care practices for implementation of health information technology during state fiscal year 2009, it shall make an effort to make these grants to primary care providers participating in the medical home collaborative.

(4) The department of health shall issue an annual report to the health care committees of the legislature on the progress and outcome of the medical home collaborative. The reports shall include:

(a) Effectiveness of the collaborative in promoting medical homes and associated health information technology, including an assessment of the rate at which the medical home model is being adopted throughout the state;

(b) Identification of best practices; an assessment of how the collaborative participants have affected health outcomes, quality of care, utilization of services, cost-efficiencies, and patient satisfaction;

(c) An assessment of how the pilots improve primary care provider satisfaction and retention; and

(d) Any additional legislative action that would promote further medical home adoption in primary care settings.

The first annual report shall be submitted to the legislature by January 1, 2009, with the final report due to the legislature by December 31, 2011.

**NEW SECTION. Sec. 1310** (1) As part of the five-year plan to change reimbursement required under section 1, chapter 259, Laws of 2007, the health care authority and department of social and health services must expand their assessment on changing reimbursement for primary care to support adoption of medical homes to include medicare, other federal and state payors, and third-party payors, including health carriers under Title 48 RCW and other self-funded payors.

(2) The health care authority shall also collaborate with the Puget Sound health alliance, if that organization pursues a project on medical home reimbursement. The goal of the collaboration is to identify appropriate medical home reimbursement strategies and provider performance measurements for all payors, such as providing greater reimbursement rates for primary care physicians, and to garner support among payors and providers to adopt payment strategies that support medical home adoption and use.

(3) The health care authority shall work with providers to develop reimbursement mechanisms that would reward primary care providers participating in the medical home collaborative program that demonstrate improved patient outcomes and provide activities including, but not limited to, the following:

(a) Ensuring that all patients have access to and know how to use a nurse consultant;

(b) Encouraging female patients to have a mammogram on the evidence-based recommended schedule;

(c) Effectively implementing strategies designed to reduce patients' use of emergency room care in cases that are not emergencies;

(d) Communicating with patients through electronic means; and

(e) Effectively managing blood sugar levels of patients with diabetes.

(4) The health care authority and the department of social and health services shall report their findings to the health care committees of the legislature by January 1, 2009, with a recommended timeline for adoption of payment and provider performance strategies and recommended legislative changes should legislative action be necessary.

**NEW SECTION. Sec. 1311** This act expires December 31, 2011.

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

**NEW SECTION. Sec. 1312** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Engrossed Second Substitute House Bill No. 2549.

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

MOTION

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

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 2549 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2549 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2549 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Murray and Spanel - 2

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2549 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2525, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Pearson, Kretz, Kristiansen and Ross)

Allowing for the mitigation of flood damage without obtaining a permit under chapter 77.55 RCW. Revised for 1st Substitute: Mitigating flood damage.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 77.55.021 and 2005 c 146 s 201 are each amended to read as follows:

(1) Except as provided in RCW 77.55.031, 77.55.051, and 77.55.041, in the event that any person or government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval of the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.

(2) A complete written application for a permit may be submitted in person or by registered mail and must contain the following:

(a) General plans for the overall project;  
 (b) Complete plans and specifications of the proposed construction or work within the mean higher high water line in saltwater or within the ordinary high water line in freshwater;

(c) Complete plans and specifications for the proper protection of fish life; and

(d) Notice of compliance with any applicable requirements of the state environmental policy act, unless otherwise provided for in this chapter.

(3) As soon as possible after receipt of an application, the department shall provide notice of the application to affected federally recognized Indian tribes and shall accept comment regarding the application provided by such tribes.

(4)(a) Protection of fish life is the only ground upon which approval of a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned. Except as provided in this subsection and subsections ((8)) (9), ((10)) (11), and ((11)) (13) of this section, the department has forty-five calendar days upon receipt of a complete application to grant or deny approval of a permit. The forty-five day requirement is suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection;

(iii) The applicant requests a delay; or

(iv) The department is issuing a permit for a storm water discharge and is complying with the requirements of RCW 77.55.161(3)(b).

(b) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(c) The period of forty-five calendar days may be extended if the permit is part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

((4)) (5) If the department denies approval of a permit, the department shall provide the applicant a written statement of the specific reasons why and how the proposed project would adversely affect fish life. Issuance, denial, conditioning, or modification of a permit shall be appealable to the department or the board as specified in RCW 77.55.301 within thirty days of the notice of decision.

((5)) (6)(a) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the permit within two years of the date of issuance.

(b) Approval of a permit is valid for a period of up to five years from the date of issuance, except as provided in (c) of this subsection and in RCW 77.55.151.

(c) A permit remains in effect without need for periodic renewal for hydraulic projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. A permit for streambank

FIFTY-SECOND DAY, MARCH 5, 2008

stabilization projects to protect farm and agricultural land as defined in RCW 84.34.020 remains in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the permit.

~~((6))~~ (7) The department may, after consultation with the permittee, modify a permit due to changed conditions. The modification becomes effective unless appealed to the department or the board as specified in RCW 77.55.301 within thirty days from the notice of the proposed modification. For hydraulic projects that divert water for agricultural irrigation or stock watering purposes, or when the hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

~~((7))~~ (8) A permittee may request modification of a permit due to changed conditions. The request must be processed within forty-five calendar days of receipt of the written request. A decision by the department may be appealed to the board within thirty days of the notice of the decision. For hydraulic projects that divert water for agricultural irrigation or stock watering purposes, or when the hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the permittee to show that changed conditions warrant the requested modification and that such a modification will not impair fish life.

~~((8))~~ (9)(a) The department ~~((or))~~, the county legislative authority, or the governor may declare and continue an emergency. If the county legislative authority declares an emergency under this subsection, it shall immediately notify the department ((if it declares an emergency under this subsection)). A declared state of emergency by the governor under RCW 43.06.010 shall constitute a declaration under this subsection.

(b) The department, through its authorized representatives, shall issue immediately, upon request, oral approval for a stream crossing, or work to remove any obstructions, repair existing structures, restore streambanks, protect fish life, or protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written permit prior to commencing work. Conditions of the emergency oral permit must be established by the department and reduced to writing within thirty days and complied with as provided for in this chapter.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

~~((9))~~ (10) All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

~~((10))~~ (11) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state

2008 REGULAR SESSION

environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

~~((11))~~ (12)(a) For any property, except for property located on a marine shoreline, that has experienced at least two consecutive years of flooding or erosion that has damaged or has threatened to damage a major structure, water supply system, septic system, or access to any road or highway, the county legislative authority may determine that a chronic danger exists. The county legislative authority shall notify the department, in writing, when it determines that a chronic danger exists. In cases of chronic danger, the department may issue a permit, upon request, for work necessary to abate the chronic danger by removing any obstructions, repairing existing structures, restoring banks, restoring road or highway access, protecting fish resources, or protecting property. Permit requests must be made and processed in accordance with subsections (2) and (4) of this section.

(b) Any projects proposed to address a chronic danger identified under (a) of this subsection that satisfies the project description identified in RCW 77.55.181(1)(a)(ii) are not subject to the provisions of the state environmental policy act, chapter 43.21C RCW. However, the project is subject to the review process established in RCW 77.55.181(3) as if it were a fish habitat improvement project.

(13) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 2525.

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

## MOTION

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

On page 1, line 1 of the title, after "damage;" strike the remainder of the title and insert "and amending RCW 77.55.021."

## MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2525 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.  
Senator Morton spoke against passage of the bill.

## MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2525 as amended by the Senate.

## ROLL CALL

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute House Bill No. 2525 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Honeyford, McCaslin and Morton - 3  
Excused: Senators Murray, Prentice and Spanel - 3

SUBSTITUTE HOUSE BILL NO. 2525 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2637, by Representatives Pearson, O'Brien, Ericks, Ross and Roach

Concerning records in a criminal case.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2637 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2637.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2637 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Murray and Spanel - 2

HOUSE BILL NO. 2637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2859, by House Committee on Health Care & Wellness (originally sponsored by Representatives Williams, Hinkle, Moeller and Green)

Establishing new requirements for licensing massage therapists.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2859 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2859.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2859 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senator Oemig - 1

Excused: Senators Delvin, Murray and Spanel - 3

SUBSTITUTE HOUSE BILL NO. 2859, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2557, by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Goodman, Barlow and Warnick)

Improving the operation of the trial courts.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be not adopted.

Strike everything after the enacting clause and insert the following:

**"JURISDICTIONAL PROVISIONS**

**Sec. 1** RCW 3.66.020 and 2007 c 46 s 1 are each amended to read as follows:

If the value of the claim or the amount at issue does not exceed ((fifty)) seventy-five thousand dollars, exclusive of interest, costs, and attorneys' fees, the district court shall have jurisdiction and cognizance of the following civil actions and proceedings:

- (1) Actions arising on contract for the recovery of money;

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

(2) Actions for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same and actions to recover the possession of personal property;

(3) Actions for a penalty;

(4) Actions upon a bond conditioned for the payment of money, when the amount claimed does not exceed fifty thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Actions on an undertaking or surety bond taken by the court;

(6) Actions for damages for fraud in the sale, purchase, or exchange of personal property;

(7) Proceedings to take and enter judgment on confession of a defendant;

(8) Proceedings to issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects;

(9) Actions arising under the provisions of chapter 19.190 RCW;

(10) Proceedings to civilly enforce any money judgment entered in any municipal court or municipal department of a district court organized under the laws of this state; and

(11) All other actions and proceedings of which jurisdiction is specially conferred by statute, when the title to, or right of possession of, real property is not involved.

**Sec. 2** RCW 12.40.010 and 2001 c 154 s 1 are each amended to read as follows:

In every district court there shall be created and organized by the court a department to be known as the "small claims department of the district court." The small claims department shall have jurisdiction, but not exclusive, in cases for the recovery of money only if the amount claimed does not exceed ~~(four)~~ five thousand dollars.

### MUNICIPAL COURT CONTRACTING

**Sec. 3** RCW 3.50.003 and 1984 c 258 s 125 are each amended to read as follows:

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

(1) "City" means an incorporated city or town.

(2) "Contracting city" means any city that contracts with a hosting jurisdiction for the delivery of judicial services.

(3) "Hosting jurisdiction" means a county or city designated in an interlocal agreement as receiving compensation for providing judicial services to a contracting city.

(4) "Mayor(s)" ~~(as used in this chapter)~~ means the mayor, city manager, or other chief administrative officer of the city.

**NEW SECTION. Sec. 4** A new section is added to chapter 3.50 RCW to read as follows:

A city may meet the requirements of RCW 39.34.180 by entering into an interlocal agreement with the county in which the city is located or with one or more cities.

**Sec. 5** RCW 3.50.020 and 2005 c 282 s 14 are each amended to read as follows:

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city ~~(in which the municipal court is located)~~ and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. A hosting jurisdiction shall have exclusive original criminal and other jurisdiction as described in this section for all matters filed by a contracting city. The municipal court shall also have the jurisdiction as conferred by statute. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and

determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith. A municipal court participating in the program established by the administrative office of the courts pursuant to RCW 2.56.160 shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program.

### COURT COMMISSIONERS

**Sec. 6** RCW 3.42.020 and 1984 c 258 s 31 are each amended to read as follows:

Each district court commissioner shall have such power, authority, and jurisdiction in criminal and civil matters as the appointing judges possess and shall prescribe, except that when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

**Sec. 7** RCW 3.34.110 and 1984 c 258 s 17 are each amended to read as follows:

(1) A district ~~(judge)~~ court judicial officer shall not ~~(act as judge)~~ preside in any of the following cases:

~~((+))~~ (a) In an action to which the ~~(judge)~~ judicial officer is a party, or in which the ~~(judge)~~ judicial officer is directly interested, or in which the ~~(judge)~~ judicial officer has been an attorney for a party.

~~((2))~~ (b) When the ~~(judge)~~ judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the ~~(judge)~~ judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretionary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of ~~(judges shall be)~~ judicial officer is allowed each party ~~(under this subsection))~~ in an action or proceeding.

(2) When a ~~(judge)~~ judicial officer is disqualified under this section, the case shall be heard before another ~~(judge or judge pro tempore)~~ judicial officer of the same county.

(3) For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner.

**Sec. 8** RCW 3.50.075 and 1994 c 10 s 1 are each amended to read as follows:

(1) One or more court commissioners may be appointed by a judge of the municipal court.

(2) Each commissioner holds office at the pleasure of the appointing judge.

(3) A commissioner authorized to hear or dispose of cases must be a lawyer who is admitted to practice law in the state of Washington or a nonlawyer who has passed the qualifying examination for lay judges for courts of limited jurisdiction under RCW 3.34.060.

(4) When serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

(5) A commissioner need not be a resident of the city or of the county in which the municipal court is created. When a court commissioner has not been appointed and the municipal court is presided over by a part-time appointed judge, the judge need not be a resident of the city or of the county in which the municipal court is created.

**NEW SECTION. Sec. 9** A new section is added to chapter 3.50 RCW to read as follows:

(1) A municipal court judicial officer shall not preside in any of the following cases:

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

(a) In an action to which the judicial officer is a party, or in which the judicial officer is directly interested, or in which the judicial officer has been an attorney for a party.

(b) When the judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretionary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of judicial officer is allowed each party in an action or proceeding.

(2) When a judicial officer is disqualified under this section, the case shall be heard before another judicial officer of the municipality.

(3) For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner.

**NEW SECTION. Sec. 10** A new section is added to chapter 35.20 RCW to read as follows:

(1) A municipal court judicial officer shall not preside in any of the following cases:

(a) In an action to which the judicial officer is a party, or in which the judicial officer is directly interested, or in which the judicial officer has been an attorney for a party.

(b) When the judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretionary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of judicial officer is allowed each party in an action or proceeding.

(2) When a judicial officer is disqualified under this section, the case shall be heard before another judicial officer of the municipality.

(3) For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner.

**MUNICIPAL DEPARTMENTS**

**NEW SECTION. Sec. 11** A new section is added to chapter 3.46 RCW to read as follows:

A municipality operating a municipal department under this chapter prior to July 1, 2008, may continue to operate as if this act was not adopted. Such municipal departments shall remain subject to the provisions of this chapter as this chapter was written prior to the adoption of this act.

**NEW SECTION. Sec. 12** The following acts or parts of acts are each repealed:

- 1 RCW 3.46.010 (Municipal department authorized) and 1984 c 258 s 72 & 1961 c 299 s 35;
- 2 RCW 3.46.020 (Judges) and 1987 c 3 s 1, 1984 c 258 s 73, & 1961 c 299 s 36;
- 3 RCW 3.46.030 (Jurisdiction) and 2005 c 282 s 13, 2000 c 111 s 5, 1985 c 303 s 13, & 1961 c 299 s 37;
- 4 RCW 3.46.040 (Petition) and 1984 c 258 s 74 & 1961 c 299 s 38;
- 5 RCW 3.46.050 (Selection of full time judges) and 1975 c 33 s 2 & 1961 c 299 s 39;
- 6 RCW 3.46.060 (Selection of part time judges) and 1984 c 258 s 75 & 1961 c 299 s 40;

- 7 RCW 3.46.063 (Judicial positions--Filling--Circumstances permitted) and 1993 c 317 s 3;
- 8 RCW 3.46.067 (Judges--Residency requirement) and 1993 c 317 s 5;
- 9 RCW 3.46.070 (Election) and 1984 c 258 s 76 & 1961 c 299 s 41;
- 10 RCW 3.46.080 (Term and removal) and 1984 c 258 s 77 & 1961 c 299 s 42;
- 11 RCW 3.46.090 (Salary--City cost) and 1984 c 258 s 78, 1969 ex.s. c 66 s 5, & 1961 c 299 s 43;
- 12 RCW 3.46.100 (Vacancy) and 1984 c 258 s 79 & 1961 c 299 s 44;
- 13 RCW 3.46.110 (Night sessions) and 1961 c 299 s 45;
- 14 RCW 3.46.120 (Revenue--Disposition--Interest) and 2004 c 15 s 7, 1995 c 291 s 2, 1988 c 169 s 1, 1985 c 389 s 3, 1984 c 258 s 303, 1975 1st ex.s. c 241 s 4, & 1961 c 299 s 46;
- 15 RCW 3.46.130 (Facilities) and 1961 c 299 s 47;
- 16 RCW 3.46.140 (Personnel) and 1961 c 299 s 48;
- 17 RCW 3.46.145 (Court commissioners) and 1969 ex.s. c 66 s 6;
- 18 RCW 3.46.150 (Termination of municipal department--Transfer agreement--Notice) and 2005 c 433 s 33, 2001 c 68 s 2, 1984 c 258 s 210, & 1961 c 299 s 49;
- 19 RCW 3.46.160 (City trial court improvement account--Contributions to account by city--Use of funds) and 2005 c 457 s 2;
- 20 RCW 3.42.030 (Transfer of cases to district judge) and 2000 c 164 s 1, 1984 c 258 s 32, & 1961 c 299 s 33; and
- 21 RCW 3.50.007 (Cities and towns of four hundred thousand or less to operate municipal court under this chapter or chapter 3.46 RCW--Municipal judges in office on July 1, 1984--Terms) and 1984 c 258 s 102.

**MISCELLANEOUS PROVISIONS**

**NEW SECTION. Sec. 13** This act takes effect July 1, 2008.

**NEW SECTION. Sec. 14** Subheadings used in this act are not any part of the law.

**NEW SECTION. Sec. 15** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 3.66.020, 12.40.010, 3.50.003, 3.50.020, 3.42.020, 3.34.110, and 3.50.075; adding new sections to chapter 3.50 RCW; adding a new section to chapter 35.20 RCW; adding a new section to chapter 3.46 RCW; creating new sections; repealing RCW 3.46.010, 3.46.020, 3.46.030, 3.46.040, 3.46.050, 3.46.060, 3.46.063, 3.46.067, 3.46.070, 3.46.080, 3.46.090, 3.46.100, 3.46.110, 3.46.120, 3.46.130, 3.46.140, 3.46.145, 3.46.150, 3.46.160, 3.42.030, and 3.50.007; and providing an effective date."

The President declared the question before the Senate to be the motion by Senator Kline to not adopt the committee striking amendment by the Committee on Judiciary to Second Substitute House Bill No. 2557.

The motion by Senator Kline carried and the committee striking amendment was not adopted by voice vote.

**MOTION**

Senator Kline moved that the following striking amendment by Senators Kline and Carrell be adopted:

Strike everything after the enacting clause and insert the following:

**"JURISDICTIONAL PROVISIONS**

**Sec. 1** RCW 3.66.020 and 2007 c 46 s 1 are each amended to read as follows:

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

If the value of the claim or the amount at issue does not exceed ~~((fifty))~~ seventy-five thousand dollars, exclusive of interest, costs, and attorneys' fees, the district court shall have jurisdiction and cognizance of the following civil actions and proceedings:

- (1) Actions arising on contract for the recovery of money;
- (2) Actions for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same and actions to recover the possession of personal property;
- (3) Actions for a penalty;
- (4) Actions upon a bond conditioned for the payment of money, when the amount claimed does not exceed fifty thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;
- (5) Actions on an undertaking or surety bond taken by the court;
- (6) Actions for damages for fraud in the sale, purchase, or exchange of personal property;
- (7) Proceedings to take and enter judgment on confession of a defendant;
- (8) Proceedings to issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects;
- (9) Actions arising under the provisions of chapter 19.190 RCW;
- (10) Proceedings to civilly enforce any money judgment entered in any municipal court or municipal department of a district court organized under the laws of this state; and
- (11) All other actions and proceedings of which jurisdiction is specially conferred by statute, when the title to, or right of possession of, real property is not involved.

**Sec. 2** RCW 12.40.010 and 2001 c 154 s 1 are each amended to read as follows:

In every district court there shall be created and organized by the court a department to be known as the "small claims department of the district court." The small claims department shall have jurisdiction, but not exclusive, in cases for the recovery of money only if the amount claimed does not exceed ~~((four))~~ five thousand dollars.

#### MUNICIPAL COURT CONTRACTING

**Sec. 3** RCW 3.50.003 and 1984 c 258 s 125 are each amended to read as follows:

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

- (1) "City" means an incorporated city or town.
- (2) "Contracting city" means any city that contracts with a hosting jurisdiction for the delivery of judicial services.
- (3) "Hosting jurisdiction" means a county or city designated in an interlocal agreement as receiving compensation for providing judicial services to a contracting city.
- (4) "Mayor(-)" ~~((as used in this chapter))~~ means the mayor, city manager, or other chief administrative officer of the city.

**NEW SECTION. Sec. 4** A new section is added to chapter 3.50 RCW to read as follows:

A city may meet the requirements of RCW 39.34.180 by entering into an interlocal agreement with the county in which the city is located or with one or more cities.

**Sec. 5** RCW 3.50.020 and 2005 c 282 s 14 are each amended to read as follows:

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city ~~((in which the municipal court is located))~~ and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or

by state statutes. A hosting jurisdiction shall have exclusive original criminal and other jurisdiction as described in this section for all matters filed by a contracting city. The municipal court shall also have the jurisdiction as conferred by statute. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith. A municipal court participating in the program established by the administrative office of the courts pursuant to RCW 2.56.160 shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program.

#### COURT COMMISSIONERS

**Sec. 6** RCW 3.42.020 and 1984 c 258 s 31 are each amended to read as follows:

Each district court commissioner shall have such power, authority, and jurisdiction in criminal and civil matters as the appointing judges possess and shall prescribe, except that when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

**Sec. 7** RCW 3.34.110 and 1984 c 258 s 17 are each amended to read as follows:

(1) A district ~~((judge))~~ court judicial officer shall not ~~((act as judge))~~ preside in any of the following cases:

~~((+))~~ (a) In an action to which the ~~((judge))~~ judicial officer is a party, or in which the ~~((judge))~~ judicial officer is directly interested, or in which the ~~((judge))~~ judicial officer has been an attorney for a party.

~~((2))~~ (b) When the ~~((judge))~~ judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the ~~((judge))~~ judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretionary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of ~~((judges shall be))~~ judicial officer is allowed each party ~~((under this subsection))~~ in an action or proceeding.

(2) When a ~~((judge))~~ judicial officer is disqualified under this section, the case shall be heard before another ~~((judge or judge pro tempore))~~ judicial officer of the same county.

(3) For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner.

**Sec. 8** RCW 3.50.075 and 1994 c 10 s 1 are each amended to read as follows:

(1) One or more court commissioners may be appointed by a judge of the municipal court.

(2) Each commissioner holds office at the pleasure of the appointing judge.

(3) A commissioner authorized to hear or dispose of cases must be a lawyer who is admitted to practice law in the state of Washington or a nonlawyer who has passed, by January 1, 2003, the qualifying examination for lay judges for courts of limited jurisdiction under RCW 3.34.060.

(4) On or after July 1, 2010, when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

(5) A commissioner need not be a resident of the city or of the county in which the municipal court is created. When a court commissioner has not been appointed and the municipal court is presided over by a part-time appointed judge, the judge

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

need not be a resident of the city or of the county in which the municipal court is created.

**NEW SECTION. Sec. 9** A new section is added to chapter 3.50 RCW to read as follows:

(1) A municipal court judicial officer shall not preside in any of the following cases:

(a) In an action to which the judicial officer is a party, or in which the judicial officer is directly interested, or in which the judicial officer has been an attorney for a party.

(b) When the judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretionary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of judicial officer is allowed each party in an action or proceeding.

(2) When a judicial officer is disqualified under this section, the case shall be heard before another judicial officer of the municipality.

(3) For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner.

**NEW SECTION. Sec. 10** A new section is added to chapter 35.20 RCW to read as follows:

(1) A municipal court judicial officer shall not preside in any of the following cases:

(a) In an action to which the judicial officer is a party, or in which the judicial officer is directly interested, or in which the judicial officer has been an attorney for a party.

(b) When the judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretionary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of judicial officer is allowed each party in an action or proceeding.

(2) When a judicial officer is disqualified under this section, the case shall be heard before another judicial officer of the municipality.

(3) For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner.

**MUNICIPAL DEPARTMENTS**

**NEW SECTION. Sec. 11** A new section is added to chapter 3.46 RCW to read as follows:

A municipality operating a municipal department under this chapter prior to July 1, 2008, may continue to operate as if this act was not adopted. Such municipal departments shall remain subject to the provisions of this chapter as this chapter was written prior to the adoption of this act.

**NEW SECTION. Sec. 12** The following acts or parts of acts are each repealed:

1 RCW 3.46.010 (Municipal department authorized) and 1984 c 258 s 72 & 1961 c 299 s 35;

2 RCW 3.46.020 (Judges) and 1987 c 3 s 1, 1984 c 258 s 73, & 1961 c 299 s 36;

3 RCW 3.46.030 (Jurisdiction) and 2005 c 282 s 13, 2000 c 111 s 5, 1985 c 303 s 13, & 1961 c 299 s 37;

4 RCW 3.46.040 (Petition) and 1984 c 258 s 74 & 1961 c 299 s 38;

5 RCW 3.46.050 (Selection of full time judges) and 1975 c 33 s 2 & 1961 c 299 s 39;

6 RCW 3.46.060 (Selection of part time judges) and 1984 c 258 s 75 & 1961 c 299 s 40;

7 RCW 3.46.063 (Judicial positions--Filling--Circumstances permitted) and 1993 c 317 s 3;

8 RCW 3.46.067 (Judges--Residency requirement) and 1993 c 317 s 5;

9 RCW 3.46.070 (Election) and 1984 c 258 s 76 & 1961 c 299 s 41;

10 RCW 3.46.080 (Term and removal) and 1984 c 258 s 77 & 1961 c 299 s 42;

11 RCW 3.46.090 (Salary--City cost) and 1984 c 258 s 78, 1969 ex.s. c 66 s 5, & 1961 c 299 s 43;

12 RCW 3.46.100 (Vacancy) and 1984 c 258 s 79 & 1961 c 299 s 44;

13 RCW 3.46.110 (Night sessions) and 1961 c 299 s 45;

14 RCW 3.46.120 (Revenue--Disposition--Interest) and 2004 c 15 s 7, 1995 c 291 s 2, 1988 c 169 s 1, 1985 c 389 s 3, 1984 c 258 s 303, 1975 1st ex.s. c 241 s 4, & 1961 c 299 s 46;

15 RCW 3.46.130 (Facilities) and 1961 c 299 s 47;

16 RCW 3.46.140 (Personnel) and 1961 c 299 s 48;

17 RCW 3.46.145 (Court commissioners) and 1969 ex.s. c 66 s 6;

18 RCW 3.46.150 (Termination of municipal department--Transfer agreement--Notice) and 2005 c 433 s 33, 2001 c 68 s 2, 1984 c 258 s 210, & 1961 c 299 s 49;

19 RCW 3.46.160 (City trial court improvement account--Contributions to account by city--Use of funds) and 2005 c 457 s 2;

20 RCW 3.42.030 (Transfer of cases to district judge) and 2000 c 164 s 1, 1984 c 258 s 32, & 1961 c 299 s 33; and

21 RCW 3.50.007 (Cities and towns of four hundred thousand or less to operate municipal court under this chapter or chapter 3.46 RCW--Municipal judges in office on July 1, 1984--Terms) and 1984 c 258 s 102.

**MISCELLANEOUS PROVISIONS**

**NEW SECTION. Sec. 13** This act takes effect July 1, 2008.

**NEW SECTION. Sec. 14** Subheadings used in this act are not any part of the law."

Senator Kline spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Carrell to Second Substitute House Bill No. 2557.

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

**MOTION**

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

On page 1, line 1 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 3.66.020, 12.40.010, 3.50.003, 3.50.020, 3.42.020, 3.34.110, and 3.50.075; adding new sections to chapter 3.50 RCW; adding a new section to chapter 35.20 RCW; adding a new section to chapter 3.46 RCW; creating a new section; repealing RCW 3.46.010, 3.46.020, 3.46.030, 3.46.040, 3.46.050, 3.46.060, 3.46.063, 3.46.067, 3.46.070, 3.46.080, 3.46.090, 3.46.100, 3.46.110, 3.46.120, 3.46.130, 3.46.140, 3.46.145, 3.46.150, 3.46.160, 3.42.030, and 3.50.007; and providing an effective date."

**MOTION**

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

On motion of Senator Kline, the rules were suspended, Second Substitute House Bill No. 2557 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2557 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2557 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator McCaslin - 1

Excused: Senators Murray and Spanel - 2

SECOND SUBSTITUTE HOUSE BILL NO. 2557 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6806, by Senators Haugen, Rasmussen and Shin

Providing tax incentives for anaerobic digester production.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6806 was substituted for Senate Bill No. 6806 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Haugen spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6806.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6806 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline,

Kohl-Welles, Marr, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators McAuliffe, Murray and Spanel - 3

SUBSTITUTE SENATE BILL NO. 6806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2779, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt, Blake, Chase, McCoy, Lantz and Skinner)

Requiring a specialized forest products permit to sell raw or unprocessed huckleberries.

The measure was read the second time.

## MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 76.48 RCW to read as follows:

(1) Except as otherwise provided in this section, no person may sell, or attempt to sell, any amount of raw or unprocessed huckleberries without first obtaining a specialized forest products permit as provided in RCW 76.48.060, regardless if the huckleberries were harvested with the consent of the landowner.

(2) If the possessor of the huckleberries being offered for sale is able to show that the huckleberries originated on land owned by the United States forest service, then the requirements of this section may be satisfied with the display of a valid permit from the United States forest service that lawfully entitles the possessor to harvest the huckleberries in question.

(3) Nothing in this section creates a requirement that a specialized forest products permit is required for an individual to harvest, possess, or transport huckleberries.

(4) Compliance with this section allows an individual to sell, or offer for sale, raw or unprocessed huckleberries. Possession of a specialized forest products permit does not create a right or privilege to harvest huckleberries. Huckleberries may be harvested only with the permission of the landowner and under the terms and conditions established between the landowner and the harvester.

Sec. 2 RCW 76.48.050 and 2005 c 401 s 2 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, specialized forest products permits shall consist of properly completed permit forms validated by the sheriff of the county in which the specialized forest products are to be harvested. Each permit shall be separately numbered and the issuance of the permits shall be by consecutive numbers. All specialized forest products permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the ~~((permittor [permittor]))~~ permittor.

(2) A properly completed specialized forest products permit form shall include:

~~((+))~~ (a) The date of its execution and expiration;

~~((2))~~ (b) The name, address, telephone number, if any, and signature of the ~~((permittor [permittor]))~~ permittor;

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

~~((3))~~ (c) The name, address, telephone number, if any, and signature of the permittee;

~~((4))~~ (d) The type of specialized forest products to be harvested or transported;

~~((5))~~ (e) The approximate amount or volume of specialized forest products to be harvested or transported;

~~((6))~~ (f) The legal description of the property from which the specialized forest products are to be harvested or transported, including the name of the county, or the state or province if outside the state of Washington;

~~((7))~~ (g) A description by local landmarks of where the harvesting is to occur, or from where the specialized forest products are to be transported;

~~((8))~~ (h) For cedar products, cedar salvage, and specialty wood, a copy of a map or aerial photograph, with defined perimeter boundaries, included as an attachment to the permit;

~~((9))~~ (i) A copy of a valid picture identification; and

~~((10))~~ (j) Any other condition or limitation which the ~~((permittor [permitter]))~~ permitter may specify.

(3) For permits intended to satisfy the requirements of section 1 of this act relating only to the sale of huckleberries, the specialized forest products permit:

(a) May be obtained from the department of natural resources or the sheriff of any county in the state;

(b) Must, in addition to the requirements of subsection (2) of this section, also contain information relating to where the huckleberries were, or plan to be, harvested, and the approximate amount of huckleberries that are going to be offered for sale; and

(c) Must include a statement designed to inform the possessor that permission from the landowner is still required prior to the harvesting of huckleberries.

(4) Except for the harvesting of Christmas trees, the permit or true copy thereof must be carried by the permittee and the permittee's agents and be available for inspection at all times. For the harvesting of Christmas trees only a single permit or true copy thereof is necessary to be available at the harvest site.

**Sec. 3** RCW 76.48.060 and 2005 c 401 s 3 are each amended to read as follows:

(1) A specialized forest products permit validated by the county sheriff shall be obtained by a person prior to:

(a) Harvesting from any lands, including his or her own, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any cedar products, cedar salvage, processed cedar products, or more than five pounds of Cascara bark, or more than five United States gallons of a single species of wild edible mushroom; or

(b) Selling, or offering for sale, any amount of raw or unprocessed huckleberries.

(2) Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or ~~((permittors [permitters]))~~ permitters in reasonable quantities. A permit form shall be completed in triplicate for each ~~((permittor's [permitter's]))~~ permitter's property on which a permittee harvests specialized forest products. A properly completed permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested.

(3) Before a permit form is validated by the sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff is reasonably satisfied as to the truth of the information, the form shall be validated with the sheriff's validation stamp.

(4) Upon validation, the form shall become the specialized forest products permit authorizing the harvesting, possession, or transportation of specialized forest products and the sale of

huckleberries, subject to any other conditions or limitations which the ~~((permittor [permitter]))~~ permitter may specify. Two copies of the permit shall be given or mailed to the ~~((permittor [permitter]))~~ permitter, or one copy shall be given or mailed to the ~~((permittor [permitter]))~~ permitter and the other copy given or mailed to the permittee. The original permit shall be retained in the office of the county sheriff validating the permit.

(5) In the event a single land ownership is situated in two or more counties, a specialized forest product permit shall be completed as to the land situated in each county.

(6) While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.

**Sec. 4** RCW 76.48.085 and 2005 c 401 s 6 are each amended to read as follows:

(1) Buyers who purchase specialized forest products or huckleberries are required to record:

~~((1))~~ (a) The permit number;

~~((2))~~ (b) The type of forest product purchased, and whether huckleberries were purchased;

~~((3))~~ (c) The permit holder's name; and

~~((4))~~ (d) The amount of forest product or huckleberries purchased.

(2) The buyer or processor shall keep a record of this information for a period of one year from the date of purchase and must make the records available for inspection upon demand by authorized enforcement officials.

(3) The buyer of specialized forest products must record the license plate number of the vehicle transporting the forest products or huckleberries on the bill of sale, as well as the seller's permit number on the bill of sale. This section shall not apply to transactions involving Christmas trees.

(4) This section shall not apply to buyers of specialized forest products at the retail sales level.

**Sec. 5** RCW 76.48.086 and 1995 c 366 s 16 are each amended to read as follows:

Records of buyers of specialized forest products and huckleberries collected under the requirements of RCW 76.48.085 may be made available to colleges and universities for the purpose of research.

**Sec. 6** RCW 76.48.110 and 2005 c 401 s 11 are each amended to read as follows:

(1) Whenever any law enforcement officer has probable cause to believe that a person is harvesting or is in possession of or transporting specialized forest products, or selling or attempting to sell huckleberries, in violation of the provisions of this chapter, he or she may, at the time of making an arrest, seize and take possession of any specialized forest products or huckleberries found. If the specialized forest product is a cedar product, cedar salvage, or specialty wood, at the time of making an arrest the law enforcement officer may seize and take possession of any equipment, vehicles, tools, or paperwork. The law enforcement officer shall provide reasonable protection for the equipment, vehicles, tools, paperwork, or specialized forest products involved during the period of litigation or he or she shall dispose of the equipment, vehicles, tools, paperwork, or specialized forest products at the discretion or order of the court before which the arrested person is ordered to appear.

(2) Upon any disposition of the case by the court, the court shall make a reasonable effort to return the equipment, vehicles, tools, paperwork, huckleberries, or specialized forest products to its rightful owner or pay the proceeds of any sale of specialized forest products or huckleberries less any reasonable expenses of the sale to the rightful owner. If for any reason, the proceeds of the sale cannot be disposed of to the rightful owner, the proceeds, less the reasonable expenses of the sale, shall be paid to the treasurer of the county in which the violation occurred. The county treasurer shall deposit the same in the county general fund. The return of the equipment, vehicles, tools, paperwork, or specialized forest products or the payment of the

FIFTY-SECOND DAY, MARCH 5, 2008

proceeds of any sale of products seized to the owner shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

**Sec. 7** RCW 76.48.120 and 2003 c 53 s 373 are each amended to read as follows:

(1) It is unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to offer as genuine any paper, document, or other instrument in writing purporting to be a specialized forest products permit, or true copy thereof, authorization, sales invoice, or bill of lading, or to make any representation of authority to possess or conduct harvesting or transporting of specialized forest products, or the sale of huckleberries, knowing the same to be in any manner false, fraudulent, forged, or stolen.

(2) Any person who knowingly or intentionally violates this section is guilty of a class C felony punishable by imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars, or by both imprisonment and fine.

(3) Whenever any law enforcement officer reasonably suspects that a specialized forest products permit or true copy thereof, authorization, sales invoice, or bill of lading is forged, fraudulent, or stolen, it may be retained by the officer until its authenticity can be verified.

**Sec. 8** RCW 76.48.200 and 1995 c 366 s 17 are each amended to read as follows:

Minority groups have long been participants in the specialized forest products and huckleberry harvesting industry. The legislature encourages agencies serving minority communities, community-based organizations, refugee centers, social service agencies, agencies and organizations with expertise in the specialized forest products and huckleberry harvesting industry, and other interested groups to work cooperatively to accomplish the following purposes:

(1) To provide assistance and make referrals on translation services and to assist in translating educational materials, laws, and rules regarding specialized forest products and huckleberries;

(2) To hold clinics to teach techniques for effective picking; and

(3) To work with both minority and nonminority permittees in order to protect resources and foster understanding between minority and nonminority permittees.

To the extent practicable within their existing resources, the commission on Asian-American affairs, the commission on Hispanic affairs, and the department of natural resources are encouraged to coordinate this effort.

**Sec. 9** RCW 76.48.020 and 2007 c 392 s 3 are each amended to read as follows:

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

(1) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees which contains the information required by RCW 76.48.080, a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

(2) "Bill of lading" means a written or printed itemized list or statement of particulars pertinent to the transportation or possession of a specialized forest product.

(3) "Cascara bark" means the bark of a Cascara tree.

(4) "Cedar processor" means any person who purchases, takes, or retains possession of cedar products or cedar salvage for later sale in the same or modified form following removal and delivery from the land where harvested.

(5) "Cedar products" means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(6) "Cedar salvage" means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices

2008 REGULAR SESSION

application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(7) "Christmas trees" means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(8) "Cut or picked evergreen foliage," commonly known as brush, means evergreen boughs, huckleberry foliage, salal, fern, Oregon grape, rhododendron, mosses, bear grass, scotch broom (*Cytisus scoparius*), and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not mean cones, berries, any foliage that does not remain green year-round, or seeds.

(9) "Harvest" means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection or contact with the land or vegetation upon which it is or was growing or (b) from the position in which it is lying upon the land.

(10) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

(11) "Huckleberry" means the following species of edible berries, if they are not nursery grown: *Vaccinium membranaceum*, *Vaccinium deliciosum*, *Vaccinium ovatum*, *Vaccinium parvifolium*, *Vaccinium globulare*, *Vaccinium ovalifolium*, *Vaccinium alaskaense*, *Vaccinium caespitosum*, *Vaccinium occidentale*, *Vaccinium uliginosum*, *Vaccinium myrtillus*, and *Vaccinium scoparium*.

(12) "Landowner" means, with regard to real property, the private owner, the state of Washington or any political subdivision, the federal government, or a person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at a public or private timber sale.

(13) "Native ornamental trees and shrubs" means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(14) "Permit area" means a designated tract of land that may contain single or multiple harvest sites.

(15) "Person" includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

(16) "Processed cedar products" means cedar shakes, shingles, fence posts, hop poles, pickets, stakes, rails, or rounds less than one foot in length.

(17) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office or an agent of the office.

(18) "Specialized forest products" means Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, specialty wood, wild edible mushrooms, and Cascara bark.

(19) "Specialized forest products permit" means a printed document in a form printed by the department of natural resources, or true copy thereof, that is signed by a landowner or his or her authorized agent or representative, referred to in this chapter as (~~"permitter" [permitter]"~~) "permitter" and validated by the county sheriff and authorizes a designated person, referred to in this chapter as "permittee," who has also signed the permit, to harvest and transport a designated specialized forest product from land owned or controlled and specified by the (~~permitter [permitter]"~~) permitter and that is located in the county where the permit is issued, or sell raw or unprocessed huckleberries.

(20) "Specialty wood" means wood that is:

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

(a) In logs less than eight feet in length, chunks, slabs, stumps, or burls; and

(b) One or more of the following:

(i) Of the species western red cedar, Englemann spruce, Sitka spruce, big leaf maple, or western red alder;

(ii) Without knots in a portion of the surface area at least twenty-one inches long and seven and a quarter inches wide when measured from the outer surface toward the center; or

(iii) Suitable for the purposes of making musical instruments or ornamental boxes.

(21) "Specialty wood buyer" means the first person that receives any specialty wood product after it leaves the harvest site.

(22) "Specialty wood processor" means any person who purchases, takes, or retains possession of specialty wood products or specialty wood salvage for later sale in the same or modified form following removal and delivery from the land where harvested.

(23) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site by any means.

(24) "True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and ((~~permittee~~ ~~permittee~~)) ~~permittee~~ signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and ((~~permittee~~ ~~permittee~~)) ~~permittee~~ specify an earlier date. A ((~~permittee~~ ~~permittee~~)) ~~permittee~~ may require the actual signatures of both the permittee and ((~~permittee~~ ~~permittee~~)) ~~permittee~~ for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and ((~~permittee~~ ~~permittee~~)) ~~permittee~~, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

(25) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 2779.

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

MOTION

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

On page 1, line 1 of the title, after "huckleberries;" strike the remainder of the title and insert "amending RCW 76.48.050, 76.48.060, 76.48.085, 76.48.086, 76.48.110, 76.48.120, 76.48.200, and 76.48.020; and adding a new section to chapter 76.48 RCW."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2779 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2779 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2779 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Delvin - 1

Excused: Senators Murray and Spanel - 2

SUBSTITUTE HOUSE BILL NO. 2779 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2792, by Representatives Wood, Condotta, Grant, Conway and Quall

Relating to computing breaks in the parimutuel system.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2792 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2792.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2792 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Fairley - 1

Excused: Senators Murray and Spanel - 2

HOUSE BILL NO. 2792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2654, by House Committee on Health Care & Wellness (originally sponsored by Representatives Hinkle, Cody, Moeller, Green and Kenney)

FIFTY-SECOND DAY, MARCH 5, 2008

Creating a process for certifying community-based mental health services.

The measure was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2654 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2654.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2654 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Murray and Spanel - 2

SUBSTITUTE HOUSE BILL NO. 2654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2887, by Representatives Fromhold, Crouse, Conway, Wood and Kessler

Authorizing the purchase of an increased benefit multiplier for past judicial service for judges in the public employees' retirement system.

The measure was read the second time.

#### MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 41.40.124 and 2007 c 123 s 1 are each amended to read as follows:

(1) Between January 1, 2007, and December 31, 2007, a member of plan 1 or plan 2 employed as a supreme court justice, court of appeals judge, or superior court judge may make a one-time irrevocable election, filed in writing with the member's employer, the department, and the administrative office of the courts, to accrue an additional benefit equal to one and one-half percent of average final compensation for each year of future service credit from the date of the election in lieu of future employee and employer contributions to the judicial retirement account plan under chapter 2.14 RCW.

(2)~~((\*)~~) A member who ~~((chooses to make))~~ made the election under subsection (1) of this section may apply, at the time of filing a written application for retirement with the

2008 REGULAR SESSION

department, to the department to increase the member's benefit multiplier by an additional one and one-half percent per year of service for the period in which the member served as a justice or judge prior to the election. The member may purchase, beginning with the most recent judicial service, the higher benefit multiplier for ((up to seventy percent of)) that portion of the member's prior judicial service for which the higher benefit multiplier was not previously purchased, and that would ensure that the member has no more than a seventy-five percent of average final compensation benefit ((accrued by age sixty-four for members of plan 1, and age sixty-six for members of plan 2)). The member shall pay five percent of the salary earned for each month of service for which the higher benefit multiplier is being purchased, plus ~~((interest as determined by the director))~~ five and one-half percent interest applied from the dates that the service was earned. The purchase price shall not exceed the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier. This payment must be made prior to retirement ~~((and prior to December 31, 2007. After December 31, 2007, a member may purchase the higher benefit multiplier for any of the member's prior judicial service at the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier, as determined by the director)),~~ subject to rules adopted by the department.

~~((\*\*))~~ (3) From January 1, 2009, through June 30, 2009, the following members may apply to the department to increase their benefit multiplier by an additional one and one-half percent per year of service for the period in which they served as a justice or judge:

(a) Active members of plan 1 or plan 2 who are not currently employed as a supreme court justice, court of appeals judge, or superior court judge, and who have past service as a supreme court justice, court of appeals judge, or superior court judge; and

(b) Inactive vested members of plan 1 or plan 2 who have separated, have not yet retired, and who have past service as a supreme court justice, court of appeals judge, or superior court judge.

A member eligible under this subsection may purchase the higher benefit multiplier for all or part of the member's prior judicial service beginning with the most recent judicial service. The member shall pay, for the applicable period of service, the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier as determined by the director.

(4) Subject to rules adopted by the department, a member applying to increase the member's benefit multiplier under this section may pay all or part of the cost with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

**Sec. 2** RCW 41.40.127 and 2007 c 123 s 2 are each amended to read as follows:

(1) Between January 1, 2007, and December 31, 2007, a member of plan 1 or plan 2 employed as a district court judge or municipal court judge may make a one-time irrevocable election, filed in writing with the member's employer and the department, to accrue an additional benefit equal to one and one-half percent of average final compensation for each year of future service credit from the date of the election.

(2)~~((\*)~~) A member who ~~((chooses to make))~~ made the election under subsection (1) of this section may apply, at the time of filing a written application for retirement with the

FIFTY-SECOND DAY, MARCH 5, 2008

department, to the department to increase the member's benefit multiplier by one and one-half percent per year of service for the period in which the member served as a judge prior to the election. The member may purchase, beginning with the most recent judicial service, the higher benefit multiplier for ~~((up to seventy percent of))~~ that portion of the member's prior judicial service for which the higher benefit multiplier was not previously purchased, and that would ensure that the member has no more than a seventy-five percent of average final compensation benefit ~~((accrued by age sixty-four for members of plan 1, and age sixty-six for members of plan 2)).~~ The member shall pay five percent of the salary earned for each month of service for which the higher benefit multiplier is being purchased, plus ~~((interest as determined by the director))~~ five and one-half percent interest applied from the dates that the service was earned. The purchase price shall not exceed the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier. This payment must be made prior to retirement ~~((and prior to December 31, 2007. After December 31, 2007, a member may purchase the higher benefit multiplier for any of the member's prior judicial service at the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier, as determined by the director)),~~ subject to rules adopted by the department.

~~((b))~~ (3) From January 1, 2009, through June 30, 2009, the following members may apply to the department to increase their benefit multiplier by an additional one and one-half percent per year of service for the period in which they served as a justice or judge:

(a) Active members of plan 1 or plan 2 who are not currently employed as a district court judge or municipal court judge, and who have past service as a district court judge or municipal court judge; and

(b) Inactive vested members of plan 1 or plan 2 who have separated, have not yet retired, and who have past service as a district court judge or municipal court judge.

A member eligible under this subsection may purchase the higher benefit multiplier for all or part of the member's prior judicial service beginning with the most recent judicial service. The member shall pay, for the applicable period of service, the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier as determined by the director.

(4) Subject to rules adopted by the department, a member applying to increase the member's benefit multiplier under this section may pay all or part of the cost with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

**Sec. 3** RCW 41.40.870 and 2007 c 123 s 3 are each amended to read as follows:

(1) Between January 1, 2007, and December 31, 2007, a member of plan 3 employed as a supreme court justice, court of appeals judge, or superior court judge may make a one-time irrevocable election, filed in writing with the member's employer, the department, and the administrative office of the courts, to accrue an additional plan 3 defined benefit equal to six-tenths percent of average final compensation for each year of future service credit from the date of the election in lieu of future employer contributions to the judicial retirement account plan under chapter 2.14 RCW.

2008 REGULAR SESSION

(2)~~((a))~~ A member who ~~((chooses to make))~~ made the election under subsection (1) of this section may apply, at the time of filing a written application for retirement with the department, to the department to increase the member's benefit multiplier by six-tenths percent per year of service for the period in which the member served as a justice or judge prior to the election. The member may purchase, beginning with the most recent judicial service, the higher benefit multiplier for ~~((up to seventy percent of))~~ that portion of the member's prior judicial service for which the higher benefit multiplier was not previously purchased, and that would ensure that the member has no more than a thirty-seven and one-half percent of average final compensation benefit ~~((accrued by age sixty-six)).~~ The member shall pay two and one-half percent of the salary earned for each month of service for which the higher benefit multiplier is being purchased, plus ~~((interest as determined by the director))~~ five and one-half percent interest applied from the dates that the service was earned. The purchase price shall not exceed the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier. This payment must be made prior to retirement ~~((and prior to December 31, 2007. After December 31, 2007, a member may purchase the higher benefit multiplier for any of the member's prior judicial service at the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier, as determined by the director)),~~ subject to rules adopted by the department.

~~((b))~~ (3) From January 1, 2009, through June 30, 2009, the following members may apply to the department to increase their benefit multiplier by an additional six-tenths percent per year of service for the period in which they served as a justice or judge:

(a) Active members of plan 3 who are not currently employed as a supreme court justice, court of appeals judge, or superior court judge, and who have past service as a supreme court justice, court of appeals judge, or superior court judge; and

(b) Inactive vested members of plan 3 who have separated, have not yet retired, and who have past service as a supreme court justice, court of appeals judge, or superior court judge.

A member eligible under this subsection may purchase the higher benefit multiplier for all or part of the member's prior judicial service beginning with the most recent judicial service. The member shall pay, for the applicable period of service, the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier as determined by the director.

(4) Subject to rules adopted by the department, a member applying to increase the member's benefit multiplier under this section may pay all or part of the cost with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

~~((c))~~ (5) A member who chooses to make the election under subsection (1) of this section shall contribute a minimum of seven and one-half percent of pay to the member's defined contribution account.

**Sec. 4** RCW 41.40.873 and 2007 c 123 s 4 are each amended to read as follows:

(1) Between January 1, 2007, and December 31, 2007, a member of plan 3 employed as a district court judge or municipal court judge may make a one-time irrevocable election, filed in writing with the member's employer and the department, to accrue an additional plan 3 defined benefit equal

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

to six-tenths percent of average final compensation for each year of future service credit from the date of the election.

~~((2))~~ A member who ~~((chooses to make))~~ made the election under subsection (1) of this section may apply, at the time of filing a written application for retirement with the department, to the department to increase the member's benefit multiplier by six-tenths percent per year of service for the period in which the member served as a judge prior to the election. The member may purchase, beginning with the most recent judicial service, the higher benefit multiplier for ~~((up to seventy percent of))~~ that portion of the member's prior judicial service for which the higher benefit multiplier was not previously purchased, and that would ensure that the member has no more than a thirty-seven and one-half percent of average final compensation benefit ~~((accrued by age sixty-six))~~. The member shall pay two and one-half percent of the salary earned for each month of service for which the higher benefit multiplier is being purchased, plus ~~((interest as determined by the director))~~ five and one-half percent interest applied from the dates that the service was earned. The purchase price shall not exceed the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier. This payment must be made prior to retirement ~~((and prior to December 31, 2007. After December 31, 2007, a member may purchase the higher benefit multiplier for any of the member's prior judicial service at the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier, as determined by the director))~~, subject to rules adopted by the department.

~~((3))~~ (3) From January 1, 2009, through June 30, 2009, the following members may apply to the department to increase their benefit multiplier by an additional six-tenths percent per year of service for the period in which they served as a justice or judge:

(a) Active members of plan 3 who are not currently employed as a district court judge or municipal court judge, and who have past service as a district court judge or municipal court judge; and

(b) Inactive vested members of plan 3 who have separated, have not yet retired, and who have past service as a district court judge or municipal court judge.

A member eligible under this subsection may purchase the higher benefit multiplier for all or part of the member's prior judicial service beginning with the most recent judicial service. The member shall pay, for the applicable period of service, the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier as determined by the director.

(4) Subject to rules adopted by the department, a member applying to increase the member's benefit multiplier under this section may pay all or part of the cost with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

~~((5))~~ (5) A member who chooses to make the election under subsection (1) of this section shall contribute a minimum of seven and one-half percent of pay to the member's defined contribution account."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 2887.

The motion by Senator Prentice carried and the committee

striking amendment was adopted by voice vote.

## MOTION

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

On page 1, line 3 of the title, after "system;" strike the remainder of the title and insert "and amending RCW 41.40.124, 41.40.127, 41.40.870, and 41.40.873."

## MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2887 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senators Eide, Kline and Sheldon were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2887 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2887 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Eide, Kline, Murray, Sheldon and Spanel - 5

HOUSE BILL NO. 2887 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 3283, by House Committee on Finance (originally sponsored by Representatives Herrera, Takko, Orcutt, Hurst, Eddy, Sump, Ericks, Fromhold, McCoy, Hudgins, Kelley, Kessler, Dunn, Ormsby, Linville, Roach and McCune)

Relieving active duty military personnel of interest and penalties on delinquent excise taxes.

The measure was read the second time.

## MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 82.32 RCW to read as follows:

(1) Subject to the requirements in subsections (2) through (4) of this section, the department shall waive or cancel interest and penalties imposed under this chapter if the interest and penalties are:

(a) Imposed during any period of armed conflict; and

(b) Imposed on a taxpayer where a majority owner of the taxpayer is an individual who is on active duty in the military, and the individual is participating in a conflict and assigned to a duty station outside the territorial boundaries of the United States.

(2) To receive a waiver or cancellation of interest and penalties under this section, the taxpayer must submit to the department a copy of the individual's deployment orders for deployment outside the territorial boundaries of the United States.

(3) The department may not waive or cancel interest and penalties under this section if the gross income of the business exceeded one million dollars in the calendar year prior to the individual's initial deployment outside the United States for the armed conflict. The department may not waive or cancel interest and penalties under this section for a taxpayer for more than twenty-four months.

(4) During any period of armed conflict, for any notice sent to a taxpayer that requires a payment of interest, penalties, or both, the notice must clearly indicate on or in the notice that interest and penalties may be waived under this section for qualifying taxpayers."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 3283.

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

MOTION

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

On page 1, line 2 of the title, after "taxes;" strike the remainder of the title and insert "and adding a new section to chapter 82.32 RCW."

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 3283 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3283 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3283 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton,

Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Murray and Spanel - 2

SUBSTITUTE HOUSE BILL NO. 3283 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3166, by House Committee on Education (originally sponsored by Representatives Sullivan, Priest, Haler, Santos and Ormsby)

Concerning the design of the state assessment system and the WASL.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be not adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that, according to a recent report from a consultant retained by the state board of education, there are key policy questions for policymakers to discuss regarding how best to meet the public policy objectives for a statewide assessment system, including whether to maintain the current form of the Washington assessment of student learning or to implement end-of-course assessments. The legislature further finds that because the state's assessment contract will be renegotiated before the end of 2008, the 2008 legislature has an opportunity to provide policy direction in the design of the state assessment system and the design of the Washington assessment of student learning.

**Sec. 2** RCW 28A.655.070 and 2007 c 354 s 5 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of

FIFTY-SECOND DAY, MARCH 5, 2008

public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3)(a) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(b) Effective with the 2009 administration of the Washington assessment of student learning, the superintendent shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration and reducing the number of short answer and extended response questions.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

2008 REGULAR SESSION

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

NEW SECTION, Sec. 3 A new section is added to chapter 28A.655 RCW to read as follows:

(1) When the office of the superintendent of public instruction enters into a new contract for the development and implementation of the statewide assessment system, the superintendent shall take steps to ensure that the assessments are culturally responsive and competent for a diverse population. Additionally, the contract shall provide sufficient flexibility for the legislature to implement statewide end-of-course assessments for high school that measure student achievement of the state standards, if the legislature makes such a decision during the time that the contract is in effect including, but not limited to, the opportunity to sever portions of the contract without liability or penalty and preserving legislative authority to change direction, design, or scope without adverse impact to the state.

(2) This section expires June 1, 2014."

On page 1, line 2 of the title, after "learning;" strike the remainder of the title and insert "amending RCW 28A.655.070; adding a new section to chapter 28A.655 RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 3166.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe, Tom and King be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1 The legislature finds that, according to a recent report from a consultant retained by the state board of education, end-of-course assessments have certain advantages over comprehensive assessments such as the current form of the Washington assessment of student learning, and in most other areas end-of-course assessments are comparable to comprehensive assessments in meeting public policy objectives for a statewide assessment system. The legislature further finds that because the state's assessment contract will be renegotiated before the end of 2008, the 2008 legislature has an opportunity to provide policy direction in the design of the state assessment system and the design of the Washington assessment of student learning.

Sec. 2 RCW 28A.655.070 and 2007 c 354 s 5 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or

FIFTY-SECOND DAY, MARCH 5, 2008

federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3)(a) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(b) Effective with the 2009 administration of the Washington assessment of student learning, the superintendent shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration and reducing the number of short answer and extended response questions.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements,

2008 REGULAR SESSION

and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

**NEW SECTION. Sec. 3** A new section is added to chapter 28A.655 RCW to read as follows:

(1) In consultation with the state board of education, the superintendent of public instruction shall develop statewide end-of-course assessments for high school mathematics that measure student achievement of the state mathematics standards. The superintendent shall take steps to ensure that the language of the assessments is responsive to a diverse student population. The superintendent shall develop end-of-course assessments in algebra I, geometry, integrated mathematics I, and integrated mathematics II. The superintendent shall make the algebra I and integrated mathematics I end-of-course assessments available to school districts on an optional basis in the 2009-10 school year. The end-of-course assessments in algebra I, geometry, integrated mathematics I, and integrated mathematics II shall be implemented statewide in the 2010-11 school year.

(2) For the graduating class of 2013 and for purposes of the certificate of academic achievement under RCW 28A.655.061, results from the algebra I end-of-course assessment plus the geometry end-of-course assessment or results from the integrated mathematics I end-of-course assessment plus the integrated mathematics II end-of-course assessment may be used to demonstrate that a student meets the state standard on the mathematics content area of the high school Washington assessment of student learning.

(3) Beginning with the graduating class of 2014 and for purposes of the certificate of academic achievement under RCW 28A.655.061, the mathematics content area of the Washington assessment of student learning shall be assessed using either the algebra I end-of-course assessment plus the geometry end-of-course assessment or the integrated mathematics I end-of-course assessment plus the integrated mathematics II end-of-course assessment. All of the objective alternative assessments available to students under RCW 28A.655.061 and 28A.655.065 shall be available to any student who has taken the sequence of end-of-course assessments once but does not meet the state mathematics standard on the sequence of end-of-course assessments.

(4) The superintendent of public instruction shall report at least annually or more often if necessary to keep the education committees of the legislature informed on each step of the development and implementation process under this section.

**NEW SECTION. Sec. 4** If specific funding for the purposes of section 3 of this act, referencing section 3 of this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, section 3 of this act is null and void."

Senators McAuliffe and King spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe, Tom and King to Engrossed Substitute House Bill No. 3166.

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

#### MOTION

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

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

On page 1, line 2 of the title, after "learning;" strike the remainder of the title and insert "amending RCW 28A.655.070; adding a new section to chapter 28A.655 RCW; and creating new sections."

## MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 3166 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Tom spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3166 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3166 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Tom, Weinstein and Zarelli - 35

Voting nay: Senators Benton, Carrell, Delvin, Holmquist, Honeyford, Kastama, McCaslin, Morton, Pflug, Roach, Stevens and Swecker - 12

Excused: Senators Murray and Spanel - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3166 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 11:04 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:10 p.m. by President Owen.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Schoesler moved that Gubernatorial Appointment No. 9305, William J. Gordon, as a member of the Board of Regents, Washington State University, be confirmed.

Senator Schoesler spoke in favor of the motion.

## MOTION

On motion of Senator Brandland, Senator Carrell was excused.

## APPOINTMENT OF WILLIAM J. GORDON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9305, William J. Gordon as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9305, William J. Gordon as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 44

Absent: Senators Brown, McDermott, Tom and Weinstein - 4

Excused: Senator Spanel - 1

Gubernatorial Appointment No. 9305, William J. Gordon, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

## MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 5, 2008."

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

The motion by Senator Eide carried and debate was limited through March 5, 2008.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2815, by House Committee on Appropriations (originally sponsored by Representatives Dunshee, Priest, Linville, Upthegrove, Nelson, Goodman, Hurst, Lantz, Hunt, Cody, McCoy, Quall, Pettigrew, Fromhold, Dickerson, Darneille, Appleton, Green, Sells, Pedersen, Jarrett, Conway, Morrell, Miloscia, Sullivan, Schual-Berke, McIntire, Williams, Hudgins, Simpson, Ericks, VanDeWege and Ormsby)

Regarding greenhouse gases emissions and providing for green collar jobs. Revised for 2nd Substitute: Providing a framework for reducing greenhouse gas emissions in the Washington economy.

The measure was read the second time.

## MOTION

Senator Delvin moved that the following amendment by Senator Delvin be adopted.

On page 2, after line 4, insert the following:

"(3) It is further recognized that nuclear power is a renewable source of energy that has the potential to decrease reliance on imported fuel as well as further the goals of emissions reductions as required in this chapter."

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

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

Senators Delvin and Honeyford spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Delvin on page 2, after line 4 to Engrossed Second Substitute House Bill No. 2815.

The motion by Senator Delvin failed and the amendment was not adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist and others be adopted.

On page 2, after line 4, insert the following:

"(3) It is recognized that hydro power is a renewable source of energy that has the potential to decrease reliance on imported fuel as well as further the goals of emissions reductions as required in this chapter."

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

Senators Holmquist, Schoesler, Parlette and Honeyford spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist and others on page 2, after line 4 to Engrossed Second Substitute House Bill No. 2815.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist and others and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller, Shin, Tom and Weinstein - 28

Excused: Senator Spanel - 1

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 3, after line 11, insert the following:

"(7) "Green collar jobs" includes only those jobs that are related to new technology developments related to clean energy and does not include any job in existence prior to the effective date of this section."

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

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 3, after line 11 to Engrossed Second Substitute House Bill No. 2815.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Kastama moved that the following amendment by Senator Kastama and Jacobsen be adopted.

On page 3, on line 29 after "shall" insert "develop a plan to" Senators Kastama, Honeyford, Sheldon and Delvin spoke in favor of adoption of the amendment.

Senators Rockefeller and Pridemore spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kastama on page 3, line 29 to Engrossed Second Substitute House Bill No. 2815.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Kastama and Jacobsen and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Tom and Weinstein - 28

Excused: Senator Spanel - 1

MOTION

Senator Holmquist moved that the following amendment by Senator Honeyford and others be adopted.

On page 5, beginning on line 28, after "change" strike all material through "sector" on line 31

Beginning on page 16, line 27, strike all of section 8 and insert the following:

"NEW SECTION. Sec. 8 The department of transportation, in conjunction with the department of ecology, shall:

(1) By July 1, 2008, establish and convene a collaborative process to develop a design and implementation strategy to achieve greenhouse gas emission reductions in the transportation sector. The collaborative process shall provide for balanced participation by interested parties, including but not limited to parties representing diverse perspectives on issues relating to growth, development, and transportation.

(2) Provide a report to the legislature, by December 1, 2008, on the findings derived from the collaborative process. Any recommended strategies should be consistent with the program

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

developed under section 4(1)(a) of this act."

On page 1, line 3 of the title, after "28B.50.273;" strike all material through "RCW;"

On page 1, line 5 of the title, after "creating" strike "a new section" and insert "new sections"

Senators Holmquist, Schoesler and Delvin spoke in favor of adoption of the amendment.

Senators Rockefeller, Hatfield and Murray spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford and others on page 5, line 28 to Engrossed Second Substitute House Bill No. 2815.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford and others and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Tom and Weinstein - 29

Excused: Senator Spanel - 1

#### MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 6, after line 30, insert the following:

"**NEW SECTION. Sec. 5** A new section is added to chapter 84.36 RCW to read as follows:

The department of revenue shall provide property tax exemptions for private nurseries willing to expand their timber production in an effort to enhance carbon sequestration statewide. For each ten acres of seedlings, the nursery owner must receive a ten percent reduction on the property taxes for the land upon which the seedlings are located."

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

On page 1, line 3 of the title, after "28B.50.273;" insert "adding a new section to chapter 84.36 RCW;"

Senators Morton and Roach spoke in favor of adoption of the amendment.

Senators Rockefeller and Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 6, after line 30 to Engrossed Second Substitute House Bill No. 2815.

The motion by Senator Morton failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 6, after line 30, insert the following:

"**NEW SECTION. Sec. 5** The department of health shall expend twenty-five thousand dollars to assess the benefits of cooling stations for the general public, including but not limited to:

(1) Identification of proper sites to be distributed statewide on a per-capita basis; and

(2) Development of plans for operation in a manner that would not contribute to greenhouse gas emissions."

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

On page 1, line 5 of the title, after "70 RCW;" strike "creating a new section" and insert "creating new sections"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 6, after line 10 to Engrossed Second Substitute House Bill No. 2815.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 6, after line 30, insert the following:

"**NEW SECTION. Sec. 5** (1) The department of ecology shall expend two million dollars to designate a total of four new sites for water storage, two in western Washington and two in eastern Washington, including but not limited to:

(a) Identification of proper sites for water storage;

(b) Development of plans for water storage at those sites; and

(c) Formulation of a preliminary design for the water storage sites.

(2) The department of ecology shall also assess decommissioned mine shafts for purposes of water storage."

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

On page 1, line 5 of the title, after "70 RCW;" strike "creating a new section" and insert "creating new sections"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 6, after line 30 to Engrossed Second Substitute House Bill No. 2815.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Kastama moved that the following amendment by Senator Kastama and Jacobsen be adopted.

On page 16, on line 30 after "shall" delete "adopt broad statewide goals" and insert "develop a plan".

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

Senators Kastama and Pflug spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kastama and Jacobsen on page 16, line 30 to Engrossed Second Substitute House Bill No. 2815.

The motion by Senator Kastama failed and the amendment was not adopted by voice vote.

## MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 19, line 3, after "counties;" strike "and"

On page 19, line 5, after "lands" insert ";

(f) Impacts and potential unintended consequences on commuters, both urban and rural;

(g) Impacts and potential unintended consequences on personal mobility; and

(h) Impacts and potential unintended consequences on the state's economy"

Senators Honeyford, Schoesler, Sheldon and Parlette spoke in favor of adoption of the amendment.

Senators Rockefeller and Hargrove spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 19, line 3 to Engrossed Second Substitute House Bill No. 2815.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McAuliffe, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Tom and Weinstein - 28

Excused: Senator Spanel - 1

## MOTION

Senator Kastama moved that the following amendment by Senator Kastama and Jacobsen be adopted.

On page 19, on line 12 after "in consultation with the" insert "economic development commission,"

On page 20, on line 20 after "department" insert ", in consultation with the economic development commission"

On page 20, on line 24 after "department" insert ", in consultation with the economic development commission"

Senators Kastama and Honeyford spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the

amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kastama and Jacobsen on page 19, line 12 to Engrossed Second Substitute House Bill No. 2815.

The motion by Senator Kastama failed and the amendment was not adopted by voice vote.

## MOTION

Senator Kastama moved that the following amendment by Senator Kastama and Zarelli be adopted.

On page 22, on line 11 after ";" delete "and"

On page 22, on line 13 after "training" delete "." and insert "; and (E) For the recruitment of significant entrepreneurial researchers as provided for in the plan developed under RCW 43.330.280."

## WITHDRAWAL OF AMENDMENT

On motion of Senator Kastama, the amendment by Senator Kastama and Zarelli on page 22, line 11 to Engrossed Second Substitute House Bill No. 2815 was withdrawn.

## MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 23, after line 7, insert the following:

"(10) Beginning in 2010, the state workforce training and education coordinating board shall conduct an evaluation of the jobs eradicated as a result of state regulation of greenhouse gas emissions. The evaluation must include, but is not limited to, unemployment rates for skilled workers, earnings, and skilled workers' eligibility for the program established in subsection (9) of this section. The state workforce training and education coordinating board shall report the findings of the evaluation to the governor and the relevant policy committees of the legislature by December 1, 2012."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 23, after line 7 to Engrossed Second Substitute House Bill No. 2815.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

## MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Second Substitute House Bill No. 2815 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Hargrove and Franklin spoke in favor of passage of the bill.

Senators Honeyford, Carrell, Swecker, Delvin and Kastama spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2815.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2815 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Excused: Senator Spanel - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2815, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 4:01 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:57 p.m. by President Owen.

## MOTION

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

## MESSAGE FROM THE HOUSE

March 4, 2008

## MR. PRESIDENT:

The House has passed the following bills:  
SUBSTITUTE SENATE BILL NO. 6184,  
SUBSTITUTE SENATE BILL NO. 6309,  
SUBSTITUTE SENATE BILL NO. 6544,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 4, 2008

## MR. PRESIDENT:

The House has passed the following bills:  
SUBSTITUTE SENATE BILL NO. 6457,  
SUBSTITUTE SENATE BILL NO. 6500,  
SENATE BILL NO. 6504,  
ENGROSSED SENATE BILL NO. 6591,  
SENATE BILL NO. 6685,  
SENATE BILL NO. 6753,  
SUBSTITUTE SENATE BILL NO. 6770,  
SENATE BILL NO. 6837,  
and the same are herewith transmitted.

## SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278,  
SUBSTITUTE SENATE BILL NO. 6184,  
SUBSTITUTE SENATE BILL NO. 6244  
SUBSTITUTE SENATE BILL NO. 6260,  
SENATE BILL NO. 6271,  
SENATE BILL NO. 6283,  
SENATE BILL NO. 6284,  
SUBSTITUTE SENATE BILL NO. 6309,  
SUBSTITUTE SENATE BILL NO. 6322,  
SUBSTITUTE SENATE BILL NO. 6324,  
SUBSTITUTE SENATE BILL NO. 6457,  
SENATE BILL NO. 6464,  
SENATE BILL NO. 6465,  
SUBSTITUTE SENATE BILL NO. 6500,  
SENATE BILL NO. 6504,  
SUBSTITUTE SENATE BILL NO. 6544,  
ENGROSSED SENATE BILL NO. 6591,  
SUBSTITUTE SENATE BILL NO. 6604,  
SENATE BILL NO. 6685,  
SENATE BILL NO. 6753,  
SUBSTITUTE SENATE BILL NO. 6770,  
SENATE BILL NO. 6837,

## MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Hargrove moved that Gubernatorial Appointment No. 9335, John Miller, as a member of the Board of Trustees, Peninsula Community College District No. 1, be confirmed. Senator Hargrove spoke in favor of the motion.

## MOTION

On motion of Senator Hobbs, Senator Hatfield was excused.

## APPOINTMENT OF JOHN MILLER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9335, John Miller as a member of the Board of Trustees, Peninsula Community College District No. 1.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9335, John Miller as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach,

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senators Brown and Hewitt - 2

Excused: Senator Spanel - 1

Gubernatorial Appointment No. 9335, John Miller, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1621, by House Committee on Finance (originally sponsored by Representatives B. Sullivan, Sells, Morrell, Lovick, Ormsby, Miloscia, Springer, McCoy, Sullivan, Hasegawa, O'Brien, Roberts, Conway, Wood, Haigh, Rolfes and Simpson)

Preserving manufactured/mobile home communities.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Consumer Protection & Housing be adopted.

Strike everything after the enacting clause and insert the following:

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

(a) Manufactured/mobile home communities provide a significant source of homeownership opportunities for Washington residents. However, the increasing closure and conversion of manufactured/mobile home communities to other uses, combined with increasing mobile home lot rents, low vacancy rates in existing manufactured/mobile home communities, and the extremely high cost of moving homes when manufactured/mobile home communities close, increasingly make manufactured/mobile home community living insecure for manufactured/mobile home tenants.

(b) Many tenants who reside in manufactured/mobile home communities are low-income households and senior citizens and are, therefore, those residents most in need of reasonable security in the siting of their manufactured/mobile homes because of the adverse impacts on the health, safety, and welfare of tenants forced to move due to closure, change of use, or discontinuance of manufactured/mobile home communities.

(c) The preservation of manufactured/mobile home communities:

(i) Is a more economical alternative than providing new replacement housing units for tenants who are displaced from closing manufactured/mobile home communities;

(ii) Is a strategy by which all local governments can meet the affordable housing needs of their residents;

(iii) Is a strategy by which local governments planning under RCW 36.70A.040 may meet the housing element of their comprehensive plans as it relates to the provision of housing affordable to all economic sectors; and

(iv) Should be a goal of all housing authorities and local governments.

(d) The loss of manufactured/mobile home communities should not result in a net loss of affordable housing, thus compromising the ability of local governments to meet the affordable housing needs of its residents and the ability of these local governments planning under RCW 36.70A.040 to meet affordable housing goals under chapter 36.70A RCW.

(e) The closure of manufactured/mobile home communities has serious environmental, safety, and financial impacts, including:

(i) Homes that cannot be moved to other locations add to Washington's landfills;

(ii) Homes that are abandoned might attract crime; and

(iii) Vacant homes that will not be reoccupied need to be tested for asbestos and lead, and these toxic materials need to be removed prior to demolition.

(f) The self-governance aspect of tenants owning manufactured/mobile home communities results in a lesser usage of police resources as tenants experience fewer societal conflicts when they own the real estate as well as their homes.

(g) Housing authorities, by their creation and purpose, are the public body corporate and politic of the city or county responsible for addressing the availability of safe and sanitary dwelling accommodations available to persons of low income, senior citizens, and others.

(2) It is the intent of the legislature to encourage and facilitate the preservation of existing manufactured/mobile home communities in the event of voluntary sales of manufactured/mobile home communities and, to the extent necessary and possible, to involve manufactured/mobile home community tenants or an eligible organization representing the interests of tenants, such as a nonprofit organization, housing authority, or local government, in the preservation of manufactured/mobile home communities.

Sec. 2 RCW 59.20.030 and 2003 c 127 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" as it relates to a mobile home, manufactured home, or park model owned by a tenant in a mobile home park, mobile home park cooperative, or mobile home park subdivision or tenancy in a mobile home lot means the tenant has defaulted in rent and by absence and by words or actions reasonably indicates the intention not to continue tenancy;

(2) "Eligible organization" includes local governments, local housing authorities, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or statewide nonprofit housing assistance organizations;

(3) "Housing authority" or "authority" means any of the public body corporate and politic created in RCW 35.82.030;

(4) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

~~((3))~~ (5) "Local government" means a town government, city government, code city government, or county government in the state of Washington;

(6) "Manufactured home" means a single-family dwelling built according to the United States department of housing and urban development manufactured home construction and safety standards act, which is a national preemptive building code. A manufactured home also: (a) Includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported, or when installed on the site is three hundred twenty square feet or greater;

~~((4))~~ (7) "Manufactured/mobile home" means either a manufactured home or a mobile home;

(8) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States department of housing and urban development manufactured home construction and safety act;

~~((5))~~ (9) "Mobile home lot" means a portion of a mobile home park or manufactured housing community designated as the location of one mobile home, manufactured home, or park model and its accessory buildings, and intended for the

FIFTY-SECOND DAY, MARCH 5, 2008

exclusive use as a primary residence by the occupants of that mobile home, manufactured home, or park model;

~~((6))~~ (10) "Mobile home park," ~~((or))~~ "manufactured housing community," or "manufactured/mobile home community" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

~~((7))~~ (11) "Mobile home park cooperative" or "manufactured housing cooperative" means real property consisting of common areas and two or more lots held out for placement of mobile homes, manufactured homes, or park models in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members;

~~((8))~~ (12) "Mobile home park subdivision" or "manufactured housing subdivision" means real property, whether it is called a subdivision, condominium, or planned unit development, consisting of common areas and two or more lots held for placement of mobile homes, manufactured homes, or park models in which there is private ownership of the individual lots and common, undivided ownership of the common areas by owners of the individual lots;

~~((9))~~ (13) "Notice of sale" means a notice required under section 4 of this act to be delivered to all tenants of a manufactured/mobile home community and other specified parties within fourteen days after the date on which any advertisement, multiple listing, or public notice advertises that a manufactured/mobile home community is for sale;

(14) "Park model" means a recreational vehicle intended for permanent or semi-permanent installation and is used as a primary residence;

~~((10))~~ (15) "Qualified sale of manufactured/mobile home community" means the sale, as defined in RCW 82.45.010, of land and improvements comprising a manufactured/mobile home community that is transferred in a single purchase to a qualified tenant organization or to an eligible organization for the purpose of preserving the property as a manufactured/mobile home community;

(16) "Qualified tenant organization" means a formal organization of tenants within a manufactured/mobile home community, with the only requirement for membership consisting of being a tenant;

(17) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot;

~~((11))~~ (18) "Tenant" means any person, except a transient, who rents a mobile home lot;

~~((12))~~ (19) "Transient" means a person who rents a mobile home lot for a period of less than one month for purposes other than as a primary residence;

~~((13))~~ (20) "Occupant" means any person, including a live-in care provider, other than a tenant, who occupies a mobile home, manufactured home, or park model and mobile home lot.

Sec. 3 RCW 82.45.010 and 2000 2nd sp.s. c 4 s 26 are each amended to read as follows:

(1) As used in this chapter, the term "sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the

2008 REGULAR SESSION

purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration. For purposes of this subsection, all acquisitions of persons acting in concert shall be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department of revenue shall adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department shall consider the following:

(a) Persons shall be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(b) When persons are not commonly owned or controlled, they shall be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions shall be considered separate acquisitions.

(3) The term "sale" shall not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer of any leasehold interest other than of the type mentioned above.

(c) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(d) The partition of property by tenants in common by agreement or as the result of a court decree.

(e) The assignment of property or interest in property from one spouse to the other in accordance with the terms of a decree of divorce or in fulfillment of a property settlement agreement.

(f) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(g) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(h) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(i) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(j) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(k) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(l) The sale of any grave or lot in an established cemetery.

(m) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(n) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(o) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership.

FIFTY-SECOND DAY, MARCH 5, 2008

These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or children: PROVIDED, That if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse, or children voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (1) the transferor and/or the transferor's spouse or children, (2) a trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust, or (3) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes shall become due and payable on the original transfer as otherwise provided by law.

(p)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of section 332, 337, 351, 368(a)(1), 721, or 731 of the Internal Revenue Code of 1986, as amended.

(ii) However, the transfer described in (p)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (p)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(p)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(p)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(q) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after the effective date of this act but before December 31, 2018.

NEW SECTION. Sec. 4 A new section is added to chapter 59.20 RCW to read as follows:

(1) A landlord must provide a written notice of sale of a manufactured/mobile home community by certified mail or personal delivery to:

- (a) Each tenant of the manufactured/mobile home community;
- (b) The officers of any known qualified tenant organization;
- (c) The office of manufactured housing;
- (d) The local government within whose jurisdiction all or part of the manufactured/mobile home community exists;
- (e) The housing authority within whose jurisdiction all or part of the manufactured/mobile home community exists; and
- (f) The Washington state housing finance commission.

(2) A notice of sale must include:

- (a) A statement that the landlord intends to sell the manufactured/mobile home community; and
- (b) The contact information of the landlord or landlord's agent who is responsible for communicating with the qualified tenant organization or eligible organization regarding the sale of the property.

NEW SECTION. Sec. 5 A new section is added to chapter 59.20 RCW to read as follows:

A landlord intending to sell a manufactured/mobile home community is encouraged to negotiate in good faith with qualified tenant organizations and eligible organizations.

2008 REGULAR SESSION

**Sec. 6** RCW 59.22.050 and 2007 c 432 s 9 are each amended to read as follows:

(1) In order to provide general assistance to manufactured/mobile home resident organizations, qualified tenant organizations, manufactured/mobile home community or park owners, and landlords and tenants, the department shall establish an office of ((mobile home affairs)) manufactured housing.

This office will provide ((an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide)), either directly or through contracted services, technical assistance to qualified tenant organizations as defined in RCW 59.20.030 and resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

(2) The office shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance.

NEW SECTION. Sec. 7 The following acts or parts of acts are each repealed:

- 1 RCW 59.23.005 (Findings--Intent) and 1993 c 66 s 1;
- 2 RCW 59.23.010 (Obligation of good faith) and 1993 c 66 s 2;
- 3 RCW 59.23.015 (Application of chapter--Definition of "notice") and 1993 c 66 s 3;
- 4 RCW 59.23.020 (Definitions) and 1993 c 66 s 4;
- 5 RCW 59.23.025 (Notice to qualified tenant organization of sale of mobile home park--Time frame for negotiations--Terms--Transfer or sale to relatives) and 1993 c 66 s 5;
- 6 RCW 59.23.030 (Improper notice by mobile home park owner--Sale may be set aside--Attorneys' fees) and 1993 c 66 s 6;
- 7 RCW 59.23.035 (Notice to mobile home park owner of sale of tenant's mobile home--Time frame for negotiations--Terms--Transfer or sale to relatives) and 1993 c 66 s 7; and
- 8 RCW 59.23.040 (Improper notice by mobile home owner--Sale may be set aside--Attorneys' fees) and 1993 c 66 s 8.

NEW SECTION. Sec. 8 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Consumer Protection & Housing to Engrossed Second Substitute House Bill No. 1621.

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

#### MOTION

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

On page 1, line 2 of the title, after "communities;" strike the remainder of the title and insert "amending RCW 59.20.030, 82.45.010, and 59.22.050; adding new sections to chapter 59.20 RCW; creating a new section; and repealing RCW 59.23.005, 59.23.010, 59.23.015, 59.23.020, 59.23.025, 59.23.030, 59.23.035, and 59.23.040."

#### MOTION

On motion of Senator Weinstein, the rules were suspended, Engrossed Second Substitute House Bill No. 1621 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Honeyford spoke in favor of passage of the bill.

FIFTY-SECOND DAY, MARCH 5, 2008

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1621 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1621 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senators Kline and Roach - 2

Excused: Senator Spanel - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1621 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1773, by House Committee on Transportation (originally sponsored by Representatives Clibborn and Jarrett)

Regarding the imposition of tolls. Revised for 2nd Substitute: Concerning the imposition of tolls.

The measure was read the second time.

#### MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1** The legislature finds and declares that it is the policy of the state of Washington to use tolling to provide a source of transportation funding and to encourage effective use of the transportation system.

The legislature intends that the policy framework created by this act will guide subsequent legislation and decisions regarding the tolling of specific facilities and corridors. For each state-owned facility or corridor, the legislature intends that it will authorize the budget and finance plan. Specific issues that may be addressed in the finance plan and budget authorization legislation include the amount of financing required for a facility or corridor, the budget for any construction and operations financed by tolling, whether and how variable pricing will be applied, and the timing of tolling.

The legislature also intends that while the transportation commission, as the toll-setting authority, may set toll rates for facilities, corridors, or systems thereof, the legislature reserves the authority to impose tolls on any state transportation route or facility. Similarly, local or quasi-local entities that retain the power to impose tolls may do so as long as the effect of those tolls on the state highway system is consistent with the policy guidelines detailed in this act. If the imposition of tolls could have an impact on state facilities, the state tolling authority must review and approve such tolls.

2008 REGULAR SESSION

**NEW SECTION. Sec. 2** This subchapter applies only to all state toll bridges and other state toll facilities, excluding the Washington state ferries, first authorized within this state after July 1, 2008.

**NEW SECTION. Sec. 3** The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise:

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

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

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

**NEW SECTION. Sec. 4** (1) Unless otherwise delegated, only the legislature may authorize the imposition of tolls on eligible toll facilities.

(2) All revenue from an eligible toll facility must be used only to construct, improve, preserve, maintain, manage, or operate the eligible toll facility on or in which the revenue is collected. Expenditures of toll revenues are subject to appropriation and must be made only:

(a) To cover the operating costs of the eligible toll facility, including necessary maintenance, preservation, administration, and toll enforcement by public law enforcement within the boundaries of the facility;

(b) To meet obligations for the repayment of debt and interest on the eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves and insurance;

(c) To meet any other obligations to provide funding contributions for any projects or operations on the eligible toll facilities;

(d) To provide for the operations of conveyances of people or goods; or

(e) For any other improvements to the eligible toll facilities.

**NEW SECTION. Sec. 5** Any proposal for the establishment of eligible toll facilities shall consider the following policy guidelines:

(1) Overall direction. Washington should use tolling to encourage effective use of the transportation system and provide a source of transportation funding.

(2) When to use tolling. Tolling should be used when it can be demonstrated to contribute a significant portion of the cost of a project that cannot be funded solely with existing sources or optimize the performance of the transportation system. Such tolling should, in all cases, be fairly and equitably applied in the context of the statewide transportation system and not have significant adverse impacts through the diversion of traffic to other routes that cannot otherwise be reasonably mitigated. Such tolling should also consider relevant social equity, environmental, and economic issues, and should be directed at making progress toward the state's greenhouse gas reduction goals.

(3) Use of toll revenue. All revenue from an eligible toll facility must be used only to improve, preserve, manage, or operate the eligible toll facility on or in which the revenue is collected. Additionally, toll revenue should provide for and encourage the inclusion of recycled and reclaimed construction materials.

(4) Setting toll rates. Toll rates, which may include variable pricing, must be set to meet anticipated funding obligations. To the extent possible, the toll rates should be set to optimize

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

system performance, recognizing necessary trade-offs to generate revenue.

(5) Duration of toll collection. Because transportation infrastructure projects have costs and benefits that extend well beyond those paid for by initial construction funding, tolls on future toll facilities may remain in place to fund additional capacity, capital rehabilitation, maintenance, management, and operations, and to optimize performance of the system.

**NEW SECTION. Sec. 6** (1) A tolling advisory committee may be created at the direction of the tolling authority for any eligible toll facilities. The tolling authority shall appoint nine members to the committee, all of whom must be permanent residents of the affected project area as defined for each project. Members of the committee shall serve without receiving compensation.

(2) The tolling advisory committee shall serve in an advisory capacity to the tolling authority on all matters related to the imposition of tolls including, but not limited to: (a) The feasibility of providing discounts; (b) the trade-off of lower tolls versus the early retirement of debt; and (c) consideration of variable or time of day pricing.

(3) In setting toll rates, the tolling authority shall consider recommendations of the tolling advisory committee.

**NEW SECTION. Sec. 7** (1) Unless these powers are otherwise delegated by the legislature, the transportation commission is the tolling authority for the state. The tolling authority shall:

(a) Set toll rates, establish appropriate exemptions, if any, and make adjustments as conditions warrant on eligible toll facilities;

(b) Review toll collection policies, toll operations policies, and toll revenue expenditures on the eligible toll facilities and report annually on this review to the legislature.

(2) The tolling authority, in determining toll rates, shall consider the policy guidelines established in section 5 of this act.

(3) Unless otherwise directed by the legislature, in setting and periodically adjusting toll rates, the tolling authority must ensure that toll rates will generate revenue sufficient to:

(a) Meet the operating costs of the eligible toll facilities, including necessary maintenance, preservation, administration, and toll enforcement by public law enforcement;

(b) Meet obligations for the repayment of debt and interest on the eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves, minimum debt coverage or other appropriate contingency funding, and insurance; and

(c) Meet any other obligations of the tolling authority to provide its proportionate share of funding contributions for any projects or operations of the eligible toll facilities.

(4) The established toll rates may include variable pricing, and should be set to optimize system performance, recognizing necessary trade-offs to generate revenue for the purposes specified in subsection (3) of this section. Tolls may vary for type of vehicle, time of day, traffic conditions, or other factors designed to improve performance of the system.

**Sec. 8** RCW 47.56.030 and 2002 c 114 s 19 are each amended to read as follows:

(1) Except as permitted under chapter 47.29 or 47.46 RCW:

(a) Unless otherwise delegated, and subject to section 4 of this act, the department of transportation shall have full charge of the planning, analysis, and construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof.

(b) The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law).

(c) Unless otherwise delegated, and subject to section 4 of this act, the department shall have full charge of planning, analysis, and design of all toll facilities. The department may conduct the planning, analysis, and design of toll facilities as necessary to support the legislature's consideration of toll authorization.

(d) The department shall utilize and administer toll collection systems that are simple, unified, and interoperable. To the extent practicable, the department shall avoid the use of toll booths. The department shall set the statewide standards and protocols for all toll facilities within the state, including those authorized by local authorities.

(e) Except as provided in this section, the department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid under ~~((d)-(i))~~ (e)(i) and (ii) of this subsection:

(i) Emergency contracts, in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities; and

(ii) Single source contracts for vessel dry dockings, when there is clearly and legitimately only one available bidder to conduct dry dock-related work for a specific class or classes of vessels. The contracts may be entered into for a single vessel dry docking or for multiple vessel dry dockings for a period not to exceed two years.

(2) The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(a) ~~((Except as provided in (d) of this subsection;))~~ When the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(b) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price; maintainability; reliability; commonality; performance levels; life cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(i) The ability, capacity, and skill of the proposer to perform the contract or provide the service required;

(ii) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(iii) Whether the proposer can perform the contract within the time specified;

(iv) The quality of performance of previous contracts or services;

(v) The previous and existing compliance by the proposer with laws relating to the contract or services;

FIFTY-SECOND DAY, MARCH 5, 2008

(vi) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(vii) Such other information as may be secured having a bearing on the decision to award the contract.

(c) When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When issuing a request for proposal for the procurement of propulsion equipment or systems that include an engine, the request for proposal must specify the use of a life cycle cost analysis that includes an evaluation of fuel efficiency. When a life cycle cost analysis is used, the life cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request for proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose proposal is most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

~~((d) If the department is procuring large equipment or systems (e.g., electrical, propulsion) needed for the support, maintenance, and use of a ferry operated by Washington state ferries, the department shall proceed with a formal request for proposal solicitation under this subsection (2) without a determination of necessity by the secretary.))~~

**Sec. 9** RCW 47.56.040 and 1984 c 7 s 248 are each amended to read as follows:

The department is empowered, in accordance with the provisions of this chapter, to provide for the establishment and construction of toll bridges upon any public highways of this state together with approaches thereto wherever it is considered necessary or advantageous and practicable for crossing any stream, body of water, gulch, navigable water, swamp, or other topographical formation whether that formation is within this state or constitutes a boundary between this state and an adjoining state or country. ~~((The necessity or advantage and practicability of any such toll bridge shall be determined by the department, and the feasibility of financing any toll bridge in the manner provided by this chapter shall be a primary consideration and determined according to the best judgment of the department.))~~ For the purpose of obtaining information for the consideration of the department upon the construction of any toll bridge or any other matters pertaining thereto, any cognizant officer or employee of the state shall, upon the request of the department, make reasonable examination, investigation, survey, or reconnaissance for the determination of material facts pertaining thereto and report this to the department. The cost of any such examination, investigation, survey, or reconnaissance shall be borne by the department or office conducting these activities from the funds provided for that department or office for its usual functions.

**Sec. 10** RCW 47.56.070 and 1977 ex.s. c 151 s 67 are each amended to read as follows:

The department of transportation may, ~~((with the approval of the transportation commission))~~ in accordance with this chapter, provide for the ~~((establishment,))~~ construction~~(;)~~ and operation of toll tunnels, toll roads, and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their ~~((establishment,))~~ construction~~(;)~~ and operation, and may acquire rights-of-way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the ~~((establishing,))~~ constructing, operating, and maintaining of toll bridges by the department, insofar as reasonably consistent and applicable.

2008 REGULAR SESSION

~~((No toll facility, toll bridge, toll road, or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining.))~~

**Sec. 11** RCW 47.56.076 and 2006 c 311 s 19 are each amended to read as follows:

(1) Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, ~~((and with the approval of the state transportation commission or its successor statewide tolling authority,))~~ a regional transportation investment district may authorize vehicle tolls on a local or regional arterial or a state or federal highway within the boundaries of the district. The department shall administer the collection of vehicle tolls authorized on designated facilities unless otherwise specified in law or by contract, and the commission or its successor statewide tolling authority shall set and impose the tolls in amounts sufficient to implement the regional transportation investment plan under RCW 36.120.020.

(2) Consistent with section 4 of this act, vehicle tolls must first be authorized by the legislature if the tolls are imposed on a state route.

(3) Consistent with section 7 of this act, vehicle tolls, including any change in an existing toll rate, must first be reviewed and approved by the tolling authority designated in section 7 of this act if the tolls, or change in toll rate, would have a significant impact, as determined by the tolling authority, on the operation of any state facility.

**Sec. 12** RCW 47.56.078 and 2005 c 336 s 25 are each amended to read as follows:

(1) Subject to the provisions under chapter 36.73 RCW, a transportation benefit district may authorize vehicle tolls on state routes or federal highways, city streets, or county roads, within the boundaries of the district, unless otherwise prohibited by law. The department of transportation shall administer the collection of vehicle tolls authorized on state routes or federal highways, unless otherwise specified in law or by contract, and the state transportation commission, or its successor, may approve, set, and impose the tolls in amounts sufficient to implement the district's transportation improvement finance plan. The district shall administer the collection of vehicle tolls authorized on city streets or county roads, and shall set and impose the tolls, only with approval of the transportation commission, in amounts sufficient to implement the district's transportation improvement plan. Tolls may vary for type of vehicle, for time of day, for traffic conditions, and/or other factors designed to improve performance of the facility or the transportation network.

(2) Consistent with section 4 of this act, vehicle tolls must first be authorized by the legislature if the tolls are imposed on a state route.

(3) Consistent with section 7 of this act, vehicle tolls, including any change in an existing toll rate, must first be reviewed and approved by the tolling authority designated in section 7 of this act if the tolls, or change in toll rate, would have a significant impact, as determined by the tolling authority, on the operation of any state facility.

**Sec. 13** RCW 47.56.120 and 1977 ex.s. c 151 s 70 are each amended to read as follows:

In the event that ~~((the transportation commission should determine that))~~ any toll bridge should be constructed, all cost thereof including right-of-way, survey, and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter.

**Sec. 14** RCW 47.56.240 and 1984 c 7 s 265 are each amended to read as follows:

Except as otherwise provided in section 7 of this act, the commission is hereby empowered to fix the rates of toll and other charges for all toll bridges built under the terms of this chapter. Toll charges so fixed may be changed from time to time as conditions warrant. The commission, in establishing toll

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

charges, shall give due consideration to the cost of operating and maintaining such toll bridge or toll bridges including the cost of insurance, and to the amount required annually to meet the redemption of bonds and interest payments on them. The tolls and charges shall be at all times fixed at rates to yield annual revenue equal to annual operating and maintenance expenses including insurance costs and all redemption payments and interest charges of the bonds issued for any particular toll bridge or toll bridges as the bonds become due. The bond redemption and interest payments constitute a first direct ~~((and exclusive))~~ charge and lien on all such tolls and other revenues and interest thereon. Sinking funds created therefrom received from the use and operation of the toll bridge or toll bridges, and such tolls and revenues together with the interest earned thereon shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose as long as any of these bonds are outstanding and unpaid.

**Sec. 15** RCW 35.74.050 and 1965 c 7 s 35.74.050 are each amended to read as follows:

A city or town may build and maintain toll bridges and charge and collect tolls thereon, and to that end may provide a system and elect or appoint persons to operate the same, or the said bridges may be made free, as it may elect.

Consistent with section 7 of this act, any toll proposed under this section, including any change in an existing toll rate, must first be reviewed and approved by the tolling authority designated in section 7 of this act if the toll, or change in toll rate, would have a significant impact, as determined by the tolling authority, on the operation of any state facility.

**Sec. 16** RCW 36.120.050 and 2006 c 311 s 13 are each amended to read as follows:

(1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition or authorization of some or all of the following revenue sources, which a regional transportation investment district may impose or authorize upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to 0.1 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060;

(e) A local option fuel tax under RCW 82.80.120;

(f) An employer excise tax under RCW 81.100.030; and

(g) Vehicle tolls on new or reconstructed local or regional arterials or state ~~((or federal highways))~~ routes within the boundaries of the district, if the following conditions are met:

(i) ~~((Any such toll must be approved by the state transportation commission or its successor statewide tolling authority;~~

~~((ii))~~ Consistent with section 4 of this act, the vehicle toll must first be authorized by the legislature if the toll is imposed on a state route;

~~((ii))~~ Consistent with section 7 of this act, the vehicle toll, including any change in an existing toll rate, must first be reviewed and approved by the tolling authority designated in section 7 of this act if the toll, or change in toll rate, would have a significant impact, as determined by the tolling authority, on the operation of any state facility;

~~((iii))~~ The regional transportation investment plan must identify the facilities that may be tolled; and

~~((iii))~~ (iv) Unless otherwise specified by law, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority, and shall act in accordance with section 7 of this act.

(2) Taxes, fees, and tolls may not be imposed or authorized without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

**Sec. 17** RCW 36.73.040 and 2005 c 336 s 4 are each amended to read as follows:

(1) A transportation benefit district is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(2) A transportation benefit district constitutes a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, to acquire, hold, and dispose of real and personal property, and to sue and be sued. Public works contract limits applicable to the jurisdiction that established the district apply to the district.

(3) To carry out the purposes of this chapter, and subject to the provisions of RCW 36.73.065, a district is authorized to impose the following taxes, fees, charges, and tolls:

(a) A sales and use tax in accordance with RCW 82.14.0455;

(b) A vehicle fee in accordance with RCW 82.80.140;

(c) A fee or charge in accordance with RCW 36.73.120. However, if a county or city within the district area is levying a fee or charge for a transportation improvement, the fee or charge shall be credited against the amount of the fee or charge imposed by the district. Developments consisting of less than twenty residences are exempt from the fee or charge under RCW 36.73.120; and

(d) Vehicle tolls on state routes ~~((or federal highways))~~, city streets, or county roads, within the boundaries of the district, unless otherwise prohibited by law. However, consistent with section 4 of this act, the vehicle toll must first be authorized by the legislature if the toll is imposed on a state route. The department of transportation shall administer the collection of vehicle tolls authorized on state routes ~~((or federal highways))~~, unless otherwise specified in law or by contract, and the state transportation commission, or its successor, may approve, set, and impose the tolls in amounts sufficient to implement the district's transportation improvement finance plan. The district shall administer the collection of vehicle tolls authorized on city streets or county roads, and shall set and impose ~~((only with approval of the transportation commission, or its successor,))~~ the tolls in amounts sufficient to implement the district's transportation improvement plan. However, consistent with section 7 of this act, the vehicle toll, including any change in an existing toll rate, must first be reviewed and approved by the tolling authority designated in section 7 of this act if the toll, or change in toll rate, would have a significant impact, as determined by the tolling authority, on the operation of any state facility.

**Sec. 18** RCW 47.29.060 and 2005 c 317 s 6 are each amended to read as follows:

(1) Subject to the limitations in this section, the department may, in connection with the evaluation of eligible projects,

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

consider any financing mechanisms identified under subsections (3) through (5) of this section or any other lawful source, either integrated as part of a project proposal or as a separate, stand-alone proposal to finance a project. Financing may be considered for all or part of a proposed project. A project may be financed in whole or in part with:

(a) The proceeds of grant anticipation revenue bonds authorized by 23 U.S.C. Sec. 122 and applicable state law. Legislative authorization and appropriation is required in order to use this source of financing;

(b) Grants, loans, loan guarantees, lines of credit, revolving lines of credit, or other financing arrangements available under the Transportation Infrastructure Finance and Innovation Act under 23 U.S.C. Sec. 181 et seq., or any other applicable federal law;

(c) Infrastructure loans or assistance from the state infrastructure bank established by RCW 82.44.195;

(d) Federal, state, or local revenues, subject to appropriation by the applicable legislative authority;

(e) User fees, tolls, fares, lease proceeds, rents, gross or net receipts from sales, proceeds from the sale of development rights, franchise fees, or any other lawful form of consideration. However, projects financed by tolls or equivalent funding sources must first be authorized by the legislature under section 4 of this act.

(2) As security for the payment of financing described in this section, the revenues from the project may be pledged, but no such pledge of revenues constitutes in any manner or to any extent a general obligation of the state. Any financing described in this section may be structured on a senior, parity, or subordinate basis to any other financing.

(3) For any transportation project developed under this chapter that is owned, leased, used, or operated by the state, as a public facility, if indebtedness is issued, it must be issued by the state treasurer for the transportation project.

(4) For other public projects defined in RCW 47.29.050(2) that are developed in conjunction with a transportation project, financing necessary to develop, construct, or operate the public project must be approved by the state finance committee or by the governing board of a public benefit corporation as provided in the federal Internal Revenue Code section 63-20;

(5) For projects that are developed in conjunction with a transportation project but are not themselves a public facility or public project, any lawful means of financing may be used.

**Sec. 19** RCW 47.58.030 and 1984 c 7 s 290 are each amended to read as follows:

Except as otherwise provided in section 7 of this act, the secretary shall have full charge of the construction of all such improvements and reconstruction work and the construction of any additional bridge, including approaches and connecting highways, that may be authorized under this chapter and the operation of such bridge or bridges, as well as the collection of tolls and other charges for services and facilities thereby afforded. The schedule of charges for the services and facilities shall be fixed and revised from time to time by the commission so that the tolls and revenues collected will yield annual revenue and income sufficient, after payment or allowance for all operating, maintenance, and repair expenses, to pay the interest on all revenue bonds outstanding under the provisions of this chapter for account of the project and to create a sinking fund for the retirement of the revenue bonds at or prior to maturity. The charges shall be continued until all such bonds and interest thereon and unpaid advancements, if any, have been paid.

**Sec. 20** RCW 47.60.010 and 1984 c 18 s 1 are each amended to read as follows:

The department is authorized to acquire by lease, charter, contract, purchase, condemnation, or construction, and partly by any or all of such means, and to thereafter operate, improve, and extend, a system of ferries on and crossing Puget Sound and any of its tributary waters and connections thereof, and connecting with the public streets and highways in the state. The system of

ferries shall include such boats, vessels, wharves, docks, approaches, landings, franchises, licenses, and appurtenances as shall be determined by the department to be necessary or desirable for efficient operation of the ferry system and best serve the public. Subject to section 4 of this act, the department may in like manner acquire by purchase, condemnation, or construction and include in the ferry system such toll bridges, approaches, and connecting roadways as may be deemed by the department advantageous in channeling traffic to points served by the ferry system. In addition to the powers of acquisition granted by this section, the department is empowered to enter into any contracts, agreements, or leases with any person, firm, or corporation and to thereby provide, on such terms and conditions as it shall determine, for the operation of any ferry or ferries or system thereof, whether acquired by the department or not.

The authority of the department to sell and lease back any state ferry, for federal tax purposes only, as authorized by 26 U.S.C., Sec. 168(f)(8) is confirmed. Legal title and all incidents of legal title to any ferry sold and leased back (except for the federal tax benefits attributable to the ownership thereof) shall remain in the state of Washington.

**Sec. 21** RCW 53.34.010 and 1984 c 7 s 365 are each amended to read as follows:

In addition to all other powers granted to port districts, any such district may, with the consent of the department of transportation, acquire by condemnation, purchase, lease, or gift, and may construct, reconstruct, maintain, operate, furnish, equip, improve, better, add to, extend, and lease to others in whole or in part and sell in whole or in part any one or more of the following port projects, within or without or partially within and partially without the corporate limits of the district whenever the commission of the district determines that any one or more of such projects are necessary for or convenient to the movement of commercial freight and passenger traffic a part of which traffic moves to, from, or through the territory of the district:

(1) Toll bridges;

(2) Tunnels under or upon the beds of any river, stream, or other body of water, or through mountain ranges.

In connection with the acquisition or construction of any one or more of such projects the port districts may, with the consent of the state department of transportation, further acquire or construct, maintain, operate, or improve limited or unlimited access highway approaches of such length as the commission of such district deems advisable to provide means of interconnection of the facilities with public highways and of ingress and egress to any such project, including plazas and toll booths, and to construct and maintain under, along, over, or across any such project telephone, telegraph, or electric transmission wires and cables, fuel lines, gas transmission lines or mains, water transmission lines or mains, and other mechanical equipment not inconsistent with the appropriate use of the project, all for the purpose of obtaining revenues for the payment of the cost of the project.

Consistent with section 7 of this act, any toll, including any change in an existing toll rate, proposed under this section must first be reviewed and approved by the tolling authority designated in section 7 of this act if the toll, or change in toll rate, would have a significant impact, as determined by the tolling authority, on the operation of any state facility.

**NEW SECTION. Sec. 22** The following acts or parts of acts are each repealed:

1 RCW 47.56.0761 (Regional transportation investment district--Tolls on Lake Washington bridges) and 2006 c 311 s 20; and

2 RCW 47.56.080 (Construction of toll bridges and issuance of bonds authorized) and 1977 ex.s. c 151 s 68 & 1961 c 13 s 47.56.080.

FIFTY-SECOND DAY, MARCH 5, 2008

**NEW SECTION. Sec. 23** A new section is added to chapter 47.56 RCW to read as follows:

The toll collection account is created in the custody of the state treasurer. All receipts from prepaid customer tolls must be deposited into the account. Distributions from the account may be used only to refund customers' prepaid tolls or for distributions into the appropriate toll facility account. Distributions into the appropriate toll facility account shall be based on charges incurred at each toll facility and shall include a proportionate share of interest earned from amounts deposited into the account. For purposes of accounting, distributions from the account constitute earned toll revenues in the receiving toll facility account at the time of distribution. Only the secretary of transportation or the secretary's designee may authorize distributions from the account. Distributions of revenue and refunds from this account are not subject to the allotment procedures under chapter 43.88 RCW and an appropriation is not required.

**Sec. 24** RCW 43.79A.040 and 2007 c 523 s 5, 2007 c 357 s 21, and 2007 c 214 s 14 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

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

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account

2008 REGULAR SESSION

(earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

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

**NEW SECTION. Sec. 25** Sections 1 through 7 of this act are each added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008."

**NEW SECTION. Sec. 26** Sections 23 and 24 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

#### MOTION

Senator Kastama moved that the following amendment by Senators Kastama and King to the committee striking amendment be adopted.

On page 1, beginning on line 3 of the amendment, strike all of section 1

On page 2, line 32 of the amendment, after "facilities;" insert "or"

On page 2, beginning on line 33 of the amendment, after "(d)" strike all material through "(e)" on line 35

On page 3, beginning on line 1 of the amendment, strike all of section 5

On page 5, line 3 of the amendment, after "the" strike "system" and insert "toll facility"

ReNUMBER the sections consecutively and correct any internal references accordingly.

Correct the title.

Senators Kastama, Swecker, King and Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Murray and Haugen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama and King on page 1, line 3 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1773.

The motion by Senator Kastama failed and the amendment to the committee striking amendment was not adopted by a rising vote.

#### MOTION

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

On page 2, line 23 of the amendment, after "must be", strike "made only", and insert "used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution. Within this limitation, such expenditures may be used for the following activities"

Senators Benton and Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Murray and Haugen spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 23 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1773.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Tom and Weinstein - 29

Excused: Senator Spanel - 1

#### MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 2, line 33 of the amendment, after "(d)" strike all material through "(e)" on line 35.

Senators Pflug and Benton spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Murray spoke against adoption of the amendment to the committee striking amendment.

Senator Pflug demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 2, line 33 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1773.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pflug to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Tom and Weinstein - 28

Excused: Senator Spanel - 1

#### MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 3, line 14 of the amendment, after "mitigated." , strike all material through line 13.

Senator Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Haugen and Murray spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 3, line 14 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1773.

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

#### MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 3, line 32 of the amendment, after "the", strike "system" and insert "toll facility"

Senator Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 3, line 32 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1773.

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

#### MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 5, line 1, after "for", strike "type of vehicle" and insert "number of vehicle axles"

Senator Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

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

#### PARLIAMENTARY INQUIRY

Senator Hatfield: "Can a member request a roll call in the middle of their speech....."

#### REPLY BY THE PRESIDENT

President Owen: "The President will recognize a request for a roll call as a separate motion. Senator Pflug."

Senator Pflug demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 5, line 1 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1773.

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pflug to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Tom and Weinstein - 29

Excused: Senator Spanel - 1

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Second Substitute House Bill No. 1773.

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

## MOTION

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

On page 1, line 1 of the title, after "tolls," strike the remainder of the title and insert "amending RCW 47.56.030, 47.56.040, 47.56.070, 47.56.076, 47.56.078, 47.56.120, 47.56.240, 35.74.050, 36.120.050, 36.73.040, 47.29.060, 47.58.030, 47.60.010, and 53.34.010; reenacting and amending RCW 43.79A.040; adding new sections to chapter 47.56 RCW; repealing RCW 47.56.0761 and 47.56.080; and declaring an emergency."

## MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Second Substitute House Bill No. 1773 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Murray and Kilmer spoke in favor of passage of the bill.

Senators Swecker, Benton and Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1773 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1773 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Excused: Senator Spanel - 1  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1773 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3096, by House Committee on Transportation (originally sponsored by Representatives Clibborn and McIntire)

Financing the state route number 520 bridge replacement project.

The measure was read the second time.

## MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that the replacement of the vulnerable state route number 520 bridge is a matter of urgency for the safety of Washington's traveling public and the needs of the transportation system in central Puget Sound. The state route number 520 bridge is forty-four years old and has a useful remaining life of between thirteen and eighteen years. While one hundred fifteen thousand vehicles travel on the bridge each day, there is an ever present likelihood that wind or an earthquake could suddenly destroy the bridge or render it unusable. Therefore, the state must develop a comprehensive approach to fund a state route number 520 bridge replacement to be constructed by 2018.

**NEW SECTION. Sec. 2** A new section is added to chapter 47.01 RCW to read as follows:

(1) The state route number 520 bridge replacement and HOV project shall be designed to provide six total lanes, with two lanes that are for transit and high-occupancy vehicle travel, and four general purpose lanes.

(2) The state route number 520 bridge replacement and HOV project shall be designed to accommodate effective connections for transit, including high capacity transit, to the light rail station at the University of Washington.

**NEW SECTION. Sec. 3** A new section is added to chapter 47.56 RCW to read as follows:

The state route number 520 bridge replacement and HOV project finance plan must include:

(a) Recognition of revenue sources that include: One billion seven hundred million dollars in state and federal funds allocated to the project; one billion five hundred million dollars to two billion dollars in tolling revenue, including early tolls that could begin in late 2009; eighty-five million dollars in federal urban partnership grant funds; and other contributions from private and other government sources; and

(2) Recognition of savings to be realized from:

(a) Potential early construction of traffic improvements from the eastern Lake Washington shoreline to 108th Avenue Northeast in Bellevue;

(b) Early construction of a single string of pontoons to support two lanes that are for transit and high-occupancy vehicle travel and four general purpose lanes;

(c) Preconstruction tolling to reduce total financing costs; and

(d) A deferral of the sales taxes paid on construction costs.

**NEW SECTION. Sec. 4** A new section is added to chapter 47.56 RCW to read as follows:

FIFTY-SECOND DAY, MARCH 5, 2008

(1) Following the submission of the report required in section 6 of this act, the department may seek authorization from the legislature to collect tolls on the existing state route number 520 bridge or on a replacement state route number 520 bridge.

(2) The schedule of toll charges must be established by the transportation commission and collected in a manner determined by the department.

**NEW SECTION. Sec. 5** A new section is added to chapter 47.56 RCW to read as follows:

The department shall work with the federal highways administration to determine the necessary actions for receiving federal authorization to toll the Interstate 90 floating bridge. The department must periodically report the status of those discussions to the governor and the joint transportation committee.

**NEW SECTION. Sec. 6** (1) The executive director of the Puget Sound regional council, the secretary of the department of transportation or his or her designee, and a member of the state transportation commission from King county shall form a state route number 520 tolling implementation committee.

(2) The committee must:

(a) Evaluate the potential diversion of traffic from state route number 520 to other parts of the transportation system, including state route number 522 and local roadways, when tolls are implemented on state route number 520 or other corridors, and recommend mitigation measures to address the diversion;

(b) Evaluate the most advanced tolling technology to ensure an efficient and timely trip for users of the state route number 520 bridge;

(c) Evaluate available active traffic management technology to determine the most effective options for technology that could manage congestion on the state route number 520 bridge and other impacted facilities;

(d) Explore opportunities to partner with the business community to reduce congestion and financially contribute to the state route number 520 bridge replacement project;

(e) Confer with the mayors and city councils of jurisdictions adjacent to the state route number 520 corridor, the state route number 522 corridor, and the Interstate 90 corridor regarding the implementation of tolls, the impacts that the implementation of tolls might have on the operation of the corridors, the diversion of traffic to local streets, and potential mitigation measures;

(f) Conduct public work sessions and open houses to provide information to citizens, including users of the bridge and business and freight interests, regarding implementation of tolls on the state route number 520 bridge and solicit citizen views on the following items:

(i) Funding a portion of the state route number 520 bridge replacement project with tolls on the existing bridge;

(ii) Funding the state route number 520 bridge replacement project and improvements on the Interstate 90 bridge with a toll paid by drivers on both bridges;

(iii) Providing incentives and choices for users of the state route number 520 bridge replacement project to use transit and to carpool; and

(iv) Implementing variable tolling as a way to reduce congestion on the facility; and

(g) Provide a report to the governor and the legislature by January 2009.

(3) The department of transportation shall provide staff support to the committee.

**NEW SECTION. Sec. 7** A new section is added to chapter 47.01 RCW to read as follows:

(1)(a) Any person involved in the construction of the state route number 520 bridge replacement and HOV project may apply for deferral of state and local sales and use taxes on the site preparation for, the construction of, the acquisition of any related machinery and equipment that will become a part of, and the rental of equipment for use in, the project.

2008 REGULAR SESSION

(b) Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application must contain information regarding estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within sixty days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes imposed or authorized under chapters 82.08, 82.12, and 82.14 RCW and RCW 81.104.170 on the project.

(3) A person granted a tax deferral under this section shall begin paying the deferred taxes in the fifth year after the date certified by the department of revenue as the date on which the project is operationally complete. The project is operationally complete under this section when the replacement bridge is constructed and opened to traffic. The first payment is due on December 31st of the fifth calendar year after the certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of a person granted a deferral under this section.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of any private entity granted a deferral under this section.

(6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

(7) For purposes of this section, "person" has the same meaning as in RCW 82.04.030 and also includes the department of transportation.

**NEW SECTION. Sec. 8** Section 6 of this act expires February 1, 2009."

#### MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 1, line 17 of the amendment, after "provide", strike "six", and insert "eight"

On page 1, line 17 of the amendment, after "with", insert "at least"

On page 1, line 18 of the amendment, after "travel, and" insert "at least"

Senator Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Murray spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 1, line 17 to the committee striking amendment to Engrossed Substitute House Bill No. 3096.

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

#### MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 1, line 17, after "provide" insert "at least"

On page 1, line 17, after "with" insert "at least"

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

On page 1, line 18, after "travel, and" insert "at least"

On page 2, line 12, after "a", strike "single" and insert, "double"

On page 2, line 14, after "lanes" insert, "with the ability to expand to eight lanes in the future"

Senators Pflug and Benton spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Murray and Haugen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 1, line 17 to the committee striking amendment to Engrossed Substitute House Bill No. 3096.

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

MOTION

Senator Murray moved that the following amendment by Senator Murray to the committee striking amendment be adopted.

On page 1, after line 19 of the amendment, insert the following:

"(2) The state route number 520 bridge replacement and HOV project shall be designed and constructed to allow high capacity transit to be accommodated within the six lane configuration."

Renumber the subsections consecutively and correct any internal references accordingly.

Senator Murray spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Marr spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 1, after line 19 to the committee striking amendment to Engrossed Substitute House Bill No. 3096.

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

MOTION

Senator Murray moved that the following amendment by Senator Murray to the committee striking amendment be adopted.

On page 1, after line 23 of the amendment, insert the following:

"(3) Prior to pre-construction tolling commencing on the existing state route number 520 bridge, additional transit services must be in operation along the state route number 520 corridor."

Senator Murray spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Marr spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 1, after line 23 to the committee striking amendment to Engrossed Substitute House Bill No. 3096.

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

PERSONAL PRIVILEGE

Senator Pflug: "Thank you Mr. President. I think it's important at this conjure, because we have a ways to go in this debate, to clarify when I think are differences between you know members positions and disagreements on how we should build a bridge or impose tolling and I think it should be alright to talk about the different interest of our different constituents. I don't think that it's really quite..."

POINT OF ORDER

Senator Marr: "I would ask whether or not that the comments by the good senator constitute a point of personal privilege or in fact part of debate."

REMARKS BY THE PRESIDENT

President Owen: "The President believes that Senator Pflug that your remarks are not necessarily a point of personal privilege. The President would remind members about that, your own rule, that requires that you not talk about anything other than the subject matter not personalities, not other things but the subject at hand and if you could adhere to that I think these other questions would be moved."

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 2, line 4 of the amendment, after "revenue,", strike all material through "2009" on line 5

On page 2, after line 14, strike all material through "costs" on line 15

Senator Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 2, line 4 to the committee striking amendment to Engrossed Substitute House Bill No. 3096.

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

MOTION

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

On page 2, after line 16 of the amendment, insert the following:

"(3) All revenue generated by tolls on state route 520 or interstate 90 shall be used for improvement on the corridor in which it is collected for the following purposes:

(a) To cover the operating costs of the eligible toll facility, including necessary preservation, administration, and toll enforcement by public law enforcement within the boundaries of the facility;

(b) To meet obligations for the repayment of debt and interest on the eligible toll facilities, and any other associated

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

financing costs including, but not limited to, required reserves and insurance."

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

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, after line 16 to the committee striking amendment to Engrossed Substitute House Bill No. 3096.

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

## MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 3, after line 25 of the amendment, insert the following:

"(f) Evaluate, in the event that tolls are placed on SR 520 and I-90, the reasonable availability of non-tolled alternatives from affordable housing into the region's major employment centers. In determining the reasonableness of alternatives, the committee should calculate the cost and time involved in taking public transportation from areas of affordable housing to major employment centers and compare the results to the same trip taken in a personal automobile."

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

Senator Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 3, after line 25 to the committee striking amendment to Engrossed Substitute House Bill No. 3096.

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 3096.

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

## MOTION

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

On page 1, line 2 of the title, after "project;" strike the remainder of the title and insert "adding new sections to chapter 47.01 RCW; adding new sections to chapter 47.56 RCW; creating new sections; and providing an expiration date."

## MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 3096 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

## POINT OF INQUIRY

Senator Hargrove: "Would Senator Haugen yield to a question? Senator Haugen, could you explain how this sales tax deferral will apply to the work that will occur in Grays Harbor County on the pontoon portion of the 520 bridge project?"

Senator Haugen: "Thank you Senator. It is my understanding that the graving dock portion of the Grays Harbor County work is not a part of the 520 bridge project. Since the state may use the facility for other floating bridge projects, dolphin construction, anchors or other projects, not only the 520 bridge. Therefore it is my understanding that any local sales tax collected on the construction on the graving dock will be distributed to the local governments in Grays Harbor County. Regarding the pontoons themselves, it is not the sales tax deferral but rather the issue of the situs of the tax that is relevant. As the pontoons are a part of the 520 bridge project it is my understanding that the local sales tax collected on that project would have not gone to the local governments in Grays Harbor County anyway because the pontoons ultimately end up in King County."

Senators Murray, Swecker and Pflug spoke against passage of the bill.

## POINT OF INQUIRY

Senator Weinstein: "Senator Haugen, does the reference in section 2 of the bill to transit and high-occupancy vehicle travel preclude the use of bus rapid transit on the bridge?"

Senator Haugen: "No Senator, it does not preclude bus rapid transit."

Senator Jacobsen spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3096 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3096 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Murray, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Excused: Senator Spanel - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3096 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

FIFTY-SECOND DAY, MARCH 5, 2008

2008 REGULAR SESSION

At 8:07 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Thursday, March 6, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

**FIFTY-THIRD DAY****MORNING SESSION**

Senate Chamber, Olympia, Thursday, March 6, 2008

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Fairley, Hatfield, Holmquist, Kauffman, Murray and Rasmussen.

The Sergeant at Arms Color Guard consisting of Pages David Batschi and Mackenzie Glisson, presented the Colors. Pastor Mark Driscoll of the Mars Hill Church offered the prayer.

**MOTION**

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

**MOTION**

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

**MESSAGE FROM THE HOUSE**

March 5, 2008

**MR. PRESIDENT:**

The House has passed the following bills:  
 SUBSTITUTE SENATE BILL NO. 6181,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6437,  
 SUBSTITUTE SENATE BILL NO. 6572,  
 ENGROSSED SENATE BILL NO. 6663,  
 SENATE BILL NO. 6677,  
 SUBSTITUTE SENATE BILL NO. 6710,  
 SENATE BILL NO. 6717,  
 SENATE BILL NO. 6740,  
 SENATE BILL NO. 6799,  
 SUBSTITUTE SENATE BILL NO. 6857,  
 SUBSTITUTE SENATE BILL NO. 6879,  
 SENATE BILL NO. 6885,  
 SENATE JOINT MEMORIAL NO. 8024,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

March 5, 2008

**MR. PRESIDENT:**

The House has passed the following bills:  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5179,  
 SENATE BILL NO. 6183,  
 SENATE BILL NO. 6196,  
 SENATE BILL NO. 6216,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

March 5, 2008

**MR. PRESIDENT:**

The House has passed the following bills:  
 SUBSTITUTE SENATE BILL NO. 5256,  
 SUBSTITUTE SENATE BILL NO. 6224,  
 SENATE BILL NO. 6237,

SUBSTITUTE SENATE BILL NO. 6246,  
 SENATE BILL NO. 6267,  
 SENATE BILL NO. 6275,  
 SUBSTITUTE SENATE BILL NO. 6343,  
 SENATE BILL NO. 6369,  
 SENATE BILL NO. 6398,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

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

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Rockefeller moved that Gubernatorial Appointment No. 9381, Richard K. Wallace, as a member of the Northwest Power and Conservation Council, be confirmed.

Senator Rockefeller spoke in favor of the motion.

**MOTION**

On motion of Senator Regala, Senators Hatfield and Kauffman were excused.

**MOTION**

On motion of Senator Brandland, Senators Benton, Hewitt, Holmquist, Honeyford and Swecker were excused.

**APPOINTMENT OF RICHARD K. WALLACE**

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9381, Richard K. Wallace as a member of the Northwest Power and Conservation Council.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9381, Richard K. Wallace as a member of the Northwest Power and Conservation Council and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Absent: Senators Fairley, Murray and Rasmussen - 3

Excused: Senators Hatfield, Holmquist and Kauffman - 3

Gubernatorial Appointment No. 9381, Richard K. Wallace, having received the constitutional majority was declared confirmed as a member of the Northwest Power and Conservation Council.

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced former Senator Barney Goltz who was seated in the gallery.

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced the 2008 Tulip

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

Ambassadors; Ambassador Claire Kenning, age 10 and Ambassador Carl Johnson, age 11, students at Conway Elementary School, who were seated in the gallery.

The President also welcomed Cindy Verge, Executive Director of the Skagit Valley Tulip Festival; Mr. Barry Kenning; Ron and Amy Johnson; Miss. Emily Johnson; Melissa Decker, Marketing Director of the Hampton Inn and Suites and member of the Tulip Festival Board of Directors; Ms. Lindsay Budzier of Outlet Shoppers of Burlington, Tulip Festival sponsor, who were seated in the gallery and guest of Senators Brandland, Haugen, Spanel and Stevens.

#### PERSONAL PRIVILEGE

Senator Spanel: "Well, once again, it's great have the Tulip Ambassadors here and I welcome Claire Kenning and Carl Johnson with their families and with the rest of the group. It's always good to welcome everybody to come to the Skagit Valley again. On your desks is a program for the month-long event for April and you'll be very welcome. You'll see beautiful tulips and thank you once again coming down and doing your advertising. Then I have to turn to the other gallery because Senator Barney Goltz who was my Senator for many years until he got districted out of my district but he told me I'm the one who got redistricted when the south part of Bellingham went into the Fortieth but I agree with everything you said Lt. Governor, he is a great person and was a great person to come to the Senate too, a few years later."

#### PERSONAL PRIVILEGE

Senator Haugen: "Thank you Mr. President. I too want to welcome these young ambassadors. I think it's so appropriate that the Skagit Valley uses young people as ambassadors because actually Spring is about youth and new beginnings and I think this really is one of the more appropriate things that they do up there. I will tell you that the Skagit Valley is one of the most beautiful places in the Spring to visit. If you come early in the season for tulips you're very apt to see the beautiful snow geese and also the trumpeter swans that make that their home. Skagit Valley is probably extraordinary to visit any time of year but when the Spring is there and those wonderful colors, bright colors, colors that you and I wouldn't put in our house because they'd clash but somehow God doesn't make mistakes when he does colors in flowers so you see purples and greens and yellows and reds all mixed up together in the fields and they're just magnificent. I just would urge you, take time, come to the Valley. Get out of your car. Walk through the fields. Visit our wonderful shops. Enjoy the hospitality of that community. It is a wonderful experience and again, if you come early, you can see the birds and that really is spectacular viewing opportunity."

#### MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 6, 2008."

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

The motion by Senator Eide carried and debate was limited through March 6, 2008.

#### MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

#### MOTION

On motion of Senator Eide, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2014, by House Committee on Housing (originally sponsored by Representatives Chase, Santos, Kenney, Hasegawa, Miloscia, Simpson and Ormsby)

Addressing the regulation of conversion condominiums.

The measure was read the second time.

#### MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Consumer Protection & Housing be not adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 9** RCW 64.34.440 and 1992 c 220 s 25 are each amended to read as follows:

(1)(a) A declarant of a conversion condominium, and any dealer who intends to offer units in such a condominium, shall give each of the residential tenants and any residential subtenant in possession of a portion of a conversion condominium notice of the conversion and provide those persons with the public offering statement no later than ~~((ninety))~~ one hundred twenty days before the tenants and any subtenant in possession are required to vacate. The notice must:

(i) Set forth generally the rights of tenants and subtenants under this section ~~((and shall))~~;

(ii) Be delivered pursuant to notice requirements set forth in RCW 59.12.040; and

(iii) Expressly state whether there is a county or city relocation assistance program for tenants or subtenants of conversion condominiums in the jurisdiction in which the property is located. If the county or city does have a relocation assistance program, the following must also be included in the notice:

(A) A summary of the terms and conditions under which relocation assistance is paid; and

(B) Contact information for the city or county relocation assistance program, which must include, at a minimum, a telephone number of the city or county department that administers the relocation assistance program for conversion condominiums.

(b) No tenant or subtenant may be required to vacate upon less than ~~((ninety))~~ one hundred twenty days' notice, except by reason of nonpayment of rent, waste, conduct that disturbs other tenants' peaceful enjoyment of the premises, or act of unlawful detainer as defined in RCW 59.12.030, and the terms of the tenancy may not be altered during that period except as provided in (c) of this subsection.

(c) At the declarant's option, the declarant may provide all tenants in a single building with an option to terminate their lease or rental agreements without cause or consequence after providing the declarant with thirty days' notice. In such case, tenants continue to have access to relocation assistance under subsection (6)(e) of this section.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(d) Nothing in this subsection shall be deemed to waive or repeal RCW 59.18.200(2). Failure to give notice as required by this section is a defense to an action for possession.

(2) For sixty days after delivery or mailing of the notice described in subsection (1) of this section, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that sixty-day period, the offeror may offer to dispose of an interest in that unit during the following one hundred eighty days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant only if: (a) Such offeror, by written notice mailed to the tenant's last known address, offers to sell an interest in that unit at the more favorable price and terms, and (b) such tenant fails to accept such offer in writing within ten days following the mailing of the offer to the tenant. This subsection does not apply to any unit in a conversion condominium if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(3) If a seller, in violation of subsection (2) of this section, conveys a unit to a purchaser for value who has no knowledge of the violation, recording of the deed conveying the unit extinguishes any right a tenant may have to purchase that unit but does not affect the right of a tenant to recover damages from the seller for a violation of subsection (2) of this section.

(4) If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of this chapter and chapter 59.18 RCW, the notice also constitutes a notice to vacate specified by that statute.

(5) Nothing in this section permits termination of a lease by a declarant in violation of its terms.

(6) Notwithstanding RCW 64.34.050(1), a city or county may by appropriate ordinance require with respect to any conversion condominium within the jurisdiction of such city or county that:

(a) In addition to the statement required by RCW 64.34.415(1)(a), the public offering statement shall contain a copy of the written inspection report prepared by the appropriate department of such city or county, which report shall list any violations of the housing code or other governmental regulation, which code or regulation is applicable regardless of whether the real property is owned as a condominium or in some other form of ownership; said inspection shall be made within forty-five days of the declarant's written request therefor and said report shall be issued within fourteen days of said inspection being made. Such inspection may not be required with respect to any building for which a final certificate of occupancy has been issued by the city or county within the preceding twenty-four months; and any fee imposed for the making of such inspection may not exceed the fee that would be imposed for the making of such an inspection for a purpose other than complying with this subsection (6)(a);

(b) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant: (i) All violations disclosed in the inspection report provided for in (a) of this subsection, and not otherwise waived by such city or county, shall be repaired, and (ii) a certification shall be obtained from such city or county that such repairs have been made, which certification shall be based on a reinspection to be made within seven days of the declarant's written request therefor and which certification shall be issued within seven days of said reinspection being made;

(c) The repairs required to be made under (b) of this subsection shall be warranted by the declarant against defects due to workmanship or materials for a period of one year following the completion of such repairs;

(d) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant: (i) The declarant shall establish and maintain, during the one-year warranty period provided under (c) of this subsection, an account containing a sum equal to ten percent of the actual cost of making the repairs

required under (b) of this subsection; (ii) during the one-year warranty period, the funds in such account shall be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made, under such warranty; (iii) following the expiration of the one-year warranty period, any funds remaining in such account shall be immediately disbursed to the declarant; and (iv) the declarant shall notify in writing the association and such city or county as to the location of such account and any disbursements therefrom; ~~((and))~~

~~(e) A declarant shall pay relocation assistance ((not to exceed five hundred dollars per unit shall be paid)), in an amount to be determined by the city or county, which may not exceed a sum equal to three months of the tenant's or subtenant's rent at the time the conversion notice required under subsection (1) of this section is received, to tenants and subtenants:~~

~~(i) Who elect not to purchase a unit ((and));~~

~~(ii) Who are in lawful occupancy for residential purposes of a unit; and~~

~~(iii) Whose monthly household income from all sources, on the date of the notice described in subsection (1) of this section, was less than an amount equal to eighty percent of ((+)):~~

~~(A) The monthly median income for comparably sized households in the standard metropolitan statistical area, as defined and established by the United States department of housing and urban development, in which the condominium is located((-)); or ((+))~~

~~(B) If the condominium is not within a standard metropolitan statistical area, the monthly median income for comparably sized households in the state of Washington, as defined and determined by said department.~~

The household size of a unit shall be based on the number of persons actually in lawful occupancy of the unit. The tenant or subtenant actually in lawful occupancy of the unit shall be entitled to the relocation assistance. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled. Unpaid rent or other amounts owed by the tenant or subtenant to the landlord may be offset against the relocation assistance;

~~(f) Except as authorized under (g) of this subsection, a declarant and any dealer shall not begin any construction, remodeling, or repairs to any interior portion of an occupied building that is to be converted to a condominium during the one hundred twenty-day notice period provided for in subsection (1) of this section unless all residential tenants and residential subtenants who have elected not to purchase a unit and who are in lawful occupancy in the building have vacated the premises. For the purposes of this subsection:~~

~~(i) "Construction, remodeling, or repairs" means the work that is done for the purpose of converting the condominium, not work that is done to maintain the building or lot for the residential use of the existing tenants or subtenants;~~

~~(ii) "Occupied building" means a stand-alone structure occupied by tenants and does not include other stand-alone buildings located on the property or detached common area facilities; and~~

~~(g)(i) A declarant and any dealer may begin construction, remodeling, or repairs to interior portions of an occupied building under the following circumstances:~~

~~(A) To repair or remodel vacant units to be used as model units, if the repair or remodel is limited to one model for each unit type in the building;~~

~~(B) To repair or remodel a vacant unit or common area for use as a sales office; and~~

~~(C) The declarant or dealer has offered existing tenants an option to terminate an existing lease or rental agreement without cause or consequence under subsection (1)(c) of this section.~~

~~(ii) The work performed under this subsection (6)(g) must not violate the tenant's or subtenant's rights of quiet enjoyment during the one hundred twenty-day notice period.~~

(7) Violations of any city or county ordinance adopted as authorized by subsection (6) of this section shall give rise to such remedies, penalties, and causes of action which may be

FIFTY-THIRD DAY, MARCH 6, 2008

lawfully imposed by such city or county. Such violations shall not invalidate the creation of the condominium or the conveyance of any interest therein.

**Sec. 10** RCW 82.02.020 and 2006 c 149 s 3 are each amended to read as follows:

Except only as expressly provided in chapters 67.28 and 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county,

2008 REGULAR SESSION

city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with RCW 36.70A.540, nor to enforce agreements made pursuant to such programs.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

**NEW SECTION. Sec. 11** A new section is added to chapter 64.34 RCW to read as follows:

All cities and counties planning under RCW 36.70A.040, which have allowed any conversion condominiums within the jurisdiction within the previous twelve-month period, must report annually to the department of community, trade, and economic development the following information:

(1) The total number of apartment units converted into condominiums;

(2) The total number of conversion condominium projects; and

(3) The total number of apartment tenants who receive relocation assistance and the total amount of that assistance per tenant.

**Sec. 12** RCW 59.18.200 and 2003 c 7 s 1 are each amended to read as follows:

(1)(a) When premises are rented for an indefinite time, with monthly or other periodic rent reserved, such tenancy shall be construed to be a tenancy from month to month, or from period to period on which rent is payable, and shall be terminated by written notice of twenty days or more, preceding the end of any of the months or periods of tenancy, given by either party to the other.

(b) Any tenant who is a member of the armed forces, including the national guard and armed forces reserves, or that tenant's spouse or dependant, may terminate a rental agreement with less than twenty days' notice if the tenant receives reassignment or deployment orders that do not allow a twenty-day notice.

(2)(a) ~~Whenever a landlord ((plans to change any apartment or apartments to a condominium form of ownership or)) plans to change to a policy of excluding children, the landlord shall give a written notice to a tenant at least ninety days before termination of the tenancy to effectuate such change in policy. Such ninety-day notice shall be in lieu of the notice required by subsection (1) of this section. However, if after giving the ninety-day notice the change in policy is delayed, the notice requirements of subsection (1) of this section shall apply unless waived by the tenant.~~

(b) Whenever a landlord plans to change any apartment or apartments to a condominium form of ownership, the landlord shall provide a written notice to a tenant at least one hundred twenty days before termination of the tenancy, in compliance with RCW 64.34.440(1), to effectuate such change. The one hundred twenty-day notice is in lieu of the notice required in subsection (1) of this section. However, if after providing the one hundred twenty-day notice the change to a condominium form of ownership is delayed, the notice requirements in subsection (1) of this section apply unless waived by the tenant.

**NEW SECTION. Sec. 13** This act does not apply to any conversion condominiums for which a notice required under RCW 64.34.440(1) has been delivered before the effective date of this act.

**NEW SECTION. Sec. 14** This act takes effect August 1, 2008."

On page 1, line 1 of the title, after "condominiums;" strike the remainder of the title and insert "amending RCW 64.34.440, 82.02.020, and 59.18.200; adding a new section to chapter 64.34 RCW; creating a new section; and providing an effective date."

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Weinstein to not adopt the committee striking amendment by the Committee on Consumer Protection & Housing to Substitute House Bill No. 2014.

The motion by Senator Weinstein carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Weinstein moved that the following striking amendment by Senator Weinstein be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 64.34.440 and 1992 c 220 s 25 are each amended to read as follows:

(1)(a) A declarant of a conversion condominium, and any dealer who intends to offer units in such a condominium, shall give each of the residential tenants and any residential subtenant in possession of a portion of a conversion condominium notice of the conversion and provide those persons with the public offering statement no later than ~~((ninety))~~ one hundred twenty days before the tenants and any subtenant in possession are required to vacate. The notice must:

(i) Set forth generally the rights of tenants and subtenants under this section ((and shall));

(ii) Be delivered pursuant to notice requirements set forth in RCW 59.12.040; and

(iii) Expressly state whether there is a county or city relocation assistance program for tenants or subtenants of conversion condominiums in the jurisdiction in which the property is located. If the county or city does have a relocation assistance program, the following must also be included in the notice:

(A) A summary of the terms and conditions under which relocation assistance is paid; and

(B) Contact information for the city or county relocation assistance program, which must include, at a minimum, a telephone number of the city or county department that administers the relocation assistance program for conversion condominiums.

(b) No tenant or subtenant may be required to vacate upon less than ~~((ninety))~~ one hundred twenty days' notice, except by reason of nonpayment of rent, waste, conduct that disturbs other tenants' peaceful enjoyment of the premises, or act of unlawful detainer as defined in RCW 59.12.030, and the terms of the tenancy may not be altered during that period except as provided in (c) of this subsection.

(c) At the declarant's option, the declarant may provide all tenants in a single building with an option to terminate their lease or rental agreements without cause or consequence after providing the declarant with thirty days' notice. In such case, tenants continue to have access to relocation assistance under subsection (6)(e) of this section.

(d) Nothing in this subsection shall be deemed to waive or repeal RCW 59.18.200(2). Failure to give notice as required by this section is a defense to an action for possession.

(e) The city or county in which the property is located may require the declarant to forward a copy of the conversion notice required in (a) of this subsection to the appropriately designated department or agency in the city or county for the purpose of maintaining a list of conversion condominium projects proposed in the jurisdiction.

(2) For sixty days after delivery or mailing of the notice described in subsection (1) of this section, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that sixty-day period, the offeror may offer to dispose of an interest in that unit during the following one hundred eighty days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant only if: (a) Such offeror, by written notice mailed to the tenant's last known address, offers to sell an interest in that unit at the more favorable price and terms, and (b) such tenant fails to accept such offer in writing within ten days following the mailing of the offer to the tenant. This subsection does not

apply to any unit in a conversion condominium if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(3) If a seller, in violation of subsection (2) of this section, conveys a unit to a purchaser for value who has no knowledge of the violation, recording of the deed conveying the unit extinguishes any right a tenant may have to purchase that unit but does not affect the right of a tenant to recover damages from the seller for a violation of subsection (2) of this section.

(4) If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of this chapter and chapter 59.18 RCW, the notice also constitutes a notice to vacate specified by that statute.

(5) Nothing in this section permits termination of a lease by a declarant in violation of its terms.

(6) Notwithstanding RCW 64.34.050(1), a city or county may by appropriate ordinance require with respect to any conversion condominium within the jurisdiction of such city or county that:

(a) In addition to the statement required by RCW 64.34.415(1)(a), the public offering statement shall contain a copy of the written inspection report prepared by the appropriate department of such city or county, which report shall list any violations of the housing code or other governmental regulation, which code or regulation is applicable regardless of whether the real property is owned as a condominium or in some other form of ownership; said inspection shall be made within forty-five days of the declarant's written request therefor and said report shall be issued within fourteen days of said inspection being made. Such inspection may not be required with respect to any building for which a final certificate of occupancy has been issued by the city or county within the preceding twenty-four months; and any fee imposed for the making of such inspection may not exceed the fee that would be imposed for the making of such an inspection for a purpose other than complying with this subsection (6)(a);

(b) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant: (i) All violations disclosed in the inspection report provided for in (a) of this subsection, and not otherwise waived by such city or county, shall be repaired, and (ii) a certification shall be obtained from such city or county that such repairs have been made, which certification shall be based on a reinspection to be made within seven days of the declarant's written request therefor and which certification shall be issued within seven days of said reinspection being made;

(c) The repairs required to be made under (b) of this subsection shall be warranted by the declarant against defects due to workmanship or materials for a period of one year following the completion of such repairs;

(d) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant: (i) The declarant shall establish and maintain, during the one-year warranty period provided under (c) of this subsection, an account containing a sum equal to ten percent of the actual cost of making the repairs required under (b) of this subsection; (ii) during the one-year warranty period, the funds in such account shall be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made, under such warranty; (iii) following the expiration of the one-year warranty period, any funds remaining in such account shall be immediately disbursed to the declarant; and (iv) the declarant shall notify in writing the association and such city or county as to the location of such account and any disbursements therefrom; ~~((and))~~

(e) A declarant shall pay relocation assistance ~~((not to exceed five hundred dollars per unit shall be paid))~~, in an amount to be determined by the city or county, which may not exceed a sum equal to three months of the tenant's or subtenant's rent at the time the conversion notice required under subsection (1) of this section is received, to tenants and subtenants;

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(i) Who do not elect ~~((not))~~ to purchase a unit ~~((and))~~;  
 (ii) Who are in lawful occupancy for residential purposes of a unit; and

(iii) Whose ~~((monthly))~~ annual household income from all sources, on the date of the notice described in subsection (1) of this section, was less than an amount equal to eighty percent of ~~((+))~~;

(A) The ~~((monthly))~~ annual median income for comparably sized households in the standard metropolitan statistical area, as defined and established by the United States department of housing and urban development, in which the condominium is located~~((;))~~; or ~~((+))~~

(B) If the condominium is not within a standard metropolitan statistical area, the ~~((monthly))~~ annual median income for comparably sized households in the state of Washington, as defined and determined by said department.

The household size of a unit shall be based on the number of persons actually in lawful occupancy of the unit. The tenant or subtenant actually in lawful occupancy of the unit shall be entitled to the relocation assistance. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled. Unpaid rent or other amounts owed by the tenant or subtenant to the landlord may be offset against the relocation assistance;

(f) Except as authorized under (g) of this subsection, a declarant and any dealer shall not begin any construction, remodeling, or repairs to any interior portion of an occupied building that is to be converted to a condominium during the one hundred twenty-day notice period provided for in subsection (1) of this section unless all residential tenants and residential subtenants who have elected not to purchase a unit and who are in lawful occupancy in the building have vacated the premises. For the purposes of this subsection:

(i) "Construction, remodeling, or repairs" means the work that is done for the purpose of converting the condominium, not work that is done to maintain the building or lot for the residential use of the existing tenants or subtenants;

(ii) "Occupied building" means a stand-alone structure occupied by tenants and does not include other stand-alone buildings located on the property or detached common area facilities; and

(g)(i) If a declarant or dealer has offered existing tenants an option to terminate an existing lease or rental agreement without cause or consequence as authorized under subsection (1)(c) of this section, a declarant and any dealer may begin construction, remodeling, or repairs to interior portions of an occupied building (A) to repair or remodel vacant units to be used as model units, if the repair or remodel is limited to one model for each unit type in the building, (B) to repair or remodel a vacant unit or common area for use as a sales office, or (C) to do both.

(ii) The work performed under this subsection (6)(g) must not violate the tenant's or subtenant's rights of quiet enjoyment during the one hundred twenty-day notice period.

(7) Violations of any city or county ordinance adopted as authorized by subsection (6) of this section shall give rise to such remedies, penalties, and causes of action which may be lawfully imposed by such city or county. Such violations shall not invalidate the creation of the condominium or the conveyance of any interest therein.

**Sec. 2** RCW 82.02.020 and 2006 c 149 s 3 are each amended to read as follows:

Except only as expressly provided in chapters 67.28 and 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space

or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with RCW 36.70A.540, nor to enforce agreements made pursuant to such programs.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

**NEW SECTION. Sec. 3** A new section is added to chapter 64.34 RCW to read as follows:

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(1) All cities and counties planning under RCW 36.70A.040, which have allowed any conversion condominiums within the jurisdiction within the previous twelve-month period, must report annually to the department of community, trade, and economic development the following information:

(a) The total number of apartment units converted into condominiums;

(b) The total number of conversion condominium projects; and

(c) The total number of apartment tenants who receive relocation assistance.

(2) Upon completion of a conversion condominium project, a city or county may require the declarant to provide the information described in subsection (1) of this section to the appropriately designated department or agency in the city or county for the purpose of complying with subsection (1) of this section.

**Sec. 4** RCW 59.18.200 and 2003 c 7 s 1 are each amended to read as follows:

(1)(a) When premises are rented for an indefinite time, with monthly or other periodic rent reserved, such tenancy shall be construed to be a tenancy from month to month, or from period to period on which rent is payable, and shall be terminated by written notice of twenty days or more, preceding the end of any of the months or periods of tenancy, given by either party to the other.

(b) Any tenant who is a member of the armed forces, including the national guard and armed forces reserves, or that tenant's spouse or dependant, may terminate a rental agreement with less than twenty days' notice if the tenant receives reassignment or deployment orders that do not allow a twenty-day notice.

(2)(a) ~~Whenever a landlord ((plans to change any apartment or apartments to a condominium form of ownership or)) plans to change to a policy of excluding children, the landlord shall give a written notice to a tenant at least ninety days before termination of the tenancy to effectuate such change in policy. Such ninety-day notice shall be in lieu of the notice required by subsection (1) of this section. However, if after giving the ninety-day notice the change in policy is delayed, the notice requirements of subsection (1) of this section shall apply unless waived by the tenant.~~

(b) Whenever a landlord plans to change any apartment or apartments to a condominium form of ownership, the landlord shall provide a written notice to a tenant at least one hundred twenty days before termination of the tenancy, in compliance with RCW 64.34.440(1), to effectuate such change. The one hundred twenty-day notice is in lieu of the notice required in subsection (1) of this section. However, if after providing the one hundred twenty-day notice the change to a condominium form of ownership is delayed, the notice requirements in subsection (1) of this section apply unless waived by the tenant.

**NEW SECTION. Sec. 5** This act does not apply to any conversion condominiums for which a notice required under RCW 64.34.440(1) has been delivered before the effective date of this act.

**NEW SECTION. Sec. 6** This act takes effect August 1, 2008."

#### MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Weinstein to the striking amendment be adopted.

On page 4, line 19 of the amendment, after "(e)" insert "(i)"

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

On page 5, after line 9 of the amendment, insert the following:

"(ii) Elderly or special needs tenants who otherwise meet the requirements of (e)(i)(A) of this subsection shall receive relocation assistance, the greater of:

(A) The sum described in (e)(i) of this subsection; or

(B) The sum of actual relocation expenses of the tenant, up to a maximum of one thousand five hundred dollars in excess of

the sum described in (e)(i) of this subsection, which may include costs associated with the physical move, first month's rent, and the security deposit for the dwelling unit to which the tenant is relocating, rent differentials for up to a six-month period, and any other reasonable costs or fees associated with the relocation. Receipts for relocation expenses must be provided to the declarant by eligible tenants, and declarants shall provide the relocation assistance to tenants in a timely manner. The city or county may provide additional guidelines for the relocation assistance;

(iii) For the purposes of this subsection (6)(e):

(A) "Special needs" means, but is not limited to, a chronic mental illness or physical disability, a developmental disability, or other condition affecting cognition, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long lasting, and severely limits a person's mental or physical capacity for self care; and

(B) "Elderly" means a person who is at least sixty-five years of age."

Senator Kohl-Welles spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Weinstein on page 4, line 19 to the striking amendment to Substitute House Bill No. 2014.

The motion by Senator Kohl-Welles carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Weinstein as amended to Substitute House Bill No. 2014.

The motion by Senator Weinstein carried and the striking amendment as amended was adopted by voice vote.

#### MOTION

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

On page 1, line 1 of the title, after "condominiums;" strike the remainder of the title and insert "amending RCW 64.34.440, 82.02.020, and 59.18.200; adding a new section to chapter 64.34 RCW; creating a new section; and providing an effective date."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2014 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Tom spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

#### MOTION

On motion of Senator Regala, Senators Fairley, Murray and Rasmussen were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2014 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2014 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 36

Voting nay: Senators Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Schoesler, Stevens and Zarelli - 11

Excused: Senators Fairley and Murray - 2

SUBSTITUTE HOUSE BILL NO. 2014 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2514, by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Quall, Appleton, McCoy, Morris, McIntire, Nelson, Kagi and Uptegrove)

Protecting orca whales from the impacts from vessels.

The measure was read the second time.

## MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that the resident population of orca whales in Washington waters (*Orcinus orca*), commonly referred to as the southern residents, are enormously significant to the state. These highly social, intelligent, and playful marine mammals, which the legislature designated as the official marine mammal of the state of Washington, serve as a symbol of the Pacific Northwest and illustrate the biological diversity and rich natural heritage that all Washington citizens and its visitors enjoy.

However, the legislature also finds that the southern resident orcas are currently in a serious decline. Southern residents experienced an almost twenty percent decline between 1996 and 2001. The federal government listed this orca population as depleted in 2003, and as an endangered species in 2005. The federal government has identified impacts from vessels as a significant threat to these marine mammals.

In 2006, after listing the southern resident orcas as endangered, the federal government designated critical orca habitat and released a proposed recovery plan for the southern resident orcas. The federal government has initiated the process to adopt orca conservation rules, but this process may be lengthy. Additionally, although existing whale and wildlife viewing guidelines are an excellent educational resource, these guidelines are voluntary measures that cannot be enforced.

Therefore, the legislature intends to protect southern resident orca whales from impacts from vessels, and to educate the public on how to reduce the risk of disturbing these important marine mammals.

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

(1) Except as provided in subsection (2) of this section, it is unlawful to:

(a) Approach, by any means, within three hundred feet of a southern resident orca whale (*Orcinus orca*);

(b) Cause a vessel or other object to approach within three hundred feet of a southern resident orca whale;

(c) Intercept a southern resident orca whale. A person intercepts a southern resident orca whale when that person places a vessel or allows a vessel to remain in the path of a

whale and the whale approaches within three hundred feet of that vessel;

(d) Fail to disengage the transmission of a vessel that is within three hundred feet of a southern resident orca whale, for which the vessel operator is strictly liable; or

(e) Feed a southern resident orca whale, for which any person feeding a southern resident orca whale is strictly liable.

(2) A person is exempt from subsection (1) of this section where:

(a) A reasonably prudent person in that person's position would determine that compliance with the requirements of subsection (1) of this section will threaten the safety of the vessel, the vessel's crew or passengers, or is not feasible due to vessel design limitations, or because the vessel is restricted in its ability to maneuver due to wind, current, tide, or weather;

(b) That person is lawfully participating in a commercial fishery and is engaged in actively setting, retrieving, or closely tending commercial fishing gear;

(c) That person is acting in the course of official duty for a state, federal, tribal, or local government agency; or

(d) That person is acting pursuant to and consistent with authorization from a state or federal government agency.

(3) Nothing in this section is intended to conflict with existing rules regarding safe operation of a vessel or vessel navigation rules.

(4) For the purpose of this section, "vessel" includes aircraft, canoes, fishing vessels, kayaks, personal watercraft, rafts, recreational vessels, tour boats, whale watching boats, vessels engaged in whale watching activities, or other small craft including power boats and sail boats.

(5) A violation of this section is a natural resource infraction punishable under chapter 7.84 RCW.

**NEW SECTION. Sec. 3** The legislature encourages the state's law enforcement agencies to utilize existing statutes and regulations to protect southern resident orca whales from impacts from vessels, including the vessel operation and enforcement standards contained in chapter 79A.60 RCW.

**NEW SECTION. Sec. 4** A new section is added to chapter 77.12 RCW to read as follows:

The department and the state parks and recreation commission shall disseminate information about section 2 of this act, whale and wildlife viewing guidelines, and other responsible wildlife viewing messages to educate Washington's citizens on how to reduce the risk of disturbing southern resident orca whales. The department and the state parks and recreation commission must, at minimum, disseminate this information on their internet sites and through appropriate agency publications, brochures, and other information sources. The department and the state parks and recreation commission shall also attempt to reach the state's boating community by coordinating with appropriate state and nongovernmental entities to provide this information at marinas, boat shows, boat dealers, during boating safety training courses, and in conjunction with vessel registration or licensing.

**NEW SECTION. Sec. 5** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Second Substitute House Bill No. 2514.

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

## MOTION

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

On page 1, line 2 of the title, after "vessels;" strike the remainder of the title and insert "adding a new section to chapter 77.15 RCW; adding a new section to chapter 77.12 RCW; creating new sections; and prescribing penalties."

## MOTION

On motion of Senator Morton, the rules were suspended, Second Substitute House Bill No. 2514 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Hargrove spoke in favor of passage of the bill.

Senator Morton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2514 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2514 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Delvin, Holmquist, Honeyford, McCaslin, Morton, Stevens and Swecker - 7

Excused: Senator Murray - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2514 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2674, by House Committee on Appropriations (originally sponsored by Representatives Barlow, Morrell, Moeller, Conway, Simpson and Kenney)

Modifying credentialing standards for counselors.

The measure was read the second time.

#### MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 18.19.020 and 2001 c 251 s 18 are each amended to read as follows:

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

(1) "Agency" means an agency or facility operated, licensed, or certified by the state of Washington.

(2) "Agency affiliated counselor" means a person registered under this chapter who is engaged in counseling and employed by an agency.

(3) "Certified counselor" means a person certified under this chapter who is engaged in private practice counseling.

(4) "Client" means an individual who receives or participates in counseling or group counseling.

~~((2))~~ (5) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes

therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

~~((3))~~ (6) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

~~((4))~~ (7) "Department" means the department of health.

~~((5))~~ (8) "Hypnotherapist" means a person registered under this chapter who is practicing hypnosis as a modality.

(9) "Mental disorder" means, for the purposes of this chapter, a score of sixty or lower on the global assessment of functioning scale as set forth in the 1994 edition of the diagnostic and statistical manual of mental disorders, 4th edition.

(10) "Private practice counseling" means the practice of counseling by a certified counselor and is limited to: (a) Appropriate screening of the client's condition. Recognition of a mental or physical disorder requires that the certification holder recommend that the client seek diagnosis and treatment from an appropriate health care professional; and (b) counseling and guiding clients in adjusting to life situations, developing new skills, and making desired changes, in accordance with the theories and techniques of a specific counseling method and established practice standards.

(11) "Psychotherapy" means the practice of counseling through the diagnosis of mental illness according to the diagnostic and statistical manual of mental disorders, 4th edition, text revision and international classification of diseases codes, and the development of treatment plans for counseling based on a diagnosis in accordance with established practice standards.

(12) "Secretary" means the secretary of the department or the secretary's designee.

Sec. 2 RCW 18.19.030 and 2001 c 251 s 19 are each amended to read as follows:

~~((No))~~ A person may not, ~~((for a fee or))~~ as a part of his or her position as an employee of a state agency, practice counseling without being registered to practice as an agency affiliated counselor by the department under this chapter unless exempt under RCW 18.19.040.

NEW SECTION. Sec. 3 A new section is added to chapter 18.19 RCW to read as follows:

A person may not, for a fee or as a part of his or her position as an employee of a state agency, practice hypnotherapy without being registered to practice as a hypnotherapist by the department under this chapter unless exempt under RCW 18.19.040.

Sec. 4 RCW 18.19.040 and 2001 c 251 s 20 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

(2) The practice of counseling by an employee or trainee of any federal agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;

(3) The practice of counseling by a person ~~((without a mandatory charge))~~ for no compensation;

(4) The practice of counseling by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling for a fee when approved by the organizations or agencies for whom they render their services;

(5) Evaluation, consultation, planning, policy-making, research, or related services conducted by social scientists for private corporations or public agencies;

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(6) The practice of counseling by a person under the auspices of a religious denomination, church, or organization, or the practice of religion itself;

(7) The practice of counseling by peer counselors who use their own experience to encourage and support people with similar conditions;

(8) ~~Counselors ((whose residency is not)) who reside outside Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they ((don't)) do not hold themselves out to be registered or certified in Washington state.~~

**Sec. 5** RCW 18.19.050 and 2001 c 251 s 21 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary has the following authority:

(a) To adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) To set all registration, certification, and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;

(c) To establish forms and procedures necessary to administer this chapter;

(d) To hire clerical, administrative, and investigative staff as needed to implement this chapter;

(e) To issue a registration or certification to any applicant who has met the requirements for registration or certification; and

(f) To ~~((develop a dictionary of recognized professions and occupations providing counseling services to the public included under this chapter))~~ establish education equivalency, examination, supervisory, consultation, and continuing education requirements for certified counselors.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications and the discipline of registrants under this chapter. The secretary shall be the disciplining authority under this chapter. ~~((The absence of educational or training requirements for counselors registered under this chapter or the counselor's use of nontraditional nonabusive therapeutic techniques shall not, in and of itself, give the secretary authority to unilaterally determine the training and competence or to define or restrict the scope of practice of such individuals.))~~

(3) The department shall publish and disseminate information ~~((in order))~~ to educate the public about the responsibilities of counselors, the types of counselors, and the rights and responsibilities of clients established under this chapter. ~~((Solely for the purposes of administering this education requirement.))~~ The secretary ~~((shall))~~ may assess an additional fee for each application and renewal ~~((= equal to five percent of the fee. The revenue collected from the assessment fee may be appropriated by the legislature for the department's use in educating consumers pursuant to this section. The authority to charge the assessment fee shall terminate on June 30, 1994))~~ to fund public education efforts under this section.

**Sec. 6** RCW 18.19.060 and 2001 c 251 s 22 are each amended to read as follows:

~~((Persons registered under this chapter))~~ Certified counselors shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the department, that will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter, the department, another agency, or other jurisdiction. The disclosure statement must inform the client of the certified counselor's supervisory or consultation arrangement as defined in rules adopted by the secretary. The disclosure information provided by the certified counselor, the receipt of which shall be acknowledged in writing by the certified counselor and client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements,

and such other information as the department may require by rule. The disclosure information shall also include a statement that ~~((registration))~~ the certification of an individual under this chapter does not include a recognition of any practice standards, nor necessarily imply the effectiveness of any treatment. Certified counselors must also disclose that they are not credentialed to diagnose or treat mental disorders or to conduct psychotherapy. The client is not liable for any fees or charges for services rendered prior to receipt of the disclosure statement.

**Sec. 7** RCW 18.19.090 and 1991 c 3 s 24 are each amended to read as follows:

~~((The secretary shall issue a registration to any applicant who submits, on forms provided by the secretary, the applicant's name, address, occupational title, name and location of business, and other information as determined by the secretary, including information necessary to determine whether there are grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW. Applicants for registration shall register as counselors or may register as hypnotherapists if employing hypnosis as a modality. Applicants shall, in addition, provide in their titles a description of their therapeutic orientation, discipline, theory, or technique.))~~ (1) Application for agency affiliated counselor, certified counselor, or hypnotherapist must be made on forms approved by the secretary. The secretary may require information necessary to determine whether applicants meet the qualifications for the credential and whether there are any grounds for denial of the credential, or for issuance of a conditional credential, under this chapter or chapter 18.130 RCW. The application for agency affiliated counselor or certified counselor must include a description of the applicant's orientation, discipline, theory, or technique. Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250, which shall accompany the application.

(2) Applicants for agency affiliated counselor must provide satisfactory documentation that they are employed by an agency or have an offer of employment from an agency.

(3) Applicants for certified counselor prior to July 1, 2009, who are currently registered counselors are required to:

(a) Have been registered for no less than five years;

(b) Have a registration that is in good standing and be in compliance with any disciplinary process and orders;

(c) Show evidence of having completed course work in risk assessment, ethics, appropriate screening and referral, and Washington state law and other subjects identified by the secretary;

(d) Pass an examination in risk assessment, ethics, appropriate screening and referral, and Washington state law, and other subjects as determined by the secretary; and

(e) Have a written consultation agreement with a credential holder who meets the qualifications established by the secretary.

(4) Unless eligible for certification under subsection (3) of this section, applicants for certified counselor are required to:

(a) Have a bachelors degree in a counseling related field, or the equivalent in education and supervised experience, that may, among other things, include an associate degree in a counseling-related field plus a supervised internship, to be determined by the secretary;

(b) Pass an examination in risk assessment, ethics, appropriate screening and referral, and Washington state law, and other subjects as determined by the secretary; and

(c) Have a written supervisory agreement with a supervisor who meets the qualifications established by the secretary.

(5) Each applicant shall include payment of the fee determined by the secretary as provided in RCW 43.70.250.

**NEW SECTION. Sec. 8** A new section is added to chapter 18.19 RCW to read as follows:

Agency affiliated counselors shall notify the department if they are either no longer employed by the agency identified on their application or are now employed with another agency, or both. Agency affiliated counselors may not engage in the practice of counseling unless they are currently affiliated with an agency.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

**Sec. 9** RCW 18.19.100 and 1996 c 191 s 5 are each amended to read as follows:

The secretary shall establish administrative procedures, administrative requirements, continuing education, and fees for renewal of ((registrations)) credentials as provided in RCW 43.70.250 and 43.70.280. ~~When establishing continuing education requirements for agency affiliated counselors, the secretary shall consult with the appropriate state agency director responsible for licensing, certifying, or operating the relevant agency practice setting.~~

**Sec. 10** RCW 18.225.010 and 2001 c 251 s 1 are each amended to read as follows:

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

(1) "Advanced social work" means the application of social work theory and methods including emotional and biopsychosocial assessment, psychotherapy under the supervision of a licensed independent clinical social worker, case management, consultation, advocacy, counseling, and community organization.

(2) "Applicant" means a person who completes the required application, pays the required fee, is at least eighteen years of age, and meets any background check requirements and uniform disciplinary act requirements.

(3) "Associate" means a prelicensure candidate who has a graduate degree in a mental health field under RCW 18.225.090 and is gaining the supervision and supervised experience necessary to become a licensed independent clinical social worker, a licensed advanced social worker, a licensed mental health counselor, or a licensed marriage and family therapist.

(4) "Committee" means the Washington state mental health counselors, marriage and family therapists, and social workers advisory committee.

~~((4))~~ (5) "Department" means the department of health.

~~((5))~~ (6) "Disciplining authority" means the department.

~~((6))~~ (7) "Independent clinical social work" means the diagnosis and treatment of emotional and mental disorders based on knowledge of human development, the causation and treatment of psychopathology, psychotherapeutic treatment practices, and social work practice as defined in advanced social work. Treatment modalities include but are not limited to diagnosis and treatment of individuals, couples, families, groups, or organizations.

~~((7))~~ (8) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of relationships, including marriage and family systems. Marriage and family therapy involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating such diagnosed nervous and mental disorders. The practice of marriage and family therapy means the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise.

~~((8))~~ (9) "Mental health counseling" means the application of principles of human development, learning theory, psychotherapy, group dynamics, and etiology of mental illness and dysfunctional behavior to individuals, couples, families, groups, and organizations, for the purpose of treatment of mental disorders and promoting optimal mental health and functionality. Mental health counseling also includes, but is not limited to, the assessment, diagnosis, and treatment of mental and emotional disorders, as well as the application of a wellness model of mental health.

~~((9))~~ (10) "Secretary" means the secretary of health or the secretary's designee.

**Sec. 11** RCW 18.225.020 and 2001 c 251 s 2 are each amended to read as follows:

A person must not represent himself or herself as a licensed advanced social worker, a licensed independent clinical social worker, a licensed mental health counselor, ((or)) a licensed

marriage and family therapist, a licensed social work associate--advanced, a licensed social work associate--independent clinical, a licensed mental health counselor associate, or a licensed marriage and family therapist associate, without being licensed by the department.

**NEW SECTION. Sec. 12** A new section is added to chapter 18.225 RCW to read as follows:

(1) The secretary shall issue an associate license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following requirements for the applicant's practice area and submits a declaration that the applicant is working toward full licensure in that category:

(a) Licensed social worker associate--advanced or licensed social worker associate--independent clinical: Graduation from a master's degree or doctoral degree educational program in social work accredited by the council on social work education and approved by the secretary based upon nationally recognized standards.

(b) Licensed mental health counselor associate: Graduation from a master's degree or doctoral degree educational program in mental health counseling or a related discipline from a college or university approved by the secretary based upon nationally recognized standards.

(c) Licensed marriage and family therapist associate: Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards.

(2) Associates may not provide independent social work, mental health counseling, or marriage and family therapy for a fee, monetary or otherwise. Associates must work under the supervision of an approved supervisor.

(3) Associates shall provide each client or patient, during the first professional contact, with a disclosure form according to RCW 18.225.100, disclosing that he or she is an associate under the supervision of an approved supervisor.

(4) The department shall adopt by rule what constitutes adequate proof of compliance with the requirements of this section.

(5) Applicants are subject to the denial of a license or issuance of a conditional license for the reasons set forth in chapter 18.130 RCW.

(6) An associate license may be renewed no more than four times.

**Sec. 13** RCW 18.225.150 and 2001 c 251 s 15 are each amended to read as follows:

The secretary shall establish by rule the procedural requirements and fees for renewal of a license or associate license. Failure to renew shall invalidate the license or associate license and all privileges granted by the license. If an associate license has lapsed, the person shall submit an updated declaration, in accordance with rules adopted by the department, that the person is working toward full licensure. If a license has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by taking continuing education courses, or meeting other standards determined by the secretary. If an associate license has lapsed, the person shall submit an updated declaration, in accordance with rules adopted by the department, that the person is working toward full licensure.

**Sec. 14** RCW 18.205.020 and 1998 c 243 s 2 are each amended to read as follows:

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

(1) "Certification" means a voluntary process recognizing an individual who qualifies by examination and meets established educational prerequisites, and which protects the title of practice.

(2) "Certified chemical dependency professional" means an individual certified in chemical dependency counseling, under this chapter.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(3) "Certified chemical dependency professional trainee" means an individual working toward the education and experience requirements for certification as a chemical dependency professional.

(4) "Chemical dependency counseling" means employing the core competencies of chemical dependency counseling to assist or attempt to assist an alcohol or drug addicted person to develop and maintain abstinence from alcohol and other mood-altering drugs.

~~((6))~~ (5) "Committee" means the chemical dependency certification advisory committee established under this chapter.

~~((5))~~ (6) "Core competencies of chemical dependency counseling" means competency in the nationally recognized knowledge, skills, and attitudes of professional practice, including assessment and diagnosis of chemical dependency, chemical dependency treatment planning and referral, patient and family education in the disease of chemical dependency, individual and group counseling with alcoholic and drug addicted individuals, relapse prevention counseling, and case management, all oriented to assist alcoholic and drug addicted patients to achieve and maintain abstinence from mood-altering substances and develop independent support systems.

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

~~((7))~~ (8) "Health profession" means a profession providing health services regulated under the laws of this state.

~~((8))~~ (9) "Secretary" means the secretary of health or the secretary's designee.

**Sec. 15** RCW 18.205.030 and 2000 c 171 s 41 are each amended to read as follows:

No person may represent oneself as a certified chemical dependency professional or certified chemical dependency professional trainee or use any title or description of services of a certified chemical dependency professional or certified chemical dependency professional trainee without applying for certification, meeting the required qualifications, and being certified by the department of health, unless otherwise exempted by this chapter.

**Sec. 16** RCW 18.205.040 and 1998 c 243 s 4 are each amended to read as follows:

Nothing in this chapter shall be construed to authorize the use of the title "certified chemical dependency professional" or "certified chemical dependency professional trainee" when treating patients in settings other than programs approved under chapter 70.96A RCW.

**NEW SECTION. Sec. 17** A new section is added to chapter 18.205 RCW to read as follows:

(1) The secretary shall issue a trainee certificate to any applicant who demonstrates to the satisfaction of the secretary that he or she is working toward the education and experience requirements in RCW 18.205.090.

(2) A trainee certified under this section shall submit to the secretary for approval a declaration, in accordance with rules adopted by the department, that he or she is enrolled in an approved education program and actively pursuing the experience requirements in RCW 18.205.090. This declaration must be updated with the trainee's annual renewal.

(3) A trainee certified under this section may practice only under the supervision of a certified chemical dependency professional. The first fifty hours of any face-to-face client contact must be under direct observation. All remaining experience must be under supervision in accordance with rules adopted by the department.

(4) A certified chemical dependency professional trainee provides chemical dependency assessments, counseling, and case management with a state regulated agency and can provide clinical services to patients consistent with his or her education, training, and experience as approved by his or her supervisor.

(5) A trainee certification may only be renewed four times.

(6) Applicants are subject to denial of a certificate or issuance of a conditional certificate for the reasons set forth in chapter 18.130 RCW.

**NEW SECTION. Sec. 18** A new section is added to chapter 18.19 RCW to read as follows:

The Washington state certified counselors and hypnotherapist advisory committee is established.

(1) The committee is comprised of seven members. Two committee members must be certified counselors. Two committee members must be hypnotherapists. Three committee members must be consumers and represent the public at large and may not hold any mental health care provider license, certification, or registration.

(2) Two committee members must be appointed for a term of one year, two committee members must be appointed for a term of two years, and three committee members must be appointed for a term of three years. Subsequent committee members must be appointed for terms of three years. A person may not serve as a committee member for more than two consecutive terms.

(3)(a) Each committee member must be a resident of the state of Washington.

(b) A committee member may not hold an office in a professional association for their profession.

(c) Advisory committee members may not be employed by the state of Washington.

(d) Each professional committee member must have been actively engaged in their profession for five years immediately preceding appointment.

(e) The consumer committee members must represent the general public and be unaffiliated directly or indirectly with the professions credentialed under this chapter.

(4) The secretary shall appoint the committee members.

(5) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

(6) Committee members must be compensated in accordance with RCW 43.03.240, including travel expenses in carrying out his or her authorized duties in accordance with RCW 43.03.050 and 43.03.060.

(7) The committee shall elect a chair and vice-chair.

**NEW SECTION. Sec. 19** To practice counseling, all registered counselors must obtain another health profession credential by July 1, 2010. The registered counselor credential is abolished July 1, 2010.

**NEW SECTION. Sec. 20** Sections 1, 2, 6 through 8, and 10 through 18 of this act take effect July 1, 2009.

**NEW SECTION. Sec. 21** The department of health may not issue any new registered counselor credentials after July 1, 2009.

**NEW SECTION. Sec. 22** (1) The department of health shall report to the legislature and the governor by December 15, 2011, on:

(a) The number of registered counselors who become certified counselors;

(b) The number, status, type, and outcome of disciplinary actions involving certified counselors beginning on the effective date of this act; and

(c) The state of education equivalency, examination, supervisory, consultation, and continuing education requirements established under this act.

(2) The department shall also report on cost savings or expenditures to administer the provisions of this act and make recommendations regarding future reports or evaluations."

On page 1, line 2 of the title, after "counselors;" strike the remainder of the title and insert "amending RCW 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.090, 18.19.100, 18.225.010, 18.225.020, 18.225.150, 18.205.020, 18.205.030, and 18.205.040; adding new sections to chapter 18.19 RCW; adding a new section to chapter 18.225 RCW; adding a new section to chapter 18.205 RCW; creating new sections; and providing an effective date."

The President declared the question before the Senate to be the motion by Senator Keiser to not adopt the committee striking amendment by the Committee on Health & Long-Term Care to Second Substitute House Bill No. 2674.

The motion by Senator Keiser carried and the committee striking amendment was not adopted by voice vote.

MOTION

FIFTY-THIRD DAY, MARCH 6, 2008

Senator Keiser moved that the following striking amendment by Senators Keiser and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1** RCW 18.19.020 and 2001 c 251 s 18 are each amended to read as follows:

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

(1) "Agency" means an agency or facility operated, licensed, or certified by the state of Washington.

(2) "Agency affiliated counselor" means a person registered under this chapter who is engaged in counseling and employed by an agency.

(3) "Certified adviser" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in section 4 of this act.

(4) "Certified counselor" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in section 4 of this act.

(5) "Client" means an individual who receives or participates in counseling or group counseling.

~~((2))~~ (6) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

~~((3))~~ (7) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

~~((4))~~ (8) "Department" means the department of health.

~~((5))~~ (9) "Hypnotherapist" means a person registered under this chapter who is practicing hypnosis as a modality.

(10) "Private practice counseling" means the practice of counseling by a certified counselor or certified adviser as specified in section 4 of this act.

(11) "Psychotherapy" means the practice of counseling using diagnosis of mental disorders according to the fourth edition of the diagnostic and statistical manual of mental disorders, published in 1994, and the development of treatment plans for counseling based on diagnosis of mental disorders in accordance with established practice standards.

(12) "Secretary" means the secretary of the department or the secretary's designee.

**Sec. 2** RCW 18.19.030 and 2001 c 251 s 19 are each amended to read as follows:

~~((No))~~ A person may not, ((for a fee or)) as a part of his or her position as an employee of a state agency, practice counseling without being registered to practice as an agency affiliated counselor by the department under this chapter unless exempt under RCW 18.19.040.

**NEW SECTION. Sec. 3** A new section is added to chapter 18.19 RCW to read as follows:

A person may not, for a fee or as a part of his or her position as an employee of a state agency, practice hypnotherapy without being registered to practice as a hypnotherapist by the department under this chapter unless exempt under RCW 18.19.040.

**NEW SECTION. Sec. 4** A new section is added to chapter 18.19 RCW to read as follows:

The scope of practice of certified counselors and certified advisers consists exclusively of the following:

(1) Appropriate screening of the client's level of functional impairment using the global assessment of functioning as described in the fourth edition of the diagnostic and statistical manual of mental disorders, published in 1994. Recognition of a mental or physical disorder or a global assessment of functioning score of sixty or less requires that the certified

2008 REGULAR SESSION

counselor or certified adviser refer the client to a physician, osteopathic physician, psychiatric registered nurse practitioner, or licensed mental health practitioner, as defined by the secretary, for diagnosis and treatment;

(2) Certified counselors and certified advisers may counsel and guide a client in adjusting to life situations, developing new skills, and making desired changes, in accordance with the theories and techniques of a specific counseling method and established practice standards, if the client has a global assessment of functioning score greater than sixty;

(3) Certified counselors may counsel and guide a client in adjusting to life situations, developing new skills, and making desired changes if the client has a global assessment of functioning score of sixty or less if:

(a) The client has been referred to the certified counselor by a physician, osteopathic physician, psychiatric registered nurse practitioner, or licensed mental health practitioner, as defined by the secretary, and care is provided as part of a plan of treatment developed by the referring practitioner who is actively treating the client. The certified counselor must adhere to any conditions related to the certified counselor's role as specified in the plan of care; or

(b) The certified counselor referred the client to seek diagnosis and treatment from a physician, osteopathic physician, psychiatric registered nurse practitioner, or licensed mental health practitioner, as defined by the secretary, and the client refused, in writing, to seek treatment from the other provider. The certified counselor may provide services to the client consistent with a treatment plan developed by the certified counselor and the consultant or supervisor with whom the certified counselor has a written consultation or supervisory agreement. A certified counselor shall not be a sole treatment provider for a client with a global assessment of functioning score of less than fifty.

**Sec. 5** RCW 18.19.040 and 2001 c 251 s 20 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

(2) The practice of counseling by an employee or trainee of any federal agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;

(3) The practice of counseling by a person ~~((without a mandatory charge))~~ for no compensation;

(4) The practice of counseling by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling for a fee when approved by the organizations or agencies for whom they render their services;

(5) Evaluation, consultation, planning, policy-making, research, or related services conducted by social scientists for private corporations or public agencies;

(6) The practice of counseling by a person under the auspices of a religious denomination, church, or organization, or the practice of religion itself;

(7) The practice of counseling by peer counselors who use their own experience to encourage and support people with similar conditions or activities related to the training of peer counselors; and

~~((whose residency is not))~~ who reside outside Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they ((don't)) do not hold themselves out to be registered or certified in Washington state.

**Sec. 6** RCW 18.19.050 and 2001 c 251 s 21 are each amended to read as follows:

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(1) In addition to any other authority provided by law, the secretary has the following authority:

(a) To adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) To set all registration, certification, and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;

(c) To establish forms and procedures necessary to administer this chapter;

(d) To hire clerical, administrative, and investigative staff as needed to implement this chapter;

(e) To issue a registration or certification to any applicant who has met the requirements for registration or certification; and

(f) To ~~((develop a dictionary of recognized professions and occupations providing counseling services to the public included under this chapter))~~ establish education equivalency, examination, supervisory, consultation, and continuing education requirements for certified counselors and certified advisers.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications and the discipline of registrants under this chapter. The secretary shall be the disciplining authority under this chapter. ~~((The absence of educational or training requirements for counselors registered under this chapter or the counselor's use of nontraditional nonabusive therapeutic techniques shall not, in and of itself, give the secretary authority to unilaterally determine the training and competence or to define or restrict the scope of practice of such individuals.))~~

(3) The department shall publish and disseminate information ~~((in order))~~ to educate the public about the responsibilities of counselors, the types of counselors, and the rights and responsibilities of clients established under this chapter. ~~((Solely for the purposes of administering this education requirement,))~~ The secretary ((shall) may assess an additional fee for each application and renewal((=equal to five percent of the fee. The revenue collected from the assessment fee may be appropriated by the legislature for the department's use in educating consumers pursuant to this section. The authority to charge the assessment fee shall terminate on June 30, 1994)) to fund public education efforts under this section.

**Sec. 7** RCW 18.19.060 and 2001 c 251 s 22 are each amended to read as follows:

~~((Persons registered under this chapter))~~ Certified counselors and certified advisers shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the department, that will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter, the department, another agency, or other jurisdiction. The disclosure statement must inform the client of the certified counselor's or certified adviser's consultation arrangement or supervisory agreement as defined in rules adopted by the secretary. The disclosure information provided by the certified counselor or certified adviser, the receipt of which shall be acknowledged in writing by the certified counselor or certified adviser and the client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, referral resources, and such other information as the department may require by rule. The disclosure information shall also include a statement that ((registration)) the certification of an individual under this chapter does not include a recognition of any practice standards, nor necessarily imply the effectiveness of any treatment. Certified counselors and certified advisers must also disclose that they are not credentialed to diagnose mental disorders or to conduct psychotherapy as defined by the secretary by rule. The client is not liable for any fees or charges for services rendered prior to receipt of the disclosure statement.

**Sec. 8** RCW 18.19.090 and 1991 c 3 s 24 are each amended to read as follows:

~~((The secretary shall issue a registration to any applicant who submits, on forms provided by the secretary, the applicant's name, address, occupational title, name and location of business, and other information as determined by the secretary, including information necessary to determine whether there are grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW. Applicants for registration shall register as counselors or may register as hypnotherapists if employing hypnosis as a modality. Applicants shall, in addition, provide in their titles a description of their therapeutic orientation, discipline, theory, or technique.))~~ (1) Application for agency affiliated counselor, certified counselor, certified adviser, or hypnotherapist must be made on forms approved by the secretary. The secretary may require information necessary to determine whether applicants meet the qualifications for the credential and whether there are any grounds for denial of the credential, or for issuance of a conditional credential, under this chapter or chapter 18.130 RCW. The application for agency affiliated counselor, certified counselor, or certified adviser must include a description of the applicant's orientation, discipline, theory, or technique. Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250, which shall accompany the application.

(2) Applicants for agency affiliated counselor must provide satisfactory documentation that they are employed by an agency or have an offer of employment from an agency.

(3) At the time of application for initial certification, applicants for certified counselor prior to July 1, 2010, are required to:

(a) Have been registered for no less than five years at the time of application for an initial certification;

(b) Have held a valid, active registration that is in good standing and be in compliance with any disciplinary process and orders at the time of application for an initial certification;

(c) Show evidence of having completed course work in risk assessment, ethics, appropriate screening and referral, and Washington state law and other subjects identified by the secretary;

(d) Pass an examination in risk assessment, ethics, appropriate screening and referral, and Washington state law, and other subjects as determined by the secretary; and

(e) Have a written consultation agreement with a credential holder who meets the qualifications established by the secretary.

(4) Unless eligible for certification under subsection (3) of this section, applicants for certified counselor or certified adviser are required to:

(a)(i) Have a bachelor's degree in a counseling-related field, if applying for certified counselor; or

(ii) Have an associate degree in a counseling-related field and a supervised internship, if applying for certified adviser;

(b) Pass an examination in risk assessment, ethics, appropriate screening and referral, and Washington state law, and other subjects as determined by the secretary; and

(c) Have a written supervisory agreement with a supervisor who meets the qualifications established by the secretary.

(5) Each applicant shall include payment of the fee determined by the secretary as provided in RCW 43.70.250.

**NEW SECTION. Sec. 9** A new section is added to chapter 18.19 RCW to read as follows:

Agency affiliated counselors shall notify the department if they are either no longer employed by the agency identified on their application or are now employed with another agency, or both. Agency affiliated counselors may not engage in the practice of counseling unless they are currently affiliated with an agency.

**Sec. 10** RCW 18.19.100 and 1996 c 191 s 5 are each amended to read as follows:

The secretary shall establish administrative procedures, administrative requirements, continuing education, and fees for renewal of ~~((registrations))~~ credentials as provided in RCW 43.70.250 and 43.70.280. When establishing continuing education requirements for agency affiliated counselors, the secretary shall consult with the appropriate state agency director

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

responsible for licensing, certifying, or operating the relevant agency practice setting.

**Sec. 11** RCW 18.225.010 and 2001 c 251 s 1 are each amended to read as follows:

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

(1) "Advanced social work" means the application of social work theory and methods including emotional and biopsychosocial assessment, psychotherapy under the supervision of a licensed independent clinical social worker, case management, consultation, advocacy, counseling, and community organization.

(2) "Applicant" means a person who completes the required application, pays the required fee, is at least eighteen years of age, and meets any background check requirements and uniform disciplinary act requirements.

(3) "Associate" means a prelicensure candidate who has a graduate degree in a mental health field under RCW 18.225.090 and is gaining the supervision and supervised experience necessary to become a licensed independent clinical social worker, a licensed advanced social worker, a licensed mental health counselor, or a licensed marriage and family therapist.

(4) "Committee" means the Washington state mental health counselors, marriage and family therapists, and social workers advisory committee.

~~((#))~~ (5) "Department" means the department of health.

~~((#))~~ (6) "Disciplining authority" means the department.

~~((#))~~ (7) "Independent clinical social work" means the diagnosis and treatment of emotional and mental disorders based on knowledge of human development, the causation and treatment of psychopathology, psychotherapeutic treatment practices, and social work practice as defined in advanced social work. Treatment modalities include but are not limited to diagnosis and treatment of individuals, couples, families, groups, or organizations.

~~((#))~~ (8) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of relationships, including marriage and family systems. Marriage and family therapy involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating such diagnosed nervous and mental disorders. The practice of marriage and family therapy means the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise.

~~((#))~~ (9) "Mental health counseling" means the application of principles of human development, learning theory, psychotherapy, group dynamics, and etiology of mental illness and dysfunctional behavior to individuals, couples, families, groups, and organizations, for the purpose of treatment of mental disorders and promoting optimal mental health and functionality. Mental health counseling also includes, but is not limited to, the assessment, diagnosis, and treatment of mental and emotional disorders, as well as the application of a wellness model of mental health.

~~((#))~~ (10) "Secretary" means the secretary of health or the secretary's designee.

**Sec. 12** RCW 18.225.020 and 2001 c 251 s 2 are each amended to read as follows:

A person must not represent himself or herself as a licensed advanced social worker, a licensed independent clinical social worker, a licensed mental health counselor, ~~((or))~~ a licensed marriage and family therapist, a licensed social work associate--advanced, a licensed social work associate--independent clinical, a licensed mental health counselor associate, or a licensed marriage and family therapist associate, without being licensed by the department.

**NEW SECTION. Sec. 13** A new section is added to chapter 18.225 RCW to read as follows:

(1) The secretary shall issue an associate license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following requirements for the applicant's practice area and submits a declaration that the applicant is working toward full licensure in that category:

(a) Licensed social worker associate--advanced or licensed social worker associate--independent clinical: Graduation from a master's degree or doctoral degree educational program in social work accredited by the council on social work education and approved by the secretary based upon nationally recognized standards.

(b) Licensed mental health counselor associate: Graduation from a master's degree or doctoral degree educational program in mental health counseling or a related discipline from a college or university approved by the secretary based upon nationally recognized standards.

(c) Licensed marriage and family therapist associate: Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards.

(2) Associates may not provide independent social work, mental health counseling, or marriage and family therapy for a fee, monetary or otherwise. Associates must work under the supervision of an approved supervisor.

(3) Associates shall provide each client or patient, during the first professional contact, with a disclosure form according to RCW 18.225.100, disclosing that he or she is an associate under the supervision of an approved supervisor.

(4) The department shall adopt by rule what constitutes adequate proof of compliance with the requirements of this section.

(5) Applicants are subject to the denial of a license or issuance of a conditional license for the reasons set forth in chapter 18.130 RCW.

(6) An associate license may be renewed no more than four times.

**Sec. 14** RCW 18.225.150 and 2001 c 251 s 15 are each amended to read as follows:

The secretary shall establish by rule the procedural requirements and fees for renewal of a license or associate license. Failure to renew shall invalidate the license or associate license and all privileges granted by the license. If an associate license has lapsed, the person shall submit an updated declaration, in accordance with rules adopted by the department, that the person is working toward full licensure. If a license has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by taking continuing education courses, or meeting other standards determined by the secretary. If an associate license has lapsed, the person shall submit an updated declaration, in accordance with rules adopted by the department, that the person is working toward full licensure.

**Sec. 15** RCW 18.205.020 and 1998 c 243 s 2 are each amended to read as follows:

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

(1) "Certification" means a voluntary process recognizing an individual who qualifies by examination and meets established educational prerequisites, and which protects the title of practice.

(2) "Certified chemical dependency professional" means an individual certified in chemical dependency counseling, under this chapter.

(3) "Certified chemical dependency professional trainee" means an individual working toward the education and experience requirements for certification as a chemical dependency professional.

(4) "Chemical dependency counseling" means employing the core competencies of chemical dependency counseling to assist or attempt to assist an alcohol or drug addicted person to

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

develop and maintain abstinence from alcohol and other mood-altering drugs.

~~((4))~~ (5) "Committee" means the chemical dependency certification advisory committee established under this chapter.

~~((5))~~ (6) "Core competencies of chemical dependency counseling" means competency in the nationally recognized knowledge, skills, and attitudes of professional practice, including assessment and diagnosis of chemical dependency, chemical dependency treatment planning and referral, patient and family education in the disease of chemical dependency, individual and group counseling with alcoholic and drug addicted individuals, relapse prevention counseling, and case management, all oriented to assist alcoholic and drug addicted patients to achieve and maintain abstinence from mood-altering substances and develop independent support systems.

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

~~((7))~~ (8) "Health profession" means a profession providing health services regulated under the laws of this state.

~~((8))~~ (9) "Secretary" means the secretary of health or the secretary's designee.

**Sec. 16** RCW 18.205.030 and 2000 c 171 s 41 are each amended to read as follows:

No person may represent oneself as a certified chemical dependency professional or certified chemical dependency professional trainee or use any title or description of services of a certified chemical dependency professional or certified chemical dependency professional trainee without applying for certification, meeting the required qualifications, and being certified by the department of health, unless otherwise exempted by this chapter.

**Sec. 17** RCW 18.205.040 and 1998 c 243 s 4 are each amended to read as follows:

Nothing in this chapter shall be construed to authorize the use of the title "certified chemical dependency professional" or "certified chemical dependency professional trainee" when treating patients in settings other than programs approved under chapter 70.96A RCW.

**NEW SECTION. Sec. 18** A new section is added to chapter 18.205 RCW to read as follows:

(1) The secretary shall issue a trainee certificate to any applicant who demonstrates to the satisfaction of the secretary that he or she is working toward the education and experience requirements in RCW 18.205.090.

(2) A trainee certified under this section shall submit to the secretary for approval a declaration, in accordance with rules adopted by the department, that he or she is enrolled in an approved education program and actively pursuing the experience requirements in RCW 18.205.090. This declaration must be updated with the trainee's annual renewal.

(3) A trainee certified under this section may practice only under the supervision of a certified chemical dependency professional. The first fifty hours of any face-to-face client contact must be under direct observation. All remaining experience must be under supervision in accordance with rules adopted by the department.

(4) A certified chemical dependency professional trainee provides chemical dependency assessments, counseling, and case management with a state regulated agency and can provide clinical services to patients consistent with his or her education, training, and experience as approved by his or her supervisor.

(5) A trainee certification may only be renewed four times.

(6) Applicants are subject to denial of a certificate or issuance of a conditional certificate for the reasons set forth in chapter 18.130 RCW.

**NEW SECTION. Sec. 19** A new section is added to chapter 18.19 RCW to read as follows:

The Washington state certified counselors and hypnotherapist advisory committee is established.

(1) The committee is comprised of seven members. Two committee members must be certified counselors or certified advisers. Two committee members must be hypnotherapists. Three committee members must be consumers and represent the public at large and may not hold any mental health care provider license, certification, or registration.

(2) Two committee members must be appointed for a term of one year, two committee members must be appointed for a term of two years, and three committee members must be appointed for a term of three years. Subsequent committee members must be appointed for terms of three years. A person may not serve as a committee member for more than two consecutive terms.

(3)(a) Each committee member must be a resident of the state of Washington.

(b) A committee member may not hold an office in a professional association for their profession.

(c) Advisory committee members may not be employed by the state of Washington.

(d) Each professional committee member must have been actively engaged in their profession for five years immediately preceding appointment.

(e) The consumer committee members must represent the general public and be unaffiliated directly or indirectly with the professions credentialed under this chapter.

(4) The secretary shall appoint the committee members.

(5) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

(6) Committee members must be compensated in accordance with RCW 43.03.240, including travel expenses in carrying out his or her authorized duties in accordance with RCW 43.03.050 and 43.03.060.

(7) The committee shall elect a chair and vice-chair.

**NEW SECTION. Sec. 20** To practice counseling, all registered counselors must obtain another health profession credential by July 1, 2010. The registered counselor credential is abolished July 1, 2010.

**NEW SECTION. Sec. 21** Sections 1, 2, 7 through 9, and 11 through 19 of this act take effect July 1, 2009.

**NEW SECTION. Sec. 22** The department of health may not issue any new registered counselor credentials after July 1, 2009.

**NEW SECTION. Sec. 23** (1) The department of health shall report to the legislature and the governor by December 15, 2011, on:

(a) The number of registered counselors who become certified counselors or certified advisers;

(b) The number, status, type, and outcome of disciplinary actions involving certified counselors and certified advisers beginning on the effective date of this section; and

(c) The state of education equivalency, examination, supervisory, consultation, and continuing education requirements established under this act.

(2) The department of health shall also report on cost savings or expenditures to administer the provisions of this act and make recommendations regarding future reports or evaluations.

**NEW SECTION. Sec. 24** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Senators Keiser and Pflug spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Pflug to Second Substitute House Bill No. 2674.

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

## MOTION

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

On page 1, line 2 of the title, after "counselors;" strike the remainder of the title and insert "amending RCW 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.090, 18.19.100, 18.225.010, 18.225.020, 18.225.150, 18.205.020, 18.205.030, and 18.205.040; adding new sections to chapter 18.19 RCW; adding a new section to chapter 18.225 RCW;

FIFTY-THIRD DAY, MARCH 6, 2008

adding a new section to chapter 18.205 RCW; creating new sections; and providing an effective date."

#### MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 2674 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Fairley: "Would Senator Keiser yield to a question? Senator Keiser, as you know you and I have been on separate sides of this debate. It's kind of been an unusual alliance on my side. How are my folks? Are they okay with this striker? I have not read all the way through it."

Senator Keiser: "Yes, it is agreed to by the registered counselors who you've been working with and we have also received at least if not enthusiastic agreement but tacit agreement from the mental health counselors and others in the field. So, both sides have come to agreement on this issue."

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2674 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2674 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Holmquist, Honeyford and Schoesler - 3

Absent: Senator Brown - 1

Excused: Senator Murray - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2674 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2722, by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Kenney, Morris, Sullivan, Hasegawa, Upthegrove, Loomis, Pedersen, Darneille, Conway, Hudgins, Quall, Ericks, Kagi and Ormsby)

Creating an advisory committee to address the achievement gap for African-American students.

The measure was read the second time.

#### MOTION

2008 REGULAR SESSION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2722 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Hobbs, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2722.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2722 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Murray - 2

SECOND SUBSTITUTE HOUSE BILL NO. 2722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 3212, by House Committee on Education (originally sponsored by Representatives Santos and Hudgins)

Monitoring and addressing achievement of groups of students.

The measure was read the second time.

#### MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 28A.300.130 and 2006 c 116 s 2 are each amended to read as follows:

(1) To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. The center shall work in conjunction with parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational improvement initiatives in Washington schools and districts;

(b) Provide best practices research that can be used to help schools develop and implement: Programs and practices to improve instruction; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the needs of students with disabilities; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(c) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

(d) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

(e) Provide training and consultation services, including conducting regional summer institutes;

(f) Identify strategies for improving the success rates of ethnic and racial student groups and students with disabilities, with disproportionate academic achievement;

(g) Work with parents, teachers, and school districts in establishing a model absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of the superintendent of public instruction shall consider various types of communication with parents including, but not limited to, electronic mail, phone, and postal mail; and

(h) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for ~~((the))~~ the improvement of student learning, how the services provided by the center for ~~((the))~~ the improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system.

**Sec. 2** RCW 43.06B.020 and 2006 c 116 s 4 are each amended to read as follows:

The education ombudsman shall have the following powers and duties:

(1) To develop parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements required by the superintendent of public instruction. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(2) To provide information to students, parents, and interested members of the public regarding this state's public elementary and secondary education system;

(3) To identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(4) To identify and recommend strategies for improving the success rates of ethnic and racial student groups and students with disabilities, with disproportionate academic achievement;

(5) To refer complainants and others to appropriate resources, agencies, or departments;

(6) To facilitate the resolution of complaints made by parents and students with regard to the state's public elementary and secondary education system;

(7) To perform such other functions consistent with the purpose of the education ombudsman; and

(8) To consult with representatives of the following organizations and groups regarding the work of the office of the education ombudsman, including but not limited to:

(a) The state parent teacher association;

(b) Certificated and classified school employees;

(c) School and school district administrators;

(d) Parents of special education students;

(e) Parents of English language learners;

(f) The Washington state commission on Hispanic affairs;

(g) The Washington state commission on African-American affairs;

(h) The Washington state commission on Asian Pacific American affairs; and

(i) The governor's office of Indian affairs.

**Sec. 3** RCW 28A.655.090 and 1999 c 388 s 301 are each amended to read as follows:

(1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall report to schools, school districts, and the legislature on the results of the Washington assessment of student learning and state-mandated norm-referenced standardized tests.

(2) The reports shall include the assessment results by school and school district, and include changes over time. For the Washington assessment of student learning, results shall be reported as follows:

(a) The percentage of students meeting the standards;

(b) The percentage of students performing at each level of the assessment; ~~((and))~~

(c) Disaggregation of results by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, students in the foster care system, and, beginning with the 2009-10 school year, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794); and

(d) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the Washington assessment of student learning.

(3) The reports shall contain data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, dropout rates, attendance, percent of students in special education, and student mobility so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.

(4) The reports shall contain student scores on mandated tests by comparable Washington schools of similar characteristics.

(5) The reports shall contain information on public school choice options available to students, including vocational education.

(6) The reports shall be posted on the superintendent of public instruction's internet web site.

(7) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of statewide data files until the superintendent determines that the data are complete and accurate.

(8) The superintendent of public instruction shall monitor the percentage and number of special education and limited English-proficient students exempted from taking the

FIFTY-THIRD DAY, MARCH 6, 2008

assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 3212.

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

#### MOTION

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

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "and amending RCW 28A.300.130, 43.06B.020, and 28A.655.090."

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 3212 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3212 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3212 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Murray - 2

SUBSTITUTE HOUSE BILL NO. 3212 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Senator Albert Bauer of the 49<sup>th</sup> Legislative District who was seated at the rostrum.

#### MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2639, by House Committee on Local Government (originally sponsored by Representatives Takko, Kretz, Blake, Condotta, VanDeWege and Haler)

Regarding the procurement of renewable resources.

The measure was read the second time.

#### MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 The legislature finds that it is in the public interest for public utility districts to develop renewable energy projects to meet requirements enacted by the people in Initiative Measure No. 937 and goals of diversifying energy resource portfolios. By developing more efficient and cost-effective renewable energy projects, public utility districts will keep power costs as low as possible for their customers. Consolidating and clarifying statutory provisions governing various aspects of public utility district renewable energy project development will reduce planning time and expense to meet these objectives.

Sec. 2 RCW 39.34.030 and 2004 c 190 s 1 are each amended to read as follows:

(1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this chapter(~~(PROVIDED)~~), except that any such joint or cooperative action by public agencies which are educational service districts and/or school districts shall comply with the provisions of RCW 28A.320.080. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

(a) Its duration;

(b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created. Such entity may include a nonprofit corporation organized pursuant to chapter 24.03 or 24.06 RCW whose membership is limited solely to the participating public agencies or a partnership organized pursuant to chapter 25.04 or 25.05 RCW whose partners are limited solely to participating public agencies, or a limited liability company organized under chapter 25.15 RCW whose membership is limited solely to participating public agencies, and the funds of any such corporation (~~(or)~~), partnership, or limited liability company shall be subject to audit in the manner provided by law for the auditing of public funds;

(c) Its purpose or purposes;

(d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;

(e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination; and

(f) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall contain, in addition to (~~(items)~~) provisions specified in subsection (3)(a), (c), (d), (e), and (f) (~~(enumerated in subdivision (3) hereof)~~) of this section, (~~(contain)~~) the following:

(a) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies that are party to the agreement shall be represented; and

(b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

undertaking. Any joint board is authorized to establish a special fund with a state, county, city, or district treasurer servicing an involved public agency designated "Operating fund of . . . . . joint board".

(5) No agreement made pursuant to this chapter relieves any public agency of any obligation or responsibility imposed upon it by law except that:

(a) To the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made (~~hereunder~~) pursuant to this chapter, the performance may be offered in satisfaction of the obligation or responsibility; and

(b) With respect to one or more public agencies purchasing or otherwise contracting through a bid, proposal, or contract awarded by another public agency or by a group of public agencies, any statutory obligation to provide notice for bids or proposals that applies to the public agencies involved is satisfied if the public agency or group of public agencies that awarded the bid, proposal, or contract complied with its own statutory requirements and either (i) posted the bid or solicitation notice on a web site established and maintained by a public agency, purchasing cooperative, or similar service provider, for purposes of posting public notice of bid or proposal solicitations, or (ii) provided an access link on the state's web portal to the notice.

(6) Financing of joint projects by agreement shall be as provided by law.

**Sec. 3** RCW 54.44.020 and 1997 c 230 s 2 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, cities of the first class, public utility districts organized under chapter 54.08 RCW, and joint operating agencies organized under chapter 43.52 RCW, any such cities and public utility districts which operate electric generating facilities or distribution systems and any joint operating agency shall have power and authority to participate and enter into agreements with each other and with electrical companies which are subject to the jurisdiction of the Washington utilities and transportation commission or the public utility commissioner of Oregon, hereinafter called "regulated utilities", and with rural electric cooperatives, including generation and transmission cooperatives for the undivided ownership of any type of electric generating plants and facilities, including, but not limited to, nuclear and other thermal power generating plants and facilities and transmission facilities including, but not limited to, related transmission facilities, hereinafter called "common facilities", and for the planning, financing, acquisition, construction, operation and maintenance thereof. It shall be provided in such agreements that each city, public utility district, or joint operating agency shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction thereof and shall own and control a like percentage of the electrical output thereof.

(2) Cities of the first class, public utility districts organized under chapter 54.08 RCW, and joint operating agencies organized under chapter 43.52 RCW, shall have the power and authority to participate and enter into agreements for the undivided ownership of a coal-fired thermal electric generating plant and facility placed in operation before July 1, 1975, including related common facilities, and for the planning, financing, acquisition, construction, operation, and maintenance of the plant and facility. It shall be provided in such agreements that each city, public utility district, or joint operating agency shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by the city, district, or agency, for the acquisition and construction of the facility, and shall own and control a like percentage of the electrical output thereof. Cities of the first class, public utility districts, and joint operating agencies may enter into agreements under this subsection with each other, with regulated utilities, with rural electric cooperatives, with electric companies subject to the jurisdiction of the regulatory commission of any other state, and with any power marketer subject to the jurisdiction of the federal energy regulatory commission.

(3)(a) Except as provided in subsections (1) and (2) of this section, cities of the first class, public utility districts organized under chapter 54.08 RCW, any cities that operate electric generating facilities or distribution systems, any joint operating agency organized under chapter 43.52 RCW, or any separate legal entity comprising two or more thereof organized under chapter 39.34 RCW shall, either directly or as co-owners of a separate legal entity, have power and authority to participate and enter into agreements described in (b) and (c) of this subsection with each other, and with any of the following, either directly or as co-owners of a separate legal entity:

(i) Any public agency, as that term is defined in RCW 39.34.020;

(ii) Electrical companies that are subject to the jurisdiction of the Washington utilities and transportation commission or the regulatory commission of any state; and

(iii) Rural electric cooperatives and generation and transmission cooperatives or any wholly owned subsidiaries of either rural electric cooperatives or generation and transmission cooperatives.

(b) Agreements may provide for:

(i) The undivided ownership, or indirect ownership in the case of a separate legal entity, of common facilities that include any type of electric generating plant powered by an eligible renewable resource, as defined in RCW 19.285.030, and transmission facilities including, but not limited to, related transmission facilities, and for the planning, financing, acquisition, construction, operation, and maintenance thereof; and

(ii) The formation, operation, and ownership of a separate legal entity that may own the common facilities.

(c) Agreements must provide that each city, public utility district, or joint operating agency:

(i) Owns a percentage of any common facility or a percentage of any separate legal entity equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction thereof; and

(ii) Owns and controls, or has a right to own and control in the case of a separate legal entity, a like percentage of the electrical output thereof.

(d) Any entity in which a public utility district participates, either directly or as co-owner of a separate legal entity, in constructing or developing a common facility pursuant to this subsection shall comply with the provisions of chapter 39.12 RCW.

(4) Each participant shall defray its own interest and other payments required to be made or deposited in connection with any financing undertaken by it to pay its percentage of the money furnished or value of property supplied by it for the planning, acquisition and construction of any common facility, or any additions or betterments thereto. The agreement shall provide a uniform method of determining and allocating operation and maintenance expenses of the common facility.

~~((4))~~ (5) Each city, public utility district, joint operating agency, regulated utility, and cooperatives participating in the direct or indirect ownership or operation of a common facility described in subsections (1) through (3) of this section shall pay all taxes chargeable to its share of the common facility and the electric energy generated thereby under applicable statutes as now or hereafter in effect, and may make payments during preliminary work and construction for any increased financial burden suffered by any county or other existing taxing district in the county in which the common facility is located, pursuant to agreement with such county or taxing district.

**Sec. 4** RCW 25.15.005 and 2002 c 296 s 3 are each amended to read as follows:

~~(As used in this chapter, unless the context otherwise requires--)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Certificate of formation" means the certificate referred to in RCW 25.15.070, and the certificate as amended.

(2) "Event of dissociation" means an event that causes a person to cease to be a member as provided in RCW 25.15.130.

(3) "Foreign limited liability company" means an entity that is formed under:

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(a) The limited liability company laws of any state other than this state; or

(b) The laws of any foreign country that is: (i) An unincorporated association, (ii) formed under a statute pursuant to which an association may be formed that affords to each of its members limited liability with respect to the liabilities of the entity, and (iii) not required, in order to transact business or conduct affairs in this state, to be registered or qualified under Title 23B or 24 RCW, or any other chapter of the Revised Code of Washington authorizing the formation of a domestic entity and the registration or qualification in this state of similar entities formed under the laws of a jurisdiction other than this state.

(4) "Limited liability company" and "domestic limited liability company" means a limited liability company having one or more members that is organized and existing under this chapter.

(5) "Limited liability company agreement" means any written agreement of the members, or any written statement of the sole member, as to the affairs of a limited liability company and the conduct of its business which is binding upon the member or members.

(6) "Limited liability company interest" means a member's share of the profits and losses of a limited liability company and a member's right to receive distributions of the limited liability company's assets.

(7) "Manager" or "managers" means, with respect to a limited liability company that has set forth in its certificate of formation that it is to be managed by managers, the person, or persons designated in accordance with RCW 25.15.150(2).

(8) "Member" means a person who has been admitted to a limited liability company as a member as provided in RCW 25.15.115 and who has not been dissociated from the limited liability company.

(9) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, or a separate legal entity comprised of two or more of these entities, or any other legal or commercial entity.

(10) "Professional limited liability company" means a limited liability company which is organized for the purpose of rendering professional service and whose certificate of formation sets forth that it is a professional limited liability company subject to RCW 25.15.045.

(11) "Professional service" means the same as defined under RCW 18.100.030.

(12) "State" means the District of Columbia or the Commonwealth of Puerto Rico or any state, territory, possession, or other jurisdiction of the United States other than the state of Washington.

**Sec. 5** RCW 54.16.180 and 1999 c 69 s 1 are each amended to read as follows:

(1) A district may sell and convey, lease, or otherwise dispose of all or any part of its works, plants, systems, utilities and properties, after proceedings and approval by the voters of the district, as provided for the lease or disposition of like properties and facilities owned by cities and towns(~~(= PROVIDED, That)~~). The affirmative vote of three-fifths of the voters voting at an election on the question of approval of a proposed sale, shall be necessary to authorize such a sale(~~(= PROVIDED FURTHER, That)~~).

(2) A district may, without the approval of the voters, sell, convey, lease, or otherwise dispose of all or any part of the property owned by it(~~(=)~~) that is located:

(a) Outside its boundaries, to another public utility district, city, town or other municipal corporation (~~(without the approval of the voters)~~); or (~~(may sell, convey, lease, or otherwise dispose of to any person or public body, any part, either)~~)

(b) Within or without its boundaries, which has become unserviceable, inadequate, obsolete, worn out or unfit to be used in the operations of the system and which is no longer necessary, material to, and useful in such operations, (~~(without the approval of the voters: PROVIDED FURTHER, That)~~) to any person or public body.

(3) ~~A~~ district may sell, convey, lease or otherwise dispose of items of equipment or materials to any other district, to any cooperative, mutual, consumer-owned or investor-owned utility, to any federal, state, or local government agency, to any contractor employed by the district or any other district, utility, or agency, or any customer of the district or of any other district or utility, from the district's stores without voter approval or resolution of the district's board, if such items of equipment or materials cannot practicably be obtained on a timely basis from any other source, and the amount received by the district in consideration for any such sale, conveyance, lease, or other disposal of such items of equipment or materials is not less than the district's cost to purchase such items or the reasonable market value of equipment or materials(~~(= PROVIDED FURTHER, That a public utility)~~).

(4) A district located within a county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand may sell and convey to a city of the first class, which owns its own water system, all or any part of a water system owned by (~~(said public utility)~~) the district where a portion of it is located within the boundaries of (~~(such)~~) the city, without approval of the voters, upon such terms and conditions as the district shall determine(~~(= PROVIDED FURTHER, That)~~).

(5) A (~~(public utility)~~) district located in a county with a population of from twelve thousand to less than eighteen thousand and bordered by the Columbia river may, separately or in connection with the operation of a water system, or as part of a plan for acquiring or constructing and operating a water system, or in connection with the creation of another or subsidiary local utility district, (~~(may)~~) provide for the acquisition or construction, additions or improvements to, or extensions of, and operation of, a sewage system within the same service area as in the judgment of the district commission is necessary or advisable (~~(in order)~~) to eliminate or avoid any existing or potential danger to (~~(the)~~) public health (~~(by reason of the)~~) due to lack of sewerage facilities or (~~(by reason of the)~~) inadequacy of existing facilities(~~(= AND PROVIDED FURTHER, That a public utility)~~).

(6) A district located within a county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand bordering on Puget Sound may sell and convey to any city or town with a population of less than ten thousand all or any part of a water system owned by (~~(said public utility)~~) the district without approval of the voters upon such terms and conditions as the district shall determine.

(7) A district may sell and convey, lease, or otherwise dispose of, to any person or entity without approval of the voters and upon such terms and conditions as it determines, all or any part of an electric generating project owned directly or indirectly by the district, regardless of whether the project is completed, operable, or operating, as long as:

(a) The project is or would be powered by an eligible renewable resource as defined in RCW 19.285.030; and

(b) The district, or the separate legal entity in which the district has an interest in the case of indirect ownership, has:

(i) The right to lease the project or to purchase all or any part of the energy from the project during the period in which it does not have a direct or indirect ownership interest in the project; and

(ii) An option to repurchase the project or part thereof sold, conveyed, leased, or otherwise disposed of at or below fair market value upon termination of the lease of the project or termination of the right to purchase energy from the project. (~~(Public utility)~~)

(8) Districts are municipal corporations for the purposes of this section (~~(and the)~~). A commission shall be held to be the legislative body (~~(and the)~~). A president and secretary shall have the same powers and perform the same duties as (~~(the)~~) a mayor and city clerk, and the district resolutions (~~(of the districts)~~) shall be held to be ordinances within the meaning of (~~(the)~~) statutes governing the sale, lease, or other disposal of public utilities owned by cities and towns.

**Sec. 6** RCW 42.24.080 and 1995 c 301 s 72 are each amended to read as follows:

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(1) All claims presented against any county, city, district or other municipal corporation or political subdivision by persons furnishing materials, rendering services or performing labor, or for any other contractual purpose, shall be audited, before payment, by an auditing officer elected or appointed pursuant to statute or, in the absence of statute, an appropriate charter provision, ordinance or resolution of the municipal corporation or political subdivision. Such claims shall be prepared for audit and payment on a form and in the manner prescribed by the state auditor. The form shall provide for the authentication and certification by such auditing officer that the materials have been furnished, the services rendered (~~or~~), the labor performed as described, or that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the municipal corporation or political subdivision(~~and~~). No claim shall be paid without such authentication and certification(~~PROVIDED, That the certificates~~).

(2) Certification as to claims of officers and employees of a county, city, district or other municipal corporation or political subdivision, for services rendered, shall be made by the person charged with (~~the duty of~~) preparing and submitting vouchers for (~~the~~) payment of services(~~and~~). He or she shall certify that the claim is just, true and unpaid, (~~which certificate~~) and that certification shall be part of the voucher.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications to Substitute House Bill No. 2639.

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

## REMARKS BY THE PRESIDENT

President Owen: "Senator Rockefeller we have an error here on the President's part. He moved the adoption of the amendment and we have an amendment to the amendment. Senator Rockefeller, if you would move for reconsideration of the committee amendment, I would appreciate it."

## MOTION FOR IMMEDIATE RECONSIDERATION

Senator Rockefeller moved to immediately reconsider the vote by which the committee striking amendment by the Committee on Water, Energy & Telecommunications to Substitute House Bill No. 2639 was adopted.

## MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

On page 5, after line 30, strike all of section (d).

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Rockefeller spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 5, after line 30 to the committee striking amendment to Substitute House Bill No. 2639.

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications to Substitute House Bill No. 2639.

The motion by Senator Rockefeller carried and the

committee striking amendment was adopted by voice vote.

## MOTION

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

On page 1, line 2 of the title, after "agencies;" strike the remainder of the title and insert "amending RCW 39.34.030, 54.44.020, 25.15.005, 54.16.180, and 42.24.080; and creating a new section."

## MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 2639 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2639 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2639 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Honeyford and Schoesler - 2

Excused: Senator Murray - 1

SUBSTITUTE HOUSE BILL NO. 2639 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2137, by Representatives Wallace, Skinner, Kagi, Hankins, Roberts, Chase, Kenney, Moeller, Simpson and Santos

Allowing school employees' children with disabilities to enroll in special services programs in the district where the employee is assigned.

The measure was read the second time.

## MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 2137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2137.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2137 and the bill passed the Senate by the following

FIFTY-THIRD DAY, MARCH 6, 2008

vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

HOUSE BILL NO. 2137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1273, by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Roach, Ericks, Hurst, Kirby, Strow, Newhouse, Simpson, Williams, Haler, O'Brien, Moeller, Pearson, VanDeWege, McCune, Kenney, Rolfes and Morrell)

Authorizing fraud alert networks.

The measure was read the second time.

## MOTION

Senator Berkey moved that the following committee striking amendment by the Committee on Financial Institutions & Insurance be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** A new section is added to chapter 43.330 RCW to read as follows:

(1) The financial fraud and identity theft crimes investigation and prosecution program is created in the department of community, trade, and economic development. The department shall:

(a) Appoint members of the financial fraud task forces created in subsection (2) of this section;

(b) Administer the account created in subsection (3) of this section; and

(c) By December 31st of each year submit a report to the appropriate committees of the legislature and the governor regarding the progress of the program and task forces. The report must include recommendations on changes to the program, including expansion.

(2)(a) The department shall establish two regional financial fraud and identity theft crime task forces that include a central Puget Sound task force that includes King and Pierce counties, and a Spokane county task force. Each task force must be comprised of local law enforcement, county prosecutors, representatives of the office of the attorney general, financial institutions, and other state and local law enforcement.

(b) The department shall appoint: (i) Representatives of local law enforcement from a list provided by the Washington association of sheriffs and police chiefs; (ii) representatives of county prosecutors from a list provided by the Washington association of prosecuting attorneys; and (iii) representatives of financial institutions.

(c) Each task force shall:

(i) Hold regular meetings to discuss emerging trends and threats of local financial fraud and identity theft crimes;

(ii) Set priorities for the activities for the task force;

(iii) Apply to the department for funding to (A) hire prosecutors and/or law enforcement personnel dedicated to investigating and prosecuting financial fraud and identity theft crimes; and (B) acquire other needed resources to conduct the work of the task force;

(iv) Establish outcome-based performance measures; and

2008 REGULAR SESSION

(v) Twice annually report to the department regarding the activities and performance of the task force.

(3) The financial fraud and identity theft crimes investigation and prosecution account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenue to the account may include appropriations, federal funds, and any other gifts or grants. Expenditures from the account may be used only to support the activities of the financial fraud and identity theft crime investigation and prosecution task forces and the program administrative expenses of the department, which may not exceed ten percent of the amount appropriated.

(4) For purposes of this section, "financial fraud and identity theft crimes" includes those that involve: Check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments such as checks or documents, organized counterfeit check rings, and organized identification theft rings.

**NEW SECTION. Sec. 2** This act expires July 1, 2015."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions & Insurance to Second Substitute House Bill No. 1273.

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

## MOTION

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

On page 1, line 1 of the title, after "fraud;" strike the remainder of the title and insert "adding a new section to chapter 43.330 RCW; and providing an expiration date."

## MOTION

On motion of Senator Berkey, the rules were suspended, Second Substitute House Bill No. 1273 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1273 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1273 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

SECOND SUBSTITUTE HOUSE BILL NO. 1273 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2472, by House Committee on Ecology & Parks (originally sponsored by Representatives Blake, Warnick, Condotta, Sells, Linville, Hinkle, VanDeWege, McCoy, Lantz, Morrell, Loomis, Kretz, Chase, Kristiansen and McDonald)

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

Seeking to improve recreational opportunities on state-owned lands managed by the department of natural resources.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** (1) The legislature finds that recreational opportunities are instrumental in promoting human health and well-being and are part of the heritage of Washington state. State trust lands, aquatic lands, and other state-owned lands managed by the department of natural resources provide significant recreational opportunities, along with other social, economic, and environmental benefits. Lands managed by the department of natural resources provide, among other values:

- (a) Renewable energy resources;
- (b) Sustainable revenue for school construction, local governments, and other state institutions;
- (c) Recreational and educational opportunities;
- (d) Habitat for fish and wildlife;
- (e) Clean air and water; and
- (f) Funding for restoration and public access to state-owned aquatic lands.

(2) The legislature further finds that the state's population has nearly doubled from three million four hundred thousand to six million five hundred thousand since the multiple use concept was adopted under chapter 79.10 RCW, and is projected to increase by another two million two hundred thousand by 2030. Population growth has increased demand for recreational access and presents current and future challenges that must be addressed, such as: Increasing potential for conflict with adjacent and nearby land uses, including residential land uses; new forms of trail-based recreation that compete with traditional uses; the rapid increase of motorized and mechanized recreation; changes in ownership patterns of large land holdings across the state; the incompatibility of certain human activities with environmental protections for endangered species, clean water, clean air, climate impacting emissions, and habitat; and increased competition for funding.

(3) The legislature further finds that efforts by the department of natural resources to consolidate state trust lands will provide more opportunities for citizens to access larger blocks of state-owned lands. Therefore, it is prudent to reexamine the policies for recreational access on state-owned lands and establish a vision for the future with recommended policy improvements that are:

- (a) Environmentally responsible;
- (b) Sustainably funded; and
- (c) Compatible with trust land and state land management obligations.

**NEW SECTION. Sec. 2** (1) A work group is established to make recommendations to improve recreation on state trust lands, aquatic lands, and other state-owned lands managed by the department of natural resources.

(2) The work group's recommendations to improve recreation on state-owned lands must be compatible with adjacent and nearby land uses, including residential land uses. The work group shall examine relevant existing laws and rules and recommend policy changes and funding alternatives for consideration by the legislature to ensure safe, sustainable, and enjoyable recreational access. In conducting this work, the work group must consider: The legal obligations for trusts, aquatic lands, and natural areas; consistency with environmental standards needed to protect lands and natural systems; and related work group recommendations such as the Puget Sound action agenda defined in chapter 90.71 RCW, the Washington biodiversity strategy created in executive order 04-02, and the invasive species council recommendations defined in chapter

79A.25 RCW. The work group must provide recommendations on ways to coordinate trail maintenance work with volunteer organizations on state-owned lands.

(3) The work group is comprised of a balanced representation of individuals with recreational interests and knowledge regarding specific regions of the state. The work group must consist of no more than twenty-eight members appointed by the commissioner of public lands in consultation with the following entities:

- (a) Recreational associations and organizations;
- (b) Environmental protection associations and organizations;
- (c) Corporate and community leaders;
- (d) Major landowners;
- (e) Local governments;
- (f) Tribal governments;
- (g) The United States forest service;
- (h) The parks and recreation commission;
- (i) The recreation and conservation office;
- (j) The department of fish and wildlife;
- (k) State trust land beneficiaries;
- (l) State land leaseholders and contractors;
- (m) A representative of the governor, appointed by the governor; and

(n) Members of the senate appointed by the president of the senate and members of the house of representatives appointed by the speaker of the house of representatives.

(4) The commissioner of public lands, or the commissioner's designee, shall serve as chair, and the department of natural resources shall provide technical and staff support for the work group created by this section.

(5) Work group members that are not employees of state or federal agencies shall be compensated as provided in RCW 43.03.250 and shall receive reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060. Costs associated with the work group must be paid by the department of natural resources from the appropriation made available to the department of natural resources for the purpose of this study.

(6) The work group shall conduct a minimum of two open public workshops to solicit input from key stakeholders, citizens, and local jurisdictions, at least one of which must be conducted in a location east of the crest of the Cascade mountain range.

(7) The work group shall hold meetings, at diverse locations throughout the state, to gather input from key stakeholders, citizens, and local jurisdictions regarding the group's proposed recommendations.

(8) The work group shall coordinate with the stakeholder recreational advisory committees appointed or established by the commissioner of public lands.

(9) The commissioner of public lands shall submit to the appropriate standing committees of the legislature, no later than December 1, 2008, a progress report with preliminary findings and recommendations. The commissioner of public lands must submit a final report by December 1, 2009, with findings and recommendations for legislation that is necessary to implement the work group's findings.

(a) The reports must include an assessment of how various kinds of recreation affect the costs and risks to:

- (i) The interests of beneficiaries of state lands;
- (ii) Private landowners, federal landowners, and state government due to increased wildfire risks;
- (iii) Local and state government due to personal injury and property damage;
- (iv) Natural habitat, water quality, and air quality; and
- (v) The land uses and management plans of adjacent landowners.

(b) The reports must include recommendations for appropriate fund sources to mitigate these identified risks."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 2472.

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

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

## MOTION

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

On page 1, line 4 of the title, after "resources;" strike the remainder of the title and insert "and creating new sections."

## MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2472 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Morton and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2472 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2472 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2472 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2431, by House Committee on Health Care & Wellness (originally sponsored by Representatives Morris, Hudgins, Santos and Chase)

Regarding cord blood banking.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2431.

## ROLL CALL

The Secretary called the roll on the final passage of

Substitute House Bill No. 2431 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Prentice - 1

SUBSTITUTE HOUSE BILL NO. 2431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2791, by Representatives Lantz, Rodne and Kelley

Concerning distressed property conveyances.

The measure was read the second time.

## MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Consumer Protection & Housing be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 61.34.020 and 1988 c 33 s 4 are each amended to read as follows:

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

(1) (~~"Pattern of equity skimming" means engaging in a least three acts of equity skimming within any three-year period, with at least one of the acts occurring after June 9, 1988.~~

~~(2) "Dwelling" means a single, duplex, triplex, or four-unit family residential building.~~

~~(3) "Person" includes any natural person, corporation, joint stock association, or unincorporated association.~~

~~(4)) An "act of equity skimming" occurs when:~~

(a)(i) A person purchases a dwelling with the representation that the purchaser will pay for the dwelling by assuming the obligation to make payments on existing mortgages, deeds of trust, or real estate contracts secured by and pertaining to the dwelling, or by representing that such obligation will be assumed; and

(ii) The person fails to make payments on such mortgages, deeds of trust, or real estate contracts as the payments become due, within two years subsequent to the purchase; and

(iii) The person diverts value from the dwelling by either (A) applying or authorizing the application of rents from the dwelling for the person's own benefit or use, or (B) obtaining anything of value from the sale or lease with option to purchase of the dwelling for the person's own benefit or use, or (C) removing or obtaining appliances, fixtures, furnishings, or parts of such dwellings or appurtenances for the person's own benefit or use without replacing the removed items with items of equal or greater value; or

(b)(i) The person purchases a dwelling in a transaction in which all or part of the purchase price is financed by the seller and is (A) secured by a lien which is inferior in priority or subordinated to a lien placed on the dwelling by the purchaser, or (B) secured by a lien on other real or personal property, or (C) without any security; and

(ii) The person obtains a superior priority loan which either (A) is secured by a lien on the dwelling which is superior in priority to the lien of the seller, but not including a bona fide assumption by the purchaser of a loan existing prior to the time of purchase, or (B) creating any lien or encumbrance on the

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

dwelling when the seller does not hold a lien on the dwelling; and

(iii) The person fails to make payments or defaults on the superior priority loan within two years subsequent to the purchase; and

(iv) The person diverts value from the dwelling by applying or authorizing any part of the proceeds from such superior priority loan for the person's own benefit or use.

(2) "Distressed home" means either:

(a) A dwelling that is in danger of foreclosure or at risk of loss due to nonpayment of taxes; or

(b) A dwelling that is in danger of foreclosure or that is in the process of being foreclosed due to a default under the terms of a mortgage.

(3) "Distressed home consultant" means a person who:

(a) Solicits or contacts a distressed homeowner in writing, in person, or through any electronic or telecommunications medium and makes a representation or offer to perform any service that the person represents will:

(i) Stop, enjoin, delay, void, set aside, annul, stay, or postpone a foreclosure sale;

(ii) Obtain forbearance from any servicer, beneficiary, or mortgagee;

(iii) Assist the distressed homeowner to exercise a right of reinstatement provided in the loan documents or to refinance a loan that is in foreclosure or is in danger of foreclosure;

(iv) Obtain an extension of the period within which the distressed homeowner may reinstate the distressed homeowner's obligation or extend the deadline to object to a ratification;

(v) Obtain a waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a distressed home or contained in the mortgage;

(vi) Assist the distressed homeowner to obtain a loan or advance of funds;

(vii) Save the distressed homeowner's residence from foreclosure;

(viii) Avoid or ameliorate the impairment of the distressed homeowner's credit resulting from the recording of a notice of trustee sale, the filing of a petition to foreclose, or the conduct of a foreclosure sale;

(ix) Purchase or obtain an option to purchase the distressed homeowner's residence within twenty days of an advertised or docketed foreclosure sale;

(x) Arrange for the distressed homeowner to become a lessee or tenant entitled to continue to reside in the distressed homeowner's residence;

(xi) Arrange for the distressed homeowner to have an option to repurchase the distressed homeowner's residence; or

(xii) Engage in any documentation, grant, conveyance, sale, lease, trust, or gift by which the distressed homeowner clogs the distressed homeowner's equity of redemption in the distressed homeowner's residence; or

(b) Systematically contacts owners of property that court records, newspaper advertisements, or any other source demonstrate are in foreclosure or are in danger of foreclosure.

"Distressed home consultant" does not mean a financial institution that the distressed homeowner is a customer of, a nonprofit credit counseling service, or a licensed attorney.

(4) "Distressed home consulting transaction" means an agreement between a distressed homeowner and a distressed home consultant in which the distressed home consultant represents or offers to perform any of the services enumerated in subsection (3)(a) of this section.

(5) "Distressed home conveyance" means a transaction in which:

(a) A distressed homeowner transfers an interest in the distressed home to a distressed home purchaser;

(b) The distressed home purchaser allows the distressed homeowner to occupy the distressed home; and

(c) The distressed home purchaser or a person acting in participation with the distressed home purchaser conveys or promises to convey the distressed home to the distressed homeowner, provides the distressed homeowner with an option to purchase the distressed home at a later date, or promises the

distressed homeowner an interest in, or portion of, the proceeds of any resale of the distressed home.

(6) "Distressed home purchaser" means any person who acquires an interest in a distressed home under a distressed home conveyance. "Distressed home purchaser" includes a person who acts in joint venture or joint enterprise with one or more distressed home purchasers in a distressed home conveyance. A financial institution is not a distressed home purchaser.

(7) "Distressed homeowner" means an owner of a distressed home.

(8) "Dwelling" means a single, duplex, triplex, or four-unit family residential building.

(9) "Financial institution" means any federally or state chartered bank or trust company, savings bank or savings and loan association, or credit union.

(10) "Homeowner" means a person who owns and occupies a dwelling as his or her primary residence, whether or not his or her ownership interest is encumbered by a mortgage, deed of trust, or other lien.

(11) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold, the property;

(b) The homeowner is at least thirty days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed home consulting transaction.

(12) "Mortgage" means a mortgage, mortgage deed, deed of trust, security agreement, or other instrument securing a mortgage loan and constituting a lien on or security interest in housing.

(13) "Nonprofit credit counseling service" means a nonprofit organization described under section 501(c)(3) of the internal revenue code, or similar successor provisions, that is licensed or certified by any federal, state, or local agency.

(14) "Pattern of equity skimming" means engaging in at least three acts of equity skimming within any three-year period, with at least one of the acts occurring after June 9, 1988.

(15) "Person" includes any natural person, corporation, joint stock association, or unincorporated association.

(16) "Resale" means a bona fide market sale of the distressed home subject to the distressed home conveyance by the distressed home purchaser to an unaffiliated third party.

(17) "Resale price" means the gross sale price of the distressed home on resale.

**NEW SECTION. Sec. 2** (1) A distressed home consulting transaction must:

(a) Be in writing in at least twelve-point font;

(b) Be in the same language as principally used by the distressed home consultant to describe his or her services to the distressed homeowner. If the agreement is written in a language other than English, the distressed home consultant shall cause the agreement to be translated into English and shall deliver copies of both the original and English language versions to the distressed homeowner at the time of execution and shall keep copies of both versions on file in accordance with subsection (2) of this section. Any ambiguities or inconsistencies between the English language and the original language versions of the

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

written agreement must be strictly construed in favor of the distressed homeowner;

(c) Fully disclose the exact nature of the distressed home consulting services to be provided, including any distressed home conveyance that may be involved and the total amount and terms of any compensation to be received by the distressed home consultant or anyone working in association with the distressed home consultant;

(d) Be dated and signed by the distressed homeowner and the distressed home consultant;

(e) Contain the complete legal name, address, telephone number, fax number, e-mail address, and internet address if any, of the distressed home consultant, and if the distressed home consultant is serving as an agent for any other person, the complete legal name, address, telephone number, fax number, e-mail address, and internet address if any, of the principal; and

(f) Contain the following notice, which must be initialed by the distressed homeowner, in bold face type and in at least fourteen-point font:

**"NOTICE REQUIRED BY WASHINGTON LAW  
THIS IS AN IMPORTANT LEGAL CONTRACT AND  
COULD RESULT IN THE LOSS OF YOUR HOME.**

. . . Name of distressed home consultant . . . or anyone working for him or her CANNOT guarantee you that he or she will be able to refinance your home or arrange for you to keep your home. Continue making mortgage payments until refinancing, if applicable, is approved. You should consult with an attorney before signing this contract.

If you sign a promissory note, lien, mortgage, deed of trust, or deed, you could lose your home and be unable to get it back."

(2) At the time of execution, the distressed home consultant shall provide the distressed homeowner with a copy of the written agreement, and the distressed home consultant shall keep a separate copy of the written agreement on file for at least five years following the completion or other termination of the agreement.

(3) This section does not relieve any duty or obligation imposed upon a distressed home consultant by any other law including, but not limited to, the duties of a credit service organization under chapter 19.134 RCW or a person required to be licensed under chapter 19.146 RCW.

**NEW SECTION. Sec. 3** A distressed home consultant has a fiduciary relationship with the distressed homeowner, and each distressed home consultant is subject to all requirements for fiduciaries otherwise applicable under state law. A distressed home consultant's fiduciary duties include, but are not limited to, the following:

(1) To act in the distressed homeowner's best interest and in utmost good faith toward the distressed homeowner, and not compromise a distressed homeowner's right or interest in favor of another's right or interest, including a right or interest of the distressed home consultant;

(2) To disclose to the distressed homeowner all material facts of which the distressed home consultant has knowledge that might reasonably affect the distressed homeowner's rights, interests, or ability to receive the distressed homeowner's intended benefit from the residential mortgage loan;

(3) To use reasonable care in performing his or her duties; and

(4) To provide an accounting to the distressed homeowner for all money and property received from the distressed homeowner.

**NEW SECTION. Sec. 4** (1) A person may not induce or attempt to induce a distressed homeowner to waive his or her rights under this chapter, except that a distressed homeowner may waive the five-business-day right to cancel as provided in section 7 of this act if the distressed home is subject to a foreclosure sale within the five business days and the distressed homeowner agrees to waive his or her right to cancel in a handwritten statement signed by all parties holding title to the distressed home.

(2) Any waiver by a homeowner of the provisions of this chapter is void and unenforceable as contrary to public policy.

**NEW SECTION. Sec. 5** A distressed home purchaser shall enter into a distressed home reconveyance in the form of a written contract. The contract must be written in at least twelve-point boldface type in the same language principally used by the distressed home purchaser and distressed homeowner to negotiate the sale of the distressed home, and must be fully completed, signed, and dated by the distressed homeowner and distressed home purchaser before the execution of any instrument of conveyance of the distressed home.

**NEW SECTION. Sec. 6** The contract required in section 5 of this act must contain the entire agreement of the parties and must include the following:

(1) The name, business address, and telephone number of the distressed home purchaser;

(2) The address of the distressed home;

(3) The total consideration to be provided by the distressed home purchaser in connection with or incident to the sale;

(4) A complete description of the terms of payment or other consideration including, but not limited to, any services of any nature that the distressed home purchaser represents that he or she will perform for the distressed homeowner before or after the sale;

(5) The time at which possession is to be transferred to the distressed home purchaser;

(6) A complete description of the terms of any related agreement designed to allow the distressed homeowner to remain in the home, such as a rental agreement, repurchase agreement, or lease with option to buy;

(7) A complete description of the interest, if any, the distressed homeowner maintains in the proceeds of, or consideration to be paid upon, the resale of the distressed home;

(8) A notice of cancellation as provided in section 8 of this act; and

(9) The following notice in at least fourteen-point boldface type if the contract is printed, or in capital letters if the contract is typed, and completed with the name of the distressed home purchaser, immediately above the statement required in section 8 of this act;

**"NOTICE REQUIRED BY WASHINGTON LAW  
Until your right to cancel this contract has ended, . . . . .  
(Name) or anyone working for . . . . . (Name) CANNOT ask  
you to sign or have you sign any deed or any other document."**

The contract required by this section survives delivery of any instrument of conveyance of the distressed home and has no effect on persons other than the parties to the contract.

**NEW SECTION. Sec. 7** (1) In addition to any other right of rescission, a distressed homeowner has the right to cancel any contract with a distressed home purchaser until midnight of the fifth business day following the day on which the distressed homeowner signs a contract that complies with this chapter or until 8:00 a.m. on the last day of the period during which the distressed homeowner has a right of redemption, whichever occurs first.

(2) Cancellation occurs when the distressed homeowner delivers to the distressed home purchaser, by any means, a written notice of cancellation to the address specified in the contract.

(3) A notice of cancellation provided by the distressed homeowner is not required to take the particular form as provided with the contract.

(4) Within ten days following the receipt of a notice of cancellation under this section, the distressed home purchaser shall return without condition any original contract and any other documents signed by the distressed homeowner.

**NEW SECTION. Sec. 8** (1) The contract required in section 5 of this act must contain, in immediate proximity to the space reserved for the distressed homeowner's signature, the following conspicuous statement in at least fourteen-point boldface type if the contract is printed, or in capital letters if the contract is typed:

"You may cancel this contract for the sale of your house without any penalty or obligation at any time before

.....  
(Date and time of day)

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

See the attached notice of cancellation form for an explanation of this right."

The distressed home purchaser shall accurately enter the date and time of day on which the cancellation right ends.

(2) The contract must be accompanied by a completed form in duplicate, captioned "NOTICE OF CANCELLATION" in twelve-point boldface type if the contract is printed, or in capital letters if the contract is typed, followed by a space in which the distressed home purchaser shall enter the date on which the distressed homeowner executes any contract. This form must be attached to the contract, must be easily detachable, and must contain in at least twelve-point type if the contract is printed, or in capital letters if the contract is typed, the following statement written in the same language as used in the contract:

"NOTICE OF CANCELLATION

.....  
(Enter date contract signed)  
You may cancel this contract for the sale of your house, without any penalty or obligation, at any time before  
.....  
(Enter date and time of day)  
To cancel this transaction, personally deliver a signed and dated copy of this cancellation notice to  
.....  
(Name of purchaser)  
at  
.....  
(Street address of purchaser's place of business)

NOT LATER THAN

.....  
(Enter date and time of day)  
I hereby cancel this transaction.  
.....  
(Date)  
.....  
(Seller's signature)"

(3) The distressed home purchaser shall provide the distressed homeowner with a copy of the contract and the attached notice of cancellation at the time the contract is executed by all parties.

(4) The five-business-day period during which the distressed homeowner may cancel the contract must not begin to run until all parties to the contract have executed the contract and the distressed home purchaser has complied with this section.

**NEW SECTION. Sec. 9** (1) Any provision in a contract that attempts or purports to require arbitration of any dispute arising under this chapter is void at the option of the distressed homeowner.

(2) This section applies to any contract entered into on or after the effective date of this act.

**NEW SECTION. Sec. 10** A distressed home purchaser shall not:

(1) Enter into, or attempt to enter into, a distressed home conveyance with a distressed homeowner unless the distressed home purchaser verifies and can demonstrate that the distressed homeowner has a reasonable ability to pay for the subsequent conveyance of an interest back to the distressed homeowner. In the case of a lease with an option to purchase, payment ability also includes the reasonable ability to make the lease payments and purchase the property within the term of the option to purchase. An evaluation of a distressed homeowner's reasonable ability to pay includes debt to income ratios, fair market value of the distressed home, and the distressed homeowner's payment and credit history. There is a rebuttable presumption that the distressed home purchaser has not verified a distressed homeowner's reasonable ability to pay if the distressed home purchaser has not obtained documentation of assets, liabilities, and income, other than an undocumented statement, of the distressed homeowner;

(2) Fail to either:  
(a) Ensure that title to the distressed home has been reconveyed to the distressed homeowner; or  
(b) Make payment to the distressed homeowner so that the distressed homeowner has received consideration in an amount

of at least eighty-two percent of the fair market value of the property as of the date of the eviction or voluntary relinquishment of possession of the distressed home by the distressed homeowner. For the purposes of this subsection (2)(b), the following applies:

(i) There is a rebuttable presumption that an appraisal by a person licensed or certified by an agency of the federal government or this state to appraise real estate constitutes the fair market value of the distressed home;

(ii) "Consideration" means any payment or thing of value provided to the distressed homeowner, including unpaid rent owed by the distressed homeowner before the date of eviction or voluntary relinquishment of the distressed home, reasonable costs paid to independent third parties necessary to complete the distressed home conveyance transaction, the payment of money to satisfy a debt or legal obligation of the distressed homeowner, or the reasonable cost of repairs for damage to the distressed home caused by the distressed homeowner. "Consideration" does not include amounts imputed as a down payment or fee to the distressed home purchaser or a person acting in participation with the distressed home purchaser;

(3) Enter into repurchase or lease terms as part of the distressed home conveyance that are unfair or commercially unreasonable, or engage in any other unfair or deceptive acts or practices;

(4) Represent, directly or indirectly, that (a) the distressed home purchaser is acting as an advisor or consultant, (b) the distressed home purchaser is acting on behalf of or in the interests of the distressed homeowner, or (c) the distressed home purchaser is assisting the distressed homeowner to save the distressed home, buy time, or use other substantially similar language;

(5) Misrepresent the distressed home purchaser's status as to licensure or certification;

(6) Perform any of the following until after the time during which the distressed homeowner may cancel the transaction has expired:

(a) Accept from any distressed homeowner an execution of, or induce any distressed homeowner to execute, any instrument of conveyance of any interest in the distressed home;

(b) Record with the county auditor any document, including any instrument of conveyance, signed by the distressed homeowner; or

(c) Transfer or encumber or purport to transfer or encumber any interest in the distressed home;

(7) Fail to reconvey title to the distressed home when the terms of the distressed home conveyance contract have been fulfilled;

(8) Enter into a distressed home conveyance where any party to the transaction is represented by a power of attorney;

(9) Fail to extinguish or assume all liens encumbering the distressed home immediately following the conveyance of the distressed home;

(10) Fail to close a distressed home conveyance in person before an independent third party who is authorized to conduct real estate closings within the state.

**Sec. 11** RCW 61.34.040 and 1988 c 33 s 3 are each amended to read as follows:

(1) In addition to the criminal penalties provided in RCW 61.34.030, the legislature finds ~~((and declares)) that ((equity skimming substantially affects)) the practices covered by this chapter are matters vitally affecting the public interest((. The commission by any person of an act of equity skimming or a pattern of equity skimming is an unfair or deceptive act or practice and unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020)) for the purpose of applying chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair method of competition for the purpose of applying chapter 19.86 RCW.~~

(2) In a private right of action under chapter 19.86 RCW for a violation of this chapter, the court may double or triple the award of damages pursuant to RCW 19.86.090, subject to the statutory limit. If, however, the court determines that the defendant acted in bad faith, the limit for doubling or tripling

FIFTY-THIRD DAY, MARCH 6, 2008

the award of damages may be increased, but shall not exceed one hundred thousand dollars. Any claim for damages brought under this chapter must be commenced within four years after the date of the alleged violation.

(3) The remedies provided in this chapter are cumulative and do not restrict any remedy that is otherwise available. The provisions of this chapter are not exclusive and are in addition to any other requirements, rights, remedies, and penalties provided by law. An action under this chapter shall not affect the rights in the distressed home held by a distressed home purchaser for value under this chapter or other applicable law.

**Sec. 12** RCW 59.18.030 and 1998 c 276 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Distressed home" has the same meaning as in RCW 61.34.020.

(2) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(3) "Distressed home purchaser" has the same meaning as in RCW 61.34.020.

(4) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single family residences and units of multiplexes, apartment buildings, and mobile homes.

((2)) (5) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least thirty days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed property conveyance.

(6) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the landlord.

((3)) (7) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(8) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

((4)) (9) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

((5)) (10) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

((6)) (11) "Rental agreement" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

2008 REGULAR SESSION

((7)) (12) A "single family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

((8)) (13) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

((9)) (14) "Reasonable attorney's fees", where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

((10)) (15) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

((11)) (16) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

**NEW SECTION. Sec. 13** A new section is added to chapter 59.18 RCW to read as follows:

In an unlawful detainer action involving a distressed home:

(1) The plaintiff shall disclose to the court whether the defendant previously held title to the distressed home, and explain how the plaintiff came to acquire title;

(2) A defendant who previously held title to the distressed home shall not be required to escrow any money pending trial when a material question of fact exists as to whether the plaintiff acquired title from the defendant directly or indirectly through a distressed home conveyance;

(3) There must be both an automatic stay of the action and a consolidation of the action with a pending or subsequent quiet title action when a defendant claims that the plaintiff acquired title to the distressed home through a distressed home conveyance.

**NEW SECTION. Sec. 14** Sections 2 through 10 of this act are each added to chapter 61.34 RCW."

On page 1, line 1 of the title, after "conveyances;" strike the remainder of the title and insert "amending RCW 61.34.020, 61.34.040, and 59.18.030; adding new sections to chapter 61.34 RCW; adding a new section to chapter 59.18 RCW; and prescribing penalties."

The President declared the question before the Senate to be the motion by Senator Weinstein to not adopt the committee striking amendment by the Committee on Consumer Protection & Housing to House Bill No. 2791.

The motion by Senator Weinstein carried and the committee striking amendment was not adopted by voice vote.

## MOTION

Senator Weinstein moved that the following striking amendment by Senator Weinstein be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 61.34.020 and 1988 c 33 s 4 are each amended to read as follows:

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

(1) ("Pattern of equity skimming" means engaging in a least three acts of equity skimming within any three-year period, with at least one of the acts occurring after June 9, 1988.

(2) "Dwelling" means a single, duplex, triplex, or four-unit family residential building.

(3) "Person" includes any natural person, corporation, joint stock association, or unincorporated association.

(4) An "act of equity skimming" occurs when:

(a)(i) A person purchases a dwelling with the representation that the purchaser will pay for the dwelling by assuming the

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

obligation to make payments on existing mortgages, deeds of trust, or real estate contracts secured by and pertaining to the dwelling, or by representing that such obligation will be assumed; and

(ii) The person fails to make payments on such mortgages, deeds of trust, or real estate contracts as the payments become due, within two years subsequent to the purchase; and

(iii) The person diverts value from the dwelling by either (A) applying or authorizing the application of rents from the dwelling for the person's own benefit or use, or (B) obtaining anything of value from the sale or lease with option to purchase of the dwelling for the person's own benefit or use, or (C) removing or obtaining appliances, fixtures, furnishings, or parts of such dwellings or appurtenances for the person's own benefit or use without replacing the removed items with items of equal or greater value; or

(b)(i) The person purchases a dwelling in a transaction in which all or part of the purchase price is financed by the seller and is (A) secured by a lien which is inferior in priority or subordinated to a lien placed on the dwelling by the purchaser, or (B) secured by a lien on other real or personal property, or (C) without any security; and

(ii) The person obtains a superior priority loan which either (A) is secured by a lien on the dwelling which is superior in priority to the lien of the seller, but not including a bona fide assumption by the purchaser of a loan existing prior to the time of purchase, or (B) creating any lien or encumbrance on the dwelling when the seller does not hold a lien on the dwelling; and

(iii) The person fails to make payments or defaults on the superior priority loan within two years subsequent to the purchase; and

(iv) The person diverts value from the dwelling by applying or authorizing any part of the proceeds from such superior priority loan for the person's own benefit or use.

(2) "Distressed home" means either:

(a) A dwelling that is in danger of foreclosure or at risk of loss due to nonpayment of taxes; or

(b) A dwelling that is in danger of foreclosure or that is in the process of being foreclosed due to a default under the terms of a mortgage.

(3) "Distressed home consultant" means a person who:

(a) Solicits or contacts a distressed homeowner in writing, in person, or through any electronic or telecommunications medium and makes a representation or offer to perform any service that the person represents will:

(i) Stop, enjoin, delay, void, set aside, annul, stay, or postpone a foreclosure sale;

(ii) Obtain forbearance from any servicer, beneficiary, or mortgagee;

(iii) Assist the distressed homeowner to exercise a right of reinstatement provided in the loan documents or to refinance a loan that is in foreclosure or is in danger of foreclosure;

(iv) Obtain an extension of the period within which the distressed homeowner may reinstate the distressed homeowner's obligation or extend the deadline to object to a ratification;

(v) Obtain a waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a distressed home or contained in the mortgage;

(vi) Assist the distressed homeowner to obtain a loan or advance of funds;

(vii) Save the distressed homeowner's residence from foreclosure;

(viii) Avoid or ameliorate the impairment of the distressed homeowner's credit resulting from the recording of a notice of trustee sale, the filing of a petition to foreclose, or the conduct of a foreclosure sale;

(ix) Purchase or obtain an option to purchase the distressed homeowner's residence within twenty days of an advertised or docketed foreclosure sale;

(x) Arrange for the distressed homeowner to become a lessee or tenant entitled to continue to reside in the distressed homeowner's residence;

(xi) Arrange for the distressed homeowner to have an option to repurchase the distressed homeowner's residence; or

(xii) Engage in any documentation, grant, conveyance, sale, lease, trust, or gift by which the distressed homeowner clogs the distressed homeowner's equity of redemption in the distressed homeowner's residence; or

(b) Systematically contacts owners of property that court records, newspaper advertisements, or any other source demonstrate are in foreclosure or are in danger of foreclosure.

"Distressed home consultant" does not mean a financial institution that the distressed homeowner is a customer of, a nonprofit credit counseling service, or a licensed attorney.

(4) "Distressed home consulting transaction" means an agreement between a distressed homeowner and a distressed home consultant in which the distressed home consultant represents or offers to perform any of the services enumerated in subsection (3)(a) of this section.

(5) "Distressed home conveyance" means a transaction in which:

(a) A distressed homeowner transfers an interest in the distressed home to a distressed home purchaser;

(b) The distressed home purchaser allows the distressed homeowner to occupy the distressed home; and

(c) The distressed home purchaser or a person acting in participation with the distressed home purchaser conveys or promises to convey the distressed home to the distressed homeowner, provides the distressed homeowner with an option to purchase the distressed home at a later date, or promises the distressed homeowner an interest in, or portion of, the proceeds of any resale of the distressed home.

(6) "Distressed home purchaser" means any person who acquires an interest in a distressed home under a distressed home conveyance. "Distressed home purchaser" includes a person who acts in joint venture or joint enterprise with one or more distressed home purchasers in a distressed home conveyance. A financial institution is not a distressed home purchaser.

(7) "Distressed homeowner" means an owner of a distressed home.

(8) "Dwelling" means a single, duplex, triplex, or four-unit family residential building.

(9) "Financial institution" means any federally or state chartered bank or trust company, savings bank or savings and loan association, or credit union.

(10) "Homeowner" means a person who owns and occupies a dwelling as his or her primary residence, whether or not his or her ownership interest is encumbered by a mortgage, deed of trust, or other lien.

(11) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold, the property;

(b) The homeowner is at least thirty days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed home consulting transaction.

(12) "Mortgage" means a mortgage, mortgage deed, deed of trust, security agreement, or other instrument securing a mortgage loan and constituting a lien on or security interest in housing.

(13) "Nonprofit credit counseling service" means a nonprofit organization described under section 501(c)(3) of the internal

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

revenue code, or similar successor provisions, that is licensed or certified by any federal, state, or local agency.

(14) "Pattern of equity skimming" means engaging in at least three acts of equity skimming within any three-year period, with at least one of the acts occurring after June 9, 1988.

(15) "Person" includes any natural person, corporation, joint stock association, or unincorporated association.

(16) "Resale" means a bona fide market sale of the distressed home subject to the distressed home conveyance by the distressed home purchaser to an unaffiliated third party.

(17) "Resale price" means the gross sale price of the distressed home on resale.

**NEW SECTION. Sec. 2** (1) A distressed home consulting transaction must:

(a) Be in writing in at least twelve-point font;

(b) Be in the same language as principally used by the distressed home consultant to describe his or her services to the distressed homeowner. If the agreement is written in a language other than English, the distressed home consultant shall cause the agreement to be translated into English and shall deliver copies of both the original and English language versions to the distressed homeowner at the time of execution and shall keep copies of both versions on file in accordance with subsection (2) of this section. Any ambiguities or inconsistencies between the English language and the original language versions of the written agreement must be strictly construed in favor of the distressed homeowner;

(c) Fully disclose the exact nature of the distressed home consulting services to be provided, including any distressed home conveyance that may be involved and the total amount and terms of any compensation to be received by the distressed home consultant or anyone working in association with the distressed home consultant;

(d) Be dated and signed by the distressed homeowner and the distressed home consultant;

(e) Contain the complete legal name, address, telephone number, fax number, e-mail address, and internet address if any, of the distressed home consultant, and if the distressed home consultant is serving as an agent for any other person, the complete legal name, address, telephone number, fax number, e-mail address, and internet address if any, of the principal; and

(f) Contain the following notice, which must be initiated by the distressed homeowner, in bold face type and in at least fourteen-point font:

**"NOTICE REQUIRED BY WASHINGTON LAW**

**THIS IS AN IMPORTANT LEGAL CONTRACT AND COULD RESULT IN THE LOSS OF YOUR HOME.**

. . . Name of distressed home consultant . . . or anyone working for him or her CANNOT guarantee you that he or she will be able to refinance your home or arrange for you to keep your home. Continue making mortgage payments until refinancing, if applicable, is approved. You should consult with an attorney before signing this contract.

If you sign a promissory note, lien, mortgage, deed of trust, or deed, you could lose your home and be unable to get it back."

(2) At the time of execution, the distressed home consultant shall provide the distressed homeowner with a copy of the written agreement, and the distressed home consultant shall keep a separate copy of the written agreement on file for at least five years following the completion or other termination of the agreement.

(3) This section does not relieve any duty or obligation imposed upon a distressed home consultant by any other law including, but not limited to, the duties of a credit service organization under chapter 19.134 RCW or a person required to be licensed under chapter 19.146 RCW.

**NEW SECTION. Sec. 3** A distressed home consultant has a fiduciary relationship with the distressed homeowner, and each distressed home consultant is subject to all requirements for fiduciaries otherwise applicable under state law. A distressed home consultant's fiduciary duties include, but are not limited to, the following:

(1) To act in the distressed homeowner's best interest and in utmost good faith toward the distressed homeowner, and not

compromise a distressed homeowner's right or interest in favor of another's right or interest, including a right or interest of the distressed home consultant;

(2) To disclose to the distressed homeowner all material facts of which the distressed home consultant has knowledge that might reasonably affect the distressed homeowner's rights, interests, or ability to receive the distressed homeowner's intended benefit from the residential mortgage loan;

(3) To use reasonable care in performing his or her duties; and

(4) To provide an accounting to the distressed homeowner for all money and property received from the distressed homeowner.

**NEW SECTION. Sec. 4** (1) A person may not induce or attempt to induce a distressed homeowner to waive his or her rights under this chapter.

(2) Any waiver by a homeowner of the provisions of this chapter is void and unenforceable as contrary to public policy.

**NEW SECTION. Sec. 5** A distressed home purchaser shall enter into a distressed home reconveyance in the form of a written contract. The contract must be written in at least twelve-point boldface type in the same language principally used by the distressed home purchaser and distressed homeowner to negotiate the sale of the distressed home, and must be fully completed, signed, and dated by the distressed homeowner and distressed home purchaser before the execution of any instrument of conveyance of the distressed home.

**NEW SECTION. Sec. 6** The contract required in section 5 of this act must contain the entire agreement of the parties and must include the following:

(1) The name, business address, and telephone number of the distressed home purchaser;

(2) The address of the distressed home;

(3) The total consideration to be provided by the distressed home purchaser in connection with or incident to the sale;

(4) A complete description of the terms of payment or other consideration including, but not limited to, any services of any nature that the distressed home purchaser represents that he or she will perform for the distressed homeowner before or after the sale;

(5) The time at which possession is to be transferred to the distressed home purchaser;

(6) A complete description of the terms of any related agreement designed to allow the distressed homeowner to remain in the home, such as a rental agreement, repurchase agreement, or lease with option to buy;

(7) A complete description of the interest, if any, the distressed homeowner maintains in the proceeds of, or consideration to be paid upon, the resale of the distressed home;

(8) A notice of cancellation as provided in section 8 of this act; and

(9) The following notice in at least fourteen-point boldface type if the contract is printed, or in capital letters if the contract is typed, and completed with the name of the distressed home purchaser, immediately above the statement required in section 8 of this act;

**"NOTICE REQUIRED BY WASHINGTON LAW**

**Until your right to cancel this contract has ended, . . . . . (Name) or anyone working for . . . . . (Name) CANNOT ask you to sign or have you sign any deed or any other document."**

The contract required by this section survives delivery of any instrument of conveyance of the distressed home and has no effect on persons other than the parties to the contract.

**NEW SECTION. Sec. 7** (1) In addition to any other right of rescission, a distressed homeowner has the right to cancel any contract with a distressed home purchaser until midnight of the fifth business day following the day on which the distressed homeowner signs a contract that complies with this chapter or until 8:00 a.m. on the last day of the period during which the distressed homeowner has a right of redemption, whichever occurs first.

(2) Cancellation occurs when the distressed homeowner delivers to the distressed home purchaser, by any means, a

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

written notice of cancellation to the address specified in the contract.

(3) A notice of cancellation provided by the distressed homeowner is not required to take the particular form as provided with the contract.

(4) Within ten days following the receipt of a notice of cancellation under this section, the distressed home purchaser shall return without condition any original contract and any other documents signed by the distressed homeowner.

NEW SECTION. Sec. 8 (1) The contract required in section 5 of this act must contain, in immediate proximity to the space reserved for the distressed homeowner's signature, the following conspicuous statement in at least fourteen-point boldface type if the contract is printed, or in capital letters if the contract is typed:

"You may cancel this contract for the sale of your house without any penalty or obligation at any time before

.....  
(Date and time of day)

See the attached notice of cancellation form for an explanation of this right."

The distressed home purchaser shall accurately enter the date and time of day on which the cancellation right ends.

(2) The contract must be accompanied by a completed form in duplicate, captioned "NOTICE OF CANCELLATION" in twelve-point boldface type if the contract is printed, or in capital letters if the contract is typed, followed by a space in which the distressed home purchaser shall enter the date on which the distressed homeowner executes any contract. This form must be attached to the contract, must be easily detachable, and must contain in at least twelve-point type if the contract is printed, or in capital letters if the contract is typed, the following statement written in the same language as used in the contract:

"NOTICE OF CANCELLATION

.....  
(Enter date contract signed)

You may cancel this contract for the sale of your house, without any penalty or obligation, at any time before

.....  
(Enter date and time of day)

To cancel this transaction, personally deliver a signed and dated copy of this cancellation notice to

.....  
(Name of purchaser)

at

.....  
(Street address of purchaser's place of business)

NOT LATER THAN

.....  
(Enter date and time of day)

I hereby cancel this transaction.

.....  
(Date)

.....  
(Seller's signature)"

(3) The distressed home purchaser shall provide the distressed homeowner with a copy of the contract and the attached notice of cancellation at the time the contract is executed by all parties.

(4) The five-business-day period during which the distressed homeowner may cancel the contract must not begin to run until all parties to the contract have executed the contract and the distressed home purchaser has complied with this section.

NEW SECTION. Sec. 9 (1) Any provision in a contract that attempts or purports to require arbitration of any dispute arising under this chapter is void at the option of the distressed homeowner.

(2) This section applies to any contract entered into on or after the effective date of this act.

NEW SECTION. Sec. 10 A distressed home purchaser shall not:

(1) Enter into, or attempt to enter into, a distressed home conveyance with a distressed homeowner unless the distressed home purchaser verifies and can demonstrate that the distressed

homeowner has a reasonable ability to pay for the subsequent conveyance of an interest back to the distressed homeowner. In the case of a lease with an option to purchase, payment ability also includes the reasonable ability to make the lease payments and purchase the property within the term of the option to purchase. An evaluation of a distressed homeowner's reasonable ability to pay includes debt to income ratios, fair market value of the distressed home, and the distressed homeowner's payment and credit history. There is a rebuttable presumption that the distressed home purchaser has not verified a distressed homeowner's reasonable ability to pay if the distressed home purchaser has not obtained documentation of assets, liabilities, and income, other than an undocumented statement, of the distressed homeowner;

(2) Fail to either:

(a) Ensure that title to the distressed home has been reconveyed to the distressed homeowner; or

(b) Make payment to the distressed homeowner so that the distressed homeowner has received consideration in an amount of at least eighty-two percent of the fair market value of the property as of the date of the eviction or voluntary relinquishment of possession of the distressed home by the distressed homeowner. For the purposes of this subsection (2)(b), the following applies:

(i) There is a rebuttable presumption that an appraisal by a person licensed or certified by an agency of the federal government or this state to appraise real estate constitutes the fair market value of the distressed home;

(ii) "Consideration" means any payment or thing of value provided to the distressed homeowner, including unpaid rent owed by the distressed homeowner before the date of eviction or voluntary relinquishment of the distressed home, reasonable costs paid to independent third parties necessary to complete the distressed home conveyance transaction, the payment of money to satisfy a debt or legal obligation of the distressed homeowner, or the reasonable cost of repairs for damage to the distressed home caused by the distressed homeowner. "Consideration" does not include amounts imputed as a down payment or fee to the distressed home purchaser or a person acting in participation with the distressed home purchaser;

(3) Enter into repurchase or lease terms as part of the distressed home conveyance that are unfair or commercially unreasonable, or engage in any other unfair or deceptive acts or practices;

(4) Represent, directly or indirectly, that (a) the distressed home purchaser is acting as an advisor or consultant, (b) the distressed home purchaser is acting on behalf of or in the interests of the distressed homeowner, or (c) the distressed home purchaser is assisting the distressed homeowner to save the distressed home, buy time, or use other substantially similar language;

(5) Misrepresent the distressed home purchaser's status as to licensure or certification;

(6) Perform any of the following until after the time during which the distressed homeowner may cancel the transaction has expired:

(a) Accept from any distressed homeowner an execution of, or induce any distressed homeowner to execute, any instrument of conveyance of any interest in the distressed home;

(b) Record with the county auditor any document, including any instrument of conveyance, signed by the distressed homeowner; or

(c) Transfer or encumber or purport to transfer or encumber any interest in the distressed home;

(7) Fail to reconvey title to the distressed home when the terms of the distressed home conveyance contract have been fulfilled;

(8) Enter into a distressed home conveyance where any party to the transaction is represented by a power of attorney;

(9) Fail to extinguish or assume all liens encumbering the distressed home immediately following the conveyance of the distressed home;

(10) Fail to close a distressed home conveyance in person before an independent third party who is authorized to conduct real estate closings within the state.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

**Sec. 11** RCW 61.34.040 and 1988 c 33 s 3 are each amended to read as follows:

(1) In addition to the criminal penalties provided in RCW 61.34.030, the legislature finds ~~(and declares)~~ that ~~(equity skimming substantially affects)~~ the practices covered by this chapter are matters vitally affecting the public interest~~((-- The commission by any person of an act of equity skimming or a pattern of equity skimming is an unfair or deceptive act or practice and unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020))~~ for the purpose of applying chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair method of competition for the purpose of applying chapter 19.86 RCW.

(2) In a private right of action under chapter 19.86 RCW for a violation of this chapter, the court may double or triple the award of damages pursuant to RCW 19.86.090, subject to the statutory limit. If, however, the court determines that the defendant acted in bad faith, the limit for doubling or tripling the award of damages may be increased, but shall not exceed one hundred thousand dollars. Any claim for damages brought under this chapter must be commenced within four years after the date of the alleged violation.

(3) The remedies provided in this chapter are cumulative and do not restrict any remedy that is otherwise available. The provisions of this chapter are not exclusive and are in addition to any other requirements, rights, remedies, and penalties provided by law. An action under this chapter shall not affect the rights in the distressed home held by a distressed home purchaser for value under this chapter or other applicable law.

**Sec. 12** RCW 59.18.030 and 1998 c 276 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Distressed home" has the same meaning as in RCW 61.34.020.

(2) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(3) "Distressed home purchaser" has the same meaning as in RCW 61.34.020.

(4) " Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single family residences and units of multiplexes, apartment buildings, and mobile homes.

~~((2))~~ (5) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least thirty days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed property conveyance.

(6) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the landlord.

~~((3))~~ (7) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(8) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

~~((4))~~ (9) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

~~((5))~~ (10) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

~~((6))~~ (11) "Rental agreement" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

~~((7))~~ (12) A "single family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

~~((8))~~ (13) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

~~((9))~~ (14) "Reasonable attorney's fees", where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

~~((10))~~ (15) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

~~((11))~~ (16) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

**NEW SECTION. Sec. 13** A new section is added to chapter 59.18 RCW to read as follows:

In an unlawful detainer action involving property that was a distressed home:

(1) The plaintiff shall disclose to the court whether the defendant previously held title to the property that was a distressed home, and explain how the plaintiff came to acquire title;

(2) A defendant who previously held title to the property that was a distressed home shall not be required to escrow any money pending trial when a material question of fact exists as to whether the plaintiff acquired title from the defendant directly or indirectly through a distressed home conveyance;

(3) There must be both an automatic stay of the action and a consolidation of the action with a pending or subsequent quiet title action when a defendant claims that the plaintiff acquired title to the property through a distressed home conveyance.

**NEW SECTION. Sec. 14** Sections 2 through 10 of this act are each added to chapter 61.34 RCW."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Weinstein to House Bill No. 2791.

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

#### MOTION

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

On page 1, line 1 of the title, after "conveyances;" strike the remainder of the title and insert "amending RCW 61.34.020, 61.34.040, and 59.18.030; adding new sections to chapter 61.34

FIFTY-THIRD DAY, MARCH 6, 2008

RCW; adding a new section to chapter 59.18 RCW; and prescribing penalties."

MOTION

On motion of Senator Weinstein, the rules were suspended, House Bill No. 2791 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

MOTION

On motion of Senator Hobbs, Senators McAuliffe and Tom were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2791 as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2791 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McDermott, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 39

Voting nay: Senators Carrell, Holmquist, Honeyford, McCaslin, Morton and Stevens - 6

Absent: Senator Hargrove - 1

Excused: Senators McAuliffe, Prentice and Tom - 3

HOUSE BILL NO. 2791 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2475, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Morrell and Green)

Regarding the scope of practice of health care assistants.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2475.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2475 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

2008 REGULAR SESSION

Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators McAuliffe and Prentice - 2

SUBSTITUTE HOUSE BILL NO. 2475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3122, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Green, Hunt, Kenney, Roberts, Haler, Morrell, Ericks, Hankins, Eddy, Wood, Sells, Chase, Ormsby, Hasegawa, Appleton, Williams, Moeller, Simpson, Sullivan and McIntire)

Consolidating, aligning, and clarifying exception tests for determination of independent contractor status under unemployment compensation and workers' compensation laws.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 3122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3122.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3122 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 33

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens, Swecker and Zarelli - 16

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3011, by Representatives Loomis, Rodne and Kelley

Safeguarding securities owned by insurers.

The measure was read the second time.

MOTION

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

On motion of Senator Berkey, the rules were suspended, House Bill No. 3011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3011.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3011 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 3011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2533, by House Committee on Appropriations (originally sponsored by Representatives McCoy, Chase and Quall)

Concerning attachments to utility poles of locally regulated utilities.

The measure was read the second time.

#### MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** It is the policy of the state to encourage the joint use of utility poles, to promote competition for the provision of telecommunications and information services, and to recognize the value of the infrastructure of locally regulated utilities. To achieve these objectives, the legislature intends to establish a consistent cost-based formula for calculating pole attachment rates, which will ensure greater predictability and consistency in pole attachment rates statewide, as well as ensure that locally regulated utility customers do not subsidize licensees. The legislature further intends to continue working through issues related to pole attachments with interested parties in an open and collaborative process in order to minimize the potential for disputes going forward.

**Sec. 2** RCW 54.04.045 and 1996 c 32 s 5 are each amended to read as follows:

(1) As used in this section:

(a) "Attachment" means the affixation or installation of any wire, cable, or other physical material capable of carrying electronic impulses or light waves for the carrying of intelligence for telecommunications or television, including, but not limited to cable, and any related device, apparatus, or auxiliary equipment upon any pole owned or controlled in whole or in part by one or more locally regulated utilities where the installation has been made with the necessary consent.

(b) "Licensee" means any person, firm, corporation, partnership, company, association, joint stock association, or cooperatively organized association, which is authorized to construct attachments upon, along, under, or across public ways.

(c) "Locally regulated utility" means a public utility district not subject to rate or service regulation by the utilities and transportation commission.

~~((c))~~ (d) "Nondiscriminatory" means that pole owners may not arbitrarily differentiate among or between similar classes of ~~((persons))~~ licensees approved for attachments.

(2) All rates, terms, and conditions made, demanded, or received by a locally regulated utility for attachments to its poles must be just, reasonable, nondiscriminatory, and sufficient. A locally regulated utility shall levy attachment space rental rates that are uniform for the same class of service within the locally regulated utility service area.

(3) A just and reasonable rate must be calculated as follows:

(a) One component of the rate shall consist of the additional costs of procuring and maintaining pole attachments, but may not exceed the actual capital and operating expenses of the locally regulated utility attributable to that portion of the pole, duct, or conduit used for the pole attachment, including a share of the required support and clearance space, in proportion to the space used for the pole attachment, as compared to all other uses made of the subject facilities and uses that remain available to the owner or owners of the subject facilities;

(b) The other component of the rate shall consist of the additional costs of procuring and maintaining pole attachments, but may not exceed the actual capital and operating expenses of the locally regulated utility attributable to the share, expressed in feet, of the required support and clearance space, divided equally among the locally regulated utility and all attaching licensees, in addition to the space used for the pole attachment, which sum is divided by the height of the pole; and

(c) The just and reasonable rate shall be computed by adding one-half of the rate component resulting from (a) of this subsection to one-half of the rate component resulting from (b) of this subsection.

(4) For the purpose of establishing a rate under subsection (3)(a) of this section, the locally regulated utility may establish a rate according to the calculation set forth in subsection (3)(a) of this section or it may establish a rate according to the cable formula set forth by the federal communications commission by rule as it existed on the effective date of this section, or such subsequent date as may be provided by the federal communications commission by rule, consistent with the purposes of this section.

(5) Except in extraordinary circumstances, a locally regulated utility must respond to a licensee's application to enter into a new pole attachment contract or renew an existing pole attachment contract within forty-five days of receipt, stating either:

(a) The application is complete; or

(b) The application is incomplete, including a statement of what information is needed to make the application complete.

(6) Within sixty days of an application being deemed complete, the locally regulated utility shall notify the applicant as to whether the application has been accepted for licensing or rejected. In extraordinary circumstances, and with the approval of the applicant, the locally regulated utility may extend the sixty-day timeline under this subsection. If the application is rejected, the locally regulated utility must provide reasons for the rejection. A request to attach may only be denied on a nondiscriminatory basis (a) where there is insufficient capacity; or (b) for reasons of safety, reliability, or the inability to meet generally applicable engineering standards and practices.

(7) Nothing in this section shall be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications to Engrossed Second Substitute House Bill No. 2533.

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

MOTION

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

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

On page 1, line 2 of the title, after "utilities;" strike the remainder of the title and insert "amending RCW 54.04.045; and creating a new section."

#### MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute House Bill No. 2533 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Rasmussen: "Would Senator Rockefeller yield to a question? Is there anything in this legislation that would in anyway regulate or influence the rates or conditions that rural electric cooperatives mutual electric companies or municipality own utilities set or require for attachments to their poles?"

Senator Rockefeller: "Thank you for asking that question Senator Rasmussen. The answer is no. This legislation only amends statutes that apply to public utility districts; rural electric cooperatives, mutual electric companies and municipally owned utilities are governed by different statutes entirely. Nothing in this legislation will affect in any way the rates or conditions that such cooperatives set for attachments to their poles."

Senator Oemig spoke against passage of the bill.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2533 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2533 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Voting nay: Senators Oemig, Pridemore and Tom - 3

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2533 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1391, by Representatives Eddy, Ross, Curtis, Jarrett, Morrell and B. Sullivan

Clarifying that councilmembers are eligible to be appointed to the office of mayor.

The measure was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1391.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1391 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 1391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2661, by House Committee on Commerce & Labor (originally sponsored by Representatives Green and Morrell)

Providing for self-service storage facility late fees to be reasonable and stated in the rental contract. Revised for 1st Substitute: Allowing for reasonable self-storage facility late fees.

The measure was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2661.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2661 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

## MOTION

On motion of Senator Weinstein, Senator McAuliffe was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2582, by House Committee on Higher Education (originally sponsored by Representatives Roberts, Hasegawa, Ormsby, Jarrett, Sells, Williams, Appleton, McIntire, Goodman, Green and Quall)

Regarding child care at institutions of higher education.

The measure was read the second time.

## MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** It is the intent of the legislature to improve access to higher education for all residents and ensure that students have the necessary resources and support services to attain their educational goals while keeping families strong. For many students, the lack of affordable, accessible, quality child care on or in close proximity to colleges and universities is a barrier to completion of their higher education goals. Further, it is the intent of the legislature to adopt policies that, to the extent possible, leverage existing resources and maximize educational outcomes by supporting affordable, accessible, and quality child care programs.

**Sec. 2** RCW 28B.135.010 and 1999 c 375 s 1 are each amended to read as follows:

Two Washington accounts for student child care in higher education are established. The higher education coordinating board shall administer the program for the four-year institutions of higher education and the state board for community and technical colleges shall administer the program for the two-year institutions of higher education. Through these programs the boards ~~(may)~~ shall award ~~(on a competitive basis)~~ either competitive or matching child care grants to state institutions of higher education to encourage programs to address the need for high quality, accessible, and affordable child care for students at higher education institutions. The grants shall be used exclusively for the provision of quality child care services for students at institutions of higher education. The university or college administration and student government association, or its equivalent, of each institution receiving the award ~~(shall)~~ may contribute financial support in an amount equal to or greater than the child care grant received by the institution.

**Sec. 3** RCW 28B.135.030 and 2005 c 490 s 8 are each amended to read as follows:

The higher education coordinating board ~~(shall administer the program for four-year institutions of higher education. The state board for community and technical colleges shall administer the program for community and technical colleges. The higher education coordinating board and the state board for community and technical colleges)~~ shall have the following powers and duties in administering ~~(each)~~ the program for the four-year institutions of higher education:

(1) To adopt rules necessary to carry out the program;

(2) To establish one or more review committees to assist in the evaluation of proposals for funding. ~~The review committees (shall include but not be limited to individuals from the Washington association for the education of young children and the child care resource and referral network)~~ may receive input from parents, educators, and other experts in the field of early childhood education for this purpose;

(3) To establish each biennium specific guidelines for submitting grant proposals consistent with the overall goals of the program. ~~(During the 1999-2001 biennium)~~ The guidelines

shall be consistent with the following desired outcomes of increasing access to quality child care for students, ~~((addressing the demand for infant and toddler care;))~~ providing affordable child care alternatives ~~((; creating more cooperative preschool programs, creating models that can be replicated at other institutions))~~ for students, creating a partnership between university or college administrations, university or college foundations, and student government associations, or ~~((its))~~ their equivalents ~~((and increasing efficiency and innovation at campus child care centers;))~~;

(4) To ~~((establish guidelines for an allocation system based on factors that include but are not limited to:))~~ proportionally distribute the amount of money available in the trust fund ~~((; characteristics of the institutions including the size of the faculty and student body; and the number of child care grants received))~~ based on the financial support for child care received by the student government associations or their equivalents. Student government associations may solicit funds from private organizations and targeted fund-raising campaigns as part of their financial support for child care;

(5) To solicit grant proposals and provide information to the institutions of higher education about the program; ~~((and))~~

(6) To establish reporting, evaluation, accountability, monitoring, and dissemination requirements for the recipients of the grants; and

(7) To report to the appropriate committees of the legislature by December 15, 2008, and every two years thereafter, on the status of program design and implementation at the four-year institutions of higher education. The report shall include but not be limited to summary information on the institutions receiving child care grant allocations, the amount contributed by each university or college administration and student government association for the purposes of child care including expenditures and reports for the previous biennium, services provided by each institutional child care center, the number of students using such services, and identifiable unmet need.

**NEW SECTION. Sec. 4** A new section is added to chapter 28B.135 RCW to read as follows:

The state board for community and technical colleges shall have the following powers and duties in administering the program established in RCW 28B.135.010 for the two-year institutions of higher education:

(1) To adopt rules necessary to carry out the program;

(2) To establish, if deemed necessary, one or more review committees to assist in the evaluation of proposals for funding. The review committees may receive input from parents, educators, and other experts in the field of early childhood education for this purpose;

(3) To establish each biennium specific guidelines for submitting grant proposals consistent with the overall goals of the program. The guidelines shall be consistent with the following desired outcomes of increasing access to quality child care for students, providing affordable child care alternatives for students, creating more cooperative preschool programs or other alternative parent education models, creating models that can be replicated at other institutions, creating a partnership between college administrations, college foundations, and student government associations, or their equivalents, and increasing innovation at campus child care centers;

(4) To establish guidelines for an allocation system based on factors that include but are not limited to: The amount of money available in the trust fund and the financial support for child care received by the student government associations or their equivalents. Student government associations may solicit funds from private organizations and targeted fund-raising campaigns as part of their financial support for child care;

(5) To solicit grant proposals and provide information to the institutions of higher education about the program;

(6) To establish reporting, evaluation, accountability, monitoring, and dissemination requirements for the recipients of the grants; and

(7) To report to the appropriate committees of the legislature by December 15, 2008, and every two years thereafter, on the status of program design and implementation within the community and technical college system. The report shall

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

include but not be limited to summary information on the institutions receiving child grant allocations, the amount contributed by each college administration and student government association for the purposes of child care, including expenditures and reports for the previous biennium, services provided by each institutional child care center, the number of students using such services, and identifiable unmet need."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education to Substitute House Bill No. 2582.

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

#### MOTION

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

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.135.010 and 28B.135.030; adding a new section to chapter 28B.135 RCW; and creating a new section."

#### MOTION

On motion of Senator Shin, the rules were suspended, Substitute House Bill No. 2582 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2582 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2582 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 47

Absent: Senator Weinstein - 1

Excused: Senator McAuliffe - 1

SUBSTITUTE HOUSE BILL NO. 2582 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2719, by Representatives Priest, Hurst, Loomis and VanDeWege

Ensuring that offenders receive accurate sentences.

The measure was read the second time.

#### MOTION

Senator Kline moved that the following committee amendment by the Committee on Judiciary be adopted.

On page 2, beginning on line 7, strike all of section 2

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

Senator Kline spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Judiciary to House Bill No. 2719.

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

#### MOTION

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

On page 1, line 2 of the title, after "sentences;" strike the remainder of the title and insert "amending RCW 9.94A.500 and 9.94A.530; reenacting and amending RCW 9.94A.525; and creating new sections."

#### MOTION

Senator Kline moved that the following committee amendment by the Committee on Judiciary be adopted.

On page 8, line 33, after "community" strike "placement" and insert "(placement) custody"

On page 8, line 33, after "point." insert "For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.-- RCW (the new chapter created in section 57 of this act)."

On page 10, line 14, after "of" strike "this section" and insert "sections 1 through 5 of this act"

On page 10, after line 14, insert the following:

**"NEW SECTION. Sec. 7** The existing sentencing reform act contains numerous provisions for supervision of different types of offenders. This duplication has caused great confusion for judges, lawyers, offenders, and the department of corrections, and often results in inaccurate sentences. The clarifications in this act are intended to support continued discussions by the sentencing guidelines commission with the courts and the criminal justice community to identify and propose policy changes that will further simplify and improve the sentencing reform act relating to the supervision of offenders. The sentencing guidelines commission shall submit policy change proposals to the legislature on or before December 1, 2008.

Sections 8 through 59 of this act are intended to simplify the supervision provisions of the sentencing reform act and increase the uniformity of its application. These sections are not intended to either increase or decrease the authority of sentencing courts or the department relating to supervision, except for those provisions instructing the court to apply the provisions of the current community custody law to offenders sentenced after July 1, 2009, but who committed their crime prior to the effective date of this section to the extent that such application is constitutionally permissible.

This will effect a change for offenders who committed their crimes prior to the offender accountability act, chapter 196, Laws of 1999. These offenders will be ordered to a term of community custody rather than community placement or community supervision. To the extent constitutionally permissible, the terms of the offender's supervision will be as provided in current law. With the exception of this change, the legislature does not intend to make, and no provision of sections 8 through 59 of this act may be construed as making, a substantive change to the supervision provisions of the sentencing reform act.

It is the intent of the legislature to reaffirm that section 3, chapter 379, Laws of 2003, expires July 1, 2010.

**NEW SECTION. Sec. 8** A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall impose a term of community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer:

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

- (a) A sex offense not sentenced under RCW 9.94A.712;
- (b) A violent offense;
- (c) A crime against persons under RCW 9.94A.411(2);
- (d) A felony offender under chapter 69.50 or 69.52 RCW.

(2) If an offender is sentenced to a term of confinement of one year or less for a violation of RCW 9A.44.130(1)(a), the court shall impose a term of community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer.

(3) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.660.

(4) If an offender is sentenced under the special sexual offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

(5) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.

(6) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.712, the court shall impose community custody as provided in that section.

**NEW SECTION. Sec. 9** A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender is sentenced to a term of confinement for one year or less for one of the following offenses, the court may impose up to one year of community custody:

- (a) A sex offense, other than failure to register under RCW 9A.44.130(1);
- (b) A violent offense;
- (c) A crime against a person under RCW 9.94A.411; or
- (d) A felony violation of chapter 69.50 or 69.52 RCW, or an attempt, conspiracy, or solicitation to commit such a crime.

(2) If an offender is sentenced to a first-time offender waiver, the court may impose community custody as provided in RCW 9.94A.650.

**NEW SECTION. Sec. 10** A new section is added to chapter 9.94A RCW to read as follows:

When a court sentences a person to a term of community custody, the court shall impose conditions of community custody as provided in this section.

(1) **Mandatory conditions.** As part of any term of community custody, the court shall:

- (a) Require the offender to inform the department of court-ordered treatment upon request by the department;
- (b) Require the offender to comply with any conditions imposed by the department under section 11 of this act;
- (c) If the offender was sentenced under RCW 9.94A.712 for an offense listed in RCW 9.94A.712(1)(a), and the victim of the offense was under eighteen years of age at the time of the offense, prohibit the offender from residing in a community protection zone.

(2) **Waivable conditions.** Unless waived by the court, as part of any term of community custody, the court shall order an offender to:

- (a) Report to and be available for contact with the assigned community corrections officer as directed;
- (b) Work at department-approved education, employment, or community restitution, or any combination thereof;
- (c) Refrain from possessing or consuming controlled substances except pursuant to lawfully issued prescriptions;
- (d) Pay supervision fees as determined by the department; and
- (e) Obtain prior approval of the department for the offender's residence location and living arrangements.

(3) **Discretionary conditions.** As part of any term of community custody, the court may order an offender to:

- (a) Remain within, or outside of, a specified geographical boundary;
- (b) Refrain from direct or indirect contact with the victim of the crime or a specified class of individuals;
- (c) Participate in crime-related treatment or counseling services;
- (d) Participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the

circumstances of the offense, the offender's risk of reoffending, or the safety of the community;

- (e) Refrain from consuming alcohol; or
- (f) Comply with any crime-related prohibitions.

(4) **Special conditions.**

(a) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

(b)(i) In sentencing an offender convicted of an alcohol or drug related traffic offense, the court shall require the offender to complete a diagnostic evaluation by an alcohol or drug dependency agency approved by the department of social and health services or a qualified probation department, defined under RCW 46.61.516, that has been approved by the department of social and health services. If the offense was pursuant to chapter 46.61 RCW, the report shall be forwarded to the department of licensing. If the offender is found to have an alcohol or drug problem that requires treatment, the offender shall complete treatment in a program approved by the department of social and health services under chapter 70.96A RCW. If the offender is found not to have an alcohol or drug problem that requires treatment, the offender shall complete a course in an information school approved by the department of social and health services under chapter 70.96A RCW. The offender shall pay all costs for any evaluation, education, or treatment required by this section, unless the offender is eligible for an existing program offered or approved by the department of social and health services.

(ii) For purposes of this section, "alcohol or drug related traffic offense" means the following: Driving while under the influence as defined by RCW 46.61.502, actual physical control while under the influence as defined by RCW 46.61.504, vehicular homicide as defined by RCW 46.61.520(1)(a), vehicular assault as defined by RCW 46.61.522(1)(b), homicide by watercraft as defined by RCW 79A.60.050, or assault by watercraft as defined by RCW 79A.60.060.

(iii) This subsection (4)(b) does not require the department of social and health services to add new treatment or assessment facilities nor affect its use of existing programs and facilities authorized by law.

**NEW SECTION. Sec. 11** A new section is added to chapter 9.94A RCW to read as follows:

(1) Every person who is sentenced to a period of community custody shall report to and be placed under the supervision of the department, subject to RCW 9.94A.501.

(2)(a) The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of community custody based upon the risk to community safety.

(b) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (2)(b).

(3) If the offender is supervised by the department, the department shall at a minimum instruct the offender to:

- (a) Report as directed to a community corrections officer;
- (b) Remain within prescribed geographical boundaries;
- (c) Notify the community corrections officer of any change in the offender's address or employment;
- (d) Pay the supervision fee assessment; and

(e) Disclose the fact of supervision to any mental health or chemical dependency treatment provider, as required by RCW 9.94A.722.

(4) The department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(5) If the offender was sentenced pursuant to a conviction for a sex offense, the department may impose electronic monitoring. Within the resources made available by the department for this purpose, the department shall carry out any

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

electronic monitoring using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to, a system using radio frequency or active or passive global positioning system technology.

(6) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions.

(7)(a) The department shall notify the offender in writing of any additional conditions or modifications.

(b) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to the crime of conviction, the offender's risk of reoffending, or the safety of the community.

(8) The department may require offenders to pay for special services rendered including electronic monitoring, day reporting, and telephone reporting, dependent on the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(9)(a) When a sex offender has been sentenced pursuant to RCW 9.94A.712, the board shall exercise the authority prescribed in RCW 9.95.420 through 9.95.435.

(b) The department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions based upon the risk to community safety. The board must consider and may impose department-recommended conditions.

(c) If the department finds that an emergency exists requiring the immediate imposition of additional conditions in order to prevent the offender from committing a crime, the department may impose such conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board.

(10) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

**NEW SECTION. Sec. 12** A new section is added to chapter 9.94A RCW to read as follows:

No offender sentenced to a term of community custody under the supervision of the department may own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the violation process and sanctions under sections 16 and 22 of this act and RCW 9.94A.737.

"Constructive possession" as used in this section means the power and intent to control the firearm or ammunition. "Firearm" as used in this section has the same definition as in RCW 9.41.010.

**NEW SECTION. Sec. 13** A new section is added to chapter 9.94A RCW to read as follows:

(1) Community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) or (2); or (c) at the time of sentencing if no term of confinement is ordered.

(2) When an offender is sentenced to community custody, the offender is subject to the conditions of community custody as of the date of sentencing, unless otherwise ordered by the court.

(3) When an offender is sentenced to a community custody range pursuant to section 8 (1) or (2) of this act, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

**NEW SECTION. Sec. 14** A new section is added to chapter 9.94A RCW to read as follows:

(1) When an offender is under community custody, the community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

(2) An offender under community custody who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department for the duration of his or her period of community custody. During any period of inpatient mental health treatment that falls within the period of community custody, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

**NEW SECTION. Sec. 15** A new section is added to chapter 9.94A RCW to read as follows:

(1) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions of community custody for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody.

(2) If a violation of a condition extended under this section occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.631 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(3) If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

**NEW SECTION. Sec. 16** A new section is added to chapter 9.94A RCW to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned with up to sixty days' confinement for each violation.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728(2), the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the special sexual offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the offender committed to serve the original sentence of confinement.

(d) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

(e) If a sex offender was sentenced pursuant to RCW 9.94A.712, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

custody or in detention awaiting disposition of an alleged violation.

**NEW SECTION. Sec. 17** A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender has not completed his or her maximum term of total confinement and is subject to a third violation hearing pursuant to RCW 9.94A.737 for any violation of community custody and is found to have committed the violation, the department shall return the offender to total confinement in a state correctional facility to serve up to the remaining portion of his or her sentence, unless it is determined that returning the offender to a state correctional facility would substantially interfere with the offender's ability to maintain necessary community supports or to participate in necessary treatment or programming and would substantially increase the offender's likelihood of reoffending.

(2) The department may work with the Washington association of sheriffs and police chiefs to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody.

(3) Local governments, their subdivisions and employees, the department and its employees, and the Washington association of sheriffs and police chiefs and its employees are immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.

**NEW SECTION. Sec. 18** A new section is added to chapter 9.94A RCW to read as follows:

(1) If a sanction of confinement is imposed by the court, the following applies:

(a) If the sanction was imposed pursuant to section 16(1) of this act, the sanction shall be served in a county facility.

(b) If the sanction was imposed pursuant to section 16(2) of this act, the sanction shall be served in a state facility.

(2) If a sanction of confinement is imposed by the department, and if the offender is an inmate as defined by RCW 72.09.015, no more than eight days of the sanction, including any credit for time served, may be served in a county facility. The balance of the sanction shall be served in a state facility. In computing the eight-day period, weekends and holidays shall be excluded. The department may negotiate with local correctional authorities for an additional period of detention.

(3) If a sanction of confinement is imposed by the board, it shall be served in a state facility.

(4) Sanctions imposed pursuant to RCW 9.94A.670(3) shall be served in a county facility.

(5) As used in this section, "county facility" means a facility operated, licensed, or utilized under contract by the county, and "state facility" means a facility operated, licensed, or utilized under contract by the state.

**NEW SECTION. Sec. 19** A new section is added to chapter 9.94A RCW to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the special sexual offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

(3) If a sex offender was sentenced pursuant to RCW 9.94A.712, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

(4) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737.

(5) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to section 20 of this act.

**NEW SECTION. Sec. 20** A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and

sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the sanctions specified in section 16(1) of this act. Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement;

(ii) Convert community restitution obligation to total or partial confinement; or

(iii) Convert monetary obligations, except restitution and the crime victim penalty assessment, to community restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community restitution;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of legal financial obligations and regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

(4) Nothing in this section prohibits the filing of escape charges if appropriate.

**Sec. 21** RCW 9.94A.737 and 2007 c 483 s 305 are each amended to read as follows:

(1) ~~(If an offender violates any condition or requirement of community custody, the department may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (3) of this section.~~

~~(2) If an offender has not completed his or her maximum term of total confinement and is subject to a third violation hearing for any violation of community custody and is found to have committed the violation, the department shall return the offender to total confinement in a state correctional facility to serve up to the remaining portion of his or her sentence, unless it is determined that returning the offender to a state correctional facility would substantially interfere with the offender's ability to maintain necessary community supports or to participate in necessary treatment or programming and would substantially increase the offender's likelihood of reoffending.~~

~~(3)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.670 who violates any condition of community custody, the department may impose a sanction of up to sixty days' confinement in a local correctional facility for each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.~~

~~(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.710 who violates any condition of community custody after having completed his or her maximum~~

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.

~~— (c) For an offender sentenced to a term of community custody under RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545, for a crime committed on or after July 1, 2000, who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.~~

~~— (d) For an offender sentenced to a term of community placement under RCW 9.94A.705 who violates any condition of community placement after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.~~

~~— (4) If an offender has been arrested for a new felony offense while under community supervision, community custody, or community placement, the department shall hold the offender in total confinement until a hearing before the department as provided in this section or until the offender has been formally charged for the new felony offense, whichever is earlier. Nothing in this subsection shall be construed as to permit the department to hold an offender past his or her maximum term of total confinement if the offender has not completed the maximum term of total confinement or to permit the department to hold an offender past the offender's term of community supervision, community custody, or community placement.~~

~~— (5) The department shall be financially responsible for any portion of the sanctions authorized by this section that are served in a local correctional facility as the result of action by the department.~~

~~— (6)) If an offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and a structure of graduated sanctions.~~

~~((7)) (2) The hearing procedures required under subsection ((6)) (1) of this section shall be developed by rule and include the following:~~

~~(a) Hearing officers shall report through a chain of command separate from that of community corrections officers;~~

~~(b) The department shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the department;~~

~~(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours, after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours, after notice of the violation;~~

~~(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing officer if the offender has a language or communications barrier; (iii)~~

testify or remain silent; (iv) call witnesses and present documentary evidence; and (v) question witnesses who appear and testify; and

~~(e) The sanction shall take effect if affirmed by the hearing officer. Within seven days after the hearing officer's decision, the offender may appeal the decision to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.~~

~~((8)) (3) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.~~

~~((9) The department shall work with the Washington association of sheriffs and police chiefs to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody. Between January 1, 2006, and December 31, 2006, the department shall endeavor to place at least one hundred low-risk community custody violators on the electronic monitoring program per day if there are at least that many low-risk offenders who qualify for the electronic monitoring program.~~

~~— (10) Local governments, their subdivisions and employees, the department and its employees, and the Washington association of sheriffs and police chiefs and its employees shall be immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.)~~

NEW SECTION. Sec. 22 (1) The secretary may issue warrants for the arrest of any offender who violates a condition of community custody. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending disposition of the alleged violation.

(2) A community corrections officer, if he or she has reasonable cause to believe an offender has violated a condition of community custody, may suspend the person's community custody status and arrest or cause the arrest and detention in total confinement of the offender, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community custody status.

(3) If an offender has been arrested for a new felony offense while under community custody the department shall hold the offender in total confinement until a hearing before the department as provided in this section or until the offender has been formally charged for the new felony offense, whichever is earlier. Nothing in this subsection shall be construed as to permit the department to hold an offender past his or her maximum term of total confinement if the offender has not completed the maximum term of total confinement or to permit the department to hold an offender past the offender's term of community custody.

(4) A violation of a condition of community custody shall be deemed a violation of the sentence for purposes of RCW 9.94A.631. The authority granted to community corrections officers under this section shall be in addition to that set forth in RCW 9.94A.631.

Sec. 23 RCW 9.94A.740 and 1999 c 196 s 9 are each amended to read as follows:

(1) ~~((The secretary may issue warrants for the arrest of any offender who violates a condition of community placement or community custody. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending disposition of the alleged violation.))~~ When an offender is arrested pursuant to section 22 of this act, the department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

with RCW 70.48.440. ~~((A community corrections officer, if he or she has reasonable cause to believe an offender in community placement or community custody has violated a condition of community placement or community custody, may suspend the person's community placement or community custody status and arrest or cause the arrest and detention in total confinement of the offender, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community placement or community custody status. A violation of a condition of community placement or community custody shall be deemed a violation of the sentence for purposes of RCW 9.94A.631. The authority granted to community corrections officers under this section shall be in addition to that set forth in RCW 9.94A.631.))~~

(2) Inmates, as defined in RCW 72.09.015, who have been transferred to community custody and who are detained in a local correctional facility are the financial responsibility of the department of corrections, except as provided in subsection (3) of this section. ~~((The community custody inmate shall be removed from the local correctional facility, except as provided in subsection (3) of this section, not later than eight days, excluding weekends and holidays, following admittance to the local correctional facility and notification that the inmate is available for movement to a state correctional institution.))~~

(3) ~~((The department may negotiate with local correctional authorities for an additional period of detention; however, sex offenders sanctioned for community custody violations under RCW 9.94A.737(2) to a term of confinement shall remain in the local correctional facility for the complete term of the sanction.))~~ For confinement sanctions imposed by the department under RCW ~~((9.94A.737(2)(a)))~~ 9.94A.670, the local correctional facility shall be financially responsible. ~~((For confinement sanctions imposed under RCW 9.94A.737(2)(b), the department of corrections shall be financially responsible for that portion of the sanction served during the time in which the sex offender is on community custody in lieu of earned release, and the local correctional facility shall be financially responsible for that portion of the sanction served by the sex offender after the time in which the sex offender is on community custody in lieu of earned release.))~~

(4) The department, in consultation with the Washington association of sheriffs and police chiefs and those counties in which the sheriff does not operate a correctional facility, shall establish a methodology for determining the department's local correctional facilities bed utilization rate, for each county in calendar year 1998, for offenders being held for violations of conditions of community custody ~~((, community placement, or community supervision)).~~ ~~((For confinement sanctions imposed under RCW 9.94A.737(2)(c) or (d))~~

(5) Except as provided in subsections (1) and (2) of this section, the local correctional facility shall continue to be financially responsible to the extent of the calendar year 1998 bed utilization rate for confinement sanctions imposed by the department pursuant to RCW 9.94A.737. If the department's use of bed space in local correctional facilities of any county for such confinement sanctions ~~((imposed on offenders sentenced to a term of community custody under RCW 9.94A.737(2)(c) or (d)))~~ exceeds the 1998 bed utilization rate for the county, the department shall compensate the county for the excess use at the per diem rate equal to the lowest rate charged by the county under its contract with a municipal government during the year in which the use occurs.

**Sec. 24** RCW 9.94A.030 and 2006 c 139 s 5, 2006 c 124 s 1, 2006 c 122 s 7, 2006 c 73 s 5, and 2005 c 436 s 1 are each reenacted and amended to read as follows:

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

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760,

is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed ~~((pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545.))~~ as part of a sentence and served in the community subject to controls placed on the offender's movement and activities by the department. ~~((For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.))~~

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850 ~~((for crimes committed on or after July 1, 2000)).~~

(7) ~~((("Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.))~~

~~((8))~~ "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

~~((9))~~ (8) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((10))~~ "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

~~((11))~~ (9) "Confinement" means total or partial confinement.

~~((12))~~ (10) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((13))~~ (11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

~~((14))~~ (12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060,

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

~~((15))~~ (13) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

~~((16))~~ (14) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

~~((17))~~ (15) "Department" means the department of corrections.

~~((18))~~ (16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community ~~(supervision)~~ custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((19))~~ (17) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((20))~~ (18) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

~~((21))~~ (19) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((22))~~ (20) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

~~((23))~~ (21) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((24))~~ (22) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a

vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((25))~~ (23) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((26))~~ (24) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((27))~~ (25) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

~~((28))~~ (26) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((29))~~ (27) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

~~((30))~~ (28) "Nonviolent offense" means an offense which is not a violent offense.

~~((31))~~ (29) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((32))~~ (30) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((33))~~ (31) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((33))~~ (31)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((34))~~ "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((35))~~ (32) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school

under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

~~((36))~~ (33) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((37))~~ (34) "Public school" has the same meaning as in RCW 28A.150.010.

~~((38))~~ (35) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((39))~~ (36) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

~~((40))~~ (37) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((41))~~ (38) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((42))~~ (39) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130 ~~((43))~~ (12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((43))~~ (40) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((44))~~ (41) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

~~((45))~~ (42) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((46))~~ (43) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((47))~~ (44) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((48))~~ (45) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((49))~~ (46) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((50))~~ (47) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((51))~~ (48) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((52))~~ (49) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((53))~~ (50) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 25** RCW 9.94A.501 and 2005 c 362 s 1 are each amended to read as follows:

(1) When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender or a probationer sentenced in superior court into one of at least four risk categories.

(2) The department shall supervise every offender sentenced to a term of community custody(~~(community placement, or community supervision)~~) and every misdemeanor and gross misdemeanor probationer ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Whose risk assessment places that offender or probationer in one of the two highest risk categories; or

(b) Regardless of the offender's or probationer's risk category if:

(i) The offender's or probationer's current conviction is for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(ii) The offender or probationer has a prior conviction for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) The conditions of the offender's community custody(~~(community placement, or community supervision)~~) or the probationer's supervision include chemical dependency treatment;

(iv) The offender was sentenced under RCW 9.94A.650 or 9.94A.670; or

(v) The offender is subject to supervision pursuant to RCW 9.94A.745.

(3) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody(~~(community placement, or community supervision)~~) or any probationer unless the offender or probationer is one for whom supervision is required under subsection (2) of this section.

(4) This section expires July 1, 2010.

**Sec. 26** RCW 9.94A.505 and 2006 c 73 s 6 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, (~~the court shall impose~~) a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) (~~RCW 9.94A.700 and 9.94A.705, relating to community placement~~) Sections 8 and 9 of this act, relating to community custody;

(iii) (~~RCW 9.94A.710 and 9.94A.715, relating to community custody~~;

~~(iv) RCW 9.94A.545, relating to community custody for offenders whose term of confinement is one year or less;~~

~~(v) RCW 9.94A.570, relating to persistent offenders;~~

~~((vii))~~ (iv) RCW 9.94A.540, relating to mandatory minimum terms;

~~((viii))~~ (v) RCW 9.94A.650, relating to the first-time offender waiver;

~~((ix))~~ (vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

~~((ix))~~ (vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

~~((x))~~ (viii) RCW 9.94A.712, relating to certain sex offenses;

~~((xi))~~ (ix) RCW 9.94A.535, relating to exceptional sentences;

~~((xii))~~ (x) RCW 9.94A.589, relating to consecutive and concurrent sentences;

~~((xiii))~~ (xi) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; ~~((until July 1, 2000,))~~ a term of community ~~((supervision))~~ custody not to exceed one year ~~((and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in RCW 9.94A.710 (2) and (3)));~~ and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or ~~((community supervision, community placement, or))~~ community custody ~~((which))~~ that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

~~(9) ((The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.~~

~~((10))~~ In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

~~((11) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, community placement, or community custody, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150-))~~

Sec. 27 RCW 9.94A.610 and 2003 c 53 s 61 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than ten days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, community ~~((placement))~~ custody, work release placement, furlough, or escape about a specific inmate convicted of a serious drug offense to the following if such notice has been requested in writing about a specific inmate convicted of a serious drug offense:

(a) Any witnesses who testified against the inmate in any court proceedings involving the serious drug offense; and

(b) Any person specified in writing by the prosecuting attorney.

Information regarding witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate.

(2) If an inmate convicted of a serious drug offense escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses who are entitled to notice under this section. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The department of corrections shall send the notices required by this section to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section, "serious drug offense" means an offense under RCW 69.50.401(2) (a) or (b) or 69.50.4011(2) (a) or (b).

Sec. 28 RCW 9.94A.612 and 1996 c 215 s 4 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community ~~((placement))~~ custody, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, to the following:

(a) The chief of police of the city, if any, in which the inmate will reside or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside or in which placement will be made in a work release program.

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110:

(a) The victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense;

(c) Any person specified in writing by the prosecuting attorney; and

(d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

from the department of corrections at least sixty days prior to the expected release date of the offender.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(5) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(6) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(7) The department of corrections shall keep, for a minimum of two years following the release of an inmate, the following:

(a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and

(b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

(8) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, parents, siblings and children.

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

**Sec. 29** RCW 9.94A.625 and 2000 c 226 s 5 are each amended to read as follows:

(1) A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) Any term of community custody(~~community placement, or community supervision~~) shall be tolled by any period of time during which the offender has absented himself or herself from supervision without prior approval of the entity under whose supervision the offender has been placed.

(3) Any period of community custody(~~community placement, or community supervision~~) shall be tolled during any period of time the offender is in confinement for any reason. However, if an offender is detained pursuant to RCW 9.94A.740 or 9.94A.631 and is later found not to have violated a condition

or requirement of community custody(~~community placement, or community supervision~~), time spent in confinement due to such detention shall not toll the period of community custody(~~community placement, or community supervision~~).

(4) For terms of confinement or community custody(~~community placement, or community supervision~~), the date for the tolling of the sentence shall be established by the entity responsible for the confinement or supervision.

**Sec. 30** RCW 9.94A.650 and 2006 c 73 s 9 are each amended to read as follows:

(1) This section applies to offenders who have never been previously convicted of a felony in this state, federal court, or another state, and who have never participated in a program of deferred prosecution for a felony, and who are convicted of a felony that is not:

(a) Classified as a violent offense or a sex offense under this chapter;

(b) Manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV;

(c) Manufacture, delivery, or possession with intent to deliver a methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2);

(d) The selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana; or

(e) Felony driving while under the influence of intoxicating liquor or any drug or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(2) In sentencing a first-time offender the court may waive the imposition of a sentence within the standard sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. ~~(The sentence may also include a term of community supervision or community custody as specified in subsection (3) of this section, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:~~

~~(a) Devote time to a specific employment or occupation;~~

~~(b) Undergo available outpatient treatment for up to the period specified in subsection (3) of this section, or inpatient treatment not to exceed the standard range of confinement for that offense;~~

~~(c) Pursue a prescribed, secular course of study or vocational training;~~

~~(d) Remain within prescribed geographical boundaries and notify the community corrections officer prior to any change in the offender's address or employment;~~

~~(e) Report as directed to a community corrections officer; or~~

~~(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community restitution work.)~~

(3) ~~(The terms and statuses applicable to sentences under subsection (2) of this section are:~~

~~(a) For sentences imposed on or after July 25, 1999, for crimes committed before July 1, 2000, up to one year of community supervision. If treatment is ordered, the period of community supervision may include up to the period of treatment, but shall not exceed two years; and~~

~~(b) For crimes committed on or after July 1, 2000,) The court may impose up to one year of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed two years. ((Any term of community custody imposed under this section is subject to conditions and sanctions as authorized in this section and in RCW 9.94A.715 (2) and (3).))~~

(4) ~~((The department shall discharge from community supervision any offender sentenced under this section before July 25, 1999, who has served at least one year of community supervision and has completed any treatment ordered by the court.)) As a condition of community custody, in addition to any conditions authorized in section 10 of this act, the court may~~

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

order the offender to pay all court-ordered legal financial obligations and/or perform community restitution work.

**Sec. 31** RCW 9.94A.660 and 2006 c 339 s 302 and 2006 c 73 s 10 are each reenacted and amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. If the sentencing court determines that the offender is eligible for this alternative, the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from drug addiction;

(b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

(d) Whether the offender and the community will benefit from the use of the alternative.

(3) The examination report must contain:

(a) Information on the issues required to be addressed in subsection (2) of this section; and

(b) A proposed treatment plan that must, at a minimum, contain:

(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

(iii) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(iv) Recommended crime-related prohibitions and affirmative conditions.

(4) After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(5) The prison-based alternative shall include:

(A) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

(B) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

(C) Crime-related prohibitions including a condition not to use illegal controlled substances;

(D) A requirement to submit to urinalysis or other testing to monitor that status; and

(E) A term of community custody pursuant to ((~~RCW 9.94A.715~~)) section 8 of this act to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(6) The residential chemical dependency treatment-based alternative shall include:

(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. ((~~The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740.~~)) The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:

(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or

(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under ((~~RCW 9.94A.715~~)) section 8 of this act;

(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.

(7) ((~~If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or~~))

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

agency-referred program.) The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances. (~~in addition;~~)

(8) The court may impose any of the following conditions:

- ~~(a) (Devote time to a specific employment or training;~~
- ~~(b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;~~
- ~~(c) Report as directed to a community corrections officer;~~
- ~~(d) Pay all court-ordered legal financial obligations; or~~
- ~~((e)) (b) Perform community restitution work(;~~
- ~~(f) Stay out of areas designated by the sentencing court;~~
- ~~(g) Such other conditions as the court may require such as affirmative conditions)).~~

~~((8)) (9)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.~~

~~(b) If the offender is brought back to court, the court may modify the ((terms)) conditions of the community custody or impose sanctions under (c) of this subsection.~~

~~(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.~~

~~(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.~~

~~((9)) (10) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.~~

~~(11) If an offender sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.~~

~~((10)) (12) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.~~

~~((11)) (13) Costs of examinations and preparing treatment plans under subsections (2) and (3) of this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.~~

**Sec. 32** RCW 9.94A.670 and 2006 c 133 s 1 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider or a certified affiliate sex offender treatment provider as defined in RCW 18.155.020.

(b) "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any body part or organ, or that causes a fracture of any body part or organ.

(c) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(2) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense. If the conviction results from a guilty plea, the offender must, as part of his or her plea of guilty, voluntarily and affirmatively admit he or she committed all of the elements of the crime to which the offender is pleading guilty. This alternative is not available to offenders who plead guilty to the offense charged under *North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970) and *State v. Newton*, 87 Wash.2d 363, 552 P.2d 682 (1976);

(b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state;

(c) The offender has no prior adult convictions for a violent offense that was committed within five years of the date the current offense was committed;

(d) The offense did not result in substantial bodily harm to the victim;

(e) The offender had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime; and

(f) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years.

(3) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The offender's version of the facts and the official version of the facts;

(ii) The offender's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The offender's social and employment situation; and

(v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) Frequency and type of contact between offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions and affirmative conditions, which must include, to the extent known, an identification of specific activities or behaviors that are precursors to the offender's offense cycle, including, but not limited to, activities or behaviors such as viewing or listening to pornography or use of alcohol or controlled substances.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative, consider whether the alternative is too lenient in light of the extent and circumstances of the offense, consider whether the offender has victims in addition to the victim of the offense, consider whether the offender is amenable to treatment, consider the risk the offender would present to the community, to the victim, or to persons of similar age and circumstances as the victim, and consider the victim's opinion whether the offender should receive a treatment disposition under this section. The court shall give great weight to the victim's opinion

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

whether the offender should receive a treatment disposition under this section. If the sentence imposed is contrary to the victim's opinion, the court shall enter written findings stating its reasons for imposing the treatment disposition. The fact that the offender admits to his or her offense does not, by itself, constitute amenability to treatment. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence ~~((and impose the following conditions of suspension:))~~ as provided in this section.

(5) As conditions of the suspended sentence, the court must impose the following:

(a) ~~((The court shall order the offender to serve))~~ A term of confinement of up to twelve months or the maximum term within the standard range, whichever is less. The court may order the offender to serve a term of confinement greater than twelve months or the maximum term within the standard range based on the presence of an aggravating circumstance listed in RCW 9.94A.535(3). In no case shall the term of confinement exceed the statutory maximum sentence for the offense. The court may order the offender to serve all or part of his or her term of confinement in partial confinement. An offender sentenced to a term of confinement under this subsection is not eligible for earned release under RCW 9.92.151 or 9.94A.728.

(b) ~~((The court shall place the offender on))~~ A term of community custody ~~((for))~~ equal to the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under ~~((RCW 9.94A.726))~~ section 10 of this act.

(c) ~~((The court shall order))~~ Treatment for any period up to five years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

(d) ~~((As conditions of the suspended sentence, the court shall impose))~~ Specific prohibitions and affirmative conditions relating to the known precursor activities or behaviors identified in the proposed treatment plan under subsection (3)(b)(v) of this section or identified in an annual review under subsection ~~((7))~~ (8)(b) of this section.

~~((5))~~ (6) As conditions of the suspended sentence, the court may impose one or more of the following:

(a) Crime-related prohibitions;

(b) Require the offender to devote time to a specific employment or occupation;

(c) Require the offender to remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(d) Require the offender to report as directed to the court and a community corrections officer;

(e) Require the offender to pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

(f) Require the offender to perform community restitution work; or

(g) Require the offender to reimburse the victim for the cost of any counseling required as a result of the offender's crime.

~~((6))~~ (7) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

~~((7))~~ (8)(a) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements,

treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

(b) The court shall conduct a hearing on the offender's progress in treatment at least once a year. At least fourteen days prior to the hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. At the hearing, the court may modify conditions of community custody including, but not limited to, crime-related prohibitions and affirmative conditions relating to activities and behaviors identified as part of, or relating to precursor activities and behaviors in, the offender's offense cycle or revoke the suspended sentence.

~~((8))~~ (9) At least fourteen days prior to the treatment termination hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. The court may order an evaluation regarding the advisability of termination from treatment by a sex offender treatment provider who may not be the same person who treated the offender under subsection ~~((4))~~ (5) of this section or any person who employs, is employed by, or shares profits with the person who treated the offender under subsection ~~((4))~~ (5) of this section unless the court has entered written findings that such evaluation is in the best interest of the victim and that a successful evaluation of the offender would otherwise be impractical. The offender shall pay the cost of the evaluation. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment in two-year increments for up to the remaining period of community custody.

~~((9))~~ (10)(a) If a violation of conditions other than a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection ~~((4))~~ (5)(d) or ~~((7))~~ (8)(b) of this section occurs during community custody, the department shall either impose sanctions as provided for in ~~((RCW 9.94A.737(2)(a)))~~ section 16(1) of this act or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections ~~((6))~~ (7) and ~~((8))~~ (9) of this section.

(b) If a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection ~~((4))~~ (5)(d) or ~~((7))~~ (8)(b) of this section occurs during community custody, the department shall refer the violation to the court and recommend revocation of the suspended sentence as provided in subsection ~~((10))~~ (11) of this section.

~~((10))~~ (11) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

~~((11))~~ (12) If the offender violates a requirement of the sentence that is not a condition of the suspended sentence pursuant to subsection (5) or (6) of this section, the department may impose sanctions pursuant to section 16(1) of this act.

(13) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (3) of this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (3) of this section, unless the court has entered written findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. Examinations and treatment ordered pursuant to this subsection shall only be conducted by certified sex offender treatment providers or certified affiliate sex

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

offender treatment providers under chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

~~((12))~~ (14) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment.

**Sec. 33** RCW 9.94A.690 and 2006 c 73 s 11 are each amended to read as follows:

(1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:

(i) Is sentenced to a term of total confinement of not less than twelve months and one day or more than thirty-six months;

(ii) Has no current or prior convictions for any sex offenses or for violent offenses; and

(iii) Is not currently subject to a sentence for, or being prosecuted for, a violation of felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), a violation of physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), a violation of the uniform controlled substances act, or a criminal solicitation to commit such a violation under chapter 9A.28 or 69.50 RCW.

(b) The length of the work ethic camp shall be at least one hundred twenty days and not more than one hundred eighty days.

(2) If the sentencing court determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard sentence range and may recommend that the offender serve the sentence at a work ethic camp. In sentencing an offender to the work ethic camp, the court shall specify: (a) That upon completion of the work ethic camp the offender shall be released on community custody for any remaining time of total confinement; (b) the applicable conditions of ~~((supervision or))~~ community custody ~~((status))~~ as ~~((required by RCW 9.94A.700(4) and))~~ authorized by ~~((RCW 9.94A.700(5)))~~ section 10 of this act; and (c) that violation of the conditions may result in a return to total confinement for the balance of the offender's remaining time of confinement.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless: (a) The department determines that the offender has physical or mental impairments that would prevent participation and completion of the program; (b) the department determines that the offender's custody level prevents placement in the program; (c) the offender refuses to agree to the terms and conditions of the program; (d) the offender has been found by the United States attorney general to be subject to a deportation detainer or order; or (e) the offender has participated in the work ethic camp program in the past.

(4) An offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court and shall be subject to all rules relating to earned release time.

(5) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

**Sec. 34** RCW 9.94A.712 and 2006 c 124 s 3, 2006 c 122 s 5, and 2005 c 436 s 2 are each reenacted and amended to read as follows:

(1) An offender who is not a persistent offender shall be sentenced under this section if the offender:

(a) Is convicted of:

(i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first

degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;

(ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or

(iii) An attempt to commit any crime listed in this subsection (1)(a); ~~((committed on or after September 1, 2001;))~~ or

(b) Has a prior conviction for an offense listed in RCW 9.94A.030~~((33))~~ (31)(b), and is convicted of any sex offense ~~((which was committed after September 1, 2001;))~~

~~For purposes of this subsection (1)(b);))~~ other than failure to register ~~((is not a sex offense))~~.

(2) An offender convicted of rape of a child in the first or second degree or child molestation in the first degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section.

(3)(a) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term and a minimum term.

(b) The maximum term shall consist of the statutory maximum sentence for the offense.

(c)(i) Except as provided in (c)(ii) of this subsection, the minimum term shall be either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence.

(ii) If the offense that caused the offender to be sentenced under this section was rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree, and there has been a finding that the offense was predatory under RCW 9.94A.836, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section was rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding that the victim was under the age of fifteen at the time of the offense under RCW 9.94A.837, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding under RCW 9.94A.838 that the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, the minimum sentence shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater.

(d) The minimum terms in (c)(ii) of this subsection do not apply to a juvenile tried as an adult pursuant to RCW 13.04.030(1)(e) (i) or (v). The minimum term for such a juvenile shall be imposed under (c)(i) of this subsection.

(4) A person sentenced under subsection (3) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.

(5) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.

~~(6)(a)((i) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the~~

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department and the board shall enforce such conditions pursuant to RCW 9.94A.713, 9.95.425, and 9.95.430.

~~(ii) If the offense that caused the offender to be sentenced under this section was an offense listed in subsection (1)(a) of this section and the victim of the offense was under eighteen years of age at the time of the offense, the court shall, as a condition of community custody, prohibit the offender from residing in a community protection zone.~~

~~(b)) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under RCW ((9.94A.713 and) 9.95.420 through 9.95.435.~~

(b) An offender released by the board under RCW 9.95.420 is subject to the supervision of the department until the expiration of the maximum term of the sentence. The department shall monitor the offender's compliance with conditions of community custody imposed by the court, department, or board, and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board are subject to the provisions of RCW 9.95.425 through 9.95.440.

**Sec. 35** RCW 9.94A.728 and 2007 c 483 s 304 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); (C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(E) Has not committed a new felony after July 22, 2007, while under (~~community supervision, community placement, or~~) community custody.

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

~~(2)(a) ((A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;~~

~~(b)) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, ((committed on or after July 1, 2000;)) may become eligible, in accordance with a program developed by the department, for transfer to community custody ((status)) in lieu of earned release time pursuant to subsection (1) of this section;~~

~~((=)) (b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with ((community placement or)) community custody terms eligible for release to community custody ((status)) in lieu of earned~~

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

release shall provide an approved residence and living arrangement prior to release to the community;

~~((#))~~ ~~(c)~~ The department may deny transfer to community custody ~~((status))~~ in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody ~~((or community placement))~~;

~~((#))~~ ~~(d)~~ If the department denies transfer to community custody ~~((status))~~ in lieu of earned early release pursuant to ~~((#))~~ ~~(c)~~ of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;

~~((#))~~ ~~(e)~~ An offender serving a term of confinement imposed under RCW 9.94A.670~~((#))~~ ~~(5)~~(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to subsection (2)~~((#))~~ ~~(d)~~ of this section;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section; ~~(and)~~

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870~~((:))~~; and

(10) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW

9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

**Sec. 36** RCW 9.94A.760 and 2005 c 263 s 1 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount. Upon receipt of an offender's monthly payment, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration, if incarcerated in a prison, or the court may require the offender to pay the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall

bring all documents requested by the county clerk in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94A.634 (as recodified by this act), 9.94A.737, or 9.94A.740.

(11)(a) Until January 1, 2004, the department shall mail individualized monthly billings to the address known by the department for each offender with an unsatisfied legal financial obligation.

(b) Beginning January 1, 2004, the administrative office of the courts shall mail individualized monthly billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(c) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(d) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(e) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(12) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection (4) of this section. The costs for collection services shall be paid by the offender.

(13) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

(14) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, (~~community placement, or community supervision,~~) and who remains under the jurisdiction of the court for payment of legal financial obligations.

**Sec. 37** RCW 9.94A.775 and 2003 c 379 s 17 are each amended to read as follows:

If an offender with an unsatisfied legal financial obligation is not subject to supervision by the department for a term of

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

~~((community placement,))~~ community custody, ~~((or community supervision,))~~ or has not completed payment of all legal financial obligations included in the sentence at the expiration of his or her term of ~~((community placement,))~~ community custody, ~~((or community supervision,))~~ the department shall notify the administrative office of the courts of the termination of the offender's supervision and provide information to the administrative office of the courts to enable the county clerk to monitor payment of the remaining obligations. The county clerk is authorized to monitor payment after such notification. The secretary of corrections and the administrator for the courts shall enter into an interagency agreement to facilitate the electronic transfer of information about offenders, unpaid obligations, and payees to carry out the purposes of this section.

**Sec. 38** RCW 9.94A.780 and 2003 c 379 s 18 are each amended to read as follows:

(1) Whenever a punishment imposed under this chapter requires supervision services to be provided, the offender shall pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the terms of supervision and which shall be considered as payment or part payment of the cost of providing supervision to the offender. The department may exempt or defer a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the department.

(d) The offender's age prevents him or her from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the department.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars.

(3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the dedicated fund established pursuant to RCW 72.11.040.

(4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

(5) If a county clerk assumes responsibility for collection of unpaid legal financial obligations under RCW 9.94A.760, or under any agreement with the department under that section, whether before or after the completion of any period of ~~((community placement,))~~ community custody, ~~((or community supervision,))~~ the clerk may impose a monthly or annual assessment for the cost of collections. The amount of the assessment shall not exceed the actual cost of collections. The county clerk may exempt or defer payment of all or part of the assessment based upon any of the factors listed in subsection (1) of this section. The offender shall pay the assessment under this subsection to the county clerk who shall apply it to the cost of collecting legal financial obligations under RCW 9.94A.760.

**Sec. 39** RCW 9.94A.820 and 2004 c 38 s 10 are each amended to read as follows:

(1) Sex offender examinations and treatment ordered as a special condition of ~~((community placement or))~~ community custody under this chapter shall be conducted only by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW unless

the court or the department finds that: (a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (b) the treatment provider is employed by the department; or (c)(i) no certified sex offender treatment providers or certified affiliate sex offender treatment providers are available to provide treatment within a reasonable geographic distance of the offender's home, as determined in rules adopted by the secretary; and (ii) the evaluation and treatment plan comply with the rules adopted by the department of health. A treatment provider selected by an offender under (c) of this subsection, who is not certified by the department of health shall consult with a certified sex offender treatment provider during the offender's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified sex offender treatment provider.

(2) A sex offender's failure to participate in treatment required as a condition of ~~((community placement or))~~ community custody is a violation that will not be excused on the basis that no treatment provider was located within a reasonable geographic distance of the offender's home.

**Sec. 40** RCW 4.24.556 and 2004 c 38 s 1 are each amended to read as follows:

(1) A certified sex offender treatment provider, or a certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a certified sex offender treatment provider, acting in the course of his or her duties, providing treatment to a person who has been released to a less restrictive alternative under chapter 71.09 RCW or to a level III sex offender on community custody as a court ~~((or))~~ department, or board ordered condition of sentence is not negligent because he or she treats a high risk offender; sex offenders are known to have a risk of reoffense. The treatment provider is not liable for civil damages resulting from the reoffense of a client unless the treatment provider's acts or omissions constituted gross negligence or willful or wanton misconduct. This limited liability provision does not eliminate the treatment provider's duty to warn of and protect from a client's threatened violent behavior if the client communicates a serious threat of physical violence against a reasonably ascertainable victim or victims. In addition to any other requirements to report violations, the sex offender treatment provider is obligated to report an offender's expressions of intent to harm or other predatory behavior, whether or not there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment. This limited liability provision applies only to the conduct of certified sex offender treatment providers, and certified affiliate sex offender treatment providers who have completed at least fifty percent of the required hours under the supervision of a certified sex offender treatment provider, and not the conduct of the state.

(2) Sex offender treatment providers who provide services to the department of corrections by identifying risk factors and notifying the department of risks for the subset of high risk offenders who are not amenable to treatment and who are under court order for treatment or supervision are practicing within the scope of their profession.

**Sec. 41** RCW 9.95.017 and 2003 c 218 s 2 are each amended to read as follows:

(1) The board shall cause to be prepared criteria for duration of confinement, release on parole, and length of parole for persons committed to prison for crimes committed before July 1, 1984.

The proposed criteria should take into consideration RCW 9.95.009(2). Before submission to the governor, the board shall solicit comments and review on their proposed criteria for parole release.

(2) Persons committed to the department of corrections and who are under the authority of the board for crimes committed on or after September 1, 2001, are subject to the provisions for duration of confinement, release to community custody, and length of community custody established in RCW 9.94A.712,

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

~~(9-94A.713)~~ section 11 of this act, 72.09.335, and 9.95.420 through 9.95.440.

**Sec. 42** RCW 9.95.064 and 2001 2nd sp.s. c 12 s 326 are each amended to read as follows:

(1) In order to minimize the trauma to the victim, the court may attach conditions on release of an offender under RCW 9.95.062, convicted of a crime committed before July 1, 1984, regarding the whereabouts of the defendant, contact with the victim, or other conditions.

(2) Offenders released under RCW 9.95.420 are subject to crime-related prohibitions and affirmative conditions established by the court, the department of corrections, or the board pursuant to RCW ~~(9-94A.715 and)~~ 9.94A.712, ~~(9-94A.713)~~ section 11 of this act, 72.09.335, and 9.95.420 through 9.95.440.

**Sec. 43** RCW 9.95.110 and 2003 c 218 s 7 are each amended to read as follows:

(1) The board may permit an offender convicted of a crime committed before July 1, 1984, to leave the buildings and enclosures of a state correctional institution on parole, after such convicted person has served the period of confinement fixed for him or her by the board, less time credits for good behavior and diligence in work: PROVIDED, That in no case shall an inmate be credited with more than one-third of his or her sentence as fixed by the board.

The board may establish rules and regulations under which an offender may be allowed to leave the confines of a state correctional institution on parole, and may return such person to the confines of the institution from which he or she was paroled, at its discretion.

(2) The board may permit an offender convicted of a crime committed on or after September 1, 2001, and sentenced under RCW 9.94A.712, to leave a state correctional institution on community custody according to the provisions of RCW 9.94A.712, ~~(9-94A.713)~~ section 11 of this act, 72.09.335, and 9.95.420 through 9.95.440. The person may be returned to the institution following a violation of his or her conditions of release to community custody pursuant to the hearing provisions of RCW 9.95.435.

**Sec. 44** RCW 9.95.123 and 2001 2nd sp.s. c 12 s 336 are each amended to read as follows:

In conducting on-site parole hearings or community custody revocation ~~(hearings or community custody)~~ or violations hearings, the board shall have the authority to administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas for the compulsory attendance of witnesses and the production of evidence for presentation at such hearings. Subpoenas issued by the board shall be effective throughout the state. Witnesses in attendance at any on-site parole or community custody revocation hearing shall be paid the same fees and allowances, in the same manner and under the same conditions as provided for witnesses in the courts of the state in accordance with chapter 2.40 RCW. If any person fails or refuses to obey a subpoena issued by the board, or obeys the subpoena but refuses to testify concerning any matter under examination at the hearing, the board may petition the superior court of the county where the hearing is being conducted for enforcement of the subpoena: PROVIDED, That an offer to pay statutory fees and mileage has been made to the witness at the time of the service of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the board. The court, upon such petition, shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he or she has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey the order, the witness shall be dealt with as for contempt of court.

**Sec. 45** RCW 9.95.420 and 2007 c 363 s 2 are each amended to read as follows:

(1)(a) Except as provided in (c) of this subsection, before the expiration of the minimum term, as part of the end of sentence review process under RCW 72.09.340, 72.09.345, and where appropriate, 72.09.370, the department shall conduct, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(b) The board may contract for an additional, independent examination, subject to the standards in this section.

(c) If at the time the sentence is imposed by the superior court the offender's minimum term has expired or will expire within one hundred twenty days of the sentencing hearing, the department shall conduct, within ninety days of the offender's arrival at a department of corrections facility, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(2) The board shall impose the conditions and instructions provided for in ~~(RCW 9.94A.720)~~ section 11 of this act. The board shall consider the department's recommendations and may impose conditions in addition to those recommended by the department. The board may impose or modify conditions of community custody following notice to the offender.

(3)(a) Except as provided in (b) of this subsection, no later than ninety days before expiration of the minimum term, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term as provided in RCW 9.95.011.

(b) If at the time the offender's minimum term has expired or will expire within one hundred twenty days of the offender's arrival at a department of correction's facility, then no later than one hundred twenty days after the offender's arrival at a department of corrections facility, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term as provided in RCW 9.95.011.

(4) In a hearing conducted under subsection (3) of this section, the board shall provide opportunities for the victims of any crimes for which the offender has been convicted to present oral, video, written, or in-person testimony to the board. The procedures for victim input shall be developed by rule. To facilitate victim involvement, county prosecutor's offices shall ensure that any victim impact statements and known contact

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

information for victims of record are forwarded as part of the judgment and sentence.

**Sec. 46** RCW 9.95.440 and 2003 c 218 s 6 are each amended to read as follows:

In the event the board suspends the release status of an offender released under RCW 9.95.420 by reason of an alleged violation of a condition of release, or pending disposition of a new criminal charge, the board may nullify the suspension order and reinstate release under previous conditions or any new conditions the board determines advisable under ~~((RCW 9.94A.713(5)))~~ section 11 of this act. Before the board may nullify a suspension order and reinstate release, it shall determine that the best interests of society and the offender shall be served by such reinstatement rather than return to confinement.

**Sec. 47** RCW 46.61.524 and 2006 c 73 s 16 are each amended to read as follows:

~~((1)) A person convicted under RCW 46.61.502(6), 46.61.504(6), 46.61.520(1)(a), or 46.61.522(1)(b) shall, as a condition of community custody imposed under RCW 9.94A.545 or community placement imposed under RCW 9.94A.660, complete a diagnostic evaluation by an alcohol or drug dependency agency approved by the department of social and health services or a qualified probation department, as defined under RCW 46.61.516 that has been approved by the department of social and health services. This report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem that requires treatment, the person shall complete treatment in a program approved by the department of social and health services under chapter 70.96A RCW. If the person is found not to have an alcohol or drug problem that requires treatment, he or she shall complete a course in an information school approved by the department of social and health services under chapter 70.96A RCW. The convicted person shall pay all costs for any evaluation, education, or treatment required by this section, unless the person is eligible for an existing program offered or approved by the department of social and health services. Nothing in chapter 348, Laws of 1991 requires the addition of new treatment or assessment facilities nor affects the department of social and health services use of existing programs and facilities authorized by law.~~

~~((2)) As provided for under RCW 46.20.285, the department shall revoke the license, permit to drive, or a nonresident privilege of a person convicted of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522. The department shall determine the eligibility of a person convicted of vehicular homicide under RCW 46.61.520(1)(a) or vehicular assault under RCW 46.61.522(1)(b) to receive a license based upon the report provided by the designated alcoholism treatment facility or probation department designated pursuant to section 10(4)(b) of this act, and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified.~~

**Sec. 48** RCW 72.09.015 and 2007 c 483 s 202 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Adult basic education" means education or instruction designed to achieve general competence of skills in reading, writing, and oral communication, including English as a second language and preparation and testing services for obtaining a high school diploma or a general equivalency diploma.

(2) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(3) "Community custody" has the same meaning as that provided in RCW 9.94A.030 and also includes community placement and community supervision as defined in section 53 of this act.

(4) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

~~((4))~~ (5) "County" means a county or combination of counties.

~~((5))~~ (6) "Department" means the department of corrections.

~~((6))~~ (7) "Earned early release" means earned release as authorized by RCW 9.94A.728.

~~((7))~~ (8) "Evidence-based" means a program or practice that has had multiple-site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective in reducing recidivism for the population.

~~((8))~~ (9) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

~~((9))~~ (10) "Good conduct" means compliance with department rules and policies.

~~((10))~~ (11) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

~~((11))~~ (12) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

~~((12))~~ (13) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

~~((13))~~ (14) "Individual reentry plan" means the plan to prepare an offender for release into the community. It should be developed collaboratively between the department and the offender and based on an assessment of the offender using a standardized and comprehensive tool to identify the ~~((offenders' [offender's]))~~ offender's risks and needs. The individual reentry plan describes actions that should occur to prepare individual offenders for release from prison or jail, specifies the supervision and services they will experience in the community, and describes an offender's eventual discharge to aftercare upon successful completion of supervision. An individual reentry plan is updated throughout the period of an offender's incarceration and supervision to be relevant to the offender's current needs and risks.

~~((14))~~ (15) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released from such facility on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

~~((15))~~ (16) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

~~((16))~~ (17) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

~~((17))~~ (18) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

~~((18))~~ (19) "Secretary" means the secretary of corrections or his or her designee.

~~((19))~~ (20) "Significant expansion" includes any expansion into a new product line or service to the class I business that results from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

~~((20))~~ (21) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

~~((2+))~~ (22) "Unfair competition" means any net competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the correctional industries board shall review and quantify any expenses unique to operating a for-profit business inside a prison.

~~((22))~~ (23) "Vocational training" or "vocational education" means "vocational education" as defined in RCW 72.62.020.

~~((23))~~ (24) "Washington business" means an in-state manufacturer or service provider subject to chapter 82.04 RCW existing on June 10, 2004.

~~((24))~~ (25) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

**Sec. 49** RCW 72.09.270 and 2007 c 483 s 203 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every offender who is committed to the jurisdiction of the department except:

(a) Offenders who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Offenders who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all offenders using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each offender. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the offender, including any learning disabilities, substance abuse or mental health issues, and social or behavior deficits.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty-five days of being sentenced to the jurisdiction of the department of corrections.

(b) The offender's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the offender's children and family;

(b) An individualized portfolio for each offender that includes the offender's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) Prior to discharge of any offender, the department shall:

(i) Evaluate the offender's needs and, to the extent possible, connect the offender with existing services and resources that meet those needs; and

(ii) Connect the offender with a community justice center and/or community transition coordination network in the area in which the offender will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an offender's individual reentry plan, the department shall maximize the period of partial confinement for the offender as allowed pursuant to RCW 9.94A.728 to facilitate the offender's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the offender's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an offender released to community custody (~~(or community placement)~~), the department may not approve a residence location that is not in the offender's county of origin unless it is determined by the department that the offender's return to his or her county of origin would be inappropriate considering any court-ordered condition of the offender's sentence, victim safety concerns, negative influences on the offender in the community, or the location of family or other sponsoring persons or organizations that will support the offender.

(b) If the offender is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the offender is placed with a written explanation.

(c) For purposes of this section, the offender's county of origin means the county of the offender's first felony conviction in Washington.

(9) Nothing in this section creates a vested right in programming, education, or other services.

**Sec. 50** RCW 72.09.345 and 1997 c 364 s 4 are each amended to read as follows:

(1) In addition to any other information required to be released under this chapter, the department is authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public concerning offenders convicted of sex offenses.

(2) In order for public agencies to have the information necessary to notify the public as authorized in RCW 4.24.550, the secretary shall establish and administer an end-of-sentence review committee for the purposes of assigning risk levels, reviewing available release plans, and making appropriate referrals for sex offenders. The committee shall assess, on a case-by-case basis, the public risk posed by sex offenders who are: (a) Preparing for their release from confinement for sex offenses committed on or after July 1, 1984; and (b) accepted from another state under a reciprocal agreement under the interstate compact authorized in chapter 72.74 RCW.

(3) Notwithstanding any other provision of law, the committee shall have access to all relevant records and information in the possession of public agencies relating to the offenders under review, including police reports; prosecutors' statements of probable cause; presentence investigations and reports; complete judgments and sentences; current classification referrals; criminal history summaries; violation and disciplinary reports; all psychological evaluations and psychiatric hospital reports; sex offender treatment program reports; and juvenile records. Records and information obtained under this subsection shall not be disclosed outside the committee unless otherwise authorized by law.

(4) The committee shall review each sex offender under its authority before the offender's release from confinement or start of the offender's term of (~~community placement or~~) community custody in order to: (a) Classify the offender into a risk level for the purposes of public notification under RCW 4.24.550; (b) where available, review the offender's proposed release plan in accordance with the requirements of RCW 72.09.340; and (c) make appropriate referrals.

(5) The committee shall classify as risk level I those sex offenders whose risk assessments indicate a low risk of reoffense within the community at large. The committee shall classify as risk level II those offenders whose risk assessments indicate a moderate risk of reoffense within the community at large. The committee shall classify as risk level III those offenders whose risk assessments indicate a high risk of reoffense within the community at large.

(6) The committee shall issue to appropriate law enforcement agencies, for their use in making public notifications under RCW 4.24.550, narrative notices regarding the pending release of sex offenders from the department's facilities. The narrative notices shall, at a minimum, describe

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

the identity and criminal history behavior of the offender and shall include the department's risk level classification for the offender. For sex offenders classified as either risk level II or III, the narrative notices shall also include the reasons underlying the classification.

**Sec. 51** RCW 72.09.580 and 1999 c 196 s 12 are each amended to read as follows:

Except as specifically prohibited by other law, and for purposes of determining, modifying, or monitoring compliance with conditions of community custody (~~(community placement, or community supervision as authorized under RCW 9.94A.505 and 9.94A.545)~~), the department:

(1) Shall have access to all relevant records and information in the possession of public agencies relating to offenders, including police reports, prosecutors' statements of probable cause, complete criminal history information, psychological evaluations and psychiatric hospital reports, sex offender treatment program reports, and juvenile records; and

(2) May require periodic reports from providers of treatment or other services required by the court or the department, including progress reports, evaluations and assessments, and reports of violations of conditions imposed by the court or the department.

**NEW SECTION. Sec. 52** (1) This chapter codifies sentencing provisions that may be applicable to sentences for crimes committed prior to July 1, 2000.

(2) This chapter supplements chapter 9.94A RCW and should be read in conjunction with that chapter.

**NEW SECTION. Sec. 53** In addition to the definitions set out in RCW 9.94A.030, the following definitions apply for purposes of this chapter:

(1) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(2) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(3) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

**NEW SECTION. Sec. 54** The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

**NEW SECTION. Sec. 55** A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program

developed by the department, for transfer to community custody status in lieu of earned release time pursuant to RCW 9.94A.728(1).

**NEW SECTION. Sec. 56** (1) Sections 7 through 59 of this act apply to all sentences imposed or reimposed on or after August 1, 2009, for any crime committed on or after the effective date of this section.

(2) Sections 7 through 59 of this act also apply to all sentences imposed or reimposed on or after August 1, 2009, for crimes committed prior to the effective date of this section, to the extent that such application is constitutionally permissible.

(3) To the extent that application of sections 7 through 59 of this act is not constitutionally permissible with respect to any offender, the sentence for such offender shall be governed by the law as it existed before the effective date of this section, or on such prior date as may be constitutionally required, notwithstanding any amendment or repeal of provisions of such law.

(4) If application of sections 7 through 59 of this act is not constitutionally permissible with respect to any offender, the judgment and sentence shall specify the particular sentencing provisions that will not apply to such offender. Whenever practical, the judgment and sentence shall use the terminology set out in this act.

(5) The sentencing guidelines commission shall prepare a summary of the circumstances under which application of sections 7 through 59 of this act is not constitutionally permissible. The summary should include recommendations of conditions that could be included in judgments and sentences in order to prevent unconstitutional application of the act. This summary shall be incorporated into the *Adult Sentencing Guidelines Manual*.

(6) Sections 7 through 59 of this act shall not affect the enforcement of any sentence that was imposed prior to August 1, 2009, unless the offender is resentenced after that date.

**NEW SECTION. Sec. 57** (1) The following sections are recodified as part of a new chapter in Title 9 RCW: RCW 9.94A.628, 9.94A.634, 9.94A.700, 9.94A.705, and 9.94A.710.

(2) RCW 9.94A.610 (as amended by this act), 9.94A.612 (as amended by this act), 9.94A.614, 9.94A.616, 9.94A.618, and 9.94A.620 are each recodified as sections in chapter 72.09 RCW.

(3) Sections 52 through 55 of this act are added to the new chapter created in subsection (1) of this section.

(4) The code reviser is authorized to improve the organization of chapter 9.94A RCW by renumbering existing sections and adding subchapter headings.

(5) The code reviser shall correct any cross-references to sections affected by this section in other sections of the code.

**NEW SECTION. Sec. 58** The following acts or parts of acts are each repealed:

1 RCW 9.94A.545 (Community custody) and 2006 c 128 s 4, 2003 c 379 s 8, 2000 c 28 s 13, 1999 c 196 s 10, 1988 c 143 s 23, & 1984 c 209 s 22;

2 RCW 9.94A.713 (Nonpersistent offenders--Conditions) and 2006 c 130 s 1 & 2001 2nd sp.s. c 12 s 304;

3 RCW 9.94A.715 (Community custody for specified offenders--Conditions) and 2006 c 130 s 2, 2006 c 128 s 5, 2003 c 379 s 6, 2001 2nd sp.s. c 12 s 302, 2001 c 10 s 5, & 2000 c 28 s 25;

4 RCW 9.94A.720 (Supervision of offenders) and 2003 c 379 s 7, 2002 c 175 s 14, & 2000 c 28 s 26;

5 RCW 9.94A.800 (Sex offender treatment in correctional facility) and 2000 c 28 s 34;

6 RCW 9.94A.830 (Legislative finding and intent--Commitment of felony sexual offenders after July 1, 1987) and 1987 c 402 s 2 & 1986 c 301 s 1; and

7 RCW 79A.60.070 (Conviction under RCW 79A.60.050 or 79A.60.060--Community supervision or community placement--Conditions) and 2000 c 11 s 96 & 1998 c 219 s 3.

**NEW SECTION. Sec. 59** The repealers in section 58 of this act shall not affect the validity of any sentence that was imposed prior to the effective date of this section or the authority of the department of corrections to supervise any offender pursuant to such sentence.

FIFTY-THIRD DAY, MARCH 6, 2008

**NEW SECTION. Sec. 60** The code reviser shall report to the 2009 legislature on any amendments necessary to accomplish the purposes of this act.

**NEW SECTION. Sec. 61** Section 25 of this act expires July 1, 2010.

**NEW SECTION. Sec. 62** Sections 7 through 61 of this act take effect August 1, 2009."

Senators Kline and Hargrove spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Judiciary to House Bill No. 2719.

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

#### MOTION

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

On page 1, line 2 of the title, after "sentences;" strike the remainder of the title and insert "amending RCW 9.94A.441, 9.94A.500, 9.94A.530, 9.94A.737, 9.94A.740, 9.94A.501, 9.94A.505, 9.94A.610, 9.94A.612, 9.94A.625, 9.94A.650, 9.94A.670, 9.94A.690, 9.94A.728, 9.94A.760, 9.94A.775, 9.94A.780, 9.94A.820, 4.24.556, 9.95.017, 9.95.064, 9.95.110, 9.95.123, 9.95.420, 9.95.440, 46.61.524, 72.09.015, 72.09.270, 72.09.345, and 72.09.580; reenacting and amending RCW 9.94A.525, 9.94A.030, 9.94A.660, and 9.94A.712; adding new sections to chapter 9.94A RCW; adding new sections to chapter 72.09 RCW; adding a new chapter to Title 9 RCW; creating new sections; recodifying RCW 9.94A.628, 9.94A.634, 9.94A.700, 9.94A.705, 9.94A.710, 9.94A.610, 9.94A.612, 9.94A.614, 9.94A.616, 9.94A.618, and 9.94A.620; repealing RCW 9.94A.545, 9.94A.713, 9.94A.715, 9.94A.720, 9.94A.800, 9.94A.830, and 79A.60.070; providing an effective date; and providing an expiration date."

#### MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2719 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2719 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2719 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2719 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate advanced to the

eighth order of business.

#### MOTION

Senator Haugen moved adoption of the following resolution:

#### SENATE RESOLUTION 8740

By Senator Haugen

WHEREAS, Utsalady Ladies Aid was formed in 1908 by the women of a small community on Camano Island who were concerned about the religious education for their young people; and

WHEREAS, The notes of the non-denominational religious education the women received were written originally in Norwegian, the native language of many of the members; and

WHEREAS, The women of Utsalady Ladies Aid used money raised through lutefisk dinners and quilt raffles to construct a building to serve the community, which is now listed on the Washington State Register and the National Register of Historic Places; and

WHEREAS, The Utsalady Ladies Aid building was built upon dedicated community collaboration and the skill of local artisans; and

WHEREAS, The Ladies Aid made their building available to local school functions, picnics, Sunday school, 4-H classes, campfire groups, funerals, weddings, voting booths, and community parties; and

WHEREAS, During World War II the Utsalady building was a first-aid station for the Red Cross where women wrapped bandages for war veterans and a community base for scrap drives; and

WHEREAS, Utsalady Ladies Aid continues to be the heart of the community by serving as a local meeting place, a place for women to have fellowship and by reaching out to youth through scholarships for young people in the community who wish to pursue continued education; and

WHEREAS, Utsalady Ladies Aid is the second longest running group in Island County and continues to be the center of the small community; and

WHEREAS, The founders of Utsalady Ladies Aid strove to instill the pioneer spirit into their future generations by preserving the past for the future and passing down traditions from their ancestors to the youngest members of the community; and

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Utsalady Ladies Aid for serving the community for 100 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the board of directors and members of the Utsalady Ladies Aid.

Senator Haugen spoke in favor of adoption of the resolution.

#### POINT OF INQUIRY

Senator Jacobsen: "Would the good lady from the 10th yield to a question? I've always wondered where the name 'Utsalady' came from. Could you explain that?"

Senator Haugen: "Well, Utsalady, I can tell you what the tale of the community was. This was a logging community and in 1850, at one time Utsalady was bigger than Seattle, and there was a reporter who came out from New York who went to this little community to see how come this has been so big. It gotten to be such a large little community and, like I said, there were all these saloons there and this guy went into this saloon and at the same time he was asking, 'What's the name of this community?' One of the men who was working in the mill, who was a

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

Scotsman who had married a native women and just had a child came running in and saying, 'Utsalady, Utsalady.' It's a laddy!! It's a laddy!! The tale is really that Utsalady is a name that from our local native Americans which were the kikiallus. They called it 'the land of berries.' The people would come to this area from all across, the different tribes would come to camp and pick the little wild blackberries that grew on the island. So that's how Utsalady came to have its name. In the original spelling with two 'd's'. It only has one now so I really do believe that it was the Scotsman."

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8740.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Utsalady Ladies Aid who were seated in the gallery.

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION  
8741

By Senator Haugen

WHEREAS, Josephine Sunset Home is a Christian community welcoming people of all faiths caring for the whole person - body, mind, and spirit; and

WHEREAS, Josephine Sunset Home was built by a \$10,000 donation to the Norwegian Lutheran Church by John Hals to build an elder care facility in 1907 in honor of his wife and son who died in childbirth; and

WHEREAS, The faces of the residents of Josephine Sunset Home are the faces of those who helped build the community; doctors, farmers, teachers, mothers and fathers; and

WHEREAS, The staff at Josephine offer a diverse variety of events to keep its citizens active and involved in the community, from church services to fashion shows and trivia nights; and

WHEREAS, Josephine Sunset Home uses innovative residential and nonresidential health care and long term care services, comprehensive child care services, and a special focus on integrated programs that strive to be a resource for the community; and

WHEREAS, Josephine staff work to constructively serve their residents by offering resident forums and making the multigenerational home a community base where everyone is welcome; and

WHEREAS, In addition to caring for its full time residents, Josephine staff offer child care, preschool, adult day services, and care team ministry; and

WHEREAS, Josephine Sunset Home ties the community together by hosting a plethora of intriguing and entertaining events, and valuing its residents who have spent their lives serving the community; and

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the 100 years that Josephine Sunset Home has given honorable service to the community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Mayor of Stanwood, and Josephine Sunset Home staff.

Senators Haugen and Pflug spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8741.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Josephine Sunset Home who were seated in the gallery.

MOTION

At 11:54 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:28 p.m. by President Owen.

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator King moved that Gubernatorial Appointment No. 9323, James L. Kemp, as a member of the Board of Trustees, State School for the Blind, be confirmed.

Senators King and Benton spoke in favor of passage of the motion.

MOTION

On motion of Senator Brandland, Senators Carrell, Delvin, Morton and Swecker were excused.

APPOINTMENT OF JAMES L. KEMP

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9323, James L. Kemp as a member of the Board of Trustees, State School for the Blind.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9323, James L. Kemp as a member of the Board of Trustees, State School for the Blind and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Absent: Senator Fraser - 1

Excused: Senator Swecker - 1

FIFTY-THIRD DAY, MARCH 6, 2008

Gubernatorial Appointment No. 9323, James L. Kemp, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Blind.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2881, by House Committee on Health Care & Wellness (originally sponsored by Representatives Hinkle, Kenney and Cody)

Concerning the practice of dentistry.

The measure was read the second time.

## MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 18.32.215 and 2003 c 57 s 2 are each amended to read as follows:

(1) An applicant holding a valid license and currently engaged in practice in another state may be granted a license without examination required by this chapter, on the payment of any required fees, if the applicant:

(a) Is a graduate of a dental college, school, or dental department of an institution approved by the commission under RCW 18.32.040(1); or

(b)(i) Has practiced in another state for at least four years; and

(ii) Has completed a one-year postdoctoral residency approved by the commission. The residency may have been completed outside Washington.

(2) The commission may also require the applicant to: ((+)) (a) File with the commission documentation certifying the applicant is licensed to practice in another state; and ((-)) (b) provide information as the commission deems necessary pertaining to the conditions and criteria of the Uniform Disciplinary Act, chapter 18.130 RCW, and to demonstrate to the commission a knowledge of Washington law pertaining to the practice of dentistry.

**NEW SECTION. Sec. 2** A new section is added to chapter 18.32 RCW to read as follows:

By November 15, 2009, the commission shall report to the governor and the legislature with recommendations for appropriate standards for issuing a license to a foreign-trained dentist. The recommendations shall consider the balance between maintaining assurances that Washington's dental professionals are well-qualified and planning for an adequate supply of dentists to meet the future needs of Washington's diverse urban and rural communities. In addition to considering the use of standards established by accreditation organizations, the recommendations shall consider other options to reduce barriers to licensure.

**NEW SECTION. Sec. 3** This act expires July 1, 2010."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 2881.

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

## MOTION

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

2008 REGULAR SESSION

On page 1, line 1 of the title, after "dentistry;" strike the remainder of the title and insert "amending RCW 18.32.215; adding a new section to chapter 18.32 RCW; and providing an expiration date."

## MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2881 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senators Fraser and Hargrove were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2881 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2881 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Hargrove and Swecker - 2

SUBSTITUTE HOUSE BILL NO. 2881 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 3129, by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Schmick, Anderson, Quall, Simpson and Ormsby)

Regarding online learning programs for high school students to earn college credit.

The measure was read the second time.

## MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that student interest and participation in online learning continues to grow. At the same time, the legislature, business community, and public are encouraging additional programs for high school

FIFTY-THIRD DAY, MARCH 6, 2008

students to earn college credits. Fortunately for students attending schools in rural areas, the two trends can be combined to provide learning opportunities that are both rigorous and accessible, and in some cases available free to the student. In 2006-07, more than four thousand five hundred students were able to take an online college course through the running start program, which the community and technical college system makes accessible statewide through its WashingtonOnline consortium. A more concerted effort is needed to make schools and students aware of these opportunities.

**NEW SECTION. Sec. 2** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall compile information about online learning programs for high school students to earn college credit and place the information on its web site. Examples of information to be compiled and placed on the web site include links to purveyors of online learning programs, comparisons among various types of programs regarding costs or awarding of credit, advantages and disadvantages of online learning programs, and other general assistance and guidance for students, teachers, and counselors in selecting and considering online learning programs. The office shall use the expertise of the digital learning commons and WashingtonOnline to provide assistance and suggest resources.

(2) High schools shall ensure that teachers and counselors have information about online learning programs for high school students to earn college credit and are able to assist parents and students in accessing the information. High schools shall ensure that parents and students have opportunities to learn about online learning programs under this section.

(3) For the purposes of this section, online learning programs for high school students to earn college credit include such programs as the running start program under RCW 28A.600.300 through 28A.600.400, advanced placement courses authorized by the college board, the digital learning commons, University of Washington extension, WashingtonOnline, and other programs and providers that meet qualifications under current laws and rules to offer courses that high schools may accept for credit toward graduation requirements or that offer courses generally accepted for credit by public institutions of higher education in Washington.

**Sec. 3** RCW 28A.600.320 and 1994 c 205 s 3 are each amended to read as follows:

A school district shall provide general information about the program to all pupils in grades ten, eleven, and twelve and the parents and guardians of those pupils, including information about the opportunity to enroll in the program through online courses available at community and technical colleges and other state institutions of higher education. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in courses at an institution of higher education for credit. Students are responsible for applying for admission to the institution of higher education.

**NEW SECTION. Sec. 4** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Second Substitute House Bill No. 3129.

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

#### MOTION

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

2008 REGULAR SESSION

On page 1, line 2 of the title, after "credit," strike the remainder of the title and insert "amending RCW 28A.600.320; adding a new section to chapter 28A.300 RCW; and creating new sections."

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 3129 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 3129 as amended by the Senate .

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 3129 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Hargrove and Swecker - 2

SECOND SUBSTITUTE HOUSE BILL NO. 3129 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 3002, by House Committee on Commerce & Labor (originally sponsored by Representatives Williams, Sells, Ericks, Simpson, Hurst, Loomis, Conway, Liias, VanDeWege, Kenney, Linville and Ormsby)

Applying arbitration to bargaining by the state and the Washington state patrol.

The measure was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 3002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3002.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3002 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Holmquist - 1

Excused: Senator Swecker - 1

SUBSTITUTE HOUSE BILL NO. 3002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION FOR IMMEDIATE RECONSIDERATION

Senator McAuliffe moved to immediately reconsider the vote by which Second Substitute House Bill No. 2722 passed the Senate earlier in the day.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2722 was returned to second reading for the purpose of amendment.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2722, by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Kenney, Morris, Sullivan, Hasegawa, Upthegrove, Loomis, Pedersen, Darneille, Conway, Hudgins, Quall, Ericks, Kagi and Ormsby)

Creating an advisory committee to address the achievement gap for African-American students.

The measure was read the second time.

Senator McAuliffe moved that the following amendment by Senators McAuliffe, King and Tom be adopted.

On page 2, at the beginning of line 34, strike "secretary" and insert "president"

Senators McAuliffe and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe, King and Tom on page 2, line 34 to Second Substitute House Bill No. 2722.

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

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2722 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Stevens, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2722 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2722 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Benton - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2722 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 1:59 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:13 p.m. by President Owen.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The Speaker has signed the following bill:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2438, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:

HOUSE BILL NO. 1149,  
SUBSTITUTE HOUSE BILL NO. 1421,  
HOUSE BILL NO. 1923,  
SUBSTITUTE HOUSE BILL NO. 2427,  
SUBSTITUTE HOUSE BILL NO. 2496,  
HOUSE BILL NO. 2637,  
SUBSTITUTE HOUSE BILL NO. 2654,  
HOUSE BILL NO. 2730,  
SUBSTITUTE HOUSE BILL NO. 2778,  
HOUSE BILL NO. 2792,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2815,

FIFTY-THIRD DAY, MARCH 6, 2008  
SUBSTITUTE HOUSE BILL NO. 2859,  
HOUSE BILL NO. 2923,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3012  
SUBSTITUTE HOUSE BILL NO. 3029,  
HOUSE BILL NO. 3097,  
SECOND SUBSTITUTE HOUSE BILL NO. 3104,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
3123,  
HOUSE BILL NO. 3151  
SUBSTITUTE HOUSE BILL NO. 3206,  
HOUSE BILL NO. 3275,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 5278,  
SUBSTITUTE SENATE BILL NO. 6184,  
SUBSTITUTE SENATE BILL NO. 6244,  
SUBSTITUTE SENATE BILL NO. 6260,  
SENATE BILL NO. 6271,  
SENATE BILL NO. 6283,  
SENATE BILL NO. 6284,  
SUBSTITUTE SENATE BILL NO. 6309,  
SUBSTITUTE SENATE BILL NO. 6322,  
SUBSTITUTE SENATE BILL NO. 6324,  
SUBSTITUTE SENATE BILL NO. 6457,  
SENATE BILL NO. 6464,  
SENATE BILL NO. 6465,  
SUBSTITUTE SENATE BILL NO. 6500,  
SENATE BILL NO. 6504,  
SUBSTITUTE SENATE BILL NO. 6544,  
ENGROSSED SENATE BILL NO. 6591,  
SUBSTITUTE SENATE BILL NO. 6604,  
SENATE BILL NO. 6685,  
SENATE BILL NO. 6753,  
SUBSTITUTE SENATE BILL NO. 6770,  
SENATE BILL NO. 6837,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2438,

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1149,  
SUBSTITUTE HOUSE BILL NO. 1421,

2008 REGULAR SESSION

HOUSE BILL NO. 1923,  
SUBSTITUTE HOUSE BILL NO. 2427,  
SUBSTITUTE HOUSE BILL NO. 2496,  
HOUSE BILL NO. 2637,  
SUBSTITUTE HOUSE BILL NO. 2654,  
HOUSE BILL NO. 2730,  
SUBSTITUTE HOUSE BILL NO. 2778,  
HOUSE BILL NO. 2792,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2815,  
SUBSTITUTE HOUSE BILL NO. 2859,  
HOUSE BILL NO. 2923,

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3012  
SUBSTITUTE HOUSE BILL NO. 3029,  
HOUSE BILL NO. 3097,  
SECOND SUBSTITUTE HOUSE BILL NO. 3104,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
3123,  
HOUSE BILL NO. 3151,  
SUBSTITUTE HOUSE BILL NO. 3206,  
HOUSE BILL NO. 3275,

MOTION

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

MOTION

On motion of Senator Brandland, Senator Roach was excused.

MOTION

On motion of Senator Regala, Senator Hobbs was excused.

SECOND READING

FOURTH SUBSTITUTE HOUSE BILL NO. 1103, by House Committee on Health Care & Wellness (originally sponsored by Representatives Campbell, Green, Kenney, Hudgins, Appleton, Schual-Berke and Cody)

Concerning health professions. Revised for 4th Substitute: Increasing the authority of regulators to remove health care practitioners who pose a risk to the public.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1** From statehood, Washington has constitutionally provided for the regulation of the practice of medicine and the sale of drugs and medicines. This constitutional recognition of the importance of regulating health care practitioners derives not from providers' financial interest in their license, but from the greater need to protect the public health and safety by assuring that the health care providers and medicines that society relies upon meet certain standards of quality.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

The legislature finds that the issuance of a license to practice as a health care provider should be a means to promote quality and not be a means to provide financial benefit for providers. Statutory and administrative requirements provide sufficient due process protections to prevent the unwarranted revocation of a health care provider's license. While those due process protections must be maintained, there is an urgent need to return to the original constitutional mandate that patients be ensured quality from their health care providers. The legislature has recognized and medical malpractice reforms have recognized the importance of quality and patient safety through such measures as a new adverse events reporting system. Reforms to the health care provider licensing system is another step toward improving quality in health care. Therefore, the legislature intends to increase the authority of those engaged in the regulation of health care providers to swiftly identify and remove health care providers who pose a risk to the public.

**Sec. 2** RCW 18.130.020 and 1995 c 336 s 1 are each amended to read as follows:

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

(1) "Disciplining authority" means the agency, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.130.040.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of health or the secretary's designee.

(4) "Board" means any of those boards specified in RCW 18.130.040.

(5) "Clinical expertise" means the proficiency or judgment that a license holder in a particular profession acquires through clinical experience or clinical practice and that is not possessed by a lay person.

(6) "Commission" means any of the commissions specified in RCW 18.130.040.

~~((6))~~ (7) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.130.040 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a consumer, through offerings, advertisements, or use of a professional title or designation, that the individual is qualified to practice a profession or operate a business identified in RCW 18.130.040, without holding a valid, unexpired, unrevoked, and unsuspended license to do so.

~~((7))~~ (8) "Disciplinary action" means sanctions identified in RCW 18.130.160.

~~((8))~~ (9) "Practice review" means an investigative audit of records related to the complaint, without prior identification of specific patient or consumer names, or an assessment of the conditions, circumstances, and methods of the professional's practice related to the complaint, to determine whether unprofessional conduct may have been committed.

~~((9))~~ (10) "Health agency" means city and county health departments and the department of health.

~~((10))~~ (11) "License," "licensing," and "licensure" shall be deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.120.020.

(12) "Standards of practice" means the care, skill, and learning associated with the practice of a profession.

**Sec. 3** RCW 18.130.050 and 2006 c 99 s 4 are each amended to read as follows:

Except as provided in section 5 of this act, the disciplining authority has the following authority:

(1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter (~~and~~);

~~(3)~~ (3) To hold hearings as provided in this chapter;

~~((3))~~ (4) To issue subpoenas and administer oaths in connection with any investigation, consideration of an application for license, hearing, or proceeding held under this chapter;

~~((4))~~ (5) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

~~((5))~~ (6) To compel attendance of witnesses at hearings;

~~((6))~~ (7) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews and to issue citations and assess fines for failure to produce documents, records, or other items in accordance with section 20 of this act;

~~((7))~~ (8) To take emergency action ordering summary suspension of a license, or restriction or limitation of the license holder's practice pending proceedings by the disciplining authority. Within fourteen days of a request by the affected license holder, the disciplining authority must provide a show cause hearing in accordance with the requirements of section 6 of this act. Consistent with RCW 18.130.370, a disciplining authority shall issue a summary suspension of the license or temporary practice permit of a license holder prohibited from practicing a health care profession in another state, federal, or foreign jurisdiction because of an act of unprofessional conduct that is substantially equivalent to an act of unprofessional conduct prohibited by this chapter or any of the chapters specified in RCW 18.130.040. The summary suspension remains in effect until proceedings by the Washington disciplining authority have been completed;

~~((8))~~ (9) To conduct show cause hearings in accordance with section 5 or 6 of this act to review an action taken by the disciplining authority to suspend a license or restrict or limit a license holder's practice pending proceedings by the disciplining authority;

~~(10)~~ (10) To use a presiding officer as authorized in RCW 18.130.095(3) or the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. The disciplining authority shall make the final decision regarding disposition of the license unless the disciplining authority elects to delegate in writing the final decision to the presiding officer. Disciplining authorities identified in RCW 18.130.040(2)(b) may not delegate the final decision regarding disposition of the license or imposition of sanctions to a presiding officer in any case pertaining to standards of practice or where clinical expertise is necessary;

~~((9))~~ (11) To use individual members of the boards to direct investigations and to authorize the issuance of a citation under subsection (7) of this section. However, the member of the board shall not subsequently participate in the hearing of the case;

~~((10))~~ (12) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

~~((11))~~ (13) To contract with ~~((licensees))~~ license holders or other persons or organizations to provide services necessary for the monitoring and supervision of ~~((licensees))~~ license holders who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;

~~((12))~~ (14) To adopt standards of professional conduct or practice;

~~((13))~~ (15) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter. After January 1, 2009, all sanctions must be issued in accordance with section 12 of this act;

~~((14))~~ (16) To restrict or place conditions on the practice of new licensees in order to protect the public and promote the safety of and confidence in the health care system;

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(17) To designate individuals authorized to sign subpoenas and statements of charges;

~~((+5))~~ (18) To establish panels consisting of three or more members of the board to perform any duty or authority within the board's jurisdiction under this chapter;

~~((+6))~~ (19) To review and audit the records of licensed health facilities' or services' quality assurance committee decisions in which a ~~(licensee's)~~ license holder's practice privilege or employment is terminated or restricted. Each health facility or service shall produce and make accessible to the disciplining authority the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to discovery or introduction into evidence in any civil action pursuant to RCW 70.41.200(3).

**Sec. 4** RCW 18.130.060 and 2006 c 99 s 1 are each amended to read as follows:

In addition to the authority specified in RCW 18.130.050 and section 5 of this act, the secretary has the following additional authority:

(1) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter. The secretary must, whenever practical, make primary assignments on a long-term basis to foster the development and maintenance of staff expertise. To ensure continuity and best practices, the secretary will regularly evaluate staff assignments and workload distribution;

(2) Upon the request of a board or commission, to appoint pro tem members to participate as members of a panel of the board or commission in connection with proceedings specifically identified in the request. Individuals so appointed must meet the same minimum qualifications as regular members of the board or commission. Pro tem members appointed for matters under this chapter are appointed for a term of no more than one year. No pro tem member may serve more than four one-year terms. While serving as board or commission members pro tem, persons so appointed have all the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular members of the board or commission. The chairperson of a panel shall be a regular member of the board or commission appointed by the board or commission chairperson. Panels have authority to act as directed by the board or commission with respect to all matters ~~(concerning the review, investigation, and adjudication of all complaints, allegations, charges, and matters)~~ subject to the jurisdiction of the board or commission and within the authority of the board or commission. The authority to act through panels does not restrict the authority of the board or commission to act as a single body at any phase of proceedings within the board's or commission's jurisdiction. Board or commission panels may ~~((make interim orders and))~~ issue final orders and decisions with respect to matters and cases delegated to the panel by the board or commission. Final decisions may be appealed as provided in chapter 34.05 RCW, the administrative procedure act;

(3) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation and to establish fees to witnesses in any agency adjudicative proceeding as authorized by RCW 34.05.446;

(4) To conduct investigations and practice reviews at the direction of the disciplining authority and to issue subpoenas, administer oaths, and take depositions in the course of conducting those investigations and practice reviews at the direction of the disciplining authority;

(5) To have the health professions regulatory program establish a system to recruit potential public members, to review the qualifications of such potential members, and to provide orientation to those public members appointed pursuant to law by the governor or the secretary to the boards and commissions specified in RCW 18.130.040(2)(b), and to the advisory committees and councils for professions specified in RCW 18.130.040(2)(a); and

(6) To adopt rules, in consultation with the disciplining authorities, requiring every license holder to report information identified in RCW 18.130.070.

**NEW SECTION. Sec. 5** A new section is added to chapter 18.130 RCW to read as follows:

With regard to complaints that only allege that a license holder has committed an act or acts of unprofessional conduct involving sexual misconduct, the secretary shall serve as the sole disciplining authority in every aspect of the disciplinary process, including initiating investigations, investigating, determining the disposition of the complaint, holding hearings, preparing findings of fact, issuing orders or dismissals of charges as provided in RCW 18.130.110, entering into stipulations permitted by RCW 18.130.172, or issuing summary suspensions under section 6 of this act. The board or commission shall review all cases and only refer to the secretary sexual misconduct cases that do not involve clinical expertise or standard of care issues.

**NEW SECTION. Sec. 6** A new section is added to chapter 18.130 RCW to read as follows:

(1) Upon an order of a disciplining authority to summarily suspend a license, or restrict or limit a license holder's practice pursuant to RCW 18.130.050 or section 5 of this act, the license holder is entitled to a show cause hearing before a panel or the secretary as identified in subsection (2) of this section within fourteen days of requesting a show cause hearing. The license holder must request the show cause hearing within twenty days of the issuance of the order. At the show cause hearing, the disciplining authority has the burden of demonstrating that more probable than not, the license holder poses an immediate threat to the public health and safety. The license holder must request a hearing regarding the statement of charges in accordance with RCW 18.130.090.

(2)(a) In the case of a license holder who is regulated by a board or commission identified in RCW 18.130.040(2)(b), the show cause hearing must be held by a panel of the appropriate board or commission.

(b) In the case of a license holder who is regulated by the secretary under RCW 18.130.040(2)(a), the show cause hearing must be held by the secretary.

(3) At the show cause hearing, the show cause hearing panel or the secretary may consider the statement of charges, the motion, and documents supporting the request for summary action, the respondent's answer to the statement of charges, and shall provide the license holder with an opportunity to provide documentary evidence and written testimony, and be represented by counsel. Prior to the show cause hearing, the disciplining authority shall provide the license holder with all documentation in support of the charges against the license holder.

(4)(a) If the show cause hearing panel or secretary determines that the license holder does not pose an immediate threat to the public health and safety, the panel or secretary may overturn the summary suspension or restriction order.

(b) If the show cause hearing panel or secretary determines that the license holder poses an immediate threat to the public health and safety, the summary suspension or restriction order shall remain in effect. The show cause hearing panel or secretary may amend the order as long as the amended order ensures that the license holder will no longer pose an immediate threat to the public health and safety.

(5) Within forty-five days of the show cause hearing panel's or secretary's determination to sustain the summary suspension or place restrictions on the license, the license holder may request a full hearing on the merits of the disciplining authority's decision to suspend or restrict the license. A full hearing must be provided within forty-five days of receipt of the request for a hearing, unless stipulated otherwise.

**NEW SECTION. Sec. 7** A new section is added to chapter 18.130 RCW to read as follows:

(1)(a) The secretary is authorized to receive criminal history record information that includes nonconviction data for any

FIFTY-THIRD DAY, MARCH 6, 2008

purpose associated with investigation or licensing and investigate the complete criminal history and pending charges of all applicants and license holders.

(b) Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited. Disciplining authorities shall restrict the use of background check results in determining the individual's suitability for a license and in conducting disciplinary functions.

(2)(a) The secretary shall establish requirements for each applicant for an initial license to obtain a state background check through the state patrol prior to the issuance of any license. The background check may be fingerprint-based at the discretion of the department.

(b) The secretary shall specify those situations where a background check under (a) of this subsection is inadequate and an applicant for an initial license must obtain an electronic fingerprint-based national background check through the state patrol and federal bureau of investigation. Situations where a background check is inadequate may include instances where an applicant has recently lived out of state or where the applicant has a criminal record in Washington. The secretary shall issue a temporary practice permit to an applicant who must have a national background check conducted if the background check conducted under (a) of this subsection does not reveal a criminal record in Washington, and if the applicant meets the provisions of RCW 18.130.075.

(3) In addition to the background check required in subsection (2) of this section, an investigation may include an examination of state and national criminal identification data. The disciplining authority shall use the information for determining eligibility for licensure or renewal. The disciplining authority may also use the information when determining whether to proceed with an investigation of a report under RCW 18.130.080. For a national criminal history records check, the department shall require fingerprints be submitted to and searched through the Washington state patrol identification and criminal history section. The Washington state patrol shall forward the fingerprints to the federal bureau of investigation.

(4) The secretary shall adopt rules to require license holders to report to the disciplining authority any arrests, convictions, or other determinations or findings by a law enforcement agency occurring after the effective date of this section for a criminal offense. The report must be made within fourteen days of the conviction.

(5) The secretary shall conduct an annual review of a representative sample of all license holders who have previously obtained a background check through the department. The selection of the license holders to be reviewed must be representative of all categories of license holders and geographic locations.

(6)(a) When deciding whether or not to issue an initial license, the disciplining authority shall consider the results of any background check conducted under subsection (2) of this section that reveals a conviction for any criminal offense that constitutes unprofessional conduct under this chapter or the chapters specified in RCW 18.130.040(2) or a series of arrests that when considered together demonstrate a pattern of behavior that, without investigation, may pose a risk to the safety of the license holder's patients.

(b) If the background check conducted under subsection (2) of this section reveals any information related to unprofessional conduct that has not been previously disclosed to the disciplining authority, the disciplining authority shall take appropriate disciplinary action against the license holder.

(7) The department shall:

(a) Require the applicant or license holder to submit full sets of fingerprints if necessary to complete the background check;

(b) Require the applicant to submit any information required by the state patrol; and

(c) Notify the applicant if their background check reveals a criminal record. Only when the background check reveals a

2008 REGULAR SESSION

criminal record will an applicant receive a notice. Upon receiving such a notice, the applicant may request and the department shall provide a copy of the record to the extent permitted under RCW 10.97.050, including making accessible to the applicant for their personal use and information any records of arrest, charges, or allegations of criminal conduct or other nonconviction data pursuant to RCW 10.97.050(4).

(8) Criminal justice agencies shall provide the secretary with both conviction and nonconviction information that the secretary requests for investigations under this chapter.

(9) There is established a unit within the department for the purpose of detection, investigation, and prosecution of any act prohibited or declared unlawful under this chapter. The secretary will employ supervisory, legal, and investigative personnel for the unit who must be qualified by training and experience.

**Sec. 8** RCW 18.130.080 and 2006 c 99 s 5 are each amended to read as follows:

(1) ~~((A person, including but not limited to consumers, licensees, corporations, organizations, health care facilities, impaired practitioner programs, or voluntary substance abuse monitoring programs approved by disciplining authorities, and state and local governmental agencies;))~~ (a) An individual, an impaired practitioner program, or a voluntary substance abuse monitoring program approved by a disciplining authority, may submit a written complaint to the disciplining authority charging a license holder or applicant with unprofessional conduct and specifying the grounds therefor or to report information to the disciplining authority, or voluntary substance abuse monitoring program, or an impaired practitioner program approved by the disciplining authority, which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

(b)(i) Every license holder, corporation, organization, health care facility, and state and local governmental agency that employs a license holder shall report to the disciplining authority when the employed license holder's services have been terminated or restricted based upon a final determination that the license holder has either committed an act or acts that may constitute unprofessional conduct or that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

(ii) All reports required by (b)(i) of this subsection must be submitted to the disciplining authority as soon as possible, but no later than twenty days after a determination has been made. A report should contain the following information, if known:

(A) The name, address, and telephone number of the person making the report;

(B) The name, address, and telephone number of the license holder being reported;

(C) The case number of any patient whose treatment is the subject of the report;

(D) A brief description or summary of the facts that gave rise to the issuance of the report, including dates of occurrences;

(E) If court action is involved, the name of the court in which the action is filed, the date of filing, and the docket number; and

(F) Any further information that would aid in the evaluation of the report.

(iii) Mandatory reports required by (b)(i) of this subsection are exempt from public inspection and copying to the extent permitted under chapter 42.56 RCW or to the extent that public inspection or copying of the report would invade or violate a person's right to privacy as set forth in RCW 42.56.050.

(2) If the disciplining authority determines that ~~((the))~~ a complaint submitted under subsection (1) of this section merits investigation, or if the disciplining authority has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional conduct, the

FIFTY-THIRD DAY, MARCH 6, 2008

disciplining authority shall investigate to determine whether there has been unprofessional conduct. In determining whether or not to investigate, the disciplining authority shall consider any prior complaints received by the disciplining authority, any prior findings of fact under RCW 18.130.110, any stipulations to informal disposition under RCW 18.130.172, and any comparable action taken by other state disciplining authorities.

~~((2))~~ (3) Notwithstanding subsection ~~((1))~~ (2) of this section, the disciplining authority shall initiate an investigation in every instance where:

(a) The disciplining authority receives information that a health care provider has been disqualified from participating in the federal medicare program, under Title XVIII of the federal social security act, or the federal medicaid program, under Title XIX of the federal social security act; or

(b) There is a pattern of complaints, arrests, or other actions that may not have resulted in a formal adjudication of wrongdoing, but when considered together demonstrate a pattern of similar conduct that, without investigation, likely poses a risk to the safety of the license holder's patients.

(4) Failure of a license holder to submit a mandatory report to the disciplining authority under subsection (1)(b) of this section is punishable by a civil penalty not to exceed five hundred dollars and constitutes unprofessional conduct.

(5) If a report has been made by a hospital to the department under RCW 70.41.210 or an ambulatory surgical facility under RCW 70.230.120, a report to the disciplining authority under subsection (1)(b) of this section is not required.

~~((3))~~ A person who files a complaint or reports information under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.)

(6) A person is immune from civil liability, whether direct or derivative, for providing information in good faith to the disciplining authority under this section.

(7)(a) The secretary is authorized to receive criminal history record information that includes nonconviction data for any purpose associated with the investigation or licensing of persons under this chapter.

(b) Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited.

**Sec. 9** RCW 18.130.095 and 2005 c 274 s 231 are each amended to read as follows:

(1)(a) The secretary, in consultation with the disciplining authorities, shall develop uniform procedural rules to respond to public inquiries concerning complaints and their disposition, active investigations, statement of charges, findings of fact, and final orders involving a ~~((licensee))~~ license holder, applicant, or unlicensed person. The uniform procedural rules adopted under this subsection apply to all adjudicative proceedings conducted under this chapter and shall include provisions for establishing time periods for initial assessment, investigation, charging, discovery, settlement, and adjudication of complaints, and shall include enforcement provisions for violations of the specific time periods by the department, the disciplining authority, and the respondent. A ~~((licensee))~~ license holder must be notified upon receipt of a complaint, except when the notification would impede an effective investigation. At the earliest point of time the ~~((licensee))~~ license holder must be allowed to submit a written statement about that complaint, which statement must be included in the file. Complaints filed after July 27, 1997, are exempt from public disclosure under chapter 42.56 RCW until the complaint has been initially assessed and determined to warrant an investigation by the disciplining authority. Complaints determined not to warrant an investigation by the disciplining authority are no longer considered complaints, but must remain in the records and tracking system of the department. Information about complaints that did not warrant an investigation, including the existence of the complaint, may be released only upon receipt of a written public disclosure request or pursuant to an interagency agreement as provided in (b) of this subsection. Complaints determined to warrant no

2008 REGULAR SESSION

cause for action after investigation are subject to public disclosure, must include an explanation of the determination to close the complaint, and must remain in the records and tracking system of the department.

(b) The secretary, on behalf of the disciplining authorities, shall enter into interagency agreements for the exchange of records, which may include complaints filed but not yet assessed, with other state agencies if access to the records will assist those agencies in meeting their federal or state statutory responsibilities. Records obtained by state agencies under the interagency agreements are subject to the limitations on disclosure contained in (a) of this subsection.

(2) The uniform procedures for conducting investigations shall provide that prior to taking a written statement:

(a) For violation of this chapter, the investigator shall inform such person, in writing of: (i) The nature of the complaint; (ii) that the person may consult with legal counsel at his or her expense prior to making a statement; and (iii) that any statement that the person makes may be used in an adjudicative proceeding conducted under this chapter; and

(b) From a witness or potential witness in an investigation under this chapter, the investigator shall inform the person, in writing, that the statement may be released to the ~~((licensee))~~ license holder, applicant, or unlicensed person under investigation if a statement of charges is issued.

(3) Only upon the authorization of a disciplining authority identified in RCW 18.130.040(2)(b), the secretary, or his or her designee, may serve as the presiding officer for any disciplinary proceedings of the disciplining authority authorized under this chapter. ~~((Except as provided in RCW 18.130.050(8),))~~ The presiding officer shall not vote on or make any final decision in cases pertaining to standards of practice or where clinical expertise is necessary. All functions performed by the presiding officer shall be subject to chapter 34.05 RCW. The secretary, in consultation with the disciplining authorities, shall adopt procedures for implementing this subsection.

(4) The uniform procedural rules shall be adopted by all disciplining authorities listed in RCW 18.130.040(2), and shall be used for all adjudicative proceedings conducted under this chapter, as defined by chapter 34.05 RCW. The uniform procedural rules shall address the use of a presiding officer authorized in subsection (3) of this section to determine and issue decisions on all legal issues and motions arising during adjudicative proceedings.

**Sec. 10** RCW 18.130.160 and 2006 c 99 s 6 and 2006 c 8 s 104 are each reenacted and amended to read as follows:

Upon a finding, after hearing, that a license holder ~~((or applicant))~~ has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority ~~((may consider the imposition of sanctions, taking into account))~~ shall issue an order including sanctions adopted in accordance with the schedule adopted under section 12 of this act giving proper consideration to any prior findings of fact under RCW 18.130.110, any stipulations to informal disposition under RCW 18.130.172, and any action taken by other in-state or out-of-state disciplining authorities ~~((, and issue an))~~ . The order ~~((providing))~~ must provide for one or any combination of the following, as directed by the schedule:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;

FIFTY-THIRD DAY, MARCH 6, 2008

(8) Payment of a fine for each violation of this chapter, not to exceed five thousand dollars per violation. Funds received shall be placed in the health professions account;

(9) Denial of the license request;

(10) Corrective action;

(11) Refund of fees billed to and collected from the consumer;

(12) A surrender of the practitioner's license in lieu of other sanctions, which must be reported to the federal data bank.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. Safeguarding the public's health and safety is the paramount responsibility of every disciplining authority ~~((and))~~. In determining what action is appropriate, the disciplining authority must consider the schedule adopted under section 12 of this act. Where the schedule allows flexibility in determining the appropriate sanction, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder ((or applicant)). All costs associated with compliance with orders issued under this section are the obligation of the license holder ((or applicant)). The disciplining authority may order permanent revocation of a license if it finds that the license holder can never be rehabilitated or can never regain the ability to practice with reasonable skill and safety.

Surrender or permanent revocation of a license under this section is not subject to a petition for reinstatement under RCW 18.130.150.

The disciplining authority may determine that a case presents unique circumstances that the schedule adopted under section 12 of this act does not adequately address. The disciplining authority may deviate from the schedule adopted under section 12 of this act when selecting appropriate sanctions, but the disciplining authority must issue a written explanation of the basis for not following the schedule.

The ~~((licensee or applicant))~~ license holder may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the ~~((licensee))~~ license holder has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or inability to practice, or a statement by the ~~((licensee))~~ license holder acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct or inability to practice. The stipulation entered into pursuant to this subsection shall be considered formal disciplinary action for all purposes.

**Sec. 11** RCW 18.130.170 and 1995 c 336 s 8 are each amended to read as follows:

(1) If the disciplining authority believes a license holder ~~((or applicant))~~ may be unable to practice with reasonable skill and safety to consumers by reason of any mental or physical condition, a statement of charges in the name of the disciplining authority shall be served on the license holder ~~((or applicant))~~ and notice shall also be issued providing an opportunity for a hearing. The hearing shall be limited to the sole issue of the capacity of the license holder ~~((or applicant))~~ to practice with reasonable skill and safety. If the disciplining authority determines that the license holder ~~((or applicant))~~ is unable to practice with reasonable skill and safety for one of the reasons stated in this subsection, the disciplining authority shall impose such sanctions under RCW 18.130.160 as is deemed necessary to protect the public.

(2)(a) In investigating or adjudicating a complaint or report that a license holder ~~((or applicant))~~ may be unable to practice with reasonable skill or safety by reason of any mental or physical condition, the disciplining authority may require a license holder ~~((or applicant))~~ to submit to a mental or physical

2008 REGULAR SESSION

examination by one or more licensed or certified health professionals designated by the disciplining authority. The license holder ~~((or applicant))~~ shall be provided written notice of the disciplining authority's intent to order a mental or physical examination, which notice shall include: (i) A statement of the specific conduct, event, or circumstances justifying an examination; (ii) a summary of the evidence supporting the disciplining authority's concern that the license holder ~~((or applicant))~~ may be unable to practice with reasonable skill and safety by reason of a mental or physical condition, and the grounds for believing such evidence to be credible and reliable; (iii) a statement of the nature, purpose, scope, and content of the intended examination; (iv) a statement that the license holder ~~((or applicant))~~ has the right to respond in writing within twenty days to challenge the disciplining authority's grounds for ordering an examination or to challenge the manner or form of the examination; and (v) a statement that if the license holder ~~((or applicant))~~ timely responds to the notice of intent, then the license holder ~~((or applicant))~~ will not be required to submit to the examination while the response is under consideration.

(b) Upon submission of a timely response to the notice of intent to order a mental or physical examination, the license holder ~~((or applicant))~~ shall have an opportunity to respond to or refute such an order by submission of evidence or written argument or both. The evidence and written argument supporting and opposing the mental or physical examination shall be reviewed by either a panel of the disciplining authority members who have not been involved with the allegations against the license holder ~~((or applicant))~~ or a neutral decision maker approved by the disciplining authority. The reviewing panel of the disciplining authority or the approved neutral decision maker may, in its discretion, ask for oral argument from the parties. The reviewing panel of the disciplining authority or the approved neutral decision maker shall prepare a written decision as to whether: There is reasonable cause to believe that the license holder ~~((or applicant))~~ may be unable to practice with reasonable skill and safety by reason of a mental or physical condition, or the manner or form of the mental or physical examination is appropriate, or both.

(c) Upon receipt by the disciplining authority of the written decision, or upon the failure of the license holder ~~((or applicant))~~ to timely respond to the notice of intent, the disciplining authority may issue an order requiring the license holder ~~((or applicant))~~ to undergo a mental or physical examination. All such mental or physical examinations shall be narrowly tailored to address only the alleged mental or physical condition and the ability of the license holder ~~((or applicant))~~ to practice with reasonable skill and safety. An order of the disciplining authority requiring the license holder ~~((or applicant))~~ to undergo a mental or physical examination is not a final order for purposes of appeal. The cost of the examinations ordered by the disciplining authority shall be paid out of the health professions account. In addition to any examinations ordered by the disciplining authority, the ~~((licensee))~~ license holder may submit physical or mental examination reports from licensed or certified health professionals of the license holder's ~~((or applicants))~~ choosing and expense.

(d) If the disciplining authority finds that a license holder ~~((or applicant))~~ has failed to submit to a properly ordered mental or physical examination, then the disciplining authority may order appropriate action or discipline under RCW 18.130.180(9), unless the failure was due to circumstances beyond the person's control. However, no such action or discipline may be imposed unless the license holder ~~((or applicant))~~ has had the notice and opportunity to challenge the disciplining authority's grounds for ordering the examination, to challenge the manner and form, to assert any other defenses, and to have such challenges or defenses considered by either a panel of the disciplining authority members who have not been involved with the allegations against the license holder ~~((or applicant))~~ or a neutral decision maker approved by the

FIFTY-THIRD DAY, MARCH 6, 2008

disciplining authority, as previously set forth in this section. Further, the action or discipline ordered by the disciplining authority shall not be more severe than a suspension of the license, certification, registration, or application until such time as the license holder (~~(or applicant)~~) complies with the properly ordered mental or physical examination.

(e) Nothing in this section shall restrict the power of a disciplining authority to act in an emergency under RCW 34.05.422(4), 34.05.479, and 18.130.050(~~((7))~~) (8).

(f) A determination by a court of competent jurisdiction that a license holder (~~(or applicant)~~) is mentally incompetent or (~~(mentally ill)~~) an individual with mental illness is presumptive evidence of the license holder's (~~(or applicant's)~~) inability to practice with reasonable skill and safety. An individual affected under this section shall at reasonable intervals be afforded an opportunity, at his or her expense, to demonstrate that the individual can resume competent practice with reasonable skill and safety to the consumer.

(3) For the purpose of subsection (2) of this section, (~~(an applicant or)~~) a license holder governed by this chapter, by making application, practicing, or filing a license renewal, is deemed to have given consent to submit to a mental, physical, or psychological examination when directed in writing by the disciplining authority and further to have waived all objections to the admissibility or use of the examining health professional's testimony or examination reports by the disciplining authority on the ground that the testimony or reports constitute privileged communications.

**NEW SECTION. Sec. 12** A new section is added to chapter 18.130 RCW to read as follows:

(1) Each of the disciplining authorities identified in RCW 18.130.040(2)(b) shall appoint a representative to review the secretary's sanctioning guidelines, as well as guidelines adopted by any of the boards and commissions, and collaborate to develop a schedule that defines appropriate ranges of sanctions that are applicable upon a determination that a license holder has committed unprofessional conduct as defined in this chapter or the chapters specified in RCW 18.130.040(2). The schedule must identify aggravating and mitigating circumstances that may enhance or reduce the sanction imposed by the disciplining authority for unprofessional conduct. The schedule must apply to all disciplining authorities. In addition, the disciplining authorities shall make provisions for instances in which there are multiple findings of unprofessional conduct. When establishing the proposed schedule, the disciplining authorities shall consider maintaining consistent sanction determinations that maximize the protection of the public's health and while maintaining the rights of health care providers of the different health professions. The disciplining authorities shall submit the proposed schedule and recommendations to modify or adopt the secretary's guidelines to the secretary no later than November 15, 2008.

(2) The secretary shall adopt rules establishing a uniform sanctioning schedule that is consistent with the proposed schedule developed under subsection (1) of this section. The schedule shall be applied to all disciplinary actions commenced under this chapter after January 1, 2009. The secretary shall use his or her emergency rule-making authority pursuant to the procedures under chapter 34.05 RCW, to adopt rules that take effect no later than January 1, 2009, to implement the schedule.

(3) The disciplining authority may determine that a case presents unique circumstances that the schedule adopted under this section does not adequately address. The disciplining authority may deviate from the schedule adopted under this section when selecting appropriate sanctions, but the disciplining authority must issue a written explanation in the order of the basis for not following the schedule.

(4) The secretary shall report to the legislature by January 15, 2009, on the adoption of the sanctioning schedule.

**Sec. 13** RCW 18.130.310 and 1989 1st ex.s. c 9 s 313 are each amended to read as follows:

2008 REGULAR SESSION

(1) Subject to RCW 40.07.040, the disciplinary authority shall submit (~~(a biennial)~~) an annual report to the legislature on its proceedings during the (~~(biennium)~~) year, detailing the number of complaints made, investigated, and adjudicated and manner of disposition. In addition, the report must provide data on the department's background check activities conducted under section 7 of this act and the effectiveness of those activities in identifying potential license holders who may not be qualified to practice safely. The report must summarize the distribution of the number of cases assigned to each attorney and investigator for each profession. The identity of the attorney and investigator must remain anonymous. The report may include recommendations for improving the disciplinary process, including proposed legislation. The department shall develop a uniform report format.

(2) Each disciplining authority identified in RCW 18.130.040(2)(b) may submit an annual report to complement the report required under subsection (1) of this section. Each report may provide additional information about the disciplinary activities, rule-making and policy activities, and receipts and expenditures for the individual disciplining authority.

**Sec. 14** RCW 70.41.210 and 2005 c 470 s 1 are each amended to read as follows:

(1) The chief administrator or executive officer of a hospital shall report to the department when the practice of a health care practitioner as defined in subsection (2) of this section is restricted, suspended, limited, or terminated based upon a conviction, determination, or finding by the hospital that the health care practitioner has committed an action defined as unprofessional conduct under RCW 18.130.180. The chief administrator or executive officer shall also report any voluntary restriction or termination of the practice of a health care practitioner as defined in subsection (2) of this section while the practitioner is under investigation or the subject of a proceeding by the hospital regarding unprofessional conduct, or in return for the hospital not conducting such an investigation or proceeding or not taking action. The department will forward the report to the appropriate disciplining authority.

(2) The reporting requirements apply to the following health care practitioners: Pharmacists as defined in chapter 18.64 RCW; advanced registered nurse practitioners as defined in chapter 18.79 RCW; dentists as defined in chapter 18.32 RCW; naturopaths as defined in chapter 18.36A RCW; optometrists as defined in chapter 18.53 RCW; osteopathic physicians and surgeons as defined in chapter 18.57 RCW; osteopathic (~~(physician [physicians])~~) physicians' assistants as defined in chapter 18.57A RCW; physicians as defined in chapter 18.71 RCW; physician assistants as defined in chapter 18.71A RCW; podiatric physicians and surgeons as defined in chapter 18.22 RCW; and psychologists as defined in chapter 18.83 RCW.

(3) Reports made under subsection (1) of this section shall be made within fifteen days of the date: (a) A conviction, determination, or finding is made by the hospital that the health care practitioner has committed an action defined as unprofessional conduct under RCW 18.130.180; or (b) the voluntary restriction or termination of the practice of a health care practitioner, including his or her voluntary resignation, while under investigation or the subject of proceedings regarding unprofessional conduct under RCW 18.130.180 is accepted by the hospital.

(4) Failure of a hospital to comply with this section is punishable by a civil penalty not to exceed (~~(two))~~ five hundred (~~(fifty))~~ dollars.

(5) A hospital, its chief administrator, or its executive officer who files a report under this section is immune from suit, whether direct or derivative, in any civil action related to the filing or contents of the report, unless the conviction, determination, or finding on which the report and its content are based is proven to not have been made in good faith. The prevailing party in any action brought alleging the conviction, determination, finding, or report was not made in good faith,

FIFTY-THIRD DAY, MARCH 6, 2008

shall be entitled to recover the costs of litigation, including reasonable attorneys' fees.

(6) The department shall forward reports made under subsection (1) of this section to the appropriate disciplining authority designated under Title 18 RCW within fifteen days of the date the report is received by the department. The department shall notify a hospital that has made a report under subsection (1) of this section of the results of the disciplining authority's case disposition decision within fifteen days after the case disposition. Case disposition is the decision whether to issue a statement of charges, take informal action, or close the complaint without action against a practitioner. In its biennial report to the legislature under RCW 18.130.310, the department shall specifically identify the case dispositions of reports made by hospitals under subsection (1) of this section.

(7) The department shall not increase hospital license fees to carry out this section before July 1, (~~2007~~) 2008.

**NEW SECTION. Sec. 15** A new section is added to chapter 42.52 RCW to read as follows:

Members of a health profession board or commission as identified in RCW 18.130.040(2)(b) may express their professional opinions to an elected official about the work of the board or commission on which the member serves, even if those opinions differ from the department of health's official position. Such communication shall be to inform the elected official and not to lobby in support or opposition to any initiative to the legislature.

**Sec. 16** RCW 43.70.320 and 1993 c 492 s 411 are each amended to read as follows:

(1) There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations and the civil penalties assessed and collected by the department under RCW 18.130.190 shall be forwarded to the state treasurer who shall credit such moneys to the health professions account.

(2) All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation, except as provided in subsection (4) of this section. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(3) The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

(4) The secretary shall, at the request of a board or commission as applicable, spend unappropriated funds in the health professions account that are allocated to the requesting board or commission to meet unanticipated costs of that board or commission when revenues exceed more than fifteen percent over the department's estimated six-year spending projections for the requesting board or commission. Unanticipated costs shall be limited to spending as authorized in subsection (3) of this section for anticipated costs.

**Sec. 17** RCW 18.130.040 and 2007 c 269 s 17 and 2007 c 70 s 11 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;

2008 REGULAR SESSION

- (vi) Dental hygienists licensed under chapter 18.29 RCW;
  - (vii) Acupuncturists licensed under chapter 18.06 RCW;
  - (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
  - (ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
  - (x) Persons registered under chapter 18.19 RCW;
  - (xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;
  - (xii) Persons registered as nursing pool operators under chapter 18.52C RCW;
  - (xiii) Nursing assistants registered or certified under chapter 18.88A RCW;
  - (xiv) Health care assistants certified under chapter 18.135 RCW;
  - (xv) Dietitians and nutritionists certified under chapter 18.138 RCW;
  - (xvi) Chemical dependency professionals certified under chapter 18.205 RCW;
  - (xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
  - (xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
  - (xix) Denturists licensed under chapter 18.30 RCW;
  - (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
  - (xxi) Surgical technologists registered under chapter 18.215 RCW;
  - (xxii) Recreational therapists; and
  - (xxiii) Animal massage practitioners certified under chapter 18.240 RCW.
- (b) The boards and commissions having authority under this chapter are as follows:
- (i) The podiatric medical board as established in chapter 18.22 RCW;
  - (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
  - (iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;
  - (iv) The board of hearing and speech as established in chapter 18.35 RCW;
  - (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
  - (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
  - (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
  - (viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
  - (ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
  - (x) The board of physical therapy as established in chapter 18.74 RCW;
  - (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
  - (xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;
  - (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and
  - (xiv) The veterinary board of governors as established in chapter 18.92 RCW.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses ~~((based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by)).~~ The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 18** RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13, and 2007 c 70 s 11 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists licensed under chapter 18.06 RCW;
- (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
- (ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
- (x) Persons registered under chapter 18.19 RCW;
- (xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;
- (xii) Persons registered as nursing pool operators under chapter 18.52C RCW;
- (xiii) Nursing assistants registered or certified under chapter 18.88A RCW;
- (xiv) Health care assistants certified under chapter 18.135 RCW;
- (xv) Dietitians and nutritionists certified under chapter 18.138 RCW;
- (xvi) Chemical dependency professionals certified under chapter 18.205 RCW;
- (xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
- (xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
- (xix) Denturists licensed under chapter 18.30 RCW;
- (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
- (xxi) Surgical technologists registered under chapter 18.215 RCW;
- (xxii) Recreational therapists;
- (xxiii) Animal massage practitioners certified under chapter 18.240 RCW; and
- (xxiv) Athletic trainers licensed under chapter 18.250 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

- (i) The podiatric medical board as established in chapter 18.22 RCW;
- (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses ~~((based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by)).~~ The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**NEW SECTION. Sec. 19** A new section is added to chapter 18.130 RCW to read as follows:

(1) The disciplining authority may deny an application for licensure or grant a license with conditions if the applicant:

(a) Has had his or her license to practice any health care profession suspended, revoked, or restricted, by competent authority in any state, federal, or foreign jurisdiction;

(b) Has committed any act defined as unprofessional conduct for a license holder under RCW 18.130.180;

(c) Has been convicted or is subject to current prosecution or pending charges of a crime involving moral turpitude or a crime identified in RCW 43.43.830. For purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the prosecution or sentence has been deferred or suspended. At the request of an applicant for an original license whose conviction is under appeal, the disciplining authority may defer decision upon the application during the pendency of such a prosecution or appeal;

(d) Fails to prove that he or she is qualified in accordance with the provisions of this chapter, the chapters identified in RCW 18.130.040(2), or the rules adopted by the disciplining authority; or

(e) Is not able to practice with reasonable skill and safety to consumers by reason of any mental or physical condition.

(i) The disciplining authority may require the applicant, at his or her own expense, to submit to a mental, physical, or

FIFTY-THIRD DAY, MARCH 6, 2008

psychological examination by one or more licensed health professionals designated by the disciplining authority. The disciplining authority shall provide written notice of its requirement for a mental or physical examination that includes a statement of the specific conduct, event, or circumstances justifying an examination and a statement of the nature, purpose, scope, and content of the intended examination. If the applicant fails to submit to the examination or provide the results of the examination or any required waivers, the disciplining authority may deny the application.

(ii) An applicant governed by this chapter is deemed to have given consent to submit to a mental, physical, or psychological examination when directed in writing by the disciplining authority and further to have waived all objections to the admissibility or use of the examining health professional's testimony or examination reports by the disciplining authority on the grounds that the testimony or reports constitute privileged communications.

(2) The provisions of RCW 9.95.240 and chapter 9.96A RCW do not apply to a decision to deny a license under this section.

(3) The disciplining authority shall give written notice to the applicant of the decision to deny a license or grant a license with conditions in response to an application for a license. The notice must state the grounds and factual basis for the action and be served upon the applicant.

(4) A license applicant who is aggrieved by the decision to deny the license or grant the license with conditions has the right to an adjudicative proceeding. The application for adjudicative proceeding must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, and be served on and received by the department within twenty-eight days of the decision. The license applicant has the burden to establish, by a preponderance of evidence, that the license applicant is qualified in accordance with the provisions of this chapter, the chapters identified in RCW 18.130.040(2), and the rules adopted by the disciplining authority.

**NEW SECTION. Sec. 20** A new section is added to chapter 18.130 RCW to read as follows:

(1)(a) A licensee must produce documents, records, or other items that are within his or her possession or control within twenty-one calendar days of service of a request by a disciplining authority. If the twenty-one calendar day limit results in a hardship upon the licensee, he or she may request, for good cause, an extension not to exceed thirty additional calendar days.

(b) In the event the licensee fails to produce the documents, records, or other items as requested by the disciplining authority or fails to obtain an extension of the time for response, the disciplining authority may issue a written citation and assess a fine of up to one hundred dollars per day for each day after the issuance of the citation until the documents, records, or other items are produced.

(c) In no event may the administrative fine assessed by the disciplining authority exceed five thousand dollars for each investigation made with respect to the violation.

(2) Citations issued under this section must include the following:

(a) A statement that the citation represents a determination that the person named has failed to produce documents, records, or other items as required by this section and that the determination is final unless contested as provided in this section;

(b) A statement of the specific circumstances;

(c) A statement of the monetary fine, which is up to one hundred dollars per day for each day after the issuance of the citation;

(d) A statement informing the licensee that if the licensee desires a hearing to contest the finding of a violation, the hearing must be requested by written notice to the disciplining authority within twenty days of the date of issuance of the

2008 REGULAR SESSION

citation. The hearing is limited to the issue of whether the licensee timely produced the requested documents, records, or other items or had good cause for failure to do so; and

(e) A statement that in the event a licensee fails to pay a fine within thirty days of the date of assessment, the full amount of the assessed fine must be added to the fee for renewal of the license unless the citation is being appealed.

(3) RCW 18.130.165 governs proof and enforcement of the fine.

(4) Administrative fines collected under this section must be deposited in the health professions account created in RCW 43.70.320.

(5) Issuance of a citation under this section does not preclude the disciplining authority from pursuing other action under this chapter.

(6) The disciplining authority shall establish and make available to licensees the maximum daily monetary fine that may be issued under subsection (2)(c) of this section. The disciplining authority shall review the maximum fine on a regular basis, but at a minimum, each biennium.

**Sec. 21** RCW 18.130.140 and 1984 c 279 s 14 are each amended to read as follows:

An individual who has been disciplined (~~(or)~~), whose license has been denied, or whose license has been granted with conditions by a disciplining authority may appeal the decision as provided in chapter 34.05 RCW.

**Sec. 22** RCW 18.130.150 and 1997 c 58 s 831 are each amended to read as follows:

A person whose license has been suspended (~~(or revoked)~~) under this chapter may petition the disciplining authority for reinstatement after an interval as determined by the disciplining authority in the order unless the disciplining authority has found, pursuant to RCW 18.130.160, that the licensee can never be rehabilitated or can never regain the ability to practice with reasonable skill and safety. The disciplining authority shall hold hearings on the petition and may deny the petition or may order reinstatement and impose terms and conditions as provided in RCW 18.130.160 and issue an order of reinstatement. The disciplining authority may require successful completion of an examination as a condition of reinstatement.

A person whose license has been suspended for noncompliance with a support order or (~~a residential or~~) visitation order under RCW 74.20A.320 may petition for reinstatement at any time by providing the secretary a release issued by the department of social and health services stating that the person is in compliance with the order. If the person has continued to meet all other requirements for reinstatement during the suspension, the secretary shall automatically reissue the person's license upon receipt of the release, and payment of a reinstatement fee, if any.

**Sec. 23** RCW 18.130.165 and 1993 c 367 s 20 are each amended to read as follows:

Where an order for payment of a fine is made as a result of a citation under section 20 of this act or a hearing under RCW 18.130.100 or 18.130.190 and timely payment is not made as directed in the final order, the disciplining authority may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement shall be in addition to any other rights the disciplining authority may have as to any licensee ordered to pay a fine but shall not be construed to limit a licensee's ability to seek judicial review under RCW 18.130.140.

In any action for enforcement of an order of payment of a fine, the disciplining authority's order is conclusive proof of the validity of the order of payment of a fine and the terms of payment.

**Sec. 24** RCW 18.130.172 and 2000 c 171 s 29 are each amended to read as follows:

(1) Prior to serving a statement of charges under RCW 18.130.090 or 18.130.170, the disciplinary authority may

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

furnish a statement of allegations to the licensee (~~(or applicant)~~) along with a detailed summary of the evidence relied upon to establish the allegations and a proposed stipulation for informal resolution of the allegations. These documents shall be exempt from public disclosure until such time as the allegations are resolved either by stipulation or otherwise.

(2) The disciplinary authority and the (~~(applicant or)~~) licensee may stipulate that the allegations may be disposed of informally in accordance with this subsection. The stipulation shall contain a statement of the facts leading to the filing of the complaint; the act or acts of unprofessional conduct alleged to have been committed or the alleged basis for determining that the (~~(applicant or)~~) licensee is unable to practice with reasonable skill and safety; a statement that the stipulation is not to be construed as a finding of either unprofessional conduct or inability to practice; an acknowledgment that a finding of unprofessional conduct or inability to practice, if proven, constitutes grounds for discipline under this chapter; and an agreement on the part of the licensee (~~(or applicant)~~) that the sanctions set forth in RCW 18.130.160, except RCW 18.130.160 (1), (2), (6), and (8), may be imposed as part of the stipulation, except that no fine may be imposed but the licensee (~~(or applicant)~~) may agree to reimburse the disciplinary authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars per allegation; and an agreement on the part of the disciplinary authority to forego further disciplinary proceedings concerning the allegations. A stipulation entered into pursuant to this subsection shall not be considered formal disciplinary action.

(3) If the licensee (~~(or applicant)~~) declines to agree to disposition of the charges by means of a stipulation pursuant to subsection (2) of this section, the disciplinary authority may proceed to formal disciplinary action pursuant to RCW 18.130.090 or 18.130.170.

(4) Upon execution of a stipulation under subsection (2) of this section by both the licensee (~~(or applicant)~~) and the disciplinary authority, the complaint is deemed disposed of and shall become subject to public disclosure on the same basis and to the same extent as other records of the disciplinary authority. Should the licensee (~~(or applicant)~~) fail to pay any agreed reimbursement within thirty days of the date specified in the stipulation for payment, the disciplinary authority may seek collection of the amount agreed to be paid in the same manner as enforcement of a fine under RCW 18.130.165.

**Sec. 25** RCW 18.130.180 and 1995 c 336 s 9 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder (~~(or applicant)~~) under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder (~~(or applicant)~~) of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that

it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers (~~(or)~~) documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficient drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to

FIFTY-THIRD DAY, MARCH 6, 2008

prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

- (a) Alcohol;
- (b) Controlled substances; or
- (c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards.

**Sec. 26** RCW 9.96A.020 and 1999 c 16 s 1 are each amended to read as follows:

(1) Subject to the exceptions in subsections (3) ~~((and (4)))~~ through (5) of this section, and unless there is another provision of law to the contrary, a person is not disqualified from employment by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, nor is a person disqualified to practice, pursue or engage in any occupation, trade, vocation, or business for which a license, permit, certificate or registration is required to be issued by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations solely because of a prior conviction of a felony. However, this section does not preclude the fact of any prior conviction of a crime from being considered.

(2) A person may be denied employment by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, or a person may be denied a license, permit, certificate or registration to pursue, practice or engage in an occupation, trade, vocation, or business by reason of the prior conviction of a felony if the felony for which he or she was convicted directly relates to the position of employment sought or to the specific occupation, trade, vocation, or business for which the license, permit, certificate or registration is sought, and the time elapsed since the conviction is less than ten years. However, for positions in the county treasurer's office, a person may be disqualified from employment because of a prior guilty plea or conviction of a felony involving embezzlement or theft, even if the time elapsed since the guilty plea or conviction is ten years or more.

(3) A person is disqualified for any certificate required or authorized under chapters 28A.405 or 28A.410 RCW, because of a prior guilty plea or the conviction of a felony involving sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or a violation of similar laws of another jurisdiction, even if the time elapsed since the guilty plea or conviction is ten years or more.

(4) A person is disqualified from employment by school districts, educational service districts, and their contractors hiring employees who will have regularly scheduled unsupervised access to children, because of a prior guilty plea or conviction of a felony involving sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or a violation of similar laws of another jurisdiction, even if the time elapsed since the guilty plea or conviction is ten years or more.

(5) The provisions of this chapter do not apply to issuance of licenses or credentials for professions regulated under chapter 18.130 RCW.

(6) Subsections (3) and (4) of this section only apply to a person applying for a certificate or for employment on or after July 25, 1993. Subsection (5) of this section only applies to a

2008 REGULAR SESSION

person applying for a license or credential on or after the effective date of this section.

**Sec. 27** RCW 9.95.240 and 2003 c 66 s 1 are each amended to read as follows:

(1) Every defendant who has fulfilled the conditions of his or her probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, may at any time prior to the expiration of the maximum period of punishment for the offense for which he or she has been convicted be permitted in the discretion of the court to withdraw his or her plea of guilty and enter a plea of not guilty, or if he or she has been convicted after a plea of not guilty, the court may in its discretion set aside the verdict of guilty; and in either case, the court may thereupon dismiss the information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he or she has been convicted. The probationer shall be informed of this right in his or her probation papers: PROVIDED, That in any subsequent prosecution, for any other offense, such prior conviction may be pleaded and proved, and shall have the same effect as if probation had not been granted, or the information or indictment dismissed.

(2)(a) After the period of probation has expired, the defendant may apply to the sentencing court for a vacation of the defendant's record of conviction under RCW 9.94A.640. The court may, in its discretion, clear the record of conviction if it finds the defendant has met the equivalent of the tests in RCW 9.94A.640(2) as those tests would be applied to a person convicted of a crime committed before July 1, 1984.

(b) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

(3) This section does not apply to chapter 18.130 RCW.

**Sec. 28** RCW 43.43.825 and 2006 c 99 s 8 are each amended to read as follows:

(1) Upon a guilty plea or conviction of a person for any felony crime involving homicide under chapter 9A.32 RCW, assault under chapter 9A.36 RCW, kidnapping under chapter 9A.40 RCW, ~~((or))~~ sex offenses under chapter 9A.44 RCW, financial crimes under chapter 9A.60 RCW, violations of the uniform controlled substances act under chapter 69.50 RCW, any drug offense defined under RCW 9.94A.030, or a crime of any type classified as a felony under Washington state law, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall transmit that information to the department of health. It is the duty of the department of health to identify whether the person holds a credential issued by a disciplining authority listed under RCW 18.130.040, and provide this information to the disciplining authority that issued the credential to the person who pled guilty or was convicted of a crime listed in subsection (1) of this section.

NEW SECTION. **Sec. 29** A new section is added to chapter 18.71 RCW to read as follows:

(1) The commission shall conduct a pilot project to evaluate the effect of granting the commission additional authority over

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

budget development, spending, and staffing. The pilot project shall begin on July 1, 2008, and conclude on June 30, 2013.

(2) The pilot project shall include the following provisions:

(a) That the secretary shall employ an executive director that is:

- (i) Hired by and serves at the pleasure of the commission;
- (ii) Exempt from the provisions of the civil service law, chapter 41.06 RCW and whose salary is established by the commission in accordance with RCW 43.03.028 and 42.17.370; and
- (iii) Responsible for performing all administrative duties of the commission, including preparing an annual budget, and any other duties as delegated to the executive director by the commission;

(b) Consistent with the budgeting and accounting act:

(i) With regard to budget for the remainder of the 2007-2009 biennium, the commission has authority to spend the remaining funds allocated with respect to its professions, physicians regulated under this chapter and physician assistants regulated under chapter 18.71A RCW; and

(ii) Beginning with the 2009-2011 biennium, the commission is responsible for proposing its own biennial budget which the secretary must submit to the office of financial management;

(c) That, prior to adopting credentialing fees under RCW 43.70.250, the secretary shall collaborate with the commission to determine the appropriate fees necessary to support the activities of the commission;

(d) That, prior to the secretary exercising the secretary's authority to adopt uniform rules and guidelines, or any other actions that might impact the licensing or disciplinary authority of the commission, the secretary shall first meet with the commission to determine how those rules or guidelines, or changes to rules or guidelines, might impact the commission's ability to effectively carry out its statutory duties. If the commission, in consultation with the secretary, determines that the proposed rules or guidelines, or changes to existing rules or guidelines, will negatively impact the commission's ability to effectively carry out its statutory duties, then the individual commission shall collaborate with the secretary to develop alternative solutions to mitigate the impacts. If an alternative solution cannot be reached, the parties may resolve the dispute through a mediator as set forth in (f) of this subsection;

(e) That the commission shall negotiate with the secretary to develop performance-based expectations, including identification of key performance measures. The performance expectations should focus on consistent, timely regulation of health care professionals; and

(f) That in the event there is a disagreement between the commission and the secretary, that is unable to be resolved through negotiation, a representative of both parties shall agree on the designation of a third party to mediate the dispute.

(3) By December 15, 2013, the commission shall report to the governor and the legislature on the results of the pilot project. The report shall:

(a) Compare the effectiveness of licensing and disciplinary activities of each commission during the pilot project with the licensing and disciplinary activities of the commission prior to the pilot project and the disciplinary activities of other disciplining authorities during the same time period as the pilot project;

(b) Compare the efficiency of each commission with respect to the timeliness and personnel resources during the pilot project to the efficiency of the commission prior to the pilot project and the efficiency of other disciplining authorities during the same period as the pilot project;

(c) Compare the budgetary activity of each commission during the pilot project to the budgetary activity of the commission prior to the pilot project and to the budgetary activity of other disciplining authorities during the same period as the pilot project;

(d) Evaluate each commission's regulatory activities, including timelines, consistency of decision making, and performance levels in comparison to other disciplining authorities; and

(e) Review summaries of national research and data regarding regulatory effectiveness and patient safety.

(4) The secretary shall employ staff that are hired and managed by the executive director provided that nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

**Sec. 30** RCW 18.71.0191 and 1994 sp.s. c 9 s 326 are each amended to read as follows:

Except as provided in section 29 of this act for the duration of the pilot project, the secretary of the department of health shall appoint, from a list of three names supplied by the commission, an executive director who shall act to carry out the provisions of this chapter. The secretary shall also employ such additional staff including administrative assistants, investigators, and clerical staff as are required to enable the commission to accomplish its duties and responsibilities. The executive director is exempt from the provisions of the civil service law, chapter 41.06 RCW, as now or hereafter amended.

NEW SECTION. **Sec. 31** Section 30 of this act expires June 30, 2013.

NEW SECTION. **Sec. 32** Section 17 of this act expires July 1, 2008.

NEW SECTION. **Sec. 33** Section 18 of this act takes effect July 1, 2008.

NEW SECTION. **Sec. 34** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 35** The code reviser is directed to put the defined terms in RCW 18.130.020 in alphabetical order.

NEW SECTION. **Sec. 36** Except for sections 2 and 18 of this act, which take effect July 1, 2008, and for section 12 of this act, which takes effect January 1, 2009, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Pflug to the committee striking amendment be adopted.

Beginning on page 40, line 10 of the amendment, strike sections 29 through 31, and insert the following:

"NEW SECTION. **Sec. 29** A new section is added to chapter 18.71 RCW to read as follows:

(1) The commission shall conduct a pilot project to evaluate the effect of granting the commission additional authority over budget development, spending, and staffing. The pilot project shall begin on July 1, 2008, and conclude on June 30, 2013.

(2) The pilot project shall include the following provisions:

(a) That the secretary shall employ an executive director that is:

- (i) Hired by and serves at the pleasure of the commission;
- (ii) Exempt from the provisions of the civil service law, chapter 41.06 RCW and whose salary is established by the commission in accordance with RCW 43.03.028 and 42.17.370; and

(iii) Responsible for performing all administrative duties of the commission, including preparing an annual budget, and any other duties as delegated to the executive director by the commission;

(b) Consistent with the budgeting and accounting act:

(i) With regard to budget for the remainder of the 2007-2009 biennium, the commission has authority to spend the remaining funds allocated with respect to its professions,

FIFTY-THIRD DAY, MARCH 6, 2008

physicians regulated under this chapter and physician assistants regulated under chapter 18.71A RCW; and

(ii) Beginning with the 2009-2011 biennium, the commission is responsible for proposing its own biennial budget which the secretary must submit to the office of financial management;

(c) That, prior to adopting credentialing fees under RCW 43.70.250, the secretary shall collaborate with the commission to determine the appropriate fees necessary to support the activities of the commission;

(d) That, prior to the secretary exercising the secretary's authority to adopt uniform rules and guidelines, or any other actions that might impact the licensing or disciplinary authority of the commission, the secretary shall first meet with the commission to determine how those rules or guidelines, or changes to rules or guidelines, might impact the commission's ability to effectively carry out its statutory duties. If the commission, in consultation with the secretary, determines that the proposed rules or guidelines, or changes to existing rules or guidelines, will negatively impact the commission's ability to effectively carry out its statutory duties, then the individual commission shall collaborate with the secretary to develop alternative solutions to mitigate the impacts. If an alternative solution cannot be reached, the parties may resolve the dispute through a mediator as set forth in (f) of this subsection;

(e) That the commission shall negotiate with the secretary to develop performance-based expectations, including identification of key performance measures. The performance expectations should focus on consistent, timely regulation of health care professionals; and

(f) That in the event there is a disagreement between the commission and the secretary, that is unable to be resolved through negotiation, a representative of both parties shall agree on the designation of a third party to mediate the dispute.

(3) By December 15, 2013, the secretary, the commission, and the other commissions conducting similar pilot projects under sections 30 through 32 of this act, shall report to the governor and the legislature on the results of the pilot project. The report shall:

(a) Compare the effectiveness of licensing and disciplinary activities of each commission during the pilot project with the licensing and disciplinary activities of the commission prior to the pilot project and the disciplinary activities of other disciplining authorities during the same time period as the pilot project;

(b) Compare the efficiency of each commission with respect to the timeliness and personnel resources during the pilot project to the efficiency of the commission prior to the pilot project and the efficiency of other disciplining authorities during the same period as the pilot project;

(c) Compare the budgetary activity of each commission during the pilot project to the budgetary activity of the commission prior to the pilot project and to the budgetary activity of other disciplining authorities during the same period as the pilot project;

(d) Evaluate each commission's regulatory activities, including timelines, consistency of decision making, and performance levels in comparison to other disciplining authorities; and

(e) Review summaries of national research and data regarding regulatory effectiveness and patient safety.

(4) The secretary shall employ staff that are hired and managed by the executive director provided that nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

**NEW SECTION. Sec. 30** A new section is added to chapter 18.79 RCW to read as follows:

(1) The commission shall conduct a pilot project to evaluate the effect of granting the commission additional authority over budget development, spending, and staffing. The pilot project

2008 REGULAR SESSION

shall begin on July 1, 2008, and conclude on June 30, 2013.

(2) The pilot project shall include the following provisions:

(a) That the secretary shall employ an executive director that is:

(i) Hired by and serves at the pleasure of the commission;

(ii) Exempt from the provisions of the civil service law, chapter 41.06 RCW and whose salary is established by the commission in accordance with RCW 43.03.028 and 42.17.370; and

(iii) Responsible for performing all administrative duties of the commission, including preparing an annual budget, and any other duties as delegated to the executive director by the commission;

(b) Consistent with the budgeting and accounting act:

(i) With regard to budget for the remainder of the 2007-2009 biennium, the commission has authority to spend the remaining funds allocated with respect to advanced registered nurses, registered nurses, and licensed practical nurses regulated under this chapter; and

(ii) Beginning with the 2009-2011 biennium, the commission is responsible for proposing its own biennial budget which the secretary must submit to the office of financial management;

(c) That, prior to adopting credentialing fees under RCW 43.70.250, the secretary shall collaborate with the commission to determine the appropriate fees necessary to support the activities of the commission;

(d) That, prior to the secretary exercising the secretary's authority to adopt uniform rules and guidelines, or any other actions that might impact the licensing or disciplinary authority of the commission, the secretary shall first meet with the commission to determine how those rules or guidelines, or changes to rules or guidelines, might impact the commission's ability to effectively carry out its statutory duties. If the commission, in consultation with the secretary, determines that the proposed rules or guidelines, or changes to existing rules or guidelines, will negatively impact the commission's ability to effectively carry out its statutory duties, then the individual commission shall collaborate with the secretary to develop alternative solutions to mitigate the impacts. If an alternative solution cannot be reached, the parties may resolve the dispute through a mediator as set forth in (f) of this subsection;

(e) That the commission shall negotiate with the secretary to develop performance-based expectations, including identification of key performance measures. The performance expectations should focus on consistent, timely regulation of health care professionals; and

(f) That in the event there is a disagreement between the commission and the secretary, that is unable to be resolved through negotiation, a representative of both parties shall agree on the designation of a third party to mediate the dispute.

(3) By December 15, 2013, the secretary, the commission, and the other commissions conducting similar pilot projects under sections 29, 31, and 32 of this act, shall report to the governor and the legislature on the results of the pilot project. The report shall:

(a) Compare the effectiveness of licensing and disciplinary activities of each commission during the pilot project with the licensing and disciplinary activities of the commission prior to the pilot project and the disciplinary activities of other disciplining authorities during the same time period as the pilot project;

(b) Compare the efficiency of each commission with respect to the timeliness and personnel resources during the pilot project to the efficiency of the commission prior to the pilot project and the efficiency of other disciplining authorities during the same period as the pilot project;

(c) Compare the budgetary activity of each commission during the pilot project to the budgetary activity of the commission prior to the pilot project and to the budgetary activity of other disciplining authorities during the same period

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

as the pilot project;

(d) Evaluate each commission's regulatory activities, including timelines, consistency of decision making, and performance levels in comparison to other disciplining authorities; and

(e) Review summaries of national research and data regarding regulatory effectiveness and patient safety.

(4) The secretary shall employ staff that are hired and managed by the executive director provided that nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

**NEW SECTION. Sec. 31** A new section is added to chapter 18.25 RCW to read as follows:

(1) The commission may conduct a pilot project to evaluate the effect of granting the commission additional authority over budget development, spending, and staffing. If the commission intends to conduct a pilot project, it must provide a notice in writing to the secretary by June 1, 2008. If the commission chooses to conduct a pilot project, the pilot project shall begin on July 1, 2008, and conclude on June 30, 2013.

(2) The pilot project shall include the following provisions:

(a) That the secretary shall employ an executive director that is:

(i) Hired by and serves at the pleasure of the commission;

(ii) Exempt from the provisions of the civil service law, chapter 41.06 RCW and whose salary is established by the commission in accordance with RCW 43.03.028 and 42.17.370; and

(iii) Responsible for performing all administrative duties of the commission, including preparing an annual budget, and any other duties as delegated to the executive director by the commission;

(b) Consistent with the budgeting and accounting act:

(i) With regard to budget for the remainder of the 2007-2009 biennium, the commission has authority to spend the remaining funds allocated with respect to chiropractors licensed under this chapter; and

(ii) Beginning with the 2009-2011 biennium, the commission is responsible for proposing its own biennial budget which the secretary must submit to the office of financial management;

(c) That, prior to adopting credentialing fees under RCW 43.70.250, the secretary shall collaborate with the commission to determine the appropriate fees necessary to support the activities of the commission;

(d) That, prior to the secretary exercising the secretary's authority to adopt uniform rules and guidelines, or any other actions that might impact the licensing or disciplinary authority of the commission, the secretary shall first meet with the commission to determine how those rules or guidelines, or changes to rules or guidelines, might impact the commission's ability to effectively carry out its statutory duties. If the commission, in consultation with the secretary, determines that the proposed rules or guidelines, or changes to existing rules or guidelines, will negatively impact the commission's ability to effectively carry out its statutory duties, then the individual commission shall collaborate with the secretary to develop alternative solutions to mitigate the impacts. If an alternative solution cannot be reached, the parties may resolve the dispute through a mediator as set forth in (f) of this subsection;

(e) That the commission shall negotiate with the secretary to develop performance-based expectations, including identification of key performance measures. The performance expectations should focus on consistent, timely regulation of health care professionals; and

(f) That in the event there is a disagreement between the commission and the secretary, that is unable to be resolved through negotiation, a representative of both parties shall agree on the designation of a third party to mediate the dispute.

(3) By December 15, 2013, the secretary, the commission,

and the other commissions conducting similar pilot projects under sections 29, 30, and 32 of this act, shall report to the governor and the legislature on the results of the pilot project. The report shall:

(a) Compare the effectiveness of licensing and disciplinary activities of each commission during the pilot project with the licensing and disciplinary activities of the commission prior to the pilot project and the disciplinary activities of other disciplining authorities during the same time period as the pilot project;

(b) Compare the efficiency of each commission with respect to the timeliness and personnel resources during the pilot project to the efficiency of the commission prior to the pilot project and the efficiency of other disciplining authorities during the same period as the pilot project;

(c) Compare the budgetary activity of each commission during the pilot project to the budgetary activity of the commission prior to the pilot project and to the budgetary activity of other disciplining authorities during the same period as the pilot project;

(d) Evaluate each commission's regulatory activities, including timelines, consistency of decision making, and performance levels in comparison to other disciplining authorities; and

(e) Review summaries of national research and data regarding regulatory effectiveness and patient safety.

(4) The secretary shall employ staff that are hired and managed by the executive director provided that nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

**NEW SECTION. Sec. 32** A new section is added to chapter 18.32 RCW to read as follows:

(1) The commission may conduct a pilot project to evaluate the effect of granting the commission additional authority over budget development, spending, and staffing. If the commission intends to conduct a pilot project, it must provide a notice in writing to the secretary by June 1, 2008. If the commission chooses to conduct a pilot project, the pilot project shall begin on July 1, 2008, and conclude on June 30, 2013.

(2) The pilot project shall include the following provisions:

(a) That the secretary shall employ an executive director that is:

(i) Hired by and serves at the pleasure of the commission;

(ii) Exempt from the provisions of the civil service law, chapter 41.06 RCW and whose salary is established by the commission in accordance with RCW 43.03.028 and 42.17.370; and

(iii) Responsible for performing all administrative duties of the commission, including preparing an annual budget, and any other duties as delegated to the executive director by the commission;

(b) Consistent with the budgeting and accounting act:

(i) With regard to budget for the remainder of the 2007-2009 biennium, the commission has authority to spend the remaining funds allocated with respect to its professions, dentists licensed under this chapter and expanded function dental auxiliaries and dental assistants regulated under chapter 18.260 RCW; and

(ii) Beginning with the 2009-2011 biennium, the commission is responsible for proposing its own biennial budget which the secretary must submit to the office of financial management;

(c) That, prior to adopting credentialing fees under RCW 43.70.250, the secretary shall collaborate with the commission to determine the appropriate fees necessary to support the activities of the commission;

(d) That, prior to the secretary exercising the secretary's authority to adopt uniform rules and guidelines, or any other actions that might impact the licensing or disciplinary authority of the commission, the secretary shall first meet with the

FIFTY-THIRD DAY, MARCH 6, 2008

commission to determine how those rules or guidelines, or changes to rules or guidelines, might impact the commission's ability to effectively carry out its statutory duties. If the commission, in consultation with the secretary, determines that the proposed rules or guidelines, or changes to existing rules or guidelines, will negatively impact the commission's ability to effectively carry out its statutory duties, then the individual commission shall collaborate with the secretary to develop alternative solutions to mitigate the impacts. If an alternative solution cannot be reached, the parties may resolve the dispute through a mediator as set forth in (f) of this subsection;

(e) That the commission shall negotiate with the secretary to develop performance-based expectations, including identification of key performance measures. The performance expectations should focus on consistent, timely regulation of health care professionals; and

(f) That in the event there is a disagreement between the commission and the secretary, that is unable to be resolved through negotiation, a representative of both parties shall agree on the designation of a third party to mediate the dispute.

(3) By December 15, 2013, the secretary, the commission, and the other commissions conducting similar pilot projects under sections 29 through 31 of this act, shall report to the governor and the legislature on the results of the pilot project. The report shall:

(a) Compare the effectiveness of licensing and disciplinary activities of each commission during the pilot project with the licensing and disciplinary activities of the commission prior to the pilot project and the disciplinary activities of other disciplining authorities during the same time period as the pilot project;

(b) Compare the efficiency of each commission with respect to the timeliness and personnel resources during the pilot project to the efficiency of the commission prior to the pilot project and the efficiency of other disciplining authorities during the same period as the pilot project;

(c) Compare the budgetary activity of each commission during the pilot project to the budgetary activity of the commission prior to the pilot project and to the budgetary activity of other disciplining authorities during the same period as the pilot project;

(d) Evaluate each commission's regulatory activities, including timeliness, consistency of decision making, and performance levels in comparison to other disciplining authorities; and

(e) Review summaries of national research and data regarding regulatory effectiveness and patient safety.

(4) The secretary shall employ staff that are hired and managed by the executive director provided that nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

**Sec. 33** RCW 18.71.0191 and 1994 sp.s. c 9 s 326 are each amended to read as follows:

Except as provided in section 29 of this act for the duration of the pilot project, the secretary of the department of health shall appoint, from a list of three names supplied by the commission, an executive director who shall act to carry out the provisions of this chapter. The secretary shall also employ such additional staff including administrative assistants, investigators, and clerical staff as are required to enable the commission to accomplish its duties and responsibilities. The executive director is exempt from the provisions of the civil service law, chapter 41.06 RCW, as now or hereafter amended.

**Sec. 34** RCW 18.79.130 and 1994 sp.s. c 9 s 413 are each amended to read as follows:

Except as provided in section 30 of this act for the duration of the pilot project, the secretary shall appoint, after consultation with the commission, an executive director who shall act to carry out this chapter. The secretary shall also employ such professional, secretarial, clerical, and other assistants as may be

2008 REGULAR SESSION

necessary to effectively administer this chapter. The secretary shall fix the compensation and provide for travel expenses for the executive director and all such employees, in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 35** Sections 33 and 34 of this act expire June 30, 2013."

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

Senators Keiser and Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Pflug on page 40, line 10 to the committee striking amendment to Fourth Substitute House Bill No. 1103.

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Fourth Substitute House Bill No. 1103.

The motion by Senator Keiser carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "professions;" strike the remainder of the title and insert "amending RCW 18.130.020, 18.130.050, 18.130.060, 18.130.080, 18.130.095, 18.130.170, 18.130.310, 70.41.210, 43.70.320, 18.130.140, 18.130.150, 18.130.165, 18.130.172, 18.130.180, 9.96A.020, 9.95.240, 43.43.825, and 18.71.0191; reenacting and amending RCW 18.130.160, 18.130.040, and 18.130.040; adding new sections to chapter 18.130 RCW; adding a new section to chapter 42.52 RCW; adding a new section to chapter 18.71 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency."

On page 43, beginning on line 9, strike the title amendment and insert the following:

"On page 1, line 1 of the title, after "professions;" strike the remainder of the title and insert amending RCW 18.130.020, 18.130.050, 18.130.060, 18.130.080, 18.130.095, 18.130.170, 18.130.310, 70.41.210, 43.70.320, 18.130.140, 18.130.150, 18.130.165, 18.130.172, 18.130.180, 9.96A.020, 9.95.240, 43.43.825, 18.71.0191, and 18.79.130; reenacting and amending RCW 18.130.160, 18.130.040, and 18.130.040; adding new sections to chapter 18.130 RCW; adding a new section to chapter 42.52 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.79 RCW; adding a new section to chapter 18.25 RCW; adding a new section to chapter 18.32 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency."

#### MOTION

On motion of Senator Keiser, the rules were suspended, Fourth Substitute House Bill No. 1103 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Fourth Substitute House Bill No. 1103 as amended by the Senate.

ROLL CALL

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Fourth Substitute House Bill No. 1103 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Holmquist - 1

FOURTH SUBSTITUTE HOUSE BILL NO. 1103 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Takko, Lovick, Simpson, Haler, Blake, Campbell, Ross, Skinner, Newhouse, Conway, Morrell, Chandler, McDonald, Rodne, Kristiansen, Wallace, Moeller, VanDeWege, McCune, Williams, Bailey, Warnick, Uptegrove, Alexander and Pearson)

Enhancing the penalty for eluding a police vehicle.

The measure was read the second time.

## MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** This act may be known and cited as the Guillermo "Bobby" Aguilar and Edgar F. Trevino-Mendoza public safety act of 2008.

**NEW SECTION. Sec. 2** A new section is added to chapter 9.94A RCW to read as follows:

(1) The prosecuting attorney may file a special allegation of endangerment by eluding in every criminal case involving a charge of attempting to elude a police vehicle under RCW 46.61.024, when sufficient admissible evidence exists, to show that one or more persons other than the defendant or the pursuing law enforcement officer were threatened with physical injury or harm by the actions of the person committing the crime of attempting to elude a police vehicle.

(2) In a criminal case in which there has been a special allegation, the state shall prove beyond a reasonable doubt that the accused committed the crime while endangering one or more persons other than the defendant or the pursuing law enforcement officer. The court shall make a finding of fact of whether or not one or more persons other than the defendant or the pursuing law enforcement officer were endangered at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether or not one or more persons other than the defendant or the pursuing law enforcement officer were endangered during the commission of the crime.

**Sec. 3** RCW 9.94A.533 and 2007 c 368 s 9 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28

RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses,

FIFTY-THIRD DAY, MARCH 6, 2008

regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9A.10.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a

violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in ~~((the))~~ the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under section 2 of this act."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 1030.

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

## MOTION

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

On page 1, line 2 of the title, after "vehicle;" strike the remainder of the title and insert "amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; creating a new section; and prescribing penalties."

## MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 1030 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1030 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1030 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator McDermott - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2564, by Representatives Upthegrove, Pedersen, VanDeWege, Ormsby, Hunt, Wood, McIntire, Roberts, Hudgins, Jarrett, Rolfes, Kagi, Chase and Simpson

Adding bicyclist and pedestrian safety information to drivers' education curriculum.

The measure was read the second time.

## MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 2564 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

## MOTION

On motion of Senator Hobbs, Senator McDermott was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2564.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2564 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 45

Voting nay: Senators Honeyford and Schoesler - 2

Absent: Senator Weinstein - 1

Excused: Senator McDermott - 1

HOUSE BILL NO. 2564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2825, by Representatives Conway, Condotta and Armstrong

Allowing certain alcohol permit holders to obtain alcohol in nonbeverage form directly from suppliers.

The measure was read the second time.

## MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 2825 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2825.

FIFTY-THIRD DAY, MARCH 6, 2008

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2825 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2844, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Priest, Upthegrove, Campbell, Simpson, Hunt, Blake, Jarrett, Nelson, Rolfes, Dickerson, Appleton, Takko, Loomis, Lantz, Pettigrew, Hunter, Moeller, Hudgins, Quall, O'Brien, Anderson, Kenney, Pedersen, McIntire and Roberts)

Regarding urban forestry.

The measure was read the second time.

## MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** (1)(a) The legislature finds that pollution from storm water runoff is a leading source of pollution in Puget Sound and in important water bodies in eastern Washington such as the Columbia river. The decisions and actions of those living in adjacent communities impact the health of these water bodies. The loss of native and mature nonnative, nonnaturalized trees in urban areas throughout the region has contributed significantly to storm water and flooding problems in the region.

(b) The legislature further finds that the preservation and enhancement of city trees and urban and community forests are one of the most cost-effective ways to protect and improve water quality, air quality, human well-being, and our quality of life.

(c) The legislature further finds that appropriate selection, siting, and installation of trees can reduce heating and cooling energy costs and related greenhouse gas emissions. Retaining natural soils and vegetation, managing urban trees, planting additional trees, and restoring the functionality of forests on public lands can reduce the amount of pollutants in our communities, reduce utility infrastructure damage, reduce requirements for storm water retention and treatment facilities, and reduce flooding caused by major storm events that can cost the state economy millions of dollars a day. Reforesting urban stream channels can reduce or eliminate regulatory requirements such as total maximum daily load requirements.

(d) The legislature further finds that there are innovative urban forest management programs and partnerships led by many cities across the state. However, there is no statewide inventory or assessment of our community and urban forests. Few cities have clear goals and standards for their urban forests.

2008 REGULAR SESSION

About twelve percent of Washington's cities have urban forest management plans and less than half of Washington's communities have tree ordinances. Many communities report the need for better enforcement.

(2) It is the intent of the legislature to:

(a) Recognize and support city, town, and county efforts to conserve, protect, improve, and expand Washington's urban forest in order to reduce storm water pollution in Puget Sound, flooding, energy consumption and greenhouse gas emissions, air pollution, and storm impacts to utility infrastructure.

(b) Assist cities, towns, and counties by developing a statewide community and urban forest inventory, assessment, model plans, and model ordinances, and by providing technical assistance, incentives, and resources to help cities, towns, and counties become evergreen communities by utilizing these tools, maintenance programs, new partnerships, and community involvement.

(c) Develop the statewide community and urban forest inventory in a way that is compatible with emerging reporting protocols and that could facilitate future access to carbon markets for cities.

**NEW SECTION. Sec. 2** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community and urban forest assessment" means an analysis of the community and urban forest inventory to: Establish the scope and scale of forest-related benefits and services; determine the economic valuation of such benefits, highlight trends, and issues of concern; identify high priority areas to be addressed; outline strategies for addressing the critical issues and urban landscapes; and identify opportunities for retaining trees, expanding forest canopy, and planting additional trees to sustain Washington's urban and community forests.

(2) "Community and urban forest inventory" means a management tool designed to gauge the condition, management status, health, and diversity of a community and urban forest. An inventory may evaluate individual trees or groups of trees or canopy cover within community and urban forests, and will be periodically updated by the department of natural resources.

(3) "Department" means the department of community, trade, and economic development.

(4) "Evergreen community ordinances" means ordinances adopted by the legislative body of a city, town, or county that relate to urban forests and are consistent with this chapter.

(5) "Evergreen community" means a city, town, or county designated as such under section 7 of this act.

(6) "Management plan" means an evergreen community urban forest management plan developed pursuant to this chapter.

(7) "Public facilities" has the same meaning as defined in RCW 36.70A.030.

(8) "Public forest" means urban forests owned by the state, city, town, county, or other public entity within or adjacent to the urban growth areas.

(9) "Reforestation" means establishing and maintaining trees and urban forest canopy in plantable spaces such as street rights-of-way, transportation corridors, interchanges and highways, riparian areas, unstable slopes, shorelines, public lands, and property of willing private land owners.

(10) "Tree canopy" means the layer of leaves, branches, and stems of trees that cover the ground when viewed from above and that can be measured as a percentage of a land area shaded by trees.

(11) "Urban forest" has the same definition as provided for the term "community and urban forest" in RCW 76.15.010.

**Sec. 3** RCW 76.15.020 and 1991 c 179 s 4 are each amended to read as follows:

(1) The department may establish and maintain a program in community and urban forestry to accomplish the purpose stated

FIFTY-THIRD DAY, MARCH 6, 2008

in RCW 76.15.007. The department may assist municipalities and counties in establishing and maintaining community and urban forestry programs and encourage persons to engage in appropriate and improved tree management and care.

(2) The department may advise, encourage, and assist municipalities, counties, and other public and private entities in the development and coordination of policies, programs, and activities for the promotion of community and urban forestry.

(3) The department may appoint a committee or council, in addition to the technical advisory committee created in section 5 of this act to advise the department in establishing and carrying out a program in community and urban forestry.

(4) The department may assist municipal and county tree maintenance programs by making surplus equipment available on loan where feasible for community and urban forestry programs and cooperative projects.

NEW SECTION. Sec. 4 A new section is added to chapter 76.15 RCW to read as follows:

(1)(a) The department may, in collaboration with educational institutions, municipalities, corporations, the technical advisory committee created in section 5 of this act, state and national service organizations, and environmental organizations, conduct a prioritized statewide inventory of community and urban forests.

(b) For purposes of efficiency, existing data and current inventory technologies must be utilized in the development of the inventory. Statewide data must be maintained and periodically updated by the department and made available to every municipality in the state.

(c) The criteria established for the statewide community and urban forest inventory must support the planning needs of local governments.

(d) The criteria for the statewide community and urban forest inventory may include but not be limited to: Tree size, species, location, site appropriateness, condition and health, contribution to canopy cover and volume, available planting spaces, and ecosystem, economic, social, and monetary value.

(e) In developing the statewide community and urban forest inventory, the department shall strive to enable Washington cities' urban forest managers to access carbon markets by working to ensure the inventory developed under this section is compatible with existing and developing urban forest reporting protocols designed to facilitate access to those carbon markets.

(2) The department may, in collaboration with a statewide organization representing urban and community forestry programs, and with the evergreen communities partnership task force established in section 17 of this act, conduct a community and urban forest assessment and develop recommendations to the appropriate committees of the legislature to improve community and urban forestry in Washington.

(3) The inventory and assessment in this section must be capable of supporting the adoption and implementation of evergreen community management plans and ordinances described in section 10 of this act.

(4) The department may, in collaboration with municipalities, the technical advisory committee created in section 5 of this act, and a statewide organization representing urban and community forestry programs, develop an implementation plan for the inventory and assessment of the community and urban forests in Washington.

(5)(a) The criteria and implementation plan for the statewide community and urban forest inventory and assessment required under this section must be completed by December 1, 2008. Upon the completion of the criteria and implementation plan's development, the department shall report the final product to the appropriate committees of the legislature.

(b) An initial inventory and assessment, consisting of the community and urban forests of the willing municipalities located in one county located east of the crest of the Cascade mountains and the willing municipalities located in one county

2008 REGULAR SESSION

located west of the crest of the Cascade mountains must be completed by June 1, 2010.

(6) The requirements of this section are subject to the availability of amounts appropriated for the specific purposes of this section.

NEW SECTION. Sec. 5 A new section is added to chapter 76.15 RCW to read as follows:

(1) The commissioner of public lands shall appoint a technical advisory committee to provide advice to the department during the development of the criteria and implementation plan for the statewide community and urban forest inventory and assessment required under section 4 of this act.

(2) The technical advisory committee must include, but not be limited to, representatives from the following groups: Arborists; municipal foresters; educators; consultants; researchers; public works and utilities professionals; information technology specialists; and other affiliated professionals.

(3) The technical advisory committee members shall serve without compensation. Advisory committee members who are not state employees may receive reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060. Costs associated with the technical advisory committee may be paid from the general fund appropriation made available to the department for community and urban forestry.

(4) The technical advisory committee created in this section must be disbanded by the commissioner upon the completion of the criteria and implementation plan for the statewide community and urban forest inventory and assessment required under section 4 of this act.

NEW SECTION. Sec. 6 The department shall, in the implementation of this chapter, coordinate with the department of natural resources. Additionally, in the development of the model evergreen community urban forest management plans and ordinances required by section 10 of this act, the department shall utilize the technical expertise of the department of natural resources regarding arboriculture, tree selection, and maintenance.

NEW SECTION. Sec. 7 (1) The department, with the advice of the evergreen communities partnership task force created in section 17 of this act, shall develop the criteria for an evergreen community recognition program whereby the state can recognize cities, towns, and counties, to be designated as an evergreen community, who are developing excellent urban forest management programs that include community and urban forestry inventories, assessments, plans, ordinances, maintenance programs, partnerships, and community involvement.

(2)(a) Designation as an evergreen community must include no fewer than two graduated steps.

(b) The first graduated step of designation as an evergreen community includes satisfaction of the following requirements:

(i) The development and implementation of a tree board or tree department;

(ii) The development of a tree care ordinance;

(iii) The implementation of a community forestry program with an annual budget of at least two dollars for every city resident;

(iv) Official recognition of arbor day; and

(v) The completion of an updated community and urban forest inventory for the city, town, or county or the formal adoption of an inventory developed for the city, town, or county by the department of natural resources pursuant to section 4 of this act.

(c) The second graduated step of designation as an evergreen community includes the adoption of evergreen community management plans and ordinances that exceed the minimum standards in the model evergreen community management plans and ordinances adopted by the department under section 10 of this act.

FIFTY-THIRD DAY, MARCH 6, 2008

(d) The department may require additional graduated steps and establish the minimum requirements for each recognized step.

(3) The department shall develop gateway signage and logos for an evergreen community.

(4) The department shall, unless the duty is assumed by the governor, recognize, certify, and designate cities, towns, and counties satisfying the criteria developed under this section as an evergreen community.

(5) Applications for evergreen community status must be submitted to and evaluated by the department of natural resources.

**NEW SECTION. Sec. 8** A new section is added to chapter 76.15 RCW to read as follows:

The department shall manage the application and evaluation of candidates for evergreen community designation under section 7 of this act, and forward its recommendations to the department of community, trade, and economic development.

**NEW SECTION. Sec. 9** (1) The department shall, subject to the availability of amounts appropriated for this specific purpose, coordinate with the department of natural resources in the development and implementation of a needs-based evergreen community grant and competitive awards program to provide financial assistance to cities, towns, and counties for the development, adoption, or implementation of evergreen community management plans or ordinances developed under section 14 of this act.

(2) The grant program authorized in this section shall address both the goals of rewarding innovation by a successful evergreen community and of providing resources and assistance to the applicants with the greatest financial need.

(3) The department may only provide grants to cities, towns, or counties under this chapter that:

(a) Are recognized as an evergreen community consistent with section 7 of this act, or are applying for funds that would aid them in their pursuit of evergreen community recognition; and

(b) Have developed, or are developing urban forest management partnerships with local not-for-profit organizations.

**NEW SECTION. Sec. 10** (1) To the extent that funds are appropriated for this specific purpose, the department shall develop model evergreen community management plans and ordinances pursuant to sections 12 and 13 of this act with measurable goals and timelines to guide plan and ordinance adoption or development consistent with section 14 of this act.

(2) Model plans and ordinances developed under this section must:

(a) Recognize ecoregional differences in the state;

(b) Provide flexibility for the diversity of urban character and relative differences in density and zoning found in Washington's cities, towns, and counties;

(c) Provide an urban forest landowner inventorying his or her own property with the ability to access existing inventories, technology, and other technical assistance available through the department of natural resources;

(d) Recognize and provide for vegetation management practices and programs that prevent vegetation from interfering with or damaging utilities, public facilities, and solar panels or buildings specifically designed to optimize passive solar energy; and

(e) Provide for vegetation management practices and programs that reflect and are consistent with the priorities and goals of the growth management act, chapter 36.70A RCW.

(3) All model plans and ordinances developed by the department must be developed in conjunction with the evergreen communities partnership task force created in section 17 of this act.

(4) After the development of model evergreen community plans and ordinances under this section, the department shall, in conjunction with the department of natural resources, distribute and provide outreach regarding the model plans and ordinances

2008 REGULAR SESSION

and associated best management practices to cities, towns, and counties to aid the cities, towns, and counties in obtaining evergreen community recognition under section 7 of this act.

(5) By December 1, 2010, the department shall, at a minimum, develop the model evergreen community plans and ordinances required under this section for areas of the state where the department of natural resources has completed community and urban forest inventories pursuant to section 4 of this act.

**NEW SECTION. Sec. 11** (1) The department shall deliver a report to the appropriate committees of the legislature following the development of the model evergreen community management plans and ordinances under section 10 of this act recommending any next steps and additional incentives to increase voluntary participation by cities, towns, and counties in the evergreen community recognition program established in section 7 of this act.

(2) By the fifteenth day of each consecutive December leading up to the adoption of the model evergreen community plans and ordinances, the department shall deliver a report to the appropriate committees of the legislature outlining progress made towards the development and implementation of the model plans and ordinances.

**NEW SECTION. Sec. 12** In the development of model evergreen community management plans under section 10 of this act, the department shall consider including, but not be limited to, the following elements:

(1) Inventory and assessment of the jurisdiction's urban and community forests utilized as a dynamic management tool to set goals, implement programs, and monitor outcomes that may be adjusted over time;

(2) Canopy cover goals;

(3) Reforestation and tree canopy expansion goals within the city's, town's, and county's boundaries;

(4) Restoration of public forests;

(5) Achieving forest stand and diversity goals;

(6) Maximizing vegetated storm water management with trees and other vegetation that reduces runoff, increases soil infiltration, and reduces storm water pollution;

(7) Environmental health goals specific to air quality, habitat for wildlife, and energy conservation;

(8) Vegetation management practices and programs to prevent vegetation from interfering with or damaging utilities and public facilities;

(9) Prioritizing planting sites;

(10) Standards for tree selection, siting, planting, and pruning;

(11) Scheduling maintenance and stewardship for new and established trees;

(12) Staff and volunteer training requirements emphasizing appropriate expertise and professionalism;

(13) Guidelines for protecting existing trees from construction-related damage and damage related to preserving territorial views;

(14) Integrating disease and pest management;

(15) Wood waste utilization;

(16) Community outreach, participation, education programs, and partnerships with nongovernment organizations;

(17) Time frames for achieving plan goals, objectives, and tasks;

(18) Monitoring and measuring progress toward those benchmarks and goals;

(19) Consistency with the urban wildland interface codes developed by the state building code council;

(20) Emphasizing landscape and revegetation plans in residential and commercial development areas where tree retention objectives are challenging to achieve; and

(21) Maximizing building heating and cooling energy efficiency through appropriate siting of trees for summer shading, passive solar heating in winter, and for wind breaks.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

**NEW SECTION. Sec. 13** The department shall, in the development of model evergreen community ordinances under section 10 of this act, consider including, but not be limited to, the following policy elements:

- (1) Tree canopy cover, density, and spacing;
- (2) Tree conservation and retention;
- (3) Vegetated storm water runoff management using native trees and appropriate nonnative, nonnaturalized vegetation;
- (4) Clearing, grading, protection of soils, reductions in soil compaction, and use of appropriate soils with low runoff potential and high infiltration rates;
- (5) Appropriate tree siting and maintenance for vegetation management practices and programs to prevent vegetation from interfering with or damaging utilities and public facilities;
- (6) Native species and nonnative, nonnaturalized species diversity selection to reduce disease and pests in urban forests;
- (7) Tree maintenance;
- (8) Street tree installation and maintenance;
- (9) Tree and vegetation buffers for riparian areas, critical areas, transportation and utility corridors, and commercial and residential areas;
- (10) Tree assessments for new construction permitting;
- (11) Recommended forest conditions for different land use types;
- (12) Variances for hardship and safety;
- (13) Variances to avoid conflicts with renewable solar energy infrastructure, passive solar building design, and locally grown produce; and
- (14) Permits and appeals.

**NEW SECTION. Sec. 14** (1) A city, town, or county may adopt evergreen community management plans and ordinances, including enforcement mechanisms and civil penalties for violations of its evergreen community ordinances.

(2) Evergreen community ordinances adopted under this section may not prohibit or conflict with vegetation management practices and programs undertaken to prevent vegetation from interfering with or damaging utilities and public facilities.

(3) Management plans developed by cities, towns, or counties must be based on urban forest inventories for the city, town, or county covered by the management plan. The city, town, or county developing the management plan may produce independent inventories themselves or rely solely on inventories developed, commissioned, or approved by the department of natural resources under chapter 76.15 RCW.

(4) Cities, towns, or counties may establish a local evergreen community advisory board or utilize existing citizen boards focused on municipal tree issues to achieve appropriate expert and stakeholder participation in the adoption and development of inventories, assessments, ordinances, and plans consistent with this chapter.

(5) A city, town, or county shall invite the expert advice of utilities serving within its jurisdiction for the purpose of developing and adopting appropriate plans for vegetation management practices and programs to prevent vegetation from interfering with or damaging utilities and public facilities.

**NEW SECTION. Sec. 15** A new section is added to chapter 36.01 RCW to read as follows:

(1) Any county may adopt evergreen community ordinances, as that term is defined in section 2 of this act, which the county must apply to new building or land development in the unincorporated portions of the county's urban growth areas, as that term is defined in RCW 36.70A.030, and may apply to other areas of the county as deemed appropriate by the county.

(2) As an alternative to subsection (1) of this section, a city or town may request that the county in which it is located apply to any new building or land development permit in the unincorporated portions of the urban growth areas, as defined in RCW 36.70A.030, the evergreen community ordinances standards adopted under section 14 of this act by the city or town in the county located closest to the proposed building or development.

**NEW SECTION. Sec. 16** (1) A city, town, or county seeking evergreen community recognition under section 7 of this act shall submit its management plans and evergreen community ordinances to the department for review and comment at least sixty days prior to its planned implementation date.

(2) The department shall, together with the department of natural resources, review any evergreen community ordinances or management plans submitted. When reviewing ordinances or plans under this section, the department shall focus its review on the plan's consistency with this chapter and the model evergreen community management plans and ordinances adopted under section 10 of this act. When the following entities submit evergreen community ordinances and management plans for review, they must be considered by the department, together with the department of natural resources, the department of fish and wildlife, and the Puget Sound partnership: A county adjacent to Puget Sound or any city located within any of those counties. The reviewing departments may provide written comments on both plans and ordinances.

(3) Together with the department of natural resources, the department may offer technical assistance in the development of evergreen community ordinances and management plans.

**NEW SECTION. Sec. 17** (1) The director of the department shall assemble and convene the evergreen communities partnership task force of no more than twenty-five individuals to aid and advise the department in the administration of this chapter.

(2) At the discretion of the department, the task force may be disbanded once the urban and community forests assessments conducted by the department of natural resources under section 4 of this act and the model evergreen community management plans and ordinances developed under section 10 of this act are completed.

(3) Representatives of the department of natural resources and the department of ecology shall participate in the task force.

(4) The department shall invite individuals representing the following entities to serve on the task force:

(a) A statewide council representing urban and community forestry programs authorized under RCW 76.15.020;

(b) A conservation organization with expertise in Puget Sound storm water management;

(c) At least two cities, one from a city east and one from a city west of the crest of the Cascade mountains;

(d) At least two counties, one from a county east and one from a county west of the crest of the Cascade mountains;

(e) Two land development professionals or representative associations representing development professionals affected by tree retention ordinances and storm water management policies;

(f) A national conservation organization with a network of chapter volunteers working to conserve habitat for birds and wildlife;

(g) A land trust conservation organization facilitating urban forest management partnerships;

(h) A national conservation organization with expertise in backyard, schoolyard, and community wildlife habitat development;

(i) A public works professional;

(j) A private utility;

(k) A national forest land trust exclusively dedicated to sustaining America's vast and vital private forests and safeguarding their many public benefits;

(l) Professionals with expertise in local land use planning, housing, or infrastructure; and

(m) The timber industry.

(5) The department is encouraged to recruit task force members who are able to represent two or more of the stakeholder groups listed in subsection (4) of this section.

(6) In assembling the task force, the department shall strive to achieve representation from as many of the state's major ecoregions as possible.

FIFTY-THIRD DAY, MARCH 6, 2008

(7) Each member of the task force shall serve without compensation. Task force members that are not state employees may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 18** Nothing in this chapter may be construed to:

(1) Conflict or supersede with any requirements, duties, or objectives placed on local governments under chapter 36.70A RCW with specific emphasis on allowing cities and unincorporated urban growth areas to achieve their desired residential densities in a manner and character consistent with RCW 36.70A.110; or

(2) Apply to lands designated under chapters 76.09, 79.70, 79.71, 84.33, and 84.34 RCW.

**Sec. 19** RCW 35.92.390 and 1993 c 204 s 2 are each amended to read as follows:

(1) Municipal utilities under this chapter are encouraged to provide information to their customers regarding landscaping that includes tree planting for energy conservation.

(2)(a) Municipal utilities under this chapter are encouraged to request voluntary donations from their customers for the purposes of urban forestry. The request may be in the form of a check-off on the billing statement or other form of request for a voluntary donation.

(b) Voluntary donations collected by municipal utilities under this section may be used by the municipal utility to:

(i) Support the development and implementation of evergreen community ordinances, as that term is defined in section 2 of this act, for cities, towns, or counties within their service areas; or

(ii) Complete projects consistent with the model evergreen community management plans and ordinances developed under section 10 of this act.

(c) Donations received under this section do not contribute to the gross income of a light and power business or gas distribution business under chapter 82.16 RCW.

**Sec. 20** RCW 35A.80.040 and 1993 c 204 s 3 are each amended to read as follows:

(1) Code cities providing utility services under this chapter are encouraged to provide information to their customers regarding landscaping that includes tree planting for energy conservation.

(2)(a) Code cities providing utility services under this chapter are encouraged to request voluntary donations from their customers for the purposes of urban forestry. The request may be in the form of a check-off on the billing statement or other form of a request for a voluntary donation.

(b) Voluntary donations collected by code cities under this section may be used by the code city to:

(i) Support the development and implementation of evergreen community ordinances, as that term is defined in section 2 of this act, for cities, towns, or counties within their service areas; or

(ii) Complete projects consistent with the model evergreen community management plans and ordinances developed under section 10 of this act.

(c) Donations received under this section do not contribute to the gross income of a light and power business or gas distribution business under chapter 82.16 RCW.

**Sec. 21** RCW 80.28.300 and 1993 c 204 s 4 are each amended to read as follows:

(1) Gas companies and electrical companies under this chapter ~~(may)~~ are encouraged to provide information to their customers regarding landscaping that includes tree planting for energy conservation.

(2)(a) Gas companies and electrical companies under this chapter may request voluntary donations from their customers for the purposes of urban forestry. The request may be in the form of a check-off on the billing statement or other form of a request for a voluntary donation.

2008 REGULAR SESSION

(b) Voluntary donations collected by gas companies and electrical companies under this section may be used by the gas companies and electrical companies to:

(i) Support the development and implementation of evergreen community ordinances, as that term is defined in section 2 of this act, for cities, towns, or counties within their service areas; or

(ii) Complete projects consistent with the model evergreen community management plans and ordinances developed under section 10 of this act.

(c) Donations received under this section do not contribute to the gross income of a light and power business or gas distribution business under chapter 82.16 RCW.

**NEW SECTION. Sec. 22** A new section is added to chapter 54.16 RCW to read as follows:

(1) Public utility districts may request voluntary donations from their customers for the purposes of urban forestry. The request may be in the form of a check-off on the billing statement or other form of a request for a voluntary donation.

(2) Voluntary donations collected by public utility districts under this section may be used by the public utility district to:

(a) Support the development and implementation of evergreen community ordinances, as that term is defined in section 2 of this act, for cities, towns, or counties within their service areas; or

(b) Complete projects consistent with the model evergreen community management plans and ordinances developed under section 10 of this act.

(3) Donations received under this section do not contribute to the gross income of a light and power business or gas distribution business under chapter 82.16 RCW.

**Sec. 23** RCW 76.15.010 and 2000 c 11 s 15 are each amended to read as follows:

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

(1) "Community and urban forest" is that land in and around human settlements ranging from small communities to metropolitan areas, occupied or potentially occupied by trees and associated vegetation. Community and urban forest land may be planted or unplanted, used or unused, and includes public and private lands, lands along transportation and utility corridors, and forested watershed lands within populated areas.

(2) "Community and urban forest assessment" has the same meaning as defined in section 2 of this act.

(3) "Community and urban forest inventory" has the same meaning as defined in section 2 of this act.

(4) "Community and urban forestry" means the planning, establishment, protection, care, and management of trees and associated plants individually, in small groups, or under forest conditions within municipalities and counties.

~~((3))~~ (5) "Department" means the department of natural resources.

~~((4))~~ (6) "Municipality" means a city, town, port district, public school district, community college district, irrigation district, weed control district, park district, or other political subdivision of the state.

~~((5))~~ (7) "Person" means an individual, partnership, private or public municipal corporation, Indian tribe, state entity, county or local governmental entity, or association of individuals of whatever nature.

**NEW SECTION. Sec. 24** (1) In an effort to better understand the needs of cities, towns, and counties interested in pursuing designation as an evergreen community under section 7 of this act, the legislature intends to encourage cities, towns, and counties to:

(a) Identify their interests in becoming an evergreen community; and

(b) Identify community and urban forests within their applicable urban growth areas that are appropriately situated for the city, town, or county to assume ownership from willing

FIFTY-THIRD DAY, MARCH 6, 2008

sellers for urban forest management purposes consistent with this act.

(2) If a city, town, or county opts to provide a list of identified properties under this section, including the estimated value of the properties and documentation on the owner's willingness to participate, the information must be provided to the department by October 31, 2008.

(3) The department must report a summary of the properties reported to it under this section, along with the itemized and summarized estimated costs involved with the purchases, to the appropriate committees of the legislature by December 15, 2008.

(4) This section expires July 31, 2009.

**Sec. 25** RCW 43.155.070 and 2007 c 341 s 24 and 2007 c 231 s 2 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(e) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying

for development permits consistent with section 1(2), chapter 231, Laws of 2007;

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

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

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

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

(j) Except as otherwise conditioned by section 30 of this act, and effective one calendar year following the development of model evergreen community management plans and ordinances under section 10 of this act, whether the entity receiving assistance has been recognized, and what gradation of recognition has been received, in the evergreen community recognition program created in section 7 of this act;

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

~~((\*)~~) (l) Other criteria that the board considers advisable.

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

(6) Before November 1st of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

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

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

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

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

(11) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded under this section only if the project is not in conflict

FIFTY-THIRD DAY, MARCH 6, 2008

with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 26** RCW 70.146.070 and 2007 c 341 s 60 and 2007 c 341 s 26 are each reenacted and amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

- (a) The protection of water quality and public health;
- (b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;
- (c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by RCW 70.146.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

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

(g) Except as otherwise provided in section 31 of this act, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under section 10 of this act, whether the project is sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in section 7 of this act;

(h) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

~~((+))~~ (i) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

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

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

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

**Sec. 27** RCW 89.08.520 and 2007 c 341 s 28 are each amended to read as follows:

2008 REGULAR SESSION

(1) In administering grant programs to improve water quality and protect habitat, the commission shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) In its grant prioritization and selection process, consider:

(i) The statement of environmental benefits;

(ii) Whether, except as conditioned by RCW 89.08.580, the applicant is a Puget Sound partner, as defined in RCW 90.71.010, and except as otherwise provided in section 32 of this act, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under section 10 of this act, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in section 7 of this act; and

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

(c) Not provide funding, after January 1, 2010, for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(2)(a) The commission shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grant program.

(b) The commission shall work with the districts to develop uniform performance measures across participating districts and, to the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The commission shall consult with affected interest groups in implementing this section.

**Sec. 28** RCW 79.105.150 and 2007 c 341 s 32 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects.

(2) In providing grants for aquatic lands enhancement projects, the ~~((interagency committee for outdoor))~~ recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, ~~((and))~~ whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in section 33 of this act, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under section 10 of this act, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in section 7 of this act in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 29** RCW 79A.15.040 and 2007 c 341 s 34 and 2007 c 241 s 29 are each reenacted and amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;

(b) Not less than thirty percent for the acquisition and development of natural areas;

(c) Not less than twenty percent for the acquisition and development of urban wildlife habitat; and

(d) Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the board to fund restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands.

(2)(a) In distributing these funds, the board retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsection (1) of this section in any biennium, the board retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only state agencies may apply for acquisition and development funds for natural areas projects under subsection (1)(b) of this section.

(4) State and local agencies may apply for acquisition and development funds for critical habitat and urban wildlife habitat projects under subsection (1)(a) and (c) of this section.

(5)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of RCW 79.70.130 and 79.71.130.

~~(6)((a))~~ Except as otherwise conditioned by RCW 79A.15.140 or section 34 of this act, ~~the ((committee)) board in its evaluating process shall consider the following in determining distribution priority:~~

~~((i)) (a) Whether the entity applying for funding is a Puget Sound partner, as defined in RCW 90.71.010; ~~and~~~~

~~((ii)) (b) Effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under section 10 of this act, whether the entity receiving assistance has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in section 7 of this act; and~~

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

(7) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**NEW SECTION. Sec. 30** A new section is added to chapter 43.155 RCW to read as follows:

When administering funds under this chapter, the board shall give preference only to an evergreen community recognized under section 7 of this act in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

**NEW SECTION. Sec. 31** A new section is added to chapter 70.146 RCW to read as follows:

When administering funds under this chapter, the department shall give preference only to an evergreen community recognized under section 7 of this act in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

**NEW SECTION. Sec. 32** A new section is added to chapter 89.08 RCW to read as follows:

When administering funds under this chapter, the commission shall give preference only to an evergreen community recognized under section 7 of this act in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

**NEW SECTION. Sec. 33** A new section is added to chapter 79.105 RCW to read as follows:

When administering funds under this chapter, the recreation and conservation funding board shall give preference only to an evergreen community recognized under section 7 of this act in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

**NEW SECTION. Sec. 34** A new section is added to chapter 79A.15 RCW to read as follows:

When administering funds under this chapter, the recreation and conservation funding board shall give preference only to an evergreen community recognized under section 7 of this act in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

**Sec. 35** RCW 80.28.010 and 1995 c 399 s 211 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient. Reasonable charges necessary to cover the cost of administering the collection of voluntary donations for the purposes of supporting the development and implementation of evergreen community management plans and ordinances under RCW 80.28.300 shall be deemed as prudent and necessary for the operation of a utility.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice

FIFTY-THIRD DAY, MARCH 6, 2008

unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community, trade, and economic development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(5) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(6) A payment plan implemented under this section is consistent with RCW 80.28.080.

(7) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with

2008 REGULAR SESSION

42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(8) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

(9) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(10) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

NEW SECTION. Sec. 36 Sections 1, 2, 6, 7, 9 through 14, 16 through 18, and 24 of this act constitute a new chapter in Title 35 RCW.

NEW SECTION. Sec. 37 This act may be known and cited as the evergreen communities act.

NEW SECTION. Sec. 38 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

#### MOTION

Senator Stevens moved that the following amendment by Senator Stevens and others to the committee striking amendment be adopted.

On page 12, after line 8, insert the following:

" NEW SECTION. Sec. 15. If a city, town, or county enacts or implements model evergreen community management plans and ordinances pursuant to sections 12 and 13 of this act which restricts the use of private real property or any interest therein and has the effect of reducing the fair market value of the property, or any interest therein, then the owner of the property shall be paid just compensation by the city, town, or county."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Stevens and Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Jacobsen spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens and others on page 12, after line 8 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2844.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Stevens and others to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Carrell, Delvin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

Voting nay: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and

FIFTY-THIRD DAY, MARCH 6, 2008  
Weinstein - 29

2008 REGULAR SESSION

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

On page 13, after line 8, insert the following:

" NEW SECTION. Sec. 17. If any city, town, or county implements model evergreen community management plans and ordinances pursuant to section 14 of this act, and consistent with sections 12 and 13 of this act, thereby reducing the development potential of land within a community's urban growth area designated for development in its comprehensive plan:

(a) That city, town, or county must determine the acreage and qualitative reduction in land suitable for development within its urban growth area and docket that amount as a deficiency to the planning director of the county in which the land is located;

(b) By December 1, 2010, and at least every five years thereafter, each county, in consultation with its cities as required by RCW 36.70A.110 and 36.70A.210, must increase the total land area within its urban growth areas by the total docketed acreage deficiency, with comparable qualitative land characteristics, through amendment of the county's comprehensive plan; and

(c) The county within which the increased land suitable for urban development is located must review its comprehensive plan elements under RCW 36.70A.070 and its development regulations under RCW 36.70A.060 and adopt any amendments necessary to assure that the comprehensive plan elements and development regulations are consistent with the changes required by (b) of this subsection. This review may be combined with but may not be delayed by the review required by RCW 36.70A.130(3) or the review and evaluation required by RCW 36.70A.215.

(3) For purposes of this section, "docketing" means compiling and maintaining a detailed list, available to the public, of acreage and land use deficiencies in a manner that ensures the deficiencies will be presented for the required periodic county action.

(4) For purposes of this section, "qualitative land characteristics" means the designated use of the land in deficiency, its suitability for development, the general location of that land within the county, its physical characteristics, and the availability of urban governmental services for the land."

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

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 13, after line 8 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2844.

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

MOTION

Senator Morton moved that the following amendment by Senator Morton to the committee striking amendment be adopted.

Beginning on page 1, after line 2 of the amendment, strike

all material through "void." on page 30, line 34, and insert the following:

"**Sec. 1** RCW 76.15.005 and 1991 c 179 s 1 are each amended to read as follows:

(1) Trees and other woody vegetation are a necessary and important part of community and urban environments. Community and urban forests have many values and uses including promoting urban livability, improving public health, sequestering carbon, conserving energy, reducing air and water pollution and soil erosion, contributing to property values, attracting business, reducing glare and noise, providing aesthetic and historical values, providing wood products, and affording comfort and protection for humans and wildlife.

(2) Well-managed and maintained community and urban forests minimize catastrophic losses of life, property, and environmental values due to floods, windstorms, ice storms, wildland fires, and other natural disasters. Natural disasters, pest and disease infestations, and lack of protection from human impacts pose significant threats to the community and urban forests. Urban forests provide multiple benefits and their loss would result in major financial, social, and environmental costs to Washington.

(3) As urban and community areas in Washington state grow, the need to plan for and protect community and urban forests increases. Cities and communities benefit from assistance in developing and maintaining community and urban forestry programs that also address future growth.

~~((3))~~ (4) Assistance and encouragement in establishment, retention, and enhancement of these forests and trees by local governments, citizens, organizations, and professionals are in the interest of the state based on the contributions these forests make in preserving and enhancing the quality of life of Washington's municipalities and counties while providing opportunities for economic development.

(5) An inventory and assessment of community and urban forest conditions enables the department to identify and establish priorities for actions necessary to preserve and enhance the public investment in community and urban forest resources.

**Sec. 2** RCW 76.15.010 and 2000 c 11 s 15 are each amended to read as follows:

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

(1) "Community and urban forest" is that land in and around human settlements ranging from small communities to metropolitan areas, occupied or potentially occupied by trees and associated vegetation. Community and urban forest land may be planted or unplanted, used or unused, and includes public and private lands, lands along transportation and utility corridors, and forested watershed lands within populated areas.

(2) "Community and urban forest assessment" means an analysis of the community and urban forest inventory to establish the value of urban forest-related benefits, highlight trends and issues of concern, identify high priority areas to be addressed, outline strategies for addressing critical issues and urban landscapes, and identify opportunities for the planting of additional trees to sustain Washington's urban and community forests.

(3) "Community and urban forest inventory" means a management tool designed to gauge the condition, management status, health, and diversity of a community and urban forest. An inventory may evaluate individual trees, groups of trees, or canopy cover within community and urban forests, and must be periodically updated by the department.

(4) "Community and urban forestry" means the planning,

FIFTY-THIRD DAY, MARCH 6, 2008

establishment, protection, care, and management of trees and associated plants individually, in small groups, or under forest conditions within municipalities and counties.

~~((3))~~ (5) "Department" means the department of natural resources.

~~((4))~~ (6) "Municipality" means a city, town, port district, public school district, community college district, irrigation district, weed control district, park district, or other political subdivision of the state.

~~((5))~~ (7) "Person" means an individual, partnership, private or public municipal corporation, Indian tribe, state entity, county or local governmental entity, or association of individuals of whatever nature.

**Sec. 3** RCW 76.15.020 and 1991 c 179 s 4 are each amended to read as follows:

(1) The department may establish and maintain a program in community and urban forestry to accomplish the purpose stated in RCW 76.15.007. The department may assist municipalities and counties in establishing and maintaining community and urban forestry programs and encourage persons to engage in appropriate and improved tree management and care.

(2) The department may advise, encourage, and assist municipalities, counties, and other public and private entities in the development and coordination of policies, programs, and activities for the promotion and preservation of community and urban forestry.

(3) The department may appoint a committee or council to advise the department in establishing and carrying out a program in community and urban forestry.

(4) The department may assist municipal and county tree maintenance programs by making surplus equipment available on loan where feasible for community and urban forestry programs and cooperative projects.

(5) The commissioner of public lands may appoint a technical advisory committee to advise the department in the development of uniform criteria for a statewide community and urban forest inventory and assessment.

(a) The technical advisory committee may include but is not limited to: Arborists; municipal foresters; educators; consultants; researchers; public works and utilities professionals; information technology specialists; and other affiliated professionals.

(b) The criteria for a statewide community and urban forest inventory may include, but is not limited to: Tree size; species; location; condition; contribution to canopy cover and volume; available planting spaces; and economic, social, and monetary value.

(c) The technical advisory committee members must be compensated as provided in RCW 43.03.250 and must receive reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060. Costs associated with the technical advisory committee may be paid from the general fund appropriation made available to the department for community and urban forestry.

(6) The department may, in collaboration with municipalities and a statewide organization representing urban and community forestry programs, develop the implementation plan for the inventory and assessment of the community and urban forests in Washington state.

(7) The department may, in collaboration with educational institutions, municipalities, corporations, state and national service organizations, and environmental organizations, conduct a statewide inventory of community and urban forests. Statewide data must be maintained and periodically updated by the department and made available to every municipality.

2008 REGULAR SESSION

(8) The department may, in collaboration with a statewide organization representing urban and community forestry programs, conduct an urban forest assessment and develop recommendations to the legislature to improve community and urban forestry in Washington state. The commissioner of public lands must report progress annually to the legislature, beginning January 1, 2009.

(9) Under the authority provided in this section, the department shall conduct an inventory and assessment consisting of the community and urban forests of the willing municipalities located in one county located east of the crest of the Cascade mountains and the willing municipalities located in one county located west of the crest of the Cascade mountains. The inventory and assessment must be completed by June 1, 2010."

On page 31, line 2 of the title amendment, after "insert" strike the remainder of the title amendment and insert "and amending RCW 76.15.005, 76.15.010, and 76.15.020."

Senator Morton spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Jacobsen spoke against adoption of the amendment to the committee striking amendment.

#### POINT OF INQUIRY

Senator Morton: "Would the previous speaker yield to a question? Could you give me the date on that letter?"

Senator Jacobsen: "Yes I can. Its March 5, 2008.

Senator Morton: "And is that the letter that was received previous to our last action in committee?"

Senator Jacobsen: "No. I got to look at the calendar. It was yesterday."

Senator Morton: "There must have been two letters then. I was familiar with a letter previously and I felt that the striking amendment corrected that so that's why I'm so concerned about when the letter was written and brought to our attention. Thank you."

#### POINT OF ORDER

Senator Honeyford: "Point of Order, requesting a scope and object and a ruling on this amendment. It appears to be clearly outside the scope and object of the underlying bill."

#### REPLY BY THE PRESIDENT

President Owen: "Are you talking about Senator Morton's amendment to the striking amendment?"

Senator Honeyford: "Yes, I am."

#### MOTION

On motion of Senator Eide, further consideration of Engrossed Second Substitute House Bill No. 2844 was deferred and the bill held its place on the second reading calendar.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2893, by House Committee on Agriculture & Natural Resources (originally

FIFTY-THIRD DAY, MARCH 6, 2008

sponsored by Representatives VanDeWege, Kessler, Moeller, Sells, Hunt, Takko, McCoy, Liias, Conway, Haigh, Blake, Ormsby, Loomis, O'Brien, Eickmeyer, Hasegawa, Green, Pearson and Nelson)

Modifying the composition of the forest practices board.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2893 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kohl-Welles was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2893.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2893 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Hewitt - 1

SUBSTITUTE HOUSE BILL NO. 2893, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3071, by House Committee on Housing (originally sponsored by Representatives Goodman, Rodne and Williams)

Harmonizing statutes that address the termination of condominiums.

The measure was read the second time.

MOTION

On motion of Senator Weinstein, the rules were suspended, Substitute House Bill No. 3071 was advanced to third reading,

2008 REGULAR SESSION

the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3071.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3071 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Hargrove, Holmquist, Honeyford, King, McCaslin, Morton, Schoesler and Swecker - 8

SUBSTITUTE HOUSE BILL NO. 3071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 3274, by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Simpson, Hudgins, Upthegrove, Hunter, Santos and Kenney)

Addressing public contracting by public port districts.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be not adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 53.08.120 and 2000 c 138 s 210 are each amended to read as follows:

(1) All material and work required by a port district not meeting the definition of public work in RCW 39.04.010(4) may be procured in the open market or by contract and all work ordered may be done by contract or day labor.

(2)(a) All such contracts for work meeting the definition of "public work" in RCW 39.04.010(4), the estimated cost of which exceeds two hundred thousand dollars, shall be awarded using a competitive bid process. The contract must be ((tet)) awarded at public bidding upon notice published in a newspaper of general circulation in the district at least thirteen days before the last date upon which bids will be received, calling for ((seated)) bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder. The competitive bidding requirements for purchases of public works may be waived pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

((However)) (b) For all contracts related to work meeting the definition of "public work" in RCW 39.04.010(4) that are

FIFTY-THIRD DAY, MARCH 6, 2008

~~estimated at two hundred thousand dollars or less~~, a port district may let contracts using the small works roster process under RCW 39.04.155 in lieu of ~~(calling)~~ advertising for ~~(sealed)~~ bids. Whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section.

When awarding such a contract for work, when utilizing proposals from the small works roster, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster.

**Sec. 2** RCW 39.30.020 and 1974 ex.s. c 74 s 1 are each amended to read as follows:

In addition to any other remedies or penalties contained in any law, municipal charter, ordinance, resolution or other enactment, any municipal officer by or through whom or under whose supervision, in whole or in part, any contract is made in ~~(willful)~~ willful and intentional violation of any law, municipal charter, ordinance, resolution or other enactment requiring competitive bidding, including consulting, architectural, engineering, or other services, upon such contract shall be held liable to a civil penalty of not less than three hundred dollars and may be held liable, jointly and severally with any other such municipal officer, for all consequential damages to the municipal corporation. If, as a result of a criminal action, the violation is found to have been intentional, the municipal officer shall immediately forfeit his or her office. For purposes of this section, "municipal officer" ~~(shall)~~ means an "officer" or "municipal officer" as those terms are defined in RCW 42.23.020(2).

**NEW SECTION. Sec. 3** A new section is added to chapter 53.08 RCW to read as follows:

By January 1, 2010, each port with more than ten million dollars in annual gross revenues, excluding grant and loan funds, shall maintain a database on a public web site of all contracts, including public works and personal services. At a minimum, the database shall identify the contractor, the purpose of the contract, effective dates and periods of performance, the cost of the contract and funding source, any modifications to the contract, and whether the contract was competitively procured or awarded on a sole source basis.

**NEW SECTION. Sec. 4** A new section is added to chapter 53.08 RCW to read as follows:

(1) In the procurement of public work consultant planning services relating to a facility outside of the district's jurisdictional boundaries, after the district purchases property for the facility, the port district or districts with responsibility for the future property development and use must prepare and implement a communication plan within sixty days after contracting with a site planning consultant. The communication plan must be reasonably calculated to provide property owners and other affected and interested individuals information for review and comment. The plan shall be made available through the planning and pre-design phase. The communication plan shall include information about:

- (a) The type and scale of proposed uses on the site;
- (b) The type and scale of uses, including business and industrial activities, that the development is likely to later attract to the site and to the nearby area;
- (c) The general character and scope of potential impacts on air and water quality, noise, and local and state transportation infrastructure, including state highways, local roads, rail, and shipping.

(2) Information included in the communication plan under subsection (1) of this section may be made available by means of web pages, office inspection and copying, one or more property tours, and public meetings that allow interested citizens to comment to port officials on several occasions over time as the development plans evolve.

2008 REGULAR SESSION

(3) Environmental mitigation, habitat restoration, and dredged material disposal projects are exempt from the requirements of this section.

**NEW SECTION. Sec. 5** The legislature hereby establishes a policy of open competition for all personal service contracts entered into by port districts unless specifically exempted under this chapter. It is further the intent to provide differentiation between the competitive procurement procedures for personal and professional services contracts.

**NEW SECTION. Sec. 6** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the elected oversight body of an individual port.

(2) "Competitive solicitation" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria, in which criteria other than price may be the primary basis for consideration. The criteria may include such factors as the consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(3) "Consultant" means an independent individual or firm contracting with a port to perform a service or render an opinion or recommendation according to the consultant's methods and without being subject to the control of the port except as to the result of the work. The port monitors progress under the contract and authorizes payment.

(4) "Emergency" means a set of unforeseen circumstances beyond the control of the port that either:

- (a) Present a real, immediate threat to the proper performance of essential functions; or
- (b) May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

(5) "Evidence of competition" means documentation demonstrating that the port has solicited responses from multiple firms in selecting a consultant.

(6) "Personal service" means professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement which may not reasonably be required in connection with a public works project meeting the definition in RCW 39.04.010(4). "Personal service" does not include purchased services as defined under subsection (8) of this section or professional services procured using the competitive selection requirements in chapter 39.80 RCW.

(7) "Personal service contract" means an agreement, or any amendment thereto, with a consultant for the rendering of personal services to the port.

(8) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. "Purchased services" includes, but is not limited to, services for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis.

(9) "Sole source" means a consultant providing professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The justification shall be based on the uniqueness of the service, sole availability at the location required, or warranty or defect correction service obligations of the consultant.

**NEW SECTION. Sec. 7** All personal service contracts shall be entered into pursuant to competitive solicitation, except for:

- (1) Emergency contracts;
- (2) Sole source contracts;
- (3) Contract amendments;

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(4) Contracts between a consultant and a port of less than fifty thousand dollars. However, contracts of fifty thousand dollars or greater but less than two hundred thousand dollars shall have documented evidence of competition. Ports shall not structure contracts to evade these requirements; and

(5) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process by the office of financial management when it has been determined that a competitive solicitation process is not appropriate or cost-effective.

**NEW SECTION. Sec. 8** Emergency contracts shall be filed with the office of financial management and made available for public inspection within seven working days following the commencement of work or execution of the contract, whichever occurs first. Documented justification for emergency contracts shall be provided to the office of financial management when the contract is filed.

**NEW SECTION. Sec. 9** (1) Sole source contracts shall be filed with the office of financial management and made available for public inspection prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the office of financial management when the contract is filed. For sole source contracts of fifty thousand dollars or more, documented justification shall include evidence that the port attempted to identify potential consultants.

(2) The office of financial management shall ensure that the costs, fees, or rates negotiated in filed sole source contracts of fifty thousand dollars or more are reasonable.

**NEW SECTION. Sec. 10** A port commissioner or employee shall not expend any funds for personal service contracts subject to this chapter unless the port has complied with the competitive procurement and other requirements of this chapter. The port commissioner or employee executing the personal service contracts is responsible for compliance with the requirements of this chapter. Willful and intentional failure to comply with the requirements of this chapter subjects the port commissioner or employee to a civil penalty in the amount of three hundred dollars. A consultant who knowingly violates this chapter in seeking or performing work under a personal services contract is subject to a civil penalty of three hundred dollars or twenty-five percent of the amount of the contract, whichever is greater. The state auditor is responsible for auditing violations of this chapter through its regular financial and accountability audits. The attorney general is responsible for prosecuting violations of this chapter.

**NEW SECTION. Sec. 11** (1) Substantial changes in the scope of work specified in the contract or which are substantial additions to the scope of work specified in the formal solicitation document shall be submitted to the office of financial management for a determination as to whether the change warrants the work to be awarded as a new contract.

(2) An amendment or amendments to personal service contracts, if the value of the amendment or amendments, whether singly or cumulatively, exceeds fifty percent of the value of the original contract must be filed with the office of financial management and made available for public inspection prior to the proposed starting date of services under the amendments.

**NEW SECTION. Sec. 12** This chapter does not apply to:

(1) Contracts specifying a fee of less than fifty thousand dollars;

(2) Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;

(3) Intergovernmental agreements awarded to any governmental entity, whether federal, state, or local and any department, division, or subdivision thereof;

(4) Contracts awarded for services to be performed for a standard fee, when the standard fee is established by the contracting agency or any other governmental entity and a like contract is available to all qualified applicants;

(5) Contracts for services that are necessary to the conduct of collaborative research if prior approval is granted by the funding source;

(6) Contracts for professional services which are entered into under chapter 39.80 RCW; and

(7) Contracts for the employment of expert witnesses for the purposes of litigation or legal services to supplement the expertise of port staff.

**NEW SECTION. Sec. 13** (1) The municipal research services center, in cooperation with the Washington public ports association, shall develop guidelines for the effective and efficient management of personal service contracts by all ports. The guidelines must, at a minimum, include:

(a) Accounting methods, systems, measures, and principles to be used by ports and consultants;

(b) Precontract procedures for selecting potential consultants based on their qualifications and ability to perform;

(c) Incorporation of performance measures and measurable benchmarks in contracts, and the use of performance audits;

(d) Uniform contract terms to ensure contract performance and compliance with port, state, and federal standards;

(e) Proper payment and reimbursement methods to ensure that the port receives full value for taxpayer moneys, including cost settlements and cost allowance;

(f) Postcontract procedures, including methods for recovering improperly spent or overspent moneys for disallowance and adjustment;

(g) Adequate contract remedies and sanctions to ensure compliance;

(h) Monitoring, fund tracking, risk assessment, and auditing procedures and requirements;

(i) Financial reporting, record retention, and record access procedures and requirements;

(j) Procedures and criteria for terminating contracts for cause or otherwise; and

(k) Any other subject related to effective and efficient contract management.

(2) The municipal research services center shall submit a status report on the guidelines required by subsection (1) of this section to the governor and the appropriate standing committees of the legislature no later than December 1, 2008.

(3) The Washington public ports association shall publish a guidebook for use by ports containing the guidelines developed under subsection (1) of this section.

(4) The municipal research services center and the Washington public ports association shall each make the guidelines available on their web sites.

**NEW SECTION. Sec. 14** (1) A port entering into or amending personal service contracts shall follow the policies adopted by the commission, which shall be based on guidelines developed pursuant to section 13 of this act.

(2) This section applies to ports entering into or renewing contracts after January 1, 2010.

**NEW SECTION. Sec. 15** The Washington public ports association shall provide a training course for port personnel responsible for executing and managing personal service contracts. The course must contain training on effective and efficient contract management under the guidelines established under section 13 of this act. Port districts shall require port employees responsible for executing or managing personal service contracts to complete the training course to the satisfaction of the commission.

**Sec. 16** RCW 39.04.010 and 2007 c 133 s 1 are each amended to read as follows:

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

(1) "Award" means the formal decision by the state or municipality notifying a responsible bidder with the lowest responsive bid of the ((state)) state's or municipality's acceptance of the bid and intent to enter into a contract with the bidder.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(2) "Contract" means a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid, or a contract awarded under the small works roster process in RCW 39.04.155.

(3) "Municipality" means every city, county, town, port district, district, or other public agency authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts, or other districts authorized by law for the reclamation or development of waste or undeveloped lands.

(4) "Public work" means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. All public works, including maintenance when performed by contract shall comply with chapter 39.12 RCW. "Public work" does not include work, construction, alteration, repair, or improvement performed under contracts entered into under RCW 36.102.060(4) or under development agreements entered into under RCW 36.102.060(7) or leases entered into under RCW 36.102.060(8).

(5) "Responsible bidder" means a contractor who meets the criteria in RCW 39.04.350.

(6) "State" means the state of Washington and all departments, supervisors, commissioners, and agencies of the state.

**Sec. 17** RCW 39.04.155 and 2007 c 218 s 87, 2007 c 210 s 1, and 2007 c 133 s 4 are each reenacted and amended to read as follows:

(1) This section provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property that may be used by state agencies and by any local government that is expressly authorized to use these provisions. These provisions may be used in lieu of other procedures to award contracts for such work with an estimated cost of two hundred thousand dollars or less. The small works roster process includes the limited public works process authorized under subsection (3) of this section and any local government authorized to award contracts using the small works roster process under this section may award contracts using the limited public works process under subsection (3) of this section.

(2)(a) A state agency or authorized local government may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Where applicable, small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. A state agency or local government establishing a small works roster or rosters may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters. At least once a year, the state agency or local government shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records. Master contracts may be required to be signed that become effective when a specific award is made using a small works roster.

(b) A state agency establishing a small works roster or rosters shall adopt rules implementing this subsection. A local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing this subsection. Procedures included in rules adopted by the department of general administration in implementing this subsection must be included in any rules providing for a small works roster or rosters that is adopted by another state agency, if the authority for that state agency to engage in these activities has been delegated to it by the department of general administration under chapter 43.19 RCW. An interlocal contract or agreement between two or more state agencies or local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the provisions of this subsection.

(c) Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 39.04.010. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, a state agency or local government (~~other than a port district~~) that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The government has the sole option of determining whether this notice to the remaining contractors is made by: (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; (ii) mailing a notice to these contractors; or (iii) sending a notice to these contractors by facsimile or other electronic means. For purposes of this subsection (2)(c), "equitably distribute" means that a state agency or local government soliciting bids may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

(d) A contract awarded from a small works roster under this section need not be advertised.

(e) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(3) In lieu of awarding contracts under subsection (2) of this section, a state agency or authorized local government may award a contract for work, construction, alteration, repair, or improvement projects estimated to cost less than thirty-five thousand dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (2) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

For limited public works projects, a state agency or authorized local government shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to

FIFTY-THIRD DAY, MARCH 6, 2008

the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request. A state agency or authorized local government shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. A state agency or authorized local government shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. For limited public works projects, a state agency or authorized local government may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialpersons, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project, however the state agency or authorized local government shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(4) The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

(5)(a) A state agency or authorized local government may use the limited public works process of subsection (3) of this section to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return.

(b) A state agency or authorized local government may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.

(6) As used in this section, "state agency" means the department of general administration, the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the department of transportation, any institution of higher education as defined under RCW 28B.10.016, and any other state agency delegated authority by the department of general administration to engage in construction, building, renovation, remodeling, alteration, improvement, or repair activities.

**Sec. 18** RCW 53.12.270 and 1975 1st ex.s. c 12 s 1 are each amended to read as follows:

(1) The commission may delegate to the managing official of a port district such administrative powers and duties of the commission as it may deem proper for the efficient and proper management of port district operations. Any such delegation shall be authorized by appropriate resolution of the commission, which resolution must also establish guidelines and procedures for the managing official to follow.

(2) The commission shall establish, by resolution, policies to comply with RCW 39.04.280 that set forth the conditions by which competitive bidding requirements for public works contracts may be waived.

**NEW SECTION. Sec. 19** Sections 5 through 15 of this act constitute a new chapter in Title 53 RCW.

**NEW SECTION. Sec. 20** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 53.08.120, 39.30.020, 39.04.010, and 53.12.270; reenacting and amending

2008 REGULAR SESSION

RCW 39.04.155; adding new sections to chapter 53.08 RCW; adding a new chapter to Title 53 RCW; creating a new section; and prescribing penalties."

Senator Roach spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fairley to not adopt the committee striking amendment by the Committee on Government Operations & Elections to Second Substitute House Bill No. 3274.

The motion by Senator Fairley carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Fairley moved that the following striking amendment by Senator Fairley be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1** RCW 53.08.120 and 2000 c 138 s 210 are each amended to read as follows:

(1) All material and work required by a port district not meeting the definition of public work in RCW 39.04.010(4) may be procured in the open market or by contract and all work ordered may be done by contract or day labor.

(2)(a) All such contracts for work meeting the definition of "public work" in RCW 39.04.010(4), the estimated cost of which exceeds two hundred thousand dollars, shall be awarded using a competitive bid process. The contract must be ~~((tet))~~ awarded at public bidding upon notice published in a newspaper of general circulation in the district at least thirteen days before the last date upon which bids will be received, calling for ~~((sealed))~~ bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder. The competitive bidding requirements for purchases or public works may be waived pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

~~((However))~~ (b) For all contracts related to work meeting the definition of "public work" in RCW 39.04.010(4) that are estimated at two hundred thousand dollars or less, a port district may let contracts using the small works roster process under RCW 39.04.155 in lieu of ~~((calling))~~ advertising for ~~((sealed))~~ bids. Whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section.

When awarding such a contract for work, when utilizing proposals from the small works roster, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster.

**Sec. 2** RCW 39.30.020 and 1974 ex.s. c 74 s 1 are each amended to read as follows:

In addition to any other remedies or penalties contained in any law, municipal charter, ordinance, resolution or other enactment, any municipal officer by or through whom or under whose supervision, in whole or in part, any contract is made in ~~((willful))~~ willful and intentional violation of any law, municipal charter, ordinance, resolution or other enactment requiring competitive bidding or procurement procedures for consulting, architectural, engineering, or other services, upon such contract shall be held liable to a civil penalty of not less than three hundred dollars and may be held liable, jointly and severally with any other such municipal officer, for all consequential damages to the municipal corporation. If, as a result of a criminal action, the violation is found to have been intentional, the municipal officer shall immediately forfeit his or her office. For purposes of this section, "municipal officer" ~~((shall))~~ means

FIFTY-THIRD DAY, MARCH 6, 2008

an "officer" or "municipal officer" as those terms are defined in RCW 42.23.020(2).

**NEW SECTION. Sec. 3** A new section is added to chapter 53.08 RCW to read as follows:

By January 1, 2010, each port with more than ten million dollars in annual gross revenues, excluding grant and loan funds, shall maintain a database on a public web site of all contracts, including public works and personal services. At a minimum, the database shall identify the contractor, the purpose of the contract, effective dates and periods of performance, the cost of the contract and funding source, any modifications to the contract, and whether the contract was competitively procured or awarded on a sole source basis.

**NEW SECTION. Sec. 4** A new section is added to chapter 53.08 RCW to read as follows:

(1) If a port district purchases property for a facility outside the port's jurisdiction, the port district or districts with responsibility for the future property development and use must prepare and implement a communication plan within sixty days after contracting with a site planning consultant. The communication plan must be reasonably calculated to provide property owners and other affected and interested individuals information for review and comment. The plan shall be made available through the planning and predesign phase. The communication plan shall include information about:

(a) The type and scale of proposed uses on the site;

(b) The type and scale of business and industrial activities that the development is likely to later attract to the site and to the nearby area;

(c) The general character and scope of potential impacts on air and water quality, noise, and local and state transportation infrastructure, including state highways, local roads, rail, and shipping.

(2) Information included in the communication plan under subsection (1) of this section may be made available by means of web pages, office inspection and copying of materials, one or more property tours, and public meetings that allow interested citizens to comment to port officials on several occasions over time as the development plans evolve.

(3) Environmental mitigation, habitat restoration, and dredged material disposal projects are exempt from the requirements of this section.

**NEW SECTION. Sec. 5** The legislature hereby establishes a policy of open competition for all personal service contracts entered into by port districts unless specifically exempted under this chapter. It is further the intent to provide differentiation between the competitive procurement procedures for personal and professional services contracts.

**NEW SECTION. Sec. 6** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the elected oversight body of an individual port.

(2) "Competitive solicitation" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria, in which criteria other than price may be the primary basis for consideration. The criteria may include such factors as the consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(3) "Consultant" means an independent individual or firm contracting with a port to perform a service or render an opinion or recommendation according to the consultant's methods and without being subject to the control of the port except as to the result of the work. The port monitors progress under the contract and authorizes payment.

(4) "Emergency" means a set of unforeseen circumstances beyond the control of the port that either:

(a) Present a real, immediate threat to the proper performance of essential functions; or

(b) May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

(5) "Evidence of competition" means documentation demonstrating that the port has solicited responses from multiple firms in selecting a consultant.

(6) "Personal service" means professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement which may not reasonably be required in connection with a public works project meeting the definition in RCW 39.04.010(4). "Personal service" does not include purchased services as defined under subsection (8) of this section or professional services procured using the competitive selection requirements in chapter 39.80 RCW.

(7) "Personal service contract" means an agreement, or any amendment thereto, with a consultant for the rendering of personal services to the port.

(8) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. "Purchased services" includes, but is not limited to, services for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis.

(9) "Sole source" means a consultant providing professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The justification shall be based on the uniqueness of the service, sole availability at the location required, or warranty or defect correction service obligations of the consultant.

**NEW SECTION. Sec. 7** All personal service contracts shall be entered into pursuant to competitive solicitation, except for:

(1) Emergency contracts;

(2) Sole source contracts;

(3) Contract amendments;

(4) Contracts between a consultant and a port of less than fifty thousand dollars. However, contracts of fifty thousand dollars or greater but less than two hundred thousand dollars shall have documented evidence of competition. Ports shall not structure contracts to evade these requirements; and

(5) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process by the commission when it has been determined that a competitive solicitation process is not appropriate or cost-effective.

**NEW SECTION. Sec. 8** Emergency contracts shall be filed with the commission and made available for public inspection within seven working days following the commencement of work or execution of the contract, whichever occurs first. Documented justification for emergency contracts shall be provided to the commission when the contract is filed.

**NEW SECTION. Sec. 9** (1) Sole source contracts shall be filed with the commission and made available for public inspection prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the commission when the contract is filed. For sole source contracts of fifty thousand dollars or more, documented justification shall include evidence that the port attempted to identify potential consultants.

(2) The commission shall ensure that the costs, fees, or rates negotiated in filed sole source contracts of fifty thousand dollars or more are reasonable.

**NEW SECTION. Sec. 10** A port commissioner or employee shall not expend any funds for personal service contracts subject to this chapter unless the port has complied with the competitive procurement and other requirements of this chapter. The port commissioner or employee executing the personal service contracts is responsible for compliance with the

FIFTY-THIRD DAY, MARCH 6, 2008

requirements of this chapter. Willful and intentional failure to comply with the requirements of this chapter subjects the port commissioner or employee to a civil penalty in the amount of three hundred dollars. A consultant who knowingly violates this chapter in seeking or performing work under a personal services contract is subject to a civil penalty of three hundred dollars or twenty-five percent of the amount of the contract, whichever is greater. The state auditor is responsible for auditing violations of this chapter through its regular financial and accountability audits. The attorney general is responsible for prosecuting violations of this chapter.

**NEW SECTION. Sec. 11** (1) Substantial changes in the scope of work specified in the contract or which are substantial additions to the scope of work specified in the formal solicitation document shall be submitted to the commission for a determination as to whether the change warrants the work to be awarded as a new contract.

(2) An amendment or amendments to personal service contracts, if the value of the amendment or amendments, whether singly or cumulatively, exceeds fifty percent of the value of the original contract must be filed with the commission and made available for public inspection prior to the proposed starting date of services under the amendments.

**NEW SECTION. Sec. 12** This chapter does not apply to:

(1) Contracts specifying a fee of less than fifty thousand dollars;

(2) Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;

(3) Intergovernmental agreements awarded to any governmental entity, whether federal, state, or local and any department, division, or subdivision thereof;

(4) Contracts awarded for services to be performed for a standard fee, when the standard fee is established by the contracting agency or any other governmental entity and a like contract is available to all qualified applicants;

(5) Contracts for services that are necessary to the conduct of collaborative research if prior approval is granted by the funding source;

(6) Contracts for professional services which are entered into under chapter 39.80 RCW; and

(7) Contracts for the employment of expert witnesses for the purposes of litigation or legal services to supplement the expertise of port staff.

**NEW SECTION. Sec. 13** (1) The municipal research services center, in cooperation with the Washington public ports association, shall develop guidelines for the effective and efficient management of personal service contracts by all ports. The guidelines must, at a minimum, include:

(a) Accounting methods, systems, measures, and principles to be used by ports and consultants;

(b) Precontract procedures for selecting potential consultants based on their qualifications and ability to perform;

(c) Incorporation of performance measures and measurable benchmarks in contracts, and the use of performance audits;

(d) Uniform contract terms to ensure contract performance and compliance with port, state, and federal standards;

(e) Proper payment and reimbursement methods to ensure that the port receives full value for taxpayer moneys, including cost settlements and cost allowance;

(f) Postcontract procedures, including methods for recovering improperly spent or overspent moneys for disallowance and adjustment;

(g) Adequate contract remedies and sanctions to ensure compliance;

(h) Monitoring, fund tracking, risk assessment, and auditing procedures and requirements;

(i) Financial reporting, record retention, and record access procedures and requirements;

(j) Procedures and criteria for terminating contracts for cause or otherwise; and

2008 REGULAR SESSION

(k) Any other subject related to effective and efficient contract management.

(2) The municipal research services center shall submit a status report on the guidelines required by subsection (1) of this section to the governor and the appropriate standing committees of the legislature no later than December 1, 2008.

(3) The Washington public ports association shall publish a guidebook for use by ports containing the guidelines developed under subsection (1) of this section.

(4) The municipal research services center and the Washington public ports association shall each make the guidelines available on their web sites.

**NEW SECTION. Sec. 14** (1) A port entering into or amending personal service contracts shall follow the policies adopted by the commission, which shall be based on guidelines developed pursuant to section 13 of this act.

(2) This section applies to ports entering into or renewing contracts after January 1, 2010.

**NEW SECTION. Sec. 15** The Washington public ports association shall provide a training course for port personnel responsible for executing and managing personal service contracts. The course must contain training on effective and efficient contract management under the guidelines established under section 13 of this act. Port districts shall require port employees responsible for executing or managing personal service contracts to complete the training course to the satisfaction of the commission.

**Sec. 16** RCW 39.04.010 and 2007 c 133 s 1 are each amended to read as follows:

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

(1) "Award" means the formal decision by the state or municipality notifying a responsible bidder with the lowest responsive bid of the ((state)) state's or municipality's acceptance of the bid and intent to enter into a contract with the bidder.

(2) "Contract" means a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid, or a contract awarded under the small works roster process in RCW 39.04.155.

(3) "Municipality" means every city, county, town, port district, district, or other public agency authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts, or other districts authorized by law for the reclamation or development of waste or undeveloped lands.

(4) "Public work" means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. All public works, including maintenance when performed by contract shall comply with chapter 39.12 RCW. "Public work" does not include work, construction, alteration, repair, or improvement performed under contracts entered into under RCW 36.102.060(4) or under development agreements entered into under RCW 36.102.060(7) or leases entered into under RCW 36.102.060(8).

(5) "Responsible bidder" means a contractor who meets the criteria in RCW 39.04.350.

(6) "State" means the state of Washington and all departments, supervisors, commissioners, and agencies of the state.

**Sec. 17** RCW 39.04.155 and 2007 c 218 s 87, 2007 c 210 s 1, and 2007 c 133 s 4 are each reenacted and amended to read as follows:

(1) This section provides uniform small works roster provisions to award contracts for construction, building,

FIFTY-THIRD DAY, MARCH 6, 2008

renovation, remodeling, alteration, repair, or improvement of real property that may be used by state agencies and by any local government that is expressly authorized to use these provisions. These provisions may be used in lieu of other procedures to award contracts for such work with an estimated cost of two hundred thousand dollars or less. The small works roster process includes the limited public works process authorized under subsection (3) of this section and any local government authorized to award contracts using the small works roster process under this section may award contracts using the limited public works process under subsection (3) of this section.

(2)(a) A state agency or authorized local government may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Where applicable, small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. A state agency or local government establishing a small works roster or rosters may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters. At least once a year, the state agency or local government shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records. Master contracts may be required to be signed that become effective when a specific award is made using a small works roster.

(b) A state agency establishing a small works roster or rosters shall adopt rules implementing this subsection. A local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing this subsection. Procedures included in rules adopted by the department of general administration in implementing this subsection must be included in any rules providing for a small works roster or rosters that is adopted by another state agency, if the authority for that state agency to engage in these activities has been delegated to it by the department of general administration under chapter 43.19 RCW. An interlocal contract or agreement between two or more state agencies or local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the provisions of this subsection.

(c) Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 39.04.010. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, a state agency or local government (~~other than a port~~

2008 REGULAR SESSION

~~district~~)) that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The government has the sole option of determining whether this notice to the remaining contractors is made by: (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; (ii) mailing a notice to these contractors; or (iii) sending a notice to these contractors by facsimile or other electronic means. For purposes of this subsection (2)(c), "equitably distribute" means that a state agency or local government soliciting bids may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

(d) A contract awarded from a small works roster under this section need not be advertised.

(e) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(3) In lieu of awarding contracts under subsection (2) of this section, a state agency or authorized local government may award a contract for work, construction, alteration, repair, or improvement projects estimated to cost less than thirty-five thousand dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (2) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

For limited public works projects, a state agency or authorized local government shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request. A state agency or authorized local government shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. A state agency or authorized local government shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. For limited public works projects, a state agency or authorized local government may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialpersons, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project, however the state agency or authorized local government shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(4) The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

(5)(a) A state agency or authorized local government may use the limited public works process of subsection (3) of this section to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return.

(b) A state agency or authorized local government may adopt additional procedures to encourage small businesses that

FIFTY-THIRD DAY, MARCH 6, 2008

are registered contractors with gross revenues under two hundred fifty thousand dollars annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.

(6) As used in this section, "state agency" means the department of general administration, the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the department of transportation, any institution of higher education as defined under RCW 28B.10.016, and any other state agency delegated authority by the department of general administration to engage in construction, building, renovation, remodeling, alteration, improvement, or repair activities.

**Sec. 18** RCW 53.12.270 and 1975 1st ex.s. c 12 s 1 are each amended to read as follows:

(1) The commission may delegate to the managing official of a port district such administrative powers and duties of the commission as it may deem proper for the efficient and proper management of port district operations. Any such delegation shall be authorized by appropriate resolution of the commission, which resolution must also establish guidelines and procedures for the managing official to follow.

(2) The commission shall establish, by resolution, policies to comply with RCW 39.04.280 that set forth the conditions by which competitive bidding requirements for public works contracts may be waived.

**NEW SECTION. Sec. 19** Sections 5 through 15 of this act constitute a new chapter in Title 53 RCW.

**NEW SECTION. Sec. 20** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 21** (1) Beginning July 1, 2009, each port with more than fifteen million dollars in annual gross revenue, excluding grant and loan funds, shall report annually to the joint legislative audit and review committee:

(a) A summary of the items identified in section 3 of this act and the current status of each of the contracts; and

(b) The number and status of the personal services contracts entered into that prior year that were exempted from competitive solicitation, including emergency contracts, sole source contracts, contract amendments, and any other specified contracts or classes or groups of contracts that were exempted from the competitive solicitation process by the commission, as defined in section 6 of this act, because it was determined that a competitive solicitation process was not appropriate or cost-effective.

(2) The report shall be presented at one of the joint legislative audit and review committee's regularly scheduled public hearings, and the report may be presented at the hearing by teleconference. The committee may request additional information from a port at its discretion.

(3) This section expires August 1, 2013."

#### MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore and others to the striking amendment be adopted.

On page 14, beginning on line 9 delete all of section 21.

Senators Pridemore, Zarelli, Kohl-Welles and Rockefeller spoke in favor of adoption of the amendment to the striking amendment.

Senators Fairley, Roach, Keiser and Haugen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore and others on page 14, line 9 to the striking amendment to Second Substitute House Bill No. 3274.

2008 REGULAR SESSION

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fairley as amended to Second Substitute House Bill No. 3274.

The motion by Senator Fairley carried and the striking amendment as amended was adopted by voice vote.

#### MOTION

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

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 53.08.120, 39.30.020, 39.04.010, and 53.12.270; reenacting and amending RCW 39.04.155; adding new sections to chapter 53.08 RCW; adding a new chapter to Title 53 RCW; creating new sections; prescribing penalties; and providing an expiration date."

#### MOTION

On motion of Senator Fairley, the rules were suspended, Second Substitute House Bill No. 3274 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Sheldon, Franklin and Haugen spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 3274 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 3274 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE HOUSE BILL NO. 3274 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Honeyford, the President finds and rules as follows:

The three sections in Senator Morton's amendment cover the same material addressed in sections 3, 4 and 5 of the underlying bill, Engrossed Second Substitute House Bill No. 2844 and in sections 4 and 5 of the committee striking amendment. Therefore the amendment is well within the scope and object of the underlying bill and Senator Honeyford's objection is not well taken."

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

The Senate resumed consideration of Engrossed Second Substitute House Bill No. 2844 which had been deferred earlier in the day.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 1, after line 2 to Engrossed Second Substitute House Bill No. 2844.

Senator Jacobsen spoke against adoption of the amendment.

The motion by Senator Morton failed and the amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 2844.

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

## MOTION

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

On page 1, line 2 of the title, after "partnerships;" strike the remainder of the title and insert "amending RCW 76.15.020, 35.92.390, 35A.80.040, 80.28.300, 76.15.010, 89.08.520, 79.105.150, and 80.28.010; reenacting and amending RCW 43.155.070, 70.146.070, and 79A.15.040; adding new sections to chapter 76.15 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 43.155 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 89.08 RCW; adding a new section to chapter 79.105 RCW; adding a new section to chapter 79A.15 RCW; adding a new chapter to Title 35 RCW; creating new sections; and providing an expiration date."

## MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Second Substitute House Bill No. 2844 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Pridemore and Rockefeller spoke in favor of passage of the bill.

Senators Morton, Honeyford and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2844 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2844 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2844 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5179,  
 SUBSTITUTE SENATE BILL NO. 5256,  
 SUBSTITUTE SENATE BILL NO. 6181,  
 SENATE BILL NO. 6183,  
 SENATE BILL NO. 6196,  
 SENATE BILL NO. 6216,  
 SUBSTITUTE SENATE BILL NO. 6224,  
 SENATE BILL NO. 6237,  
 SUBSTITUTE SENATE BILL NO. 6246,  
 SENATE BILL NO. 6267,  
 SENATE BILL NO. 6275,  
 SUBSTITUTE SENATE BILL NO. 6343,  
 SENATE BILL NO. 6369,  
 SENATE BILL NO. 6398,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6437,  
 SUBSTITUTE SENATE BILL NO. 6572,  
 ENGROSSED SENATE BILL NO. 6663,  
 SENATE BILL NO. 6677,  
 SUBSTITUTE SENATE BILL NO. 6710,  
 SENATE BILL NO. 6717,  
 SENATE BILL NO. 6740,  
 SENATE BILL NO. 6799,  
 SUBSTITUTE SENATE BILL NO. 6857,  
 SUBSTITUTE SENATE BILL NO. 6879,  
 SENATE BILL NO. 6885,  
 SENATE JOINT MEMORIAL NO. 8024,

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3145, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Haler, Roberts, Walsh, Pettigrew, Dickerson, Conway, Green, Goodman, Kenney, Wood and Ormsby)

Implementing a tiered classification system for foster parent licensing.

The measure was read the second time.

## MOTION

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

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature recognizes that the work done by the work group convened under chapter 413, Laws of 2007 was an initial step in developing a specialized foster home program. The legislature finds that the department should build upon this initial work and continue to work with stakeholders to put together specific recommendations on the qualifications and training specialized foster parents will need, the criteria by which eligible high/special needs foster children will be selected and the cost of implementing this program statewide. The legislature also finds that the department should consider whether it is more appropriate that this specialized group of providers be designated as something other than foster parents. The legislature intends that the department, in

FIFTY-THIRD DAY, MARCH 6, 2008

developing this plan, consider that the specialized foster home program is a potential collective bargaining unit.

**NEW SECTION. Sec. 2.** (1) The department shall develop a specific plan to create a specialized foster home program.

(2) In developing this plan, the department shall use the information gathered by the work group convened under chapter 413, Laws of 2007, and shall actively:

(a) Seek recommendations from foster parents and other out-of-home service providers across the state regarding the qualifications and requirements of specialized foster home providers, the needs of the children to be served, and the desired outcomes to be measured or monitored; and

(b) Consult with experts in child welfare, children's mental health, and children's health care to identify the evidence-based or promising practice models to be employed in the program and the appropriate supports to ensure program fidelity, including, but not limited to, the necessary training and clinical consultation and oversight to be provided to specialized foster homes.

(3) The plan developed by the department under this section shall include:

(a) The criteria by which specialized foster home providers shall be chosen. The criteria shall include at a minimum that the foster parent be licensed by the department as a foster parent, and shall meet additional requirements relating to relevant experience, education, training, and professional expertise necessary to meet the high/special needs of children identified as eligible for this program;

(b) The criteria by which children with high/special needs are deemed eligible for placement with a specialized foster home provider. Such criteria shall be based on the best interests of the child and shall include an assessment of the child's past and current level of functioning, including exposure to parental substance abuse, as well as a determination that the child's treatment plan and developmental needs are consistent with the placement plan;

(c) A policy for the placement of children with high/special needs in specialized foster homes, including a process for matching the child's needs with the foster parent's skills and expertise;

(d) A limit on the number and ages of children with high/special needs that may be placed in each specialized foster home;

(e) The identification of one or more approved models of skill building for use by specialized foster home providers;

(f) The specific training and consultation requirements that support the models of skill building;

(g) The development of a system of supports, including clinical consultation and oversight for specialized foster homes;

(h) The development of a level of stipend payments to specialized foster home providers that is not tied to deficits in the child's level of functioning;

(i) The development of clearly defined responsibilities of specialized foster home providers to include responsibilities to promote permanence and connections with birth parents; and

(j) The development of a process for annual performance reviews of specialized foster home providers.

(4) In creating the plan required under subsection (2) of this section, the department shall give consideration to the fact that this group of providers may create a potential future collective bargaining unit, if authorized in the future.

(5) The department shall include in the plan cost estimates for implementation of the specialized foster home program on a statewide basis.

(6) In developing the plan, the department is directed to consider and discuss with stakeholders whether the providers identified in the plan as meeting the requirements for dealing with high/special needs foster children should be referred to or classified as other than foster parents.

**NEW SECTION. Sec. 3.** The department shall submit its plan to the appropriate legislative committees no later than

2008 REGULAR SESSION

November 15, 2008. Until such time as the legislature approves a specialized foster home program, the department shall not take steps to implement such a program."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Second Substitute House Bill No. 3145.

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

#### MOTION

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

On page 1, line 2 of the title, after "licensing;" strike the remainder of the title and insert "and creating new sections."

Senators Hargrove and Kauffman spoke on passage of the bill.

Senator Stevens spoke against passage of the bill.

#### MOTION

On motion of Senator Regala, Senators Brown, McAuliffe and Prentice were excused.

#### MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Second Substitute House Bill No. 3145 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 3145 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 3145 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Morton and Stevens - 2

Excused: Senator Brown - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3145 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 3142, by Representatives Liiias, Chase, Walsh, Ericks, Loomis, Miloscia, Rolfes, Linville, Dickerson, Green, Morrell, Kelley, Wood, Nelson, Santos and Ormsby

Creating the affordable housing and community facilities rapid response loan program.

The measure was read the second time.

#### MOTION

Senator Kauffman moved that the following committee striking amendment by the Committee on Consumer Protection & Housing be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 43.185A.110 and 2007 c 428 s 2 are each amended to read as follows:

(1) The affordable housing land acquisition revolving loan fund program is created in the department to assist eligible organizations, described under RCW 43.185A.040, to purchase land for affordable housing development. The department shall contract with the Washington state housing finance commission to administer the affordable housing land acquisition revolving loan fund program. Within this program, the Washington state housing finance commission shall establish and administer the Washington state housing finance commission land acquisition revolving loan fund.

(2) As used in this chapter, "market rate" means the current average market interest rate that is determined at the time any individual loan is closed upon using a widely recognized current market interest rate measurement to be selected for use by the Washington state housing finance commission with the department's approval. This interest rate must be noted in an attachment to the closing documents for each loan.

(3) Under the affordable housing land acquisition revolving loan fund program:

(a) Loans may be made to purchase land on which to develop affordable housing. In addition to affordable housing, facilities intended to provide supportive services to affordable housing residents and low-income households in the nearby community may be developed on the land.

(b) Eligible organizations applying for a loan must include in the loan application a proposed affordable housing development plan indicating the number of affordable housing units planned, a description of any other facilities being considered for the property, and an estimated timeline for completion of the development. The Washington state housing finance commission may require additional information from loan applicants and may consider the efficient use of land, project readiness, organizational capacity, and other factors as criteria in awarding loans.

(c) Forty percent of the loans shall go to eligible applicants operating homeownership programs for low-income households in which the households participate in the construction of their homes. Sixty percent of loans shall go to other eligible organizations. If the entire forty percent for applicants operating self-help homeownership programs cannot be lent to these types of applicants, the remainder shall be lent to other eligible organizations.

(d) Within five years of receiving a loan, a loan recipient must present the Washington state housing finance commission with an updated development plan, including a proposed development design, committed and anticipated additional financial resources to be dedicated to the development, and an estimated development schedule, which indicates completion of the development within eight years of loan receipt. This updated development plan must be substantially consistent with the development plan submitted as part of the original loan application as required in (b) of this subsection.

(e) Within eight years of receiving a loan, a loan recipient must develop affordable housing on the property for which the loan was made and place the affordable housing into service.

(f) A loan recipient must preserve the affordable rental housing developed on the property acquired under this section as affordable housing for a minimum of thirty years.

(4) If a loan recipient does not place affordable housing into service on a property for which a loan has been received under this section within the eight-year period specified in subsection (3)(e) of this section, or if a loan recipient fails to use the property for the intended affordable housing purpose consistent with the loan recipient's original affordable housing development plan, then the loan recipient must pay to the Washington state housing finance commission an amount consisting of the principal of the original loan plus compounded interest calculated at the current market rate. The Washington state housing finance commission shall develop guidelines for the time period in which this repayment must take place, which must be noted in the original loan agreement. The Washington state housing finance commission may grant a partial or total exemption from this repayment requirement if it determines that a development is substantially complete or that the property has been substantially used in keeping with the original affordable housing purpose of the loan. Any repayment funds received as a result of noncompliance with loan requirements shall be deposited into the Washington state housing finance commission land acquisition revolving loan fund for the purposes of the affordable housing land acquisition revolving loan fund program.

(5) The Washington state housing finance commission, with approval from the department, may adopt guidelines and requirements that are necessary to administer the affordable housing land acquisition revolving loan fund program.

(6) Interest rates on property loans granted under this section may not exceed one percent. All loan repayment moneys received shall be deposited into the Washington state housing finance commission affordable housing land acquisition revolving loan fund for the purposes of the affordable housing land acquisition revolving loan fund program.

(7) The Washington state housing finance commission must develop performance measures for the program, which must be approved by the department, including, at a minimum, measures related to:

(a) The ability of eligible organizations to access land for affordable housing development;

(b) The total number of dwelling units by housing type and the total number of (~~very~~) low-income households and persons served; and

(c) The financial efficiency of the program as demonstrated by factors, including the cost per unit developed for affordable housing units in different areas of the state and a measure of the effective use of funds to produce the greatest number of units for low-income households.

(8) By December 1st of each year, beginning in 2007, the Washington state housing finance commission shall report to the department and the appropriate committees of the legislature using, at a minimum, the performance measures developed under subsection (7) of this section.

**NEW SECTION. Sec. 2** A new section is added to chapter 43.185A RCW to read as follows:

(1) The affordable housing and community facilities rapid response loan program is created in the department to assist eligible organizations, described under RCW 43.185A.040, to purchase land or real property for affordable housing and community facilities preservation or development in rapidly gentrifying neighborhoods or communities with a significant low-income population that is threatened with displacement by such gentrification. The department shall contract with the Washington state housing finance commission to establish and administer the program.

(2) Loans or grants may be made through the affordable housing and community facilities rapid response loan program to purchase land or real property for the preservation or

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

development of affordable housing or community facilities, including reasonable costs and fees.

(3) The Washington state housing finance commission, with approval from the department, may adopt guidelines and requirements that are necessary to administer the affordable housing and community facilities rapid response loan program.

(4) A loan or grant recipient must preserve affordable rental housing acquired or developed under this section as affordable housing for a minimum of thirty years.

(5) Interest rates on loans made under this section may be as low as zero percent but may not exceed three percent. All loan repayment moneys received must be deposited into a program account established by the Washington state housing finance commission for the purpose of making new loans and grants under this section.

(6) By December 1st of each year, beginning in 2008, the Washington state housing finance commission shall report to the department and the appropriate committees of the legislature: The number of loans and grants that were made in the program; for what purposes the loans and grants were made; to whom the loans and grants were made; and when the loans are expected to be paid back."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Consumer Protection & Housing to Engrossed House Bill No. 3142.

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

MOTION

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

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.185A.110; and adding a new section to chapter 43.185A RCW."

MOTION

On motion of Senator Kauffman, the rules were suspended, Engrossed House Bill No. 3142 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 3142 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3142 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

ENGROSSED HOUSE BILL NO. 3142 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2598, by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Sullivan, Ormsby, Haigh, Schual-Berke, Green and Simpson)

Directing the office of the superintendent of public instruction to issue a request for proposals for development of an online mathematics curriculum. Revised for 2nd Substitute: Regarding an online mathematics curriculum.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The office of the superintendent of public instruction shall develop and issue a request for proposals for private vendors or nonprofit organizations to adapt an existing mathematics curriculum to be aligned with Washington's essential academic learning requirements and grade level expectations and make the curriculum available online at no cost to school districts. At a minimum, the proposed curriculum shall cover course content in grades kindergarten through twelve and the state's college readiness standards. Proposals shall address cost and timelines for adaptation and implementation of the curriculum. The office of the superintendent of public instruction shall review the responses, including an analysis of the qualifications of the respondents, and report the results of the request for proposals under this section to the governor and the education and fiscal committees of the legislature by December 1, 2008.

**Sec. 2** RCW 28A.305.215 and 2007 c 396 s 1 are each amended to read as follows:

(1) The activities in this section revise and strengthen the state learning standards that implement the goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsections (3) and (5) of this section by: (a) An expert national consultant in each of mathematics and science retained by the state board; and (b) the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, which shall provide review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

FIFTY-THIRD DAY, MARCH 6, 2008

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

(4) By January 31, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2008 legislative session.

(5) By June 30, 2008, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in science. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of standards used by three to five other states and in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment; and

(c) Consideration of information presented during public comment periods.

(6) By December 1, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for science and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2009 legislative session.

(7)(a) ~~((By May 15, 2008))~~ Within six months after the standards under subsection (4) of this section are adopted, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) ~~((By June 30, 2008))~~ Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) By May 15, 2009, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic science curricula each for elementary, middle, and high school grade spans.

(d) By June 30, 2009, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended science curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(e) In selecting the recommended curricula under this subsection (7), the superintendent of public instruction shall provide information to the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, and

2008 REGULAR SESSION

seek the advice of the appropriate panel regarding the curricula that shall be included in the recommendations.

(f) The recommended curricula under this subsection (7) shall align with the revised essential academic learning requirements and grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(g) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span and in each of mathematics and science shall be available to schools and parents online at no cost to the school or parent.

(8) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(9) Nothing in this section requires a school district to use one of the recommended curricula under subsection (7) of this section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by RCW 28A.305.130(4)(e) before implementation.

NEW SECTION. Sec. 3 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Second Substitute House Bill No. 2598.

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

MOTION

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

On page 1, line 1 of the title, after "curriculum;" strike the remainder of the title and insert "amending RCW 28A.305.215; and creating new sections."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2598 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2598 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2598 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Swecker - 1

Excused: Senator Brown - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2598 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2650, by Representatives Santos, Eriks, Hunter and Wood

Authorizing a cigarette tax agreement between the state of Washington and the Yakama Nation.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2650 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2650.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2650 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Holmquist - 1

Excused: Senator Brown - 1

HOUSE BILL NO. 2650, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1493, by Representatives Hudgins, Simpson, Jarrett, B. Sullivan, Rodne, McCoy, Sells and Kenney

Clarifying the definition of development activity in respect to construction by a regional transit authority.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 1493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1493.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1493 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 39

Voting nay: Senators Benton, Carrell, Delvin, Honeyford, McCaslin, Morton, Pflug, Roach, Stevens and Zarelli - 10

HOUSE BILL NO. 1493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2746, by House Committee on Transportation (originally sponsored by Representatives Jarrett, Morris and McIntire)

Concerning the purchasing of fuel by agencies performing the metropolitan transportation function. Revised for 1st Substitute: Concerning the purchasing of fuel by certain state and local agencies.

The measure was read the second time.

MOTION

Senator Marr moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds and declares that units of state and local government purchasing large amounts of fuel in the regular course of performing their function should have substantial flexibility in acquiring fuel to obtain predictability and control of fuel costs, and to maximize the use of renewable fuels. The legislature hereby declares its intent to allow certain units of government that regularly purchase large amounts of fuel to explore and implement strategies that are designed to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short-term and long-term fuel costs.

**NEW SECTION. Sec. 2** A new section is added to chapter 35.58 RCW to read as follows:

(1) In performing the metropolitan transportation function, metropolitan municipal corporations and counties that have assumed the rights, powers, functions, and obligations of metropolitan municipal corporations under chapter 36.56 RCW may explore and implement strategies designed to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short-term and long-term fuel costs. These strategies may include, but are not limited to, futures contracts, hedging, swap transactions, option contracts, costless collars, and long-term storage.

FIFTY-THIRD DAY, MARCH 6, 2008

(2) Metropolitan municipal corporations and counties that have assumed the rights, powers, functions, and obligations of metropolitan municipal corporations under chapter 36.56 RCW that choose to implement the strategies authorized in this section must submit periodic reports to the transportation committees of the legislature on the status of any such implemented strategies. Each report must include a description of each contract established to mitigate fuel costs, the amounts of fuel covered by the contracts, the cost mitigation results, and any related recommendations. The first report must be submitted within one year of implementation.

**NEW SECTION. Sec. 3** A new section is added to chapter 35.58 RCW to read as follows:

If metropolitan municipal corporations and counties that have assumed the rights, powers, functions, and obligations of metropolitan municipal corporations under chapter 36.56 RCW choose to implement the strategies authorized in section 2 of this act, the state is not liable for any financial losses that may be incurred as the result of participating in such strategies.

**NEW SECTION. Sec. 4** A new section is added to chapter 47.60 RCW to read as follows:

In performing the function of operating its ferry system, the department may, subject to the availability of amounts appropriated for this specific purpose and after consultation with the department of general administration's office of state procurement, explore and implement strategies designed to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short-term and long-term fuel costs. These strategies may include, but are not limited to, futures contracts, hedging, swap transactions, option contracts, costless collars, and long-term storage. The department shall periodically submit a report to the transportation committees of the legislature and the office of state procurement on the status of any such implemented strategies, including cost mitigation results, a description of each contract established to mitigate fuel costs, the amounts of fuel covered by the contracts, the cost mitigation results, and any related recommendations. The first report must be submitted within one year of implementation."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2746.

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

#### MOTION

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

On page 1, line 1 of the title, after "fuel;" strike the remainder of the title and insert "adding new sections to chapter 35.58 RCW; adding a new section to chapter 47.60 RCW; and creating a new section."

#### MOTION

On motion of Senator Marr, the rules were suspended, Substitute House Bill No. 2746 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2746 as amended by the Senate.

#### ROLL CALL

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute House Bill No. 2746 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Voting nay: Senators Honeyford, Pflug and Zarelli - 3

Absent: Senator Kline - 1

SUBSTITUTE HOUSE BILL NO. 2746 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 6:29 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 7:17 p.m. by President Owen.

#### SECOND READING

HOUSE BILL NO. 2699, by Representatives Moeller and Conway

Recodifying RCW 19.48.130 as a section in the minimum wage act.

The measure was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

#### MOTION

On motion of Senator Brandland, Senators Benton, Delvin, Hewitt, Parlette and Roach were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2699.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2699 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel,

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

Tom and Weinstein - 32

Voting nay: Senators Brandland, Carrell, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens, Swecker and Zarelli - 13

Absent: Senator Kline - 1

Excused: Senators Benton, Delvin and Hewitt - 3

HOUSE BILL NO. 2699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 41.48.030 and 2007 c 218 s 72 are each amended to read as follows:

(1) The governor is hereby authorized to enter on behalf of the state into an agreement with the ~~federal~~ secretary of health(~~(; education, and welfare)) and human services~~ consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision not members of an existing retirement system, or to members of a retirement system established by the state or by a political subdivision thereof or by an institution of higher learning with respect to services specified in such agreement which constitute "employment" as defined in RCW 41.48.020. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the governor and secretary of health(~~(; education, and welfare)) and human services~~ shall agree upon, but, except as may be otherwise required by or under the social security act as to the services to be covered, such agreement shall provide in effect that(==):

(a) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of Title II of the social security act;

(b) The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in RCW 41.48.020), equal to the sum of the taxes which would be imposed by the federal insurance contributions act if the services covered by the agreement constituted employment within the meaning of that act;

(c) Such agreement shall be effective with respect to services in employment covered by the agreement or modification thereof performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year immediately preceding the calendar year in which such agreement or modification of the agreement is accepted by the secretary of health(~~(; education and welfare)) and human services;~~

(d) All services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the state by employees of the state, shall be covered by the agreement;

(e) All services which (i) constitute employment as defined in RCW 41.48.020, (ii) are performed in the employ of a political subdivision of the state, and (iii) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the governor under RCW 41.48.050, shall be covered by the agreement; (~~and~~)

(f) As modified, the agreement shall include all services described in either (~~paragraph~~) (d) or (~~paragraph~~) (e) of this subsection and performed by individuals to whom section 218(c)(3)(C) of the social security act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he or she thereafter becomes eligible to be a member of a retirement system; (~~and~~)

(g) As modified, the agreement shall include all services described in either (~~paragraph~~) (d) or (~~paragraph~~) (e) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the secretary of health(~~(; education, and~~

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2959, by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Ormsby, Springer, Conway, Linville, Barlow, Walsh and Quall)

Concerning craft distilleries.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Substitute House Bill No. 2959 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Holmquist spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2959.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2959 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Kline - 2

SUBSTITUTE HOUSE BILL NO. 2959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2510, by Representatives Simpson, O'Brien and Appleton

Allowing medicare only health insurance benefits for certain employees of political subdivisions under a divided referendum process.

The measure was read the second time.

FIFTY-THIRD DAY, MARCH 6, 2008

welfare) and human services pursuant to subsection (5) of this section; and

(h) Law enforcement officers and firefighters of each political subdivision of this state who are covered by the Washington law enforcement officers' and firefighters' retirement system act (~~((chapter 209, Laws of 1969 ex. sess.) as now in existence or hereafter amended)), chapter 41.26 RCW,~~ shall constitute a separate "coverage group" for purposes of the agreement entered into under this section and for purposes of section 218 of the social security act. ~~((To the extent that the agreement between this state and the federal secretary of health, education, and welfare in existence on the date of adoption of this subsection is inconsistent with this subsection, the governor shall seek to modify the inconsistency.))~~

(2) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (a) to enter into an agreement with the secretary of health (~~(, education, and welfare) and human services~~) whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (b) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under RCW 41.48.040(1) if they were covered by an agreement made pursuant to subsection (1) of this section, and (c) to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (1) of this section and other provisions of this chapter.

(3) The governor is empowered to authorize a referendum, and to designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218(d)(3) of the social security act, and subsection (4) of this section on the question of whether service in all positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. If a retirement system covers positions of employees of the state of Washington, of the institutions of higher learning, and positions of employees of one or more of the political subdivisions of the state, then for the purpose of the referendum as provided ~~((herein))~~ in this section, there may be deemed to be a separate retirement system with respect to employees of the state, or any one or more of the political subdivisions, or institutions of higher learning and the governor shall authorize a referendum upon request of the subdivisions' or institutions' of higher learning governing body: PROVIDED HOWEVER, That if a referendum of state employees generally fails to produce a favorable majority vote then the governor may authorize a referendum covering positions of employees in any state department who are compensated in whole or in part from grants made to this state under Title III of the federal social security act: PROVIDED, That any city or town affiliated with the statewide city employees retirement system organized under chapter 41.44 RCW may at its option agree to a plan submitted by the board of trustees of ~~((said))~~ that statewide city employees retirement system for inclusion under an agreement under this chapter if the referendum to be held as provided ~~((herein))~~ in this section indicates a favorable result: PROVIDED FURTHER, That the teachers' retirement system be considered one system for the purpose of the referendum except as applied to the several colleges of education. The notice of referendum required by section 218(d)(3)(C) of the social security act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors,

2008 REGULAR SESSION

and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

(4) The governor, before authorizing a referendum, shall require the following conditions to be met:

(a) The referendum shall be by secret written ballot on the question of whether service in positions covered by such retirement system shall be excluded from or included under the agreement between the governor and the secretary of health (~~(, education, and welfare) and human services~~) provided for in ~~((RCW 41.48.030(h)))~~ subsection (1) of this section;

(b) An opportunity to vote in such referendum shall be given and shall be limited to eligible employees;

(c) Not less than ninety days' notice of such referendum shall be given to all such employees;

(d) Such referendum shall be conducted under the supervision ~~((f))~~ of the governor or ~~((h))~~ of an agency or individual designated by the governor;

(e) ~~((i))~~ The proposal for coverage shall be approved only if a majority of the eligible employees vote in favor of including services in such positions under the agreement;

(ii) Coverage obtained through a divided referendum process shall extend coverage to law enforcement officers, firefighters, and employees of political subdivisions of this state, who have membership in a qualified retirement system, allowing them to obtain medicare coverage only (HI-only). In such a divided referendum process, those members voting in favor of medicare coverage constitute a separate coverage group;

(f) The state legislature, in the case of a referendum affecting the rights and liabilities of state employees covered under the state employees' retirement system and employees under the teachers' retirement system, and in all other cases the local legislative authority or governing body, shall have specifically approved the proposed plan and approved any necessary structural adjustment to the existing system to conform with the proposed plan;

(g) In the case of a referendum authorized under section 218(d)(6) of the social security act and (e)(ii) of this subsection, the retirement system will be divided into two parts or divisions. One part or division of the retirement system shall be composed of positions of those members of the system who desire coverage under the agreement as permitted by this section. The remaining part or division of the retirement system shall be composed of positions of those members who do not desire coverage under such an agreement. Each part or division is a separate retirement system for the purposes of section 218(d) of the social security act. The positions of individuals who become members of the system after the coverage is extended shall be included in the part or division of the system composed of members desiring the coverage, with the exception of positions that are excluded in the agreement.

(5) Upon receiving satisfactory evidence that with respect to any such referendum the conditions specified in subsection (4) of this section and section 218(d)(3) of the social security act have been met, the governor shall so certify to the secretary of health (~~(, education, and welfare) and human services~~).

(6) If the legislative body of any political subdivision of this state certifies to the governor that a referendum has been held under the terms of RCW 41.48.050(1)(i) and gives notice to the governor of termination of social security for any coverage group of the political subdivision, the governor shall give two years advance notice in writing to the federal department of health (~~(, education, and welfare) and human services~~) of ~~((such))~~ the termination of the agreement entered into under this section with respect to ~~((said))~~ that coverage group."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 2510.

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

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

MOTION

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

On page 1, line 3 of the title, after "process;" strike the remainder of the title and insert "and amending RCW 41.48.030."

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2510 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2510 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2510 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmner, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

HOUSE BILL NO. 2510 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3205, by House Committee on Appropriations (originally sponsored by Representatives Jarrett, Walsh, Kagi, Roberts, Hunter, Sullivan, Green, Kelley, Morrell, Chase, McIntire, Sequist and Kenney)

Promoting the long-term well-being of children.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that meeting the needs of vulnerable children who enter the child welfare system includes protecting the child's right to a safe, stable, and permanent home where the child receives basic nurturing. The legislature also finds that according to measures of timely dependency case processing, many children's cases are not meeting the federal and state standards intended to promote child-centered decision making in dependency cases. The legislature intends to encourage a greater focus on children's

developmental needs and to promote closer adherence to timeliness standards in the resolution of dependency cases.

**Sec. 2** RCW 13.34.136 and 2007 c 413 s 7 are each amended to read as follows:

(1) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130((4)) (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

FIFTY-THIRD DAY, MARCH 6, 2008

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(~~((4))~~) (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date, (~~(preferably before)~~). If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the department to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

**Sec. 3** RCW 13.34.145 and 2007 c 413 s 9 are each amended to read as follows:

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

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

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care

provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

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

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

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

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

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

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

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

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

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

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

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

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

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

(C) Being placed for adoption;

(D) Being placed with a guardian;

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

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

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has

FIFTY-THIRD DAY, MARCH 6, 2008

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

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

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

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

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 (~~and 13.34.138~~), 13.34.215(5), and 13.34.096.

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

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

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

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

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

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

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

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

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

2008 REGULAR SESSION

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

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

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

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

**NEW SECTION. Sec. 4** If specific funding for the purposes of sections 2 and 3 of this act, referencing sections 2 and 3 of this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, sections 2 and 3 of this act are null and void."

#### MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others to the committee striking amendment be adopted.

On page 9, line 5 after "void.", insert the following:

**"Sec. 5** RCW 43.121.185 and 2007 c 466 s 4 are each amended to read as follows:

To recognize the focus on home visitation services, ((the Washington council for the prevention of child abuse and neglect is hereby renamed)) the children's trust of Washington is hereby renamed the council for children and families. ((All references to the Washington council for the prevention of child abuse and neglect in the Revised Code of Washington shall be construed to mean the children's trust of Washington.))

**Sec. 6** RCW 43.121.180 and 2007 c 466 s 3 are each amended to read as follows:

(1) Within available funds, the ((children's trust of Washington)) council for children and families shall fund evidence-based and research-based home visitation programs for improving parenting skills and outcomes for children. Home visitation programs must be voluntary and must address the needs of families to alleviate the effect on child development of factors such as poverty, single parenthood, parental unemployment or underemployment, parental disability, or parental lack of high school diploma, which research shows are risk factors for child abuse and neglect and poor educational outcomes.

(2) The ((children's trust of Washington)) council for children and families shall develop a plan with the department of social and health services, the department of health, the department of early learning, and the family policy council to coordinate or consolidate home visitation services for children and families and report to the appropriate committees of the legislature by December 1, 2007, with their recommendations for implementation of the plan.

**Sec. 7** RCW 43.121.020 and 2007 c 144 s 1 are each amended to read as follows:

(1) There is established in the executive office of the governor a ((Washington council for the prevention of child

FIFTY-THIRD DAY, MARCH 6, 2008

abuse and neglect)) council for children and families subject to the jurisdiction of the governor.

(2) The council shall be composed of the chairperson and fourteen other members as follows:

(a) The chairperson and six other members shall be appointed by the governor and shall be selected for their interest and expertise in the prevention of child abuse. A minimum of four designees by the governor shall not be affiliated with governmental agencies. The appointments shall be made on a geographic basis to assure statewide representation. Members appointed by the governor shall serve for three-year terms. Vacancies shall be filled for any unexpired term by appointment in the same manner as the original appointments were made.

(b) The secretary of social and health services or the secretary's designee, the superintendent of public instruction or the superintendent's designee, the director of the department of early learning or the director's designee, and the secretary of the department of health or the secretary's designee shall serve as voting members of the council.

(c) In addition to the members of the council, four members of the legislature shall serve as nonvoting, ex officio members of the council, one from each political caucus of the house of representatives to be appointed by the speaker of the house of representatives and one from each political caucus of the senate to be appointed by the president of the senate.

**Sec. 8** RCW 43.121.015 and 1988 c 278 s 4 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Child" means an unmarried person who is under eighteen years of age.

(2) "Council" means the ((Washington council for the prevention of child abuse and neglect)) council for children and families.

(3) "Primary prevention" of child abuse and neglect means any effort designed to inhibit or preclude the initial occurrence of child abuse and neglect, both by the promotion of positive parenting and family interaction, and the remediation of factors linked to causes of child maltreatment.

(4) "Secondary prevention" means services and programs that identify and assist families under such stress that abuse or neglect is likely or families display symptoms associated with child abuse or neglect.

**Sec. 9** RCW 43.15.020 and 2006 c 317 s 4 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

(a) Capitol furnishings preservation committee, RCW 27.48.040;

(b) Washington higher education facilities authority, RCW 28B.07.030;

(c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;

(d) State finance committee, RCW 43.33.010;

(e) State capitol committee, RCW 43.34.010;

(f) Washington health care facilities authority, RCW 70.37.030;

(g) State medal of merit nominating committee, RCW 1.40.020;

(h) Medal of valor committee, RCW 1.60.020; and

(i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

(a) Organized crime advisory board, RCW 43.43.858;

(b) Civil legal aid oversight committee, RCW 2.53.010;

(c) Office of public defense advisory committee, RCW 2.70.030;

2008 REGULAR SESSION

(d) Washington state gambling commission, RCW 9.46.040;

(e) Sentencing guidelines commission, RCW 9.94A.860;

(f) State building code council, RCW 19.27.070;

(g) Women's history consortium board of advisors, RCW 27.34.365;

(h) Financial literacy public-private partnership, RCW 28A.300.450;

(i) Joint administrative rules review committee, RCW 34.05.610;

(j) Capital projects advisory review board, RCW ((39.10.800)) 39.10.220;

(k) Select committee on pension policy, RCW 41.04.276;

(l) Legislative ethics board, RCW 42.52.310;

(m) Washington citizens' commission on salaries, RCW 43.03.305;

(n) Oral history advisory committee, RCW 43.07.230;

(o) State council on aging, RCW 43.20A.685;

(p) State investment board, RCW 43.33A.020;

(q) Capitol campus design advisory committee, RCW 43.34.080;

(r) Washington state arts commission, RCW 43.46.015;

(s) Information services board, RCW 43.105.032;

(t) K-20 educational network board, RCW 43.105.800;

(u) Municipal research council, RCW 43.110.010;

(v) ((Washington council for the prevention of child abuse and neglect)) Council for children and families, RCW 43.121.020;

(w) PNWER-Net working subgroup under chapter 43.147 RCW;

(x) Community economic revitalization board, RCW 43.160.030;

(y) Washington economic development finance authority, RCW 43.163.020;

(z) Tourism development advisory committee, RCW 43.330.095;

(aa) Life sciences discovery fund authority, RCW 43.350.020;

(bb) Legislative children's oversight committee, RCW 44.04.220;

(cc) Joint legislative audit and review committee, RCW 44.28.010;

(dd) Joint committee on energy supply and energy conservation, RCW 44.39.015;

(ee) Legislative evaluation and accountability program committee, RCW 44.48.010;

(ff) Agency council on coordinated transportation, RCW 47.06B.020;

(gg) Manufactured housing task force, RCW 59.22.090;ine

(hh) Washington horse racing commission, RCW 67.16.014;

(ii) Correctional industries board of directors, RCW 72.09.080;

(jj) Joint committee on veterans' and military affairs, RCW 73.04.150;

(kk) Washington state parks centennial advisory committee, RCW 79A.75.010;

(ll) Puget Sound council, RCW 90.71.030;

(mm) Joint legislative committee on water supply during drought, RCW 90.86.020;

(nn) Statute law committee, RCW 1.08.001; and

(oo) Joint legislative oversight committee on trade policy, RCW 44.55.020."

On page 9, line 8, strike everything after "13.34.136" and insert the following:

"13.34.145, 43.121.185, 43.121.180, 43.121.020, 43.121.015, and 43.15.020;and creating new sections."

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Regala and Stevens to the committee striking amendment to Engrossed Second Substitute House Bill No. 3205.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 3205.

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

## MOTION

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

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.136 and 13.34.145; and creating new sections."

## MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 3205 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 3205 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 3205 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3205 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2283, by Representatives Hunter, Alexander, Schual-Berke, Cody, Kenney and Kelley

Concerning the joint legislative audit and review committee performance reviews of the home care quality authority.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2283 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2283.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2283 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2902, by House Committee on Commerce & Labor (originally sponsored by Representative Wood)

Conditioning the collection of the lemon law arbitration fee upon initial registration of new motor vehicles in Washington state. Revised for 1st Substitute: Conditioning the collection of the lemon law arbitration fee upon registration of new motor vehicles in Washington state.

The measure was read the second time.

## MOTION

On motion of Senator Weinstein, the rules were suspended, Substitute House Bill No. 2902 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2902.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2902 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2902, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693, by House Committee on Appropriations (originally sponsored by Representatives Morrell, Darneille, Moeller, Hudgins, Eddy, Upthegrove, Campbell, McIntire, Conway, O'Brien, Simpson, Kenney, Wood and Sells)

Regarding training and certification of long-term care workers.

The measure was read the second time.

## MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

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

(a) An underlying premise of Washington's long-term care system is the value of consumer choice across a full continuum of care with the right to accessible, quality care;

(b) An appropriately trained and motivated long-term care workforce contributes to the quality of long-term care services;

(c) The level and content of basic training should be focused upon the client with respect to client care needs, health status, choice, and flexibility;

(d) There is a need for increased workforce diversity throughout the long-term care system;

(e) Long-term care worker training should acknowledge cultural diversity and strive to achieve a greater understanding of the relationships between culture and health;

(f) The long-term care workforce has diverse work-life expectations such as career advancement and quality job performance;

(g) The long-term care workforce has variable learning styles, and can benefit from flexibility in training settings, modalities, accessibility, and methods;

(h) Long-term care training should prepare workers and caregivers to perform in as many long-term care settings as possible with economic security and safety, but also should accommodate the interests of those workers who intend to care exclusively for their family members;

(i) The care and support provided by unpaid long-term caregivers should not be disrupted, but enhanced and stabilized by any changes to long-term care training and credentialing; and

(j) The long-term care workforce should be increased and enhanced to meet current and future needs. New policies and requirements should not result in decreasing the available workforce or the services available to consumers.

(2) The legislature intends to establish long-term care worker training standards that are consistent with the findings of subsection (1) of this section and to establish a credentialing program that will allow for career advancement in the long-term care work force.

**Sec. 2.** RCW 74.39A.009 and 2007 c 361 s 2 are each amended to read as follows:

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

(1) "Adult family home" means a home licensed under chapter 70.128 RCW.

(2) "Adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services.

(3) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent

nursing services, and medication administration services, and the resident is housed in a private apartment-like unit.

(4) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(5) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

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

(7) "Enhanced adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services.

(8) "Functionally disabled person" or "person who is functionally disabled" is synonymous with chronic functionally disabled and means a person who because of a recognized chronic physical or mental condition or disease, including chemical dependency, is impaired to the extent of being dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living", in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities as they are related to the mental capacity to perform activities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(9) "Home and community services" means adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or similar services provided by facilities and agencies licensed by the department.

(10) "Long-term care" is synonymous with chronic care and means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age disabled by chronic mental or physical illness, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance by any individuals, groups, residential care settings, or professions unless otherwise expressed by law.

(11)(a) "Long-term care workers" includes all persons who are ~~((long-term care workers for the elderly or))~~ paid to provide personal care services to persons with functional disabilities, including but not limited to individual providers of home care services, direct care employees of home care agencies, providers of home care services to persons with developmental disabilities under Title 71 RCW, all direct care workers in state-licensed boarding homes, assisted living facilities, and adult family homes, respite care providers, community residential service providers, and any other direct care worker providing home or community-based services to ((the elderly or)) persons with functional disabilities or developmental disabilities.

(b) "Long-term care workers" do not include persons employed in nursing homes subject to chapter 18.51 RCW, hospitals or other acute care settings, hospice agencies subject to chapter 70.127 RCW, adult day care centers, and adult day health care centers.

(12) "Nursing home" means a facility licensed under chapter 18.51 RCW.

(13) "Personal care services" means physical or verbal assistance with activities of daily living and instrumental

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

activities of daily living provided because of a person's functional limitations.

~~(14)~~ "Secretary" means the secretary of social and health services.

~~((14))~~ (15) "Training partnership" means a joint partnership or trust established and maintained jointly by the office of the governor and the exclusive bargaining representative of individual providers under RCW 74.39A.270 to provide training~~((:))~~ and peer mentoring~~((: and examinations))~~ required under this chapter, and educational, career development, or other related services to individual providers.

~~((15))~~ (16) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.39A RCW to read as follows:

(1)(a) This section establishes the basic training requirements for long-term care workers initially contracted or employed on or after January 1, 2010. Except as provided otherwise in this section, these long-term care workers must complete:

(i) Worker orientation under (b)(i) of this subsection before the worker has routine interaction with the person or persons the worker will be caring for; and

(ii) The remaining hours of basic training required in this section within one hundred twenty days after the date of the long-term care worker's initial contracting or employment as a long-term care worker unless the department, for good cause, extends the time period by up to sixty days.

(b) Basic training:

(i) Consists of thirty-five hours of classroom training on a set of modules covering the core knowledge and competencies that caregivers need to learn and understand to meet the needs of and to provide care effectively and safely to persons with functional disabilities. Basic training must include a worker orientation consisting of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions; and

(ii) Must be outcome-based, and the effectiveness of the training must be measured through the use of a competency test.

(2) Training standards and the delivery system for basic training must be relevant to the varied needs of persons served by long-term care workers and be sufficient to ensure that long-term care workers have the skills and knowledge necessary to provide high quality, appropriate care in a manner that respects the preferences of each person served. In an effort to improve the quality of training, increase access to training, and reduce costs, especially for rural communities, the classroom training provided in a coordinated system of long-term care training and education should include:

(a) The use of innovative learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department; and

(b) The use of varied adult learner strategies, such as opportunities to practice or demonstrate skills, role playing, and group discussions.

(3) As specified in this section, the following persons are fully or partially exempt from the basic training requirements of this section:

(a) As specified by the department in rule, registered nurses, licensed practical nurses, certified nursing assistants, medicare certified home health aides, or persons who hold a similar health certification or license. However, these persons must complete worker orientation training as described in subsection (1)(b)(i) of this section;

(b) Persons who successfully challenge the competency test for basic training. Such persons shall be deemed to have completed the relevant hours of basic training. However, these

persons must complete worker orientation training as described in subsection (1)(b)(i) of this section;

(c) Long-term care workers employed by supportive living providers regulated under chapter 388-101 WAC who are subject to the training required in WAC 388-101-1680;

(d) Biological, step, or adoptive parents who are the individual provider for only their son or daughter who is developmentally disabled or functionally disabled, and persons who provide respite care on an intermittent basis to such son or daughter of a biological, step, or adoptive parent who is either an individual provider or an unpaid caregiver. However, these workers must complete: (i) Six hours of training relevant to the needs of adults with developmental disabilities and related functional disabilities, as appropriate; and (ii) safety training, which may be completed using distance learning or other alternative methods of training. As used in this subsection, "intermittent basis" means care provided exclusively to one individual for not more than an average of twenty-four hours per month; and

(e) Long-term care workers who were initially contracted or employed as long-term care workers before January 1, 2010. However, these long-term care workers must complete all training requirements in effect before that date.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.39A RCW to read as follows:

(1)(a) The department shall develop qualification requirements for trainers and criteria for the approval of basic training programs under section 3 of this act. Only training curricula approved by the department may be used to fulfill the requirements of section 3 of this act.

(b)(i) The department shall develop criteria for reviewing and approving trainers and training materials that are substantially similar to or better than the materials developed by the department. The department may approve a curriculum based upon attestation by a boarding home administrator, an adult family home provider or resident manager, a home care agency administrator, or the administrator of the training partnership designated in RCW 74.39A.360 that the facility's, agency's, or training partnership's training curriculum addresses required training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department, or the department of health, as applicable, may conduct the review as part of the regularly scheduled inspection and investigation required under RCW 18.20.110, 70.128.090, or 70.127.100. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(ii) A facility, agency, or the training partnership with an approved curriculum must provide reports as required by the department on the long-term care workers who began training and those who completed training, and verifying that all long-term care workers required to do so have complied with all training requirements.

(c) Boarding homes, adult family homes, home care agencies, or other entities employing long-term care workers that desire to deliver facility or agency-based required basic training with facility or agency designated trainers, or facilities and agencies that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts.

(d) The department shall consult with the state board for community and technical colleges, the superintendent of public instruction, and the training partnership to ensure, to the extent possible, that long-term care worker training programs approved by the department assist with opportunities to articulate to relevant degree or skills programs offered in community colleges, vocational-technical institutes, skill centers, and secondary schools, as defined in chapter 28B.50 RCW.

(2) The department shall adopt rules by September 1, 2009, necessary to implement the training provisions of section 3 of this act. The department shall also adopt rules to implement

FIFTY-THIRD DAY, MARCH 6, 2008

peer mentorship under RCW 74.39A.330, advanced training under RCW 74.39A.350, and on-the-job training provided by the worker's employer, and may adopt rules for specialty endorsements. In developing rules, the department shall consult with the department of health, the nursing care quality assurance commission, adult family home providers, boarding home providers, in-home personal care providers, affected labor organizations, community and technical colleges, and long-term care consumers and other interested organizations.

**Sec. 5.** RCW 74.39A.340 and 2007 c 361 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, beginning January 1, 2010, long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. ((This requirement applies beginning on January 1, 2010.))

(2) This section does not apply to persons described in section 3(3)(d) of this act. However, this subsection does not prohibit requiring continuing education for such persons who elect to become registered or certified under chapter 18.-- RCW (the chapter created in section 33 of this act).

**Sec. 6.** RCW 74.39A.360 and 2007 c 361 s 6 are each amended to read as follows:

(1) Beginning January 1, 2010, for individual providers represented by an exclusive bargaining representative under RCW 74.39A.270, all training and peer mentoring required under this chapter shall be provided by a training partnership. Contributions to the partnership pursuant to a collective bargaining agreement negotiated under this chapter shall be made beginning July 1, 2009. The training partnership shall provide reports as required by the department on the individual providers who began training and those who completed training, and verifying that all individual providers required to do so have complied with all training requirements. The exclusive bargaining representative shall designate the training partnership.

(2) The training partnership shall offer persons who are acting as unpaid informal caregivers for family members or friends the opportunity to attend training offered through the partnership at no cost to the individual caregiver or the state. Attendance opportunities may be limited to the extent that:

(a) There is fixed maximum seating or participation capacity for a training module that satisfies long-term care worker basic training or continuing education requirements under this chapter; and

(b) The maximum capacity for a particular training module is fully reserved twenty-four hours in advance of the scheduled date and time of the module.

**NEW SECTION. Sec. 7.** (1) The legislature finds that:

(a) It is in the public interest to promote quality long-term care services through registration for long-term care workers; and

(b) An additional level of credentialing for those long-term care workers who seek to increase their skills and knowledge or enter a health care professional career track will increase, stabilize, and enhance the long-term care workforce and further promote quality long-term care services.

(2) The legislature, therefore, intends to provide opportunities to increase skills and knowledge or to pursue a career track through certification and specialty endorsements, and potential articulation from long-term care worker certification to other health care credentialing or degrees.

**NEW SECTION. Sec. 8.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of health.

(3) "Long-term care worker" has the same meaning as in RCW 74.39A.009. There are two levels of credentialed long-term care workers:

2008 REGULAR SESSION

(a) "Registered long-term care worker" is an individual registered under this chapter; and

(b) "Certified long-term care worker" is an individual certified under this chapter.

(4) "Individual provider" has the same meaning as in RCW 74.39A.240.

(5) "Personal care services" has the same meaning as in RCW 74.39A.009.

(6) "Approved training program" means a program of not less than eighty-five hours of training that is approved by the secretary in consultation with the department of social and health services, the state board for community and technical colleges, and the superintendent of public instruction. The department shall ensure, to the extent possible, that long-term care worker training programs approved by the department assist with opportunities to articulate to relevant degree or skill programs offered in community colleges, vocational-technical institutes, skill centers, and secondary schools as defined in chapter 28B.50 RCW. A training program approved under this section may include, but is not limited to, the following elements:

(a) Basic training under section 3 of this act, which is a required element of an approved training program. For purposes of this subsection, a person who successfully challenges the competency test for basic training shall be deemed to have completed the relevant hours of basic training other than worker orientation training;

(b) Hours that individual providers spend with peer mentors under RCW 74.39A.330;

(c) Advanced training offered under RCW 74.39A.350;

(d) Up to ten hours spent being trained by the person to whom a worker is providing care regarding the person's caregiving preferences and needs;

(e) On-the-job training provided by the worker's employer, including specialty training required under RCW 18.20.270(5) and 70.128.230(5);

(f) Structured training in population or setting specific competencies that allow long-term care workers to acquire competencies unique to the persons they will be serving or the care setting in which they will be working;

(g) Attendance at relevant conferences sponsored by national or state professional associations, governmental agencies, or institutions of higher education; and

(h) Other structured or documented training approved by the secretary. For the purposes of this subsection, "documented training" means a written training program that describes the subject covered by the training, the methods by which the training is conducted, and the qualifications of the instructor.

(7) "Certification examination" means the measurement of an individual's knowledge and skills as related to safe, competent performance as a long-term care worker.

**NEW SECTION. Sec. 9.** (1)(a) Registration under this chapter commences January 1, 2010. If the department determines that administrative capacities essential to implementation of long-term care worker registration under this chapter will not be fully functional by January 1, 2010, the department may defer the implementation date to no later than July 1, 2010.

(b) Except as provided otherwise in this chapter, long-term care workers contracted or employed on or after January 1, 2010, must register within one hundred twenty days after the date of the long-term care worker's initial contracting or employment as a long-term care worker, except that workers initially contracted or employed before January 1, 2010, must register within one hundred twenty days after January 1, 2010. However, the department, for good cause, may extend the one hundred twenty day time period by up to sixty days.

(2) Beginning January 1, 2012, long-term care workers may elect to be certified, with or without a specialty endorsement under section 14 of this act.

FIFTY-THIRD DAY, MARCH 6, 2008

**NEW SECTION. Sec. 10.** (1) A registered or certified long-term care worker may provide direct, hands-on personal care services to persons with functional disabilities requiring long-term care services.

(2) No person may practice or, by use of any title or description, represent himself or herself as:

(a) A registered long-term care worker without being registered pursuant to this chapter; or

(b) A certified long-term care worker without applying for certification, meeting the qualifications, and being certified pursuant to this chapter.

**NEW SECTION. Sec. 11.** In addition to any other authority provided by law, the secretary has the authority to:

(1) Set all certification, registration, and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;

(2) Establish forms, procedures, and examinations necessary to administer this chapter;

(3) Hire clerical, administrative, and investigative staff as needed to implement this chapter;

(4) Issue a registration to any applicant who has met the requirements for registration;

(5) Issue a certificate to any applicant who has met the education, training, and conduct requirements for certification;

(6) Maintain the official record for the department of all applicants and persons with registrations and certificates;

(7) Exercise disciplinary authority as authorized in chapter 18.130 RCW;

(8) Deny registration to any applicant who fails to meet requirement for registration; and

(9) Deny certification to applicants who do not meet the education, training, competency evaluation, and conduct requirements for certification.

**NEW SECTION. Sec. 12.** The secretary shall issue a registration to any applicant who:

(1) Pays any applicable fees;

(2) Submits, on forms provided by the secretary, the applicant's name, address, and other information as determined by the secretary; and

(3) Establishes, to the secretary's satisfaction, that:

(a) The applicant has successfully completed the basic training required under section 3 of this act. For purposes of this subsection, a person who successfully challenges the competency test for basic training shall be deemed to have completed the relevant hours of basic training other than worker orientation training;

(b) The applicant has completed any required background check; and

(c) There are no grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW.

**NEW SECTION. Sec. 13.** (1) The secretary shall issue a certificate to any applicant who:

(a) Pays any applicable fees;

(b) Submits, on forms provided by the secretary, the applicant's name, address, and other information as determined by the secretary;

(c) Establishes to the secretary's satisfaction that:

(i) The applicant has successfully completed an approved training program;

(ii) The applicant has successfully completed a certification examination;

(iii) The applicant has completed any required background check; and

(iv) There exist no grounds for denial of certification under chapter 18.130 RCW.

(2) The date and location of examinations shall be established by the secretary. Applicants who have been found by the secretary to meet the requirements for certification shall be scheduled for the next examination following the filing of the

2008 REGULAR SESSION

application. The secretary shall establish by rule the examination application deadline.

(3) The examination must include both a skills demonstration and a written or oral knowledge test. Examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(4) The examination papers, all grading of the papers, and the grading of skills demonstration shall be preserved for a period of not less than one year after the secretary has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

(5) Any applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee determined by the secretary under RCW 43.70.250 for each subsequent examination. Upon failing four examinations, the secretary may invalidate the original application and require such remedial education before the person may take future examinations.

(6) The certification examination must be administered and evaluated by the department or by a contractor to the department that is neither an employer of long-term care workers, a private contractor providing training services under this chapter or section 3 of this act, or the training partnership defined in RCW 74.39A.009.

**NEW SECTION. Sec. 14.** (1) A long-term care worker certified under this chapter may apply for a specialty endorsement in the specialty areas identified by the secretary in consultation with the department of social and health services. The secretary shall issue an endorsement to an applicant who:

(a) Completes the hours of training and practical experience required in rules adopted by the secretary for the relevant specialty endorsement;

(b) Pays any applicable fee; and

(c) Submits any other information as determined by the secretary.

(2) A certified long-term care worker who has been granted a specialty endorsement under this section may include the specialty in his or her title, as permitted under rules adopted by the secretary.

**NEW SECTION. Sec. 15.** An applicant holding a credential in another state may be certified in this state without examination if the secretary determines that the other state's credentialing standards for long-term care workers are substantially equivalent to the standards in this state.

**NEW SECTION. Sec. 16.** (1) Registrations and certifications shall be renewed according to administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280.

(2) Completion of continuing education as required in RCW 74.39A.340 is a prerequisite to renewing a registration or certification under this chapter.

**NEW SECTION. Sec. 17.** (1) This chapter does not apply to:

(a) Registered nurses, licensed practical nurses, certified nursing assistants, medicare certified home health aides, or other persons who hold a similar health credential, as determined by the secretary, or persons with special education training and an endorsement granted by the superintendent of public instruction that is recognized by the secretary as appropriate to specified personal care services circumstances;

(b) Biological, step, or adoptive parents who are the individual provider for only their son or daughter who is developmentally disabled or functionally disabled, and persons who provide respite care on an intermittent basis to such son or daughter of a biological, step, or adoptive parent who is either an individual provider or an unpaid caregiver. As used in this subsection, "intermittent basis" means the same as the definition in section 3(3)(d) of this act.

(2) Nothing in this chapter may be construed to prohibit or restrict:

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(a) The practice by an individual licensed, certified, or registered under the laws of this state and performing services within their authorized scope of practice;

(b) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(c) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(d) A registered or certified long-term care worker from accepting direction from a person who is self-directing his or her care; or

(e) A long-term care worker exempt under subsection (1) of this section from applying for registration or certification, subject to meeting the requirements for such application.

**NEW SECTION. Sec. 18.** (1) The uniform disciplinary act, chapter 18.130 RCW, governs unregistered or uncertified practice, issuance of certificates and registrations, and the discipline of persons registered or with certificates under this chapter. The secretary shall be the disciplinary authority under this chapter.

(2)(a) The secretary may take action to immediately suspend the registration or certification of a long-term care worker upon finding that conduct of the long-term care worker has caused or presents an imminent threat of harm to a functionally disabled person in his or her care.

(b) If the secretary imposes suspension or conditions for continuation of a registration or certification, the suspension or conditions for continuation are effective immediately upon notice and shall continue in effect pending the outcome of any hearing.

**NEW SECTION. Sec. 19.** (1) The department shall adopt rules by September 1, 2009, necessary to implement the registration provisions of this chapter. In developing rules, the department shall consult with the department of social and health services, the nursing care quality assurance commission, adult family home providers, boarding home providers, in-home personal care providers, the training partnership defined in RCW 74.39A.009, affected labor organizations, community and technical colleges, and long-term care consumers and other interested organizations.

(2)(a) The department shall also consult with these parties on a plan to implement the voluntary certification program under this chapter by January 1, 2012, in a cost-effective manner considering the following:

(i) The certification program should assist a long-term care worker to enter, if desired, a career path to other health care or allied health professions, including articulation, to the maximum extent possible under federal law, from long-term care worker certification to nursing assistant certification under chapter 18.88A RCW;

(ii) The department should consider the relative merits of certification and/or specialty endorsement examinations and of practical work experience for certification and/or specialty endorsements. If recommendations are made for practical work experience requirements, the department's plan should include recommendations on the hours and type of practical work experience that would be appropriate for the credential sought.

(b) The department shall report on the certification plan to the appropriate committees of the legislature by December 1, 2009.

**Sec. 20.** RCW 18.130.040 and 2007 c 269 s 17 and 2007 c 70 s 11 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiv) Health care assistants certified under chapter 18.135 RCW;

(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xix) Denturists licensed under chapter 18.30 RCW;

(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xxi) Surgical technologists registered under chapter 18.215 RCW;

(xxii) Recreational therapists; ~~(and)~~

(xxiii) Animal massage practitioners certified under chapter 18.240 RCW; and

(xxiv) Long-term care workers registered or certified under chapter 18.-- RCW (the new chapter created in section 33 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 21.** RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13, and 2007 c 70 s 11 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiv) Health care assistants certified under chapter 18.135 RCW;

(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xix) Denturists licensed under chapter 18.30 RCW;

(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xxi) Surgical technologists registered under chapter 18.215 RCW;

(xxii) Recreational therapists;

(xxiii) Animal massage practitioners certified under chapter 18.240 RCW; (~~and~~)

(xxiv) Athletic trainers licensed under chapter 18.250 RCW; and

(xxv) Long-term care workers registered or certified under chapter 18.-- RCW (the new chapter created in section 33 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 22.** RCW 74.39A.240 and 2002 c 3 s 3 are each amended to read as follows:

The definitions in this section apply throughout RCW 74.39A.030 and 74.39A.095 and 74.39A.220 through 74.39A.300, sections 3 and 23 of this act, 41.56.026, 70.127.041, and 74.09.740 unless the context clearly requires otherwise.

(1) "Authority" means the home care quality authority.

(2) "Board" means the board created under RCW 74.39A.230.

(3) "Consumer" means a person to whom an individual provider provides any such services.

(4) "Individual provider" means a person, including a personal aide, who has contracted with the department to

FIFTY-THIRD DAY, MARCH 6, 2008

provide personal care or respite care services to ~~((functionally disabled persons))~~ persons with functional disabilities under the medicaid personal care, community options program entry system, chore services program, or respite care program, or to provide respite care or residential services and support to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care as defined in RCW 74.13.270.

NEW SECTION. Sec. 23. A new section is added to chapter 74.39A RCW to read as follows:

(1) The department shall deny payment to any individual provider of home care services who does not complete the training requirements of section 3 of this act or obtain registration as a long-term care worker as specified in chapter 18.-- RCW (the new chapter created in section 33 of this act).

(2) The department may terminate the contract of any individual provider of home care services, or take any other enforcement measure deemed appropriate by the department if the individual provider's registration or certification is revoked under chapter 18.-- RCW (the new chapter created in section 33 of this act).

(3) The department may take action to immediately terminate the contract of an individual provider of home care services upon finding that conduct of the individual provider has caused or presents an imminent threat of harm to a functionally disabled person in their care.

(4) The department shall take appropriate enforcement action related to the contract or licensure of a provider of home and community-based services, other than an individual provider, who knowingly employs a long-term care worker who has failed to complete the training requirements of section 3 of this act or obtain registration as a long-term care worker as specified in chapter 18.-- RCW (the new chapter created in section 33 of this act).

(5) Chapter 34.05 RCW shall govern department actions under this section.

Sec. 24. RCW 74.39A.050 and 2004 c 140 s 6 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing or contract inspections, the department shall interview an appropriate percentage of residents, family members, resident case managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers, residents, and other interested parties.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection

of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about personal care aides identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information.

~~(10) ((The department shall by rule develop training requirements for individual providers and home care agency providers. Effective March 1, 2002, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule. The department shall adopt rules by March 1, 2002, for the implementation of this section based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirements within the time limit specified by the department by rule.~~

~~((11) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.~~

~~((12) The department shall create an approval system by March 1, 2002, for those seeking to conduct department-approved training. In the rule-making process, the department shall adopt rules based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190.~~

~~((13)) The department shall establish, by rule, ((training,)) background checks((;)) and other quality assurance requirements for personal aides who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.~~

~~((14)) (11) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.~~

~~((15) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a~~

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

~~nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.)~~

**Sec. 25.** RCW 70.127.100 and 2000 c 175 s 9 are each amended to read as follows:

Upon receipt of an application under RCW 70.127.080 for a license and the license fee, the department shall issue a license if the applicant meets the requirements established under this chapter. A license issued under this chapter shall not be transferred or assigned without thirty days prior notice to the department and the department's approval. A license, unless suspended or revoked, is effective for a period of two years, however an initial license is only effective for twelve months. The department shall conduct a survey within each licensure period, and may conduct a licensure survey after ownership transfer, to assure compliance with this chapter and the rules adopted under this chapter and under section 3 of this act, and to enforce section 23(4) of this act.

**Sec. 26.** RCW 18.20.110 and 2004 c 144 s 3 are each amended to read as follows:

(1) The department shall make or cause to be made, at least every eighteen months with an annual average of fifteen months, an inspection and investigation of all boarding homes. However, the department may delay an inspection to twenty-four months if the boarding home has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period. The department may at anytime make an unannounced inspection of a licensed home to assure that the licensee is in compliance with this chapter and the rules adopted under this chapter and section 3 of this act, and to enforce section 23(4) of this act. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary, and the stores and methods of supply; however, the department shall not have access to financial records or to other records or reports described in RCW 18.20.390. Financial records of the boarding home may be examined when the department has reasonable cause to believe that a financial obligation related to resident care or services will not be met, such as a complaint that staff wages or utility costs have not been paid, or when necessary for the department to investigate alleged financial exploitation of a resident.

(2) Following such an inspection or inspections, written notice of any violation of this law or the rules adopted hereunder shall be given to the applicant or licensee and the department.

(3) The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized.

**Sec. 27.** RCW 18.20.270 and 2002 c 233 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes any ~~((person))~~ long-term care worker who provides residents with hands-on personal care on behalf of a boarding home, except volunteers who are directly supervised.

(b) "Direct supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section, is on the premises, and is quickly and easily available to the caregiver.

(c) "Long-term care worker" has the same meaning as defined in RCW 74.39A.009(11).

(2) Training must have the following components: Orientation, basic training, specialty training as appropriate, and continuing education. All boarding home employees or volunteers who routinely interact with residents shall complete orientation. Boarding home administrators, or their designees, and caregivers shall complete orientation, basic training, specialty training as appropriate, and continuing education. Training of caregivers employed by boarding homes is governed by chapter 74.39A RCW. Any caregiver who has satisfied the training and competency testing requirements of section 3 of this act or the continuing education requirements of RCW 74.39A.340 shall be deemed to have satisfied, as applicable, the orientation, basic training, and continuing education requirements of this section.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate boarding home staff to all boarding home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. ~~((Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care or within one hundred twenty days of September 1, 2002, whichever is later.))~~ Until ((competency in the core areas has been demonstrated, caregivers)) a caregiver provides verification that he or she has met the basic training requirements under section 3 of this act, a caregiver shall not provide hands-on personal care to residents without direct supervision. Boarding home administrators, or their designees, must complete basic training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of September 1, 2002, whichever is later.

(5)(a) For boarding homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of administrators, or designees, and caregivers. Specialty training consists of modules on the core knowledge and skills that caregivers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic

FIFTY-THIRD DAY, MARCH 6, 2008

training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care to a resident having special needs or within one hundred twenty days of September 1, 2002, whichever is later. However, if specialty training is not integrated with basic training, the specialty training must be completed within ninety days of completion of basic training. Until competency in the core specialty areas has been demonstrated, caregivers shall not provide hands-on personal care to residents with special needs without direct supervision. If training received by a caregiver under section 3 of this act involves core knowledge and skills to effectively and safely provide care to residents of the boarding home with special needs, the hours of training received by the caregiver shall apply toward meeting the specialty training requirements under this section. Boarding home administrators, or their designees, must complete specialty training and demonstrate competency within one hundred twenty days of September 1, 2002, or one hundred twenty days from the date on which the administrator or his or her designee is hired, whichever is later, if the boarding home serves one or more residents with special needs.

~~((6)) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter.)) (c) If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.~~

~~((7)) (6) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.~~

~~((8)) (7) Licensed persons who perform the tasks for which they are licensed are fully or partially exempt from the training requirements of this section, as specified by the department in rule.~~

~~((9)) (8) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.~~

~~((10)) (9) The department shall develop criteria for the approval of orientation, basic training, and specialty training programs.~~

~~((11) Boarding homes that desire to deliver facility-based training with facility designated trainers, or boarding homes that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The department shall develop criteria for reviewing and approving trainers and training materials that are substantially similar to or better than the materials developed by the department. The department may approve a curriculum based upon attestation by a boarding home administrator that the boarding home's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled yearly inspection and investigation required under RCW 18.20.110. The department shall rescind approval of any curriculum if it~~

~~determines that the curriculum does not meet these requirements.~~

~~((12) The department shall adopt rules by September 1, 2002, for the implementation of this section.~~

~~((13)) (10) The orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, or one hundred twenty days from the date of employment, whichever is later, and shall be applied to (a) employees hired subsequent to September 1, 2002; and (b) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 and this section. Existing employees who have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 shall be subject to all applicable requirements of this section. ((However, prior to September 1, 2002, nothing in this section affects the current training requirements under RCW 74.39A.010-))~~

**Sec. 28.** RCW 70.128.090 and 2001 c 319 s 7 are each amended to read as follows:

(1) During inspections of an adult family home, the department shall have access and authority to examine areas and articles in the home used to provide care or support to residents, including residents' records, accounts, and the physical premises, including the buildings, grounds, and equipment. The personal records of the provider are not subject to department inspection nor is the separate bedroom of the provider, not used in direct care of a client, subject to review. The department may inspect all rooms during the initial licensing of the home. However, during a complaint investigation, the department shall have access to the entire premises and all pertinent records when necessary to conduct official business. The department also shall have the authority to interview the provider and residents of an adult family home.

(2) Whenever an inspection is conducted, the department shall prepare a written report that summarizes all information obtained during the inspection, and if the home is in violation of this chapter or the rules adopted under this chapter or under section 3 of this act, or the department is enforcing section 23(4) of this act, serve a copy of the inspection report upon the provider at the same time as a notice of violation. This notice shall be mailed to the provider within ten working days of the completion of the inspection process. If the home is not in violation of this chapter, a copy of the inspection report shall be mailed to the provider within ten calendar days of the inspection of the home. All inspection reports shall be made available to the public at the department during business hours.

(3) The provider shall develop corrective measures for any violations found by the department's inspection. The department shall upon request provide consultation and technical assistance to assist the provider in developing effective corrective measures. The department shall include a statement of the provider's corrective measures in the department's inspection report.

**NEW SECTION. Sec. 29.** A new section is added to chapter 70.128 RCW to read as follows:

(1) Adult family homes may participate in a voluntary adult family home certification program through the University of Washington geriatric education center. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program must complete fifty-two hours of class requirements as established by the University of Washington geriatric education center. Subjects covered by the class requirements must include: Specific age-related physical or mental health conditions that can be prevented, postponed, or alleviated by a health promotion intervention, how to establish health promotion programs in residential settings and communities, preventing falls, addressing health issues of aging families, and issues and health concerns of ethnic older adults and those with developmental disabilities.

FIFTY-THIRD DAY, MARCH 6, 2008

(2) Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department.

(3) The department shall adopt rules implementing this section.

**Sec. 30.** RCW 70.128.120 and 2006 c 249 s 1 are each amended to read as follows:

Each adult family home provider and each resident manager shall have the following minimum qualifications, except that only providers are required to meet the provisions of subsection (10) of this section:

(1) Twenty-one years of age or older;

(2) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, a United States high school diploma or general educational development (GED) certificate or any English or translated government documentation of the following:

(a) Successful completion of government-approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction over twelve years or no less than twelve thousand hours of instruction;

(b) A foreign college, foreign university, or United States community college two-year diploma;

(c) Admission to, or completion of coursework at, a foreign university or college for which credit was granted;

(d) Admission to, or completion of coursework at, a United States college or university for which credits were awarded;

(e) Admission to, or completion of postgraduate coursework at, a United States college or university for which credits were awarded; or

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education preparation was required;

(3) Good moral and responsible character and reputation;

(4) Literacy in the English language. However, a person not literate in the English language may meet the requirements of this subsection by assuring that there is a person on staff and available who is able to communicate or make provisions for communicating with the resident in his or her primary language and capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read and understand resident care plans;

(5) Management and administrative ability to carry out the requirements of this chapter;

(6) Satisfactory completion of department-approved basic training and continuing education training as specified by the department in rule, based on recommendations of the community long-term care training and education steering committee and working in collaboration with providers, consumers, caregivers, advocates, family members, educators, and other interested parties in the rule-making process;

(7) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;

(8) Not been convicted of any crime listed in RCW 43.43.830 and 43.43.842;

(9) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, at least three hundred twenty hours of successful, direct caregiving experience obtained after age eighteen to vulnerable adults in a licensed or contracted setting prior to operating or managing an adult family home; and

(10) Prior to being granted a license, providers applying after January 1, 2007, must complete a department-approved forty-eight hour adult family home administration and business planning class. The department shall promote and prioritize

2008 REGULAR SESSION

bilingual capabilities within available resources and when materials are available for this purpose.

**Sec. 31.** RCW 70.128.230 and 2002 c 233 s 3 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes all adult family home resident managers and any ~~((person))~~ long-term care worker who provides residents with hands-on personal care on behalf of an adult family home, except volunteers who are directly supervised.

(b) "Indirect supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section and is quickly and easily available to the caregiver, but not necessarily on-site.

(c) "Long-term care worker" has the same meaning as defined in RCW 74.39A.009(11).

(2) Training must have three components: Orientation, basic training, and continuing education. All adult family home providers, resident managers, and employees, or volunteers who routinely interact with residents shall complete orientation. Caregivers shall complete orientation, basic training, and continuing education. Training of caregivers employed by adult family homes is governed by chapter 74.39A RCW. Any caregiver who has satisfied the training and competency testing requirements of section 3 of this act or the continuing education requirements of RCW 74.39A.340 shall be deemed to have satisfied, as applicable, the orientation, basic training, and continuing education requirements of this section.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate adult family home staff to all adult family home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. ~~((Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care or within one hundred twenty days of September 1, 2002, whichever is later.))~~ Until ((competency in the core areas has been demonstrated, caregivers)) a caregiver provides verification that he or she has satisfied the basic training requirements under section 3 of this act, a caregiver shall not provide hands-on personal care to residents without indirect supervision.

(5)(a) For adult family homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of providers and resident managers. Specialty training consists of modules on the core knowledge and skills that providers and resident managers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by providers and resident managers before admitting and serving residents who have been determined to have special needs related to mental illness, dementia, or a developmental disability. Should a resident develop special needs while living in a home without specialty designation, the provider and resident manager have one hundred twenty days to complete specialty training.

~~((6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care~~

FIFTY-THIRD DAY, MARCH 6, 2008

~~setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter.) If training received by a caregiver under section 3 of this act involves core knowledge and skills to effectively and safely provide care to residents of the adult family home with special needs, the hours of training received by the caregiver shall apply toward meeting the specialty training requirements under this section.~~

(c) If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

~~((7))~~ (6) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.

~~((8))~~ (7) Licensed persons who perform the tasks for which they are licensed are fully or partially exempt from the training requirements of this section, as specified by the department in rule.

~~((9))~~ (8) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges, private associations, or other entities, as defined by the department.

~~((10)) Adult family homes that desire to deliver facility-based training with facility designated trainers, or adult family homes that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The department shall develop criteria for reviewing and approving trainers and training materials. The department may approve a curriculum based upon attestation by an adult family home administrator that the adult family home's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled inspection authorized under RCW 70.128.070. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.~~

~~((11))~~ (9) The department shall adopt rules by September 1, 2002, for the implementation of this section.

~~((12))~~ (10) The orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, and shall be applied to (a) employees hired subsequent to September 1, 2002; or (b) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 and this section. Existing employees who have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 shall be subject to all applicable requirements of this section. ~~((However, until September 1, 2002, nothing in this section affects the current training requirements under RCW 70.128.120 and 70.128.130.))~~

**NEW SECTION. Sec. 32.** The following acts or parts of acts are each repealed:

(1) RCW 18.20.230 (Training standards review--Proposed enhancements) and 1999 c 372 s 3 & 1998 c 272 s 2; and

(2) RCW 70.128.210 (Training standards review--Delivery system--Issues reviewed--Report to the legislature) and 1998 c 272 s 3.

**NEW SECTION. Sec. 33.** Sections 7 through 19 of this act constitute a new chapter in Title 18 RCW.

**NEW SECTION. Sec. 34.** Section 20 of this act expires July 1, 2008.

2008 REGULAR SESSION

**NEW SECTION. Sec. 35.** Section 21 of this act takes effect July 1, 2008.

**NEW SECTION. Sec. 36.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2693.

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

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 74.39A.009, 74.39A.340, 74.39A.360, 74.39A.240, 74.39A.050, 70.127.100, 18.20.110, 18.20.270, 70.128.090, 70.128.120, and 70.128.230; reenacting and amending RCW 18.130.040 and 18.130.040; adding new sections to chapter 74.39A RCW; adding a new section to chapter 70.128 RCW; adding a new chapter to Title 18 RCW; creating new sections; repealing RCW 18.20.230 and 70.128.210; providing an effective date; and providing an expiration date."

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2693 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Pflug, Parlette and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2693 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2693 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkeley, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senators Holmquist and Morton - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2176, by House Committee on Appropriations (originally sponsored by Representatives Lantz, Warnick, Pedersen, Ross, Hasegawa, Kenney, Santos and Goodman)

FIFTY-THIRD DAY, MARCH 6, 2008

Revising provisions involving court interpreters.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION, **Sec. 1.** A new section is added to chapter 2.43 RCW to read as follows:

(1) Each trial court organized under this title and Titles 3 and 35 RCW must develop a written language assistance plan to provide a framework for the provision of interpreter services for non-English-speaking persons accessing the court system in both civil and criminal legal matters. The language assistance plan must include, at a minimum, provisions addressing the following:

(a) Procedures to identify and assess the language needs of non-English-speaking persons using the court system;

(b) Procedures for the appointment of interpreters as required under RCW 2.43.030. Such procedures shall not require the non-English-speaking person to make the arrangements for the interpreter to appear in court;

(c) Procedures for notifying court users of the right to and availability of interpreter services. Such information shall be prominently displayed in the courthouse in the five foreign languages that census data indicates are predominate in the jurisdiction;

(d) A process for providing timely communication with non-English speakers by all court employees who have regular contact with the public and meaningful access to court services, including access to services provided by the clerk's office;

(e) Procedures for evaluating the need for translation of written materials, prioritizing those translation needs, and translating the highest priority materials. These procedures should take into account the frequency of use of forms by the language group, and the cost of orally interpreting the forms;

(f) A process for requiring and providing training to judges, court clerks, and other court staff on the requirements of the language assistance plan and how to effectively access and work with interpreters; and

(g) A process for ongoing evaluation of the language assistance plan and monitoring of the implementation of the language assistance plan.

(2) Each court, when developing its language assistance plan, must consult with judges, court administrators and court clerks, interpreters, and members of the community, such as domestic violence organizations, pro bono programs, courthouse facilitators, legal services programs, and/or other community groups whose members speak a language other than English.

(3) Each court must provide a copy of its language assistance plan to the interpreter commission established by supreme court rule for approval prior to receiving state reimbursement for interpreter costs under this chapter.

(4) Each court receiving reimbursement for interpreter costs under RCW 2.42.120 or 2.43.040 must provide to the administrative office of the courts by November 15, 2009, a report detailing an assessment of the need for interpreter services for non-English speakers in court-mandated classes or programs, the extent to which interpreter services are currently available for court-mandated classes or programs, and the resources that would be required to ensure that interpreters are provided to non-English speakers in court-mandated classes or programs. The report shall also include the amounts spent annually on interpreter services for fiscal years 2005, 2006, 2007, 2008, and 2009. The administrative office of the courts shall compile these reports and provide them along with the specific reimbursements provided, by court and fiscal year, to

2008 REGULAR SESSION

the appropriate committees of the legislature by December 15, 2009.

**Sec. 2.** RCW 2.42.120 and 1985 c 389 s 12 are each amended to read as follows:

(1) If a hearing impaired person is a party or witness at any stage of a judicial or quasi-judicial proceeding in the state or in a political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings, and any proceeding in which a hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(2) If the parent, guardian, or custodian of a juvenile brought before a court is hearing impaired, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(3) If a hearing impaired person participates in a program or activity ordered by a court as part of the sentence or order of disposition, required as part of a diversion agreement or deferred prosecution program, or required as a condition of probation or parole, the appointing authority shall appoint and pay for a qualified interpreter to interpret exchange of information during the program or activity.

(4) If a law enforcement agency conducts a criminal investigation involving the interviewing of a hearing impaired person, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. Whenever a law enforcement agency conducts a criminal investigation involving the interviewing of a minor child whose parent, guardian, or custodian is hearing impaired, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.

(5) If a hearing impaired person is arrested for an alleged violation of a criminal law the arresting officer or the officer's supervisor shall, at the earliest possible time, procure and arrange payment for a qualified interpreter for any notification of rights, warning, interrogation, or taking of a statement. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.

(6) Where it is the policy and practice of a court of this state or of a political subdivision to appoint and pay counsel for persons who are indigent, the appointing authority shall appoint and pay for a qualified interpreter for hearing impaired persons to facilitate communication with counsel in all phases of the preparation and presentation of the case.

(7) Subject to the availability of funds specifically appropriated therefor, the administrative office of the courts shall reimburse the appointing authority for up to one-half of the payment to the interpreter where a qualified interpreter is appointed for a hearing impaired person by a judicial officer in a proceeding before a court under subsection (1), (2), or (3) of this section in compliance with the provisions of RCW 2.42.130 and 2.42.170.

**Sec. 3.** RCW 2.43.040 and 1989 c 358 s 4 are each amended to read as follows:

(1) Interpreters appointed according to this chapter are entitled to a reasonable fee for their services and shall be reimbursed for actual expenses which are reasonable as provided in this section.

(2) In all legal proceedings in which the non-English-speaking person is a party, or is subpoenaed or summoned by the appointing authority or is otherwise compelled by the appointing authority to appear, including criminal proceedings, grand jury proceedings, coroner's inquests, mental health commitment proceedings, and other legal proceedings initiated by agencies of government, the cost of providing the interpreter

FIFTY-THIRD DAY, MARCH 6, 2008

shall be borne by the governmental body initiating the legal proceedings.

(3) In other legal proceedings, the cost of providing the interpreter shall be borne by the non-English-speaking person unless such person is indigent according to adopted standards of the body. In such a case the cost shall be an administrative cost of the governmental body under the authority of which the legal proceeding is conducted.

(4) The cost of providing the interpreter is a taxable cost of any proceeding in which costs ordinarily are taxed.

(5) Subject to the availability of funds specifically appropriated therefor, the administrative office of the courts shall reimburse the appointing authority for up to one-half of the payment to the interpreter where an interpreter is appointed by a judicial officer in a proceeding before a court at public expense and:

(a) The interpreter appointed is an interpreter certified by the administrative office of the courts or is a qualified interpreter registered by the administrative office of the courts in a noncertified language, or where the necessary language is not certified or registered, the interpreter has been qualified by the judicial officer pursuant to this chapter;

(b) The court conducting the legal proceeding has an approved language assistance plan that complies with section 1 of this act; and

(c) The fee paid to the interpreter for services is in accordance with standards established by the administrative office of the courts.

**Sec. 4.** RCW 2.56.030 and 2007 c 496 s 302 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;

(10) Administer programs and standards for the training and education of judicial personnel;

(11) Examine the need for new superior court and district court judge positions under an objective workload analysis. The results of the objective workload analysis shall be reviewed by

2008 REGULAR SESSION

the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that an objective workload analysis become the basis for creating additional district and superior court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, 2008, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, domestic violence, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Develop a Washington family law handbook in accordance with RCW 2.56.180;

(20) Administer state funds for improving the operation of the courts and provide support for court coordinating councils, under the direction of the board for judicial administration;

(21)(a) Administer and distribute amounts appropriated from the equal justice subaccount under RCW 43.08.250(2) for district court judges' and qualifying elected municipal court judges' salary contributions. The administrator for the courts shall develop a distribution formula for these amounts that does not differentiate between district and elected municipal court judges.

(b) A city qualifies for state contribution of elected municipal court judges' salaries under (a) of this subsection if:

(i) The judge is serving in an elected position;

(ii) The city has established by ordinance that a full-time judge is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or for a part-time judge on a pro rata basis the same equivalent; and

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

(iii) The city has certified to the office of the administrator for the courts that the conditions in (b)(i) and (ii) of this subsection have been met;

a wrongful injury or death cause of action, or a survival action.

(22) Subject to the availability of funds specifically appropriated therefor, assist courts in the development and implementation of language assistance plans required under section 1 of this act."

The measure was read the second time.

MOTION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Engrossed Second Substitute House Bill No. 2176.

Senator Fairley moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

Strike everything after the enacting clause and insert the following:

MOTION

**"Sec. 1.** RCW 4.20.020 and 2007 c 156 s 29 are each amended to read as follows:

There being no objection, the following title amendment was adopted:

(1) Every ((such)) action under RCW 4.20.010 shall be for the benefit of the ((wife, husband)) spouse, state registered domestic partner, ((child)) or children, including stepchildren, of the person whose death shall have been so caused. If there ((be)) is no ((wife, husband)) spouse, state registered domestic partner, or ((such)) child ((or children, such)), the action may be maintained for the benefit of: (a) The parents((-)) of a deceased adult child if the parents are financially dependent upon the adult child for support or if the parents have had significant involvement in the adult child's life; or (b) an individual who is the sole beneficiary of the decedent's life insurance and has had significant involvement in the decedent's life. If there is no spouse, state registered domestic partner, child, parent, or such life insurance beneficiary, the action may be maintained for the benefit of sisters((-)) or brothers((-)) who ((may be)) are financially dependent upon the deceased person for support((- and who are resident within the United States at the time of his death)).

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 2.42.120, 2.43.040, and 2.56.030; and adding a new section to chapter 2.43 RCW."

MOTION

On motion of Senator Kline, the rules were suspended, Second Engrossed Second Substitute House Bill No. 2176 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

In every such action the jury may ((give such)) award economic and noneconomic damages as((-)) under all circumstances of the case((-)) may to them seem just.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Second Substitute House Bill No. 2176 as amended by the Senate.

In any action under (a) or (b) of this subsection against the state or a political subdivision thereof, the liability of the state or political subdivision shall be several and not joint.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 2176 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

(2) For the purposes of this section:

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

(a) "Financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions; and

Voting nay: Senators Honeyford and Schoesler - 2

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2176 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(b) "Significant involvement" means demonstrated support of an emotional, psychological, or financial nature within the relationship, at or reasonably near the time of death, or at or reasonably near the time of the incident causing death.

SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1873, by House Committee on Appropriations (originally sponsored by Representatives Ormsby, Haler, Pedersen, Wood, VanDeWege, Campbell, Flannigan, Kessler, Williams and Lantz)

**Sec. 2.** RCW 4.20.046 and 1993 c 44 s 1 are each amended to read as follows:

Changing the requirements for, and recoveries under, a wrongful injury or death cause of action. Revised for 3rd Substitute: Changing the requirements for, and recoveries under,

(1) All causes of action by a person or persons against another person or persons shall survive to the personal representatives of the former and against the personal representatives of the latter, whether such actions arise on contract or otherwise, and whether or not such actions would have survived at the common law or prior to the date of enactment of this section(~~(- PROVIDED, HOWEVER, That))~~).

(2) In addition to recovering economic losses, the personal representative ((shall only be)) is entitled to recover on behalf of those beneficiaries identified under RCW 4.20.020 any noneconomic damages for pain and suffering, anxiety, emotional distress, or humiliation, personal to and suffered by ((a)) the deceased ((on behalf of those beneficiaries enumerated in RCW 4.20.020, and such)) in such amounts as determined by a jury to be just under all the circumstances of the case. Damages under this section are recoverable regardless of whether or not the death was occasioned by the injury that is the basis for the action.

(3) The liability of property of a husband and wife held by them as community property and subject to execution in satisfaction of a claim enforceable against such property so held shall not be affected by the death of either or both spouses; and

FIFTY-THIRD DAY, MARCH 6, 2008

a cause of action shall remain an asset as though both claiming spouses continued to live despite the death of either or both claiming spouses.

~~((2))~~ (4) Where death or an injury to person or property, resulting from a wrongful act, neglect or default, occurs simultaneously with or after the death of a person who would have been liable therefor if his death had not occurred simultaneously with such death or injury or had not intervened between the wrongful act, neglect or default and the resulting death or injury, an action to recover damages for such death or injury may be maintained against the personal representative of such person.

**Sec. 3.** RCW 4.20.060 and 2007 c 156 s 30 are each amended to read as follows:

(1) No action for a personal injury to any person occasioning death shall abate, nor shall such right of action ~~((determine)) terminate~~, by reason of ~~((such)) the death((-))~~ if ~~((such)) the person has a surviving ((spouse, state registered domestic partner, or child living, including stepchildren, or leaving no surviving spouse, state registered domestic partner, or such children, if there is dependent upon the deceased for support and resident within the United States at the time of decedent's death, parents, sisters, or brothers; but such action may be prosecuted, or commenced and prosecuted, by the executor or administrator)) beneficiary in whose favor the action may be brought under subsection (2) of this section.~~

(2) An action under this section shall be brought by the personal representative of the deceased((-) in favor of ((such)) the surviving spouse or state registered domestic partner, ((or in favor of the surviving spouse or state registered domestic partner)) and ((such)) children((- or if)). If there is no surviving spouse ~~((or))~~, state registered domestic partner, ~~((in favor of such child))~~ or children, ~~((or if no surviving spouse, state registered domestic partner, or such child or children, then))~~ the action shall be brought in favor of the decedent's: (a) Parents((-) if the parents are financially dependent upon the decedent for support or if the parents have had significant involvement in the decedent's life; or (b) sole beneficiary under a life insurance policy, if the beneficiary is an individual who had a significant involvement in the decedent's life. If there is no surviving spouse, state registered domestic partner, child, parent, or such life insurance beneficiary, the action shall be brought in favor of the decedent's sisters((-) or brothers who ((may be) are financially dependent upon ((such person)) the decedent for support((- and resident in the United States at the time of decedent's death)).

(3) In addition to recovering economic losses, the persons identified in subsection (2) of this section are entitled to recover any noneconomic damages personal to and suffered by the decedent including, but not limited to, damages for the decedent's pain and suffering, anxiety, emotional distress, or humiliation, in such amounts as determined by a jury to be just under all the circumstances of the case.

(4) For the purposes of this section:

(a) "Financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions; and

(b) "Significant involvement" means demonstrated support of an emotional, psychological, or financial nature within the relationship, at or reasonably near the time of death, or at or reasonably near the time of the incident causing death.

(5) In any action under subsection (2)(a) or (b) of this section against the state or a political subdivision thereof, the liability of the state or political subdivision shall be several and not joint.

**Sec. 4.** RCW 4.24.010 and 1998 c 237 s 2 are each amended to read as follows:

(1) A ~~((mother or father, or both,))~~ parent who has regularly contributed to the support of his or her minor child, ~~((and the mother or father, or both, of a child on whom either, or both,~~

2008 REGULAR SESSION

~~are))~~ or a parent who is financially dependent on a child for support or who has had significant involvement in a child's life, may maintain or join ~~((as a party))~~ an action as plaintiff for the injury or death of the child.

(2) Each parent, separately from the other parent, is entitled to recover for his or her own loss regardless of marital status, even though this section creates only one cause of action((- but if the parents of the child are not married, are separated, or not married to each other damages may be awarded to each plaintiff separately, as the trier of fact finds just and equitable)).

(3) If one parent brings an action under this section and the other parent is not named as a plaintiff, notice of the institution of the suit, together with a copy of the complaint, shall be served upon the other parent: PROVIDED, That notice shall be required only if parentage has been duly established.

Such notice shall be in compliance with the statutory requirements for a summons. Such notice shall state that the other parent must join as a party to the suit within twenty days or the right to recover damages under this section shall be barred. Failure of the other parent to timely appear shall bar such parent's action to recover any part of an award made to the party instituting the suit.

(4) In ~~((such))~~ an action under this section, in addition to damages for medical, hospital, medication expenses, and loss of services and support, damages may be recovered for the loss of love and companionship of the child and for injury to or destruction of the parent-child relationship in such amount as, under all the circumstances of the case, may be just.

(5) For the purposes of this section:

(a) "Financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions; and

(b) "Significant involvement" means demonstrated support of an emotional, psychological, or financial nature within the relationship, at or reasonably near the time of death, or at or reasonably near the time of the incident causing death.

**Sec. 5.** RCW 4.22.030 and 1986 c 305 s 402 are each amended to read as follows:

Except as otherwise provided in RCW 4.22.070, 4.20.020, and 4.20.060, if more than one person is liable to a claimant on an indivisible claim for the same injury, death or harm, the liability of such persons shall be joint and several.

**NEW SECTION. Sec. 6.** This act applies to all causes of action filed on or after the effective date of this act.

**NEW SECTION. Sec. 7.** (1) On December 1, 2009, and every December 1st thereafter, the risk management division within the office of financial management shall report to the house appropriations committee, the house state government and tribal affairs committee, the senate ways and means committee, and the senate government operations and elections committee, or successor committees, on the incidents covered by this act that involve state agencies.

(2) On December 1, 2009, and every December 1st thereafter, each local government risk pool or local government risk management division, or the equivalent in local governments, shall report to the legislative body of the local government on the incidents covered by this act that involve the local government.

(3) This section expires December 2, 2014."

On page 1, line 1 of the title, after "death;" strike the remainder of the title and insert "amending RCW 4.20.020, 4.20.046, 4.20.060, 4.24.010, and 4.22.030; creating new sections; and providing an expiration date."

MOTION

Senator Brandland moved that the committee striking amendment by the Committee on Ways & Means be adopted.

WITHDRAWAL OF AMENDMENT

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

On motion of Senator Brandland, the committee striking amendment by the Committee on Ways and Means was withdrawn.

MOTION

On motion of Senator Eide, further consideration of Engrossed Third Substitute House Bill No. 1873 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2870, by House Committee on Appropriations (originally sponsored by Representatives Lias, Sullivan, Ericks, Williams, Loomis, Simpson, Ormsby, Miloscia, Hasegawa, Roberts, Santos, Quall and Nelson)

Providing opportunities for professional development for instructional assistants.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2870 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

Senator Tom spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2870.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2870 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Voting nay: Senators Oemig and Tom - 2

SECOND SUBSTITUTE HOUSE BILL NO. 2870, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1283, by Representatives Roach, McDonald, Morrell, Rolfes, Kelley, Skinner, Orcutt, Priest, Takko, Conway, Appleton, Newhouse, Haler, Moeller, VanDeWege, McCune, Roberts and Springer

Authorizing high school diplomas to be issued to persons who left high school before graduation to serve in the United States armed forces.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed House Bill No. 1283 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1283.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1283 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED HOUSE BILL NO. 1283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1623, by House Committee on Technology, Energy & Communications (originally sponsored by Representative Morris)

Concerning fees for easements on state-owned aquatic lands.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 1623 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1623.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1623 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Carrell - 1

FIFTY-THIRD DAY, MARCH 6, 2008

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1623, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2641, by Representatives Jarrett, Priest, Wallace, Ormsby, McIntire, Sells, Morrell, Upthegrove, Sullivan and Haler

Creating a pilot program to test performance agreements at institutions of higher education.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that in the last ten years, significant progress has been made to identify and monitor accountability and performance measures in higher education, both internally in institutions and externally in the legislative and state policymaking environment.

(2) However, the legislature further finds that opportunities exist to promote greater visibility of performance measures among policymakers and among the public consumers of higher education. Policy decisions, including decisions about resource allocation, should be made with greater knowledge and a shared understanding about the tradeoffs between resources, flexibility, and desired outcomes. A forum should be created to allow discussion among policymakers and institution leaders about setting outcome-oriented priorities, targeting of investments, linking operating and capital planning, and creating a longer-term view than the biennial budget cycle typically permits.

(3) Therefore, the legislature intends to implement a process for such discussions, agreements, and planning to occur. The process of crafting higher education performance agreements will be pilot-tested over a six-year period with the public four-year institutions of higher education beginning in 2008.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) As used in this section and sections 3 and 4 of this act, a performance agreement is an agreement reached between the state and the governing board of an institution of higher education and approved by the legislature using the process provided in section 4 of this act.

(2) The purpose of a performance agreement is to develop and communicate a six-year plan developed jointly by state policymakers and an institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(3) Beginning in 2008, performance agreements shall be pilot-tested with the public four-year institutions of higher education.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Performance agreements shall address but not be limited to the following issues:

(a) Indicators that measure outcomes concerning cost, quality, timeliness of student progress toward degrees and certifications, and articulation between and within the K-12 and higher education systems;

(b) Benchmarks and goals for long-term degree production, including discrete benchmarks and goals in particular fields of study;

2008 REGULAR SESSION

(c) The level of resources necessary to meet the performance outcomes, benchmarks, and goals, subject to legislative appropriation;

(d) The prioritization of four-year institution capital budget projects by the office of financial management; and

(e) Indicators that measure outcomes concerning recruitment, retention, and success of students, faculty, and staff from diverse, underrepresented communities.

(2) The goals and outcomes identified in a performance agreement shall be linked to the role, mission, and strategic plan of the institution of higher education and aligned with the statewide strategic master plan for higher education.

(3) Performance agreements may also include grants to an institution, under the terms of the agreement, of flexibility or waivers from state controls or rules. The agreement may identify areas where statutory change is necessary to grant an institution flexibility or waivers of state agency rules.

(4) The following areas may not be included in a performance agreement:

(a) Flexibility or waivers of requirements in a collective bargaining agreement negotiated under chapter 28B.52, 41.56, 41.59, 41.76, or 41.80 RCW;

(b) Flexibility or waivers of administrative rules or processes governed by chapter 28B.52, 41.56, 41.59, 41.76, or 41.80 RCW;

(c) Rules, processes, duties, rights, and responsibilities of the academic faculty as contained in the faculty codes of the four-year institution;

(d) Flexibility or waivers of requirements under chapter 39.12 RCW;

(e) Flexibility or waivers of administrative rules or other regulations that address health and safety, civil rights, and nondiscrimination laws that apply to institutions of higher education; and

(f) State laws covering terms and conditions of employment, including but not limited to salaries, job security, and health, retirement, unemployment, or any other employment benefits.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) A state performance agreement committee is created to represent the state in developing performance agreements under this section and sections 2 and 3 of this act. The committee is composed of representatives from the governor's office, the office of financial management, the higher education coordinating board, the office of the superintendent of public instruction, two members of the senate appointed by the secretary of the senate, and two members of the house of representatives appointed by the speaker of the house of representatives. The state performance agreement committee shall be staffed by personnel from the higher education coordinating board.

(2) Each of the participating institutions shall develop a preliminary draft of a performance agreement with input from students and faculty. The governing boards of the public four-year institutions of higher education shall designate performance agreement representatives for each institution respectively that shall include two faculty members at those institutions bargaining under chapter 41.76 RCW, at least one of whom shall be appointed by the exclusive collective bargaining agent and the other appointed by the faculty governance organization of that institution. If the participating pilot institution does not bargain under chapter 41.76 RCW, then two faculty members shall be appointed by the faculty governance organization of that institution. The associated student governments or their equivalents shall designate two performance agreement representatives at those institutions. Starting with the preliminary drafts, the state performance agreement committee and representatives of each institution shall develop revised draft performance agreements for each institution and submit the revised drafts to the governor and the fiscal and higher

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

education committees of the legislature no later than September 1, 2008.

POINT OF INQUIRY

(3) After receiving informal input on the revised draft performance agreements, particularly regarding the levels of resources assumed in the agreements, the state committee and institution representatives shall develop final proposed performance agreements and submit the agreements to the governor and the office of financial management by November 1, 2008, for consideration in development of the governor's 2009-2011 operating and capital budget recommendations.

(4) The state committee shall submit any legislation necessary to implement a performance agreement to the higher education committees of the senate and house of representatives.

(5) All cost items contained within a performance agreement are subject to legislative appropriation.

(6) If the legislature affirms, through a proviso in the 2009-2011 omnibus appropriations act, that the omnibus appropriations act and the 2009 capital budget act enacted by the legislature align with the proposed performance agreements, the performance agreements shall take effect beginning July 1, 2009, through June 30, 2015. If the legislature affirms, through a proviso in the 2009-2011 omnibus appropriations act or through inaction, that the omnibus appropriations act and/or the 2009 capital budget act are not aligned with the proposed performance agreements, the state committee and institution representatives shall redraft the agreements to align with the enacted budgets, and the redrafted agreements shall take effect beginning September 1, 2009, through June 30, 2015.

(7) The legislature, the state committee, and the institution representatives shall repeat the process described in subsection (6) of this section for each subsequent omnibus appropriations and capital budget act enacted between the 2010 and 2014 legislative sessions to ensure that the performance agreements are updated as necessary to align with enacted omnibus appropriations and capital budget acts.

**NEW SECTION, Sec. 5.** A new section is added to chapter 44.28 RCW to read as follows:

The joint committee shall conduct an evaluation of the higher education performance agreement pilot test under sections 2 through 4 of this act and make recommendations regarding changes to the substance or process of creating the agreements, including whether the performance agreement process should be continued and expanded to include additional higher education institutions. The evaluation shall be submitted to the governor and the higher education committees of the senate and house of representatives by November 1, 2014."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education to Engrossed House Bill No. 2641.

The motion by Senator Shin carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "agreements;" strike the remainder of the title and insert "adding new sections to chapter 28B.10 RCW; adding a new section to chapter 44.28 RCW; and creating a new section."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed House Bill No. 2641 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

Senator Hobbs: "Would Senator Shin yield to a question? Senator Shin, could a performance agreement give an institution increased local authority to raise tuition?"

Senator Shin: "No, absolutely not. The institution of tuition setting authority will continue to be governed by the provision of RCW 26B.15.067. Performance agreement can not change the law so that the legislature can only accept that increasing authority not the institution."

Senator Hobbs: "So a performance agreement can not authorize an institution to raise tuition by more than it would be raised under current law?"

Senator Shin: "That's right."

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2641 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2641 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Kline - 1

ENGROSSED HOUSE BILL NO. 2641 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2770, by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Kenney, Lantz, Upthegrove, Conway, Morrell, Schual-Berke, McIntire, Hudgins, Simpson and Rolfes)

Enacting the governor's homeownership security task force recommendations regarding responsible mortgage lending and homeownership.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Substitute House Bill No. 2770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2770.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2770 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Hatfield - 1

Excused: Senator Kline - 1

SUBSTITUTE HOUSE BILL NO. 2770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Third Substitute House Bill No. 1873 which had been deferred earlier in the day.

The President declared the question before the Senate to be the motion by Senator Fairley to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Third Substitute House Bill No. 1873.

The motion by Senator Fairley carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Brandland moved that the following amendment by Senators Brandland and Hargrove be adopted.

On page 2, after line 7, insert the following:

"In any action under subsections (1)(a) or (b) of this section against the state or a political subdivision thereof, the liability of the state or political subdivision shall be several and not joint."

On page 4, after line 21, insert the following:

"(5) In any action under subsections (2)(a) or (b) of this section against the state or a political subdivision thereof, the liability of the state or political subdivision shall be several and not joint."

On page 5, after line 26, insert the following:

"In any action under this section against the state or a political subdivision thereof, where the claim is based on subsection (5)(b) of this section, the liability of the state or political subdivision shall be several and not joint."

On page 5, after line 26, insert the following:

**"Sec. 5.** RCW 4.22.030 and 1986 c 305 s 402 are each amended to read as follows:

Except as otherwise provided in RCW 4.22.070, 4.20.020, 4.20.060, and 4.24.010, if more than one person is liable to a claimant on an indivisible claim for the same injury, death or harm, the liability of such persons shall be joint and several."

Renumber the sections consecutively and correct internal references accordingly.

Senators Brandland, Hargrove and Pflug spoke in favor of adoption of the amendment.

Senators Weinstein and Kline spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brandland and Hargrove on page 2, after line 7 to Engrossed Third Substitute House Bill No. 1873.

The motion by Senator Brandland carried and the amendment was adopted by voice vote.

#### MOTION

Senator Haugen moved that the following amendment by Senator Haugen and others be adopted.

On page 4, beginning on line 25, after "her" strike all material through "are )" on line 26, and insert "~~(minor)~~ child ((, and the mother or father, or both, of a child on whom either, or both, are)) under the age of twenty-six"

On page 4, beginning on line 27, strike "or who has had significant involvement in a child's life,"

Senators Haugen and Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen and others on page 4, line 25 to Engrossed Third Substitute House Bill No. 1873.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Third Substitute House Bill No. 1873 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Third Substitute House Bill No. 1873 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 1873 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senators Haugen and McCaslin - 2

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1873 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

FIFTY-THIRD DAY, MARCH 6, 2008

2008 REGULAR SESSION

At 9:22 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, March 7, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

**FIFTY-FOURTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, March 7, 2008

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Delvin, Haugen, Holmquist, Jacobsen, Kauffman, Murray, Oemig, Pflug and Rasmussen.

**MOTION**

On motion of Senator Morton, Senator Delvin was excused.

The Sergeant at Arms Color Guard consisting of Pages Ryan Fox and Erin O'Shaughnessy, presented the Colors. High Priest Jim Erlandson of Community of Christ Church offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Eide, the Senate advanced to the sixth order of business.

**SECOND READING****CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Marr moved that Gubernatorial Appointment No. 9370, Bruce Montgomery, as a member of The Life Sciences Discovery Fund Authority Board of Trustees, be confirmed.

Senator Marr spoke in favor of the motion.

**MOTION**

On motion of Senator Brandland, Senators Benton, Delvin, Holmquist, Pflug, Roach and Zarelli were excused.

**MOTION**

On motion of Senator Regala, Senators Haugen and Kauffman were excused.

**APPOINTMENT OF BRUCE MONTGOMERY**

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9370, Bruce Montgomery as a member of The Life Sciences Discovery Fund Authority Board of Trustees.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9370, Bruce Montgomery as a member of The Life Sciences Discovery Fund Authority Board of Trustees and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 4; Excused, 6.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Parlette, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 39

Absent: Senators Jacobsen, Murray, Oemig and Rasmussen - 4

Excused: Senators Benton, Delvin, Haugen, Holmquist, Kauffman and Pflug - 6

Gubernatorial Appointment No. 9370, Bruce Montgomery, having received the constitutional majority was declared confirmed as a member of The Life Sciences Discovery Fund Authority Board of Trustees.

**SECOND READING**

**SUBSTITUTE HOUSE BILL NO. 2482**, by House Committee on Local Government (originally sponsored by Representative Moeller)

Addressing the signature validation process for petitions that seek annexation.

The measure was read the second time.

**MOTION**

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 6** RCW 35.21.005 and 2003 c 331 s 8 are each amended to read as follows:

Wherever in this title petitions are required to be signed and filed, the following rules shall govern the sufficiency thereof:

(1) A petition may include any page or group of pages containing an identical text or prayer intended by the circulators, signers or sponsors to be presented and considered as one petition and containing the following essential elements when applicable, except that the elements referred to in (d) and (e) of this subsection are essential for petitions referring or initiating legislative matters to the voters, but are directory as to other petitions:

(a) The text or prayer of the petition which shall be a concise statement of the action or relief sought by petitioners and shall include a reference to the applicable state statute or city ordinance, if any;

(b) If the petition initiates or refers an ordinance, a true copy thereof;

(c) If the petition seeks the annexation, incorporation, withdrawal, or reduction of an area for any purpose, an accurate legal description of the area proposed for such action and if practical, a map of the area;

(d) Numbered lines for signatures with space provided beside each signature for the name and address of the signer and the date of signing;

(e) The warning statement prescribed in subsection (2) of this section.

(2) Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures shall contain the text or prayer of the petition and the following warning:

**WARNING**

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Each signature shall be executed in ink or indelible pencil and shall be followed by the name and address of the signer and the date of signing.

(3) The term "signer" means any person who signs his or her own name to the petition.

(4) To be sufficient a petition must contain valid signatures of qualified registered voters or property owners, as the case

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

may be, in the number required by the applicable statute or ordinance. Within three working days after the filing of a petition, the officer with whom the petition is filed shall transmit the petition to the county auditor for petitions signed by registered voters, or to the county assessor for petitions signed by property owners for determination of sufficiency. The officer or officers whose duty it is to determine the sufficiency of the petition shall proceed to make such a determination with reasonable promptness and shall file with the officer receiving the petition for filing a certificate stating the date upon which such determination was begun, which date shall be referred to as the terminal date. Additional pages of one or more signatures may be added to the petition by filing the same with the appropriate filing officer prior to such terminal date. Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the receiving officer prior to such terminal date. Such written request shall so sufficiently describe the petition as to make identification of the person and the petition certain. The name of any person seeking to withdraw shall be signed exactly the same as contained on the petition and, after the filing of such request for withdrawal, prior to the terminal date, the signature of any person seeking such withdrawal shall be deemed withdrawn.

(5) Petitions containing the required number of signatures shall be accepted as prima facie valid until their invalidity has been proved.

(6) A variation on petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names, or both, shall not invalidate the signature on the petition if the surname and handwriting are the same.

(7) Signatures, including the original, of any person who has signed a petition two or more times shall be stricken.

(8) Signatures followed by a date of signing which is more than six months prior to the date of filing of the petition shall be stricken.

(9) When petitions are required to be signed by the owners of property, the determination shall be made by the county assessor. Where validation of signatures to the petition is required, the following shall apply:

(a) The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse;

(b) In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse;

(c) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient, without the signature of his or her spouse;

(d) Any officer of a corporation owning land within the area involved who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority;

(e) When the petition seeks annexation, any officer of a corporation owning land within the area involved, who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign under oath on behalf of such corporation. If an officer signs the petition, he or she must attach an affidavit stating that he or she is duly authorized to sign the petition on behalf of such corporation.

(f) When property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property; and

((ff)) (g) When a parcel of property is owned by multiple owners, the signature of an owner designated by the multiple owners is sufficient.

(10) The officer or officers responsible for determining the sufficiency of the petition shall do so in writing and transmit the written certificate to the officer with whom the petition was originally filed.

**Sec. 7** RCW 35A.01.040 and 2003 c 331 s 9 are each amended to read as follows:

Wherever in this title petitions are required to be signed and filed, the following rules shall govern the sufficiency thereof:

(1) A petition may include any page or group of pages containing an identical text or prayer intended by the circulators, signers or sponsors to be presented and considered as one petition and containing the following essential elements when applicable, except that the elements referred to in (d) and (e) of this subsection are essential for petitions referring or initiating legislative matters to the voters, but are directory as to other petitions:

(a) The text or prayer of the petition which shall be a concise statement of the action or relief sought by petitioners and shall include a reference to the applicable state statute or city ordinance, if any;

(b) If the petition initiates or refers an ordinance, a true copy thereof;

(c) If the petition seeks the annexation, incorporation, withdrawal, or reduction of an area for any purpose, an accurate legal description of the area proposed for such action and if practical, a map of the area;

(d) Numbered lines for signatures with space provided beside each signature for the name and address of the signer and the date of signing;

(e) The warning statement prescribed in subsection (2) of this section.

(2) Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures shall contain the text or prayer of the petition and the following warning:

#### WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Each signature shall be executed in ink or indelible pencil and shall be followed by the name and address of the signer and the date of signing.

(3) The term "signer" means any person who signs his or her own name to the petition.

(4) To be sufficient a petition must contain valid signatures of qualified registered voters or property owners, as the case may be, in the number required by the applicable statute or ordinance. Within three working days after the filing of a petition, the officer with whom the petition is filed shall transmit the petition to the county auditor for petitions signed by registered voters, or to the county assessor for petitions signed by property owners for determination of sufficiency. The officer or officers whose duty it is to determine the sufficiency of the petition shall proceed to make such a determination with reasonable promptness and shall file with the officer receiving the petition for filing a certificate stating the date upon which such determination was begun, which date shall be referred to as the terminal date. Additional pages of one or more signatures may be added to the petition by filing the same with the appropriate filing officer prior to such terminal date. Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the receiving officer prior to such terminal date. Such written request shall so sufficiently describe the petition as to make identification of the person and the petition certain. The name of any person seeking to withdraw shall be signed exactly the same as contained on the petition and, after the filing of such request for withdrawal, prior to the terminal date, the signature of any person seeking such withdrawal shall be deemed withdrawn.

(5) Petitions containing the required number of signatures shall be accepted as prima facie valid until their invalidity has been proved.

(6) A variation on petitions between the signatures on the petition and that on the voter's permanent registration caused by

FIFTY-FOURTH DAY, MARCH 7, 2008

the substitution of initials instead of the first or middle names, or both, shall not invalidate the signature on the petition if the surname and handwriting are the same.

(7) Signatures, including the original, of any person who has signed a petition two or more times shall be stricken.

(8) Signatures followed by a date of signing which is more than six months prior to the date of filing of the petition shall be stricken.

(9) When petitions are required to be signed by the owners of property, the determination shall be made by the county assessor. Where validation of signatures to the petition is required, the following shall apply:

(a) The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse;

(b) In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse;

(c) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient, without the signature of his or her spouse;

(d) Any officer of a corporation owning land within the area involved who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority;

(e) When the petition seeks annexation, any officer of a corporation owning land within the area involved, who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign under oath on behalf of such corporation. If an officer signs the petition, he or she must attach an affidavit stating that he or she is duly authorized to sign the petition on behalf of such corporation.

(f) When property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property; and

((#)) (g) When a parcel of property is owned by multiple owners, the signature of an owner designated by the multiple owners is sufficient.

(10) The officer or officers responsible for determining the sufficiency of the petition shall do so in writing and transmit the written certificate to the officer with whom the petition was originally filed."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 2482.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "annexation;" strike the remainder of the title and insert "and amending RCW 35.21.005 and 35A.01.040."

#### MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 2482 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2482 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2482 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Absent: Senators Jacobsen, Murray and Oemig - 3

Excused: Senators Delvin, Haugen and Holmquist - 3

SUBSTITUTE HOUSE BILL NO. 2482 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Regala, Senators Jacobsen, Murray and Oemig were excused.

#### MOTION

On motion of Senator Brandland, Senator Schoesler was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2560, by House Committee on Health Care & Wellness (originally sponsored by Representatives VanDeWege, Kessler, Cody, Morrell, Rolfes, Chase, Barlow, Green and Loomis)

Defining small employers for purposes of health insurance coverage.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2560.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2560 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Delvin, Haugen, Holmquist, Murray and Oemig - 5

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2624, by House Committee on Appropriations (originally sponsored by Representatives McCoy, Kessler, Appleton, Ormsby, VanDeWege, Hunt, Kenney, Darneille and Chase)

Concerning human remains.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 68.50 RCW to read as follows:

(1) It is the duty of every person who knows of the existence and location of skeletal human remains to notify the coroner and local law enforcement in the most expeditious manner possible, unless such person has good reason to believe that such notice has already been given. Any person knowing of the existence of skeletal human remains and not having good reason to believe that the coroner and local law enforcement has notice thereof and who fails to give notice to the coroner and local law enforcement, is guilty of a misdemeanor.

(2) Any person engaged in ground disturbing activity and who encounters or discovers skeletal human remains in or on the ground shall:

(a) Immediately cease any activity which may cause further disturbance;

(b) Make a reasonable effort to protect the area from further disturbance;

(c) Report the presence and location of the remains to the coroner and local law enforcement in the most expeditious manner possible; and

(d) Be held harmless from criminal and civil liability arising under the provisions of this section provided the following criteria are met:

(i) The finding of the remains was based on inadvertent discovery;

(ii) The requirements of the subsection are otherwise met; and

(iii) The person is otherwise in compliance with applicable law.

(3) The coroner must make a determination of whether the skeletal human remains are forensic or nonforensic within five business days of receiving notification of a finding of such human remains provided that there is sufficient evidence to make such a determination within that time period. The coroner will retain jurisdiction over forensic remains.

(a) Upon determination that the remains are nonforensic, the coroner must notify the department of archaeology and historic preservation within two business days. The department will have jurisdiction over such remains until provenance of the remains is established. A determination that remains are nonforensic does not create a presumption of removal or nonremoval.

(b) Upon receiving notice from a coroner of a finding of nonforensic skeletal human remains, the department must notify the appropriate local cemeteries, and all affected tribes via certified mail to the head of the appropriate tribal government, and contact the appropriate tribal cultural resources staff within two business days of the finding. The determination of what are appropriate local cemeteries to be notified is at the discretion of the department. A notification to tribes of a finding of such

nonforensic skeletal human remains does not create a presumption that the remains are Indian.

(c) The state physical anthropologist must make an initial determination of whether nonforensic skeletal human remains are Indian or non-Indian to the extent possible based on the remains within two business days of notification of a finding of nonforensic remains. If the remains are determined to be Indian, the department must notify all affected tribes via certified mail to the head of the appropriate tribal government within two business days and contact the appropriate tribal cultural resources staff.

(d) The affected tribes have five business days to respond via telephone or writing to the department as to their interest in the remains.

(4) For the purposes of this section:

(a) "Affected tribes" are those tribes with usual and accustomed areas in the jurisdiction where the remains were found, or those tribes that submit to the department maps that reflect the tribe's geographical area of cultural affiliation.

(b) "Forensic remains" are those that come under the jurisdiction of the coroner pursuant to RCW 68.50.010.

(c) "Inadvertent discovery" has the same meaning as used in RCW 27.44.040.

**NEW SECTION. Sec. 2** A new section is added to chapter 27.44 RCW to read as follows:

(1) Any person who discovers skeletal human remains must notify the coroner and local law enforcement in the most expeditious manner possible. Any person knowing of the existence of human remains and not having good reason to believe that the coroner and local law enforcement has notice thereof and who fails to give notice thereof is guilty of a misdemeanor.

(2) Any person engaged in ground disturbing activity and who encounters or discovers skeletal human remains in or on the ground shall:

(a) Immediately cease any activity which may cause further disturbance;

(b) Make a reasonable effort to protect the area from further disturbance;

(c) Report the presence and location of the remains to the coroner and local law enforcement in the most expeditious manner possible; and

(d) Be held harmless from criminal and civil liability arising under the provisions of this section provided the following criteria are met:

(i) The finding of the remains was based on inadvertent discovery;

(ii) The requirements of the subsection are otherwise met; and

(iii) The person is otherwise in compliance with applicable law.

(3) The coroner must make a determination whether the skeletal human remains are forensic or nonforensic within five business days of receiving notification of a finding of such remains provided that there is sufficient evidence to make such a determination within that time period. The coroner will retain jurisdiction over forensic remains.

(a) Upon determination that the remains are nonforensic, the coroner must notify the department of archaeology and historic preservation within two business days. The department will have jurisdiction over such remains until provenance of the remains is established. A determination that remains are nonforensic does not create a presumption of removal or nonremoval.

(b) Upon receiving notice from a coroner of a finding of nonforensic skeletal human remains, the department must notify the appropriate local cemeteries, and all affected tribes via certified mail to the head of the appropriate tribal government, and contact the appropriate tribal cultural resources staff within two business days of the finding. The determination of what are appropriate local cemeteries to be notified is at the discretion of the department. A notification to tribes of a finding of nonforensic skeletal human remains does not create a presumption that the remains are Indian.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(c) The state physical anthropologist must make an initial determination of whether nonforensic skeletal human remains are Indian or non-Indian to the extent possible based on the remains within two business days of notification of a finding of such nonforensic remains. If the remains are determined to be Indian, the department must notify all affected tribes via certified mail to the head of the appropriate tribal government within two business days and contact the appropriate tribal cultural resources staff.

(d) The affected tribes have five business days to respond via telephone or writing to the department as to their interest in the remains.

(4) For the purposes of this section:

(a) "Affected tribes" are those tribes with usual and accustomed areas in the jurisdiction where the remains were found, or those tribes that submit to the department maps that reflect the tribe's geographical area of cultural affiliation.

(b) "Forensic remains" are those that come under the jurisdiction of the coroner pursuant to RCW 68.50.010.

(c) "Inadvertent discovery" has the same meaning as used in RCW 27.44.040.

**NEW SECTION. Sec. 3** A new section is added to chapter 68.60 RCW to read as follows:

(1) Any person who discovers skeletal human remains shall notify the coroner and local law enforcement in the most expeditious manner possible. Any person knowing of the existence of skeletal human remains and not having good reason to believe that the coroner and local law enforcement has notice thereof and who fails to give notice thereof is guilty of a misdemeanor.

(2) Any person engaged in ground disturbing activity and who encounters or discovers skeletal human remains in or on the ground shall:

(a) Immediately cease any activity which may cause further disturbance;

(b) Make a reasonable effort to protect the area from further disturbance;

(c) Report the presence and location of the remains to the coroner and local law enforcement in the most expeditious manner possible; and

(d) Be held harmless from criminal and civil liability arising under the provisions of this section provided the following criteria are met:

(i) The finding of the remains was based on inadvertent discovery;

(ii) The requirements of the subsection are otherwise met; and

(iii) The person is otherwise in compliance with applicable law.

(3) The coroner must make a determination whether the skeletal human remains are forensic or nonforensic within five business days of receiving notification of a finding of such remains provided that there is sufficient evidence to make such a determination within that time period. The coroner will retain jurisdiction over forensic remains.

(a) Upon determination that the remains are nonforensic, the coroner must notify the department of archaeology and historic preservation within two business days. The department will have jurisdiction over such remains until provenance of the remains is established. A determination that remains are nonforensic does not create a presumption of removal or nonremoval.

(b) Upon receiving notice from a coroner of a finding of nonforensic skeletal human remains, the department must notify the appropriate local cemeteries, and all affected tribes via certified mail to the head of the appropriate tribal government, and contact the appropriate tribal cultural resources staff within two business days of the finding. The determination of what are appropriate local cemeteries to be notified is at the discretion of the department. A notification to tribes of a finding of such nonforensic skeletal human remains does not create a presumption that the remains are Indian.

(c) The state physical anthropologist must make an initial determination of whether nonforensic skeletal human remains are Indian or non-Indian to the extent possible based on the

remains within two business days of notification of a finding of such nonforensic remains. If the remains are determined to be Indian, the department must notify all affected tribes via certified mail to the head of the appropriate tribal government within two business days and contact the appropriate tribal cultural resources staff.

(d) The affected tribes have five business days to respond via telephone or writing to the department as to their interest in the remains.

(4) For the purposes of this section:

(a) "Affected tribes" are those tribes with usual and accustomed areas in the jurisdiction where the remains were found, or those tribes that submit to the department maps that reflect the tribe's geographical area of cultural affiliation.

(b) "Forensic remains" are those that come under the jurisdiction of the coroner pursuant to RCW 68.50.010.

(c) "Inadvertent discovery" has the same meaning as used in RCW 27.44.040.

**NEW SECTION. Sec. 4** A new section is added to chapter 43.334 RCW to read as follows:

(1) The director shall appoint a state physical anthropologist. At a minimum, the state physical anthropologist must have a doctorate in either archaeology or anthropology and have experience in forensic osteology or other relevant aspects of physical anthropology and must have at least one year of experience in laboratory reconstruction and analysis. A medical degree with archaeological experience in addition to the experience required may substitute for a doctorate in archaeology or anthropology.

(2) The state physical anthropologist has the primary responsibility of investigating, preserving, and, when necessary, removing and reintering discoveries of nonforensic skeletal human remains. The state physical anthropologist is available to any local governments or any tribal government within the boundaries of Washington to assist in determining whether discovered skeletal human remains are forensic or nonforensic.

(3) The director shall hire staff as necessary to support the state physical anthropologist to meet the objectives of this section.

(4) For the purposes of this section, "forensic remains" are those that come under the jurisdiction of the coroner pursuant to RCW 68.50.010.

**Sec. 5** RCW 27.53.030 and 2005 c 333 s 20 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Archaeology" means systematic, scientific study of man's past through material remains.

(2) "Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products.

(3) "Archaeological site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects.

(4) "Department" means the department of archaeology and historic preservation, created in chapter 43.334 RCW.

(5) "Director" means the director of the department of archaeology and historic preservation, created in chapter 43.334 RCW.

(6) "Historic" means peoples and cultures who are known through written documents in their own or other languages. As applied to underwater archaeological resources, the term historic shall include only those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(7) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

MOTION

(8) "Professional archaeologist" means a person (~~who has met the educational, training, and experience requirements of the society of professional archaeologists.~~

~~(9) "Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists)) with qualifications meeting the federal secretary of the interior's standards for a professional archaeologist. Archaeologists not meeting this standard may be conditionally employed by working under the supervision of a professional archaeologist for a period of four years provided the employee is pursuing qualifications necessary to meet the federal secretary of the interior's standards for a professional archaeologist. During this four-year period, the professional archaeologist is responsible for all findings. The four-year period is not subject to renewal.~~

~~((+)) (9) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.~~

~~((+)) (10) "Historic archaeological resources" means those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.~~

**NEW SECTION. Sec. 6** A new section is added to chapter 27.34 RCW to read as follows:

The department of archaeology and historic preservation shall develop and maintain a centralized database and geographic information systems spatial layer of all known cemeteries and known sites of burials of human remains in Washington state. The information in the database is subject to public disclosure, except as provided in RCW 42.56.300; exempt information is available by confidentiality agreement to federal, state, and local agencies for purposes of environmental review, and to tribes in order to participate in environmental review, protect their ancestors, and perpetuate their cultures.

Information provided to state and local agencies under this section is subject to public disclosure, except as provided in RCW 42.56.300.

**NEW SECTION. Sec. 7** A new section is added to chapter 43.334 RCW to read as follows:

The skeletal human remains assistance account is created in the custody of the state treasurer. All appropriations provided by the legislature for this purpose as well as any reimbursement for services provided pursuant to this act must be deposited in the account. Expenditures from the account may be used only for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 8** The department of archaeology and historic preservation must communicate with the appropriate committees of the legislature by November 15, 2009, and biennially thereafter, regarding the numbers of inadvertent discoveries of skeletal human remains and other associated activities pursuant to this act.

**NEW SECTION. Sec. 9** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Engrossed Second Substitute House Bill No. 2624.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "remains;" strike the remainder of the title and insert "amending RCW 27.53.030; adding a new section to chapter 68.50 RCW; adding a new section to chapter 27.44 RCW; adding a new section to chapter 68.60 RCW; adding new sections to chapter 43.334 RCW; adding a new section to chapter 27.34 RCW; creating new sections; and prescribing penalties."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Second Substitute House Bill No. 2624 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Prentice spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Roach: "Would Senator Fairley yield to a question? Senator Fairley, as we've looked at this bill, it has that many different variations and there have been lots of interest that have been I think, addressed. However, the one thing that I don't see in here is the question: Does this still make this a misdemeanor for not reporting? Are we now bringing this to a level of crime is someone does not report?"

Senator Fairley: "We do not, if they don't report that they found it, yes."

Senator Roach: "So, thank you Senator Fairley, I appreciate that."

Senator Roach spoke in favor of passage of the bill.

Senators Honeyford and Jacobsen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2624 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2624 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Holmquist, Honeyford, Jacobsen, King and Schoesler - 5

Excused: Senators Delvin, Haugen and Oemig - 3

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2624 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2783, by House Committee on Appropriations (originally

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

sponsored by Representatives Wallace, Chase, Anderson, Sells, Haigh, Roberts, Hasegawa, Morrell, Sullivan, Kenney and Hudgins)

Regarding transfer and articulation between institutions of higher education.

The measure was read the second time.

#### MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that students are accessing higher education differently than they have in previous years. Rather than attending a single institution and attaining their degree, many students now attend multiple institutions, sometimes simultaneously.

The legislature also finds that learning occurs throughout a person's lifetime. Whether citizens need different training to change careers or need further education for career advancement, people exit and reenter institutions of higher education multiple times and for various reasons.

The legislature also finds that current policies and practices do not provide clear, consistent, easily accessible information to ease transition in and among the state's colleges and universities. Often, courses taken at some career and technical schools as well as private for-profit institutions are not accepted in transfer because these schools are not accredited by a regional accrediting body. Students often do not understand that these courses are not transferrable. Students must retake courses once they have transferred into a regionally accredited institution, costing the student additional time and money.

Therefore, it is the legislature's intent to improve statewide communication and coordination of transfer and articulation policies and practices. Students should be provided clear, consistent information regarding the courses required for their degrees and how those courses will be treated when a student moves between colleges and universities. This information should be communicated to students and their families in one easily accessible place in a format that is common among all colleges and universities in the state.

**NEW SECTION. Sec. 2** A new section is added to chapter 28B.10 RCW to read as follows:

(1) The higher education coordinating board shall convene a work group of representatives from the state board for community and technical colleges, the office of the superintendent of public instruction, the council of presidents, and two-year and four-year institutions of higher education including students, to develop a list of rights guaranteed to students who have earned a transfer associate degree under the direct transfer agreement. The work group may be an existing work group that addresses policy issues related to transitions among public and private institutions of higher education and may also include representatives from the independent colleges of Washington, as well as the career and tribal colleges.

(2) The list in subsection (1) of this section shall be known as the transfer student bill of rights and shall include statements of institutional policy regarding transfer and articulation to assist students who have earned a transfer associate degree in their academic planning. The list shall include but is not limited to:

(a) Admission to each public and private two-year and four-year institution of higher education that participates in the direct transfer agreement;

(b) The number of credits that will transfer;

(c) Academic requirements fulfilled by the degree at the receiving institution;

(d) Acceptance of credit earned in dual enrollment and accelerated programs such as advanced placement, running start, and international baccalaureate;

(e) Acceptance of credits earned at nonregionally accredited institutions; and

(f) Advance knowledge of selection criteria for limited access programs.

(3) The work group shall determine which elements in this section are guaranteed to students entering a four-year institution of higher education and which elements differ based on admission requirements at a specific institution or program. The work group must determine the clearest manner in which to communicate this information to students and their families as part of the transfer student bill of rights.

(4) The transfer student bill of rights shall be displayed prominently in a user-friendly area of each institution's web site. Admissions offices, transfer planning offices, recruiting offices and other relevant offices at public and private institutions of higher education shall also make the transfer student bill of rights available to prospective and enrolled students. Public institutions of higher education shall make the bill of rights available by September 2009. The transfer student bill of rights may also be used by private institutions of higher education participating in direct transfer agreements.

(5) For purposes of this section, "nonregionally accredited institutions" means only those institutions that are fully accredited by a national accrediting agency recognized by the United States department of education.

**NEW SECTION. Sec. 3** A new section is added to chapter 28B.76 RCW to read as follows:

(1) The higher education coordinating board must convene a work group including representatives from the state board for community and technical colleges, the workforce training and education coordinating board, the council of presidents, two-year institutions of higher education, and four-year institutions of higher education to develop a plan to monitor the progress and success of transfer students. The workgroup may be an existing work group that addresses policy issues related to transitions across institutions of higher education.

(2) The plan shall contain data that measures student progress through the higher education system that can be monitored over time. This information shall include, but not be limited to:

(a) The number of students who indicate their intent to transfer at the time of enrollment and the percentage of those students who actually transfer or earn an associate degree within three years;

(b) Educational outcomes for students who declare their intent to transfer, earn at least fifteen academic credits, and transfer within three years;

(c) The percentage of students who earn their four-year degree within three years of earning their associate degree;

(d) The average time and credits to completion of an academic transfer degree including the direct transfer agreement, the associate of science-transfer, and all major related programs; and

(e) The average grade point average for students who attain their transfer associate degrees.

(3) The plan shall also include analysis regarding the barriers that transfer students face in pursuit of their four-year degree and recommendations to address those barriers.

(4) The higher education coordinating board, in collaboration with the work group and the state board for community and technical colleges, shall report to the appropriate committees of the legislature by January 2009, and thereafter on a time schedule consistent with reporting related to monitoring progress toward the higher education coordinating board master plan goals.

**NEW SECTION. Sec. 4** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Consistent with the statewide strategic master plan for higher education, the higher education coordinating board shall convene a work group identified in section 2(1) of this act that shall recommend the best means to identify, at the time of registration, the transferability and applicability of community and technical college courses to students' baccalaureate degree goals.

(2) Whether and to what extent each course published in an institutional catalog is transferrable must be identified in a

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

manner mutually agreed upon by the two-year institutions of higher education and four-year institutions of higher education.

(3) Institutions of higher education must publish this information either on the internet, in physical course catalogs, or by another means identified by the work group that addresses the needs of students without access to the internet.

(4) The system of identification in this section shall be implemented by September 2009.

**NEW SECTION. Sec. 5** (1) Consistent with the schedule and work plans for implementation of the strategic master plan for higher education, the higher education coordinating board shall convene a work group or assign an existing work group that includes broad representation from the workforce training and education coordinating board, the state board for community and technical colleges, institutions of higher education, the independent colleges of Washington, the career and tribal colleges, the center for information services, student representatives from two-year and four-year institutions of higher education, and the office of the superintendent of public instruction to create a detailed plan for developing and implementing a statewide web-based academic planning tool. The web-based academic planning tool would be used by current, prospective, and returning students to plan their path from high school through the attainment of their higher education goals.

(2) The plan shall contain information including, but not limited to:

(a) Functions that will be included in the web site;

(b) Options for development including, but not limited to: Purchasing the entire system from a vendor; purchasing parts of the system from a private vendor; building parts of the system with Washington informational technology resources; and building the entire system with Washington information technology resources; and

(c) Costs associated with each of the options in this subsection.

(3) The higher education coordinating board shall report to the appropriate committees of the legislature by December 15, 2008. The report shall include recommendations on the most robust yet cost-effective options for the web-based academic planning tool.

**NEW SECTION. Sec. 6** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 2783.

The motion by Senator Shin carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "adding new sections to chapter 28B.10 RCW; adding a new section to chapter 28B.76 RCW; and creating new sections."

#### MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Second Substitute House Bill No. 2783 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2783 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2783 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Delvin, Haugen, Oemig and Prentice - 4

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2783 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 7, 2008."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 7, 2008.

#### MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

**EDITOR'S NOTE:** Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

#### SECOND READING

HOUSE BILL NO. 2786, by Representatives Kelley, Hurst, Lantz, Uptegrove, Pearson, Morrell, Priest, Kenney, Haler, Williams, Loomis, Smith, Bailey, Kristiansen, McCune, Simpson and VanDeWege

Including level I offenders who fail to maintain registration as required by RCW 9A.44.130 to the statewide notification web site.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

"Sec. 1 RCW 4.24.550 and 2005 c 380 s 2, 2005 c 228 s 1, and 2005 c 99 s 1 are each reenacted and amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW 9A.44.130; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and, if the offender is a student, the public or private school regulated under Title 28A RCW or chapter 72.40 RCW which the offender is attending, or planning to attend. The agency may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501 in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. The county sheriff shall also cause to be published consistent with this subsection a current list of level III registered sex offenders, twice yearly. Unless the information is posted on the web site described in subsection (5) of this section, this list shall be maintained by the county sheriff on a publicly accessible web site and shall be updated at least once per month.

(5)(a) When funded by federal grants or other sources, the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered kidnapping and sex offender web site, which shall be available to the public. The web site shall post all level III and level II registered sex offenders, level I registered sex offenders during the time they are out of

compliance with registration requirements under RCW 9A.44.130, and all registered kidnapping offenders in the state of Washington.

(i) For level III offenders, the web site shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The web site shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The web site shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, type of conviction, and address by hundred block.

(ii) For level II offenders, and level I sex offenders during the time they are out of compliance with registration requirements under RCW 9A.44.130, the web site shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the web site shall be limited to the information and functionality that is permissible under state and federal law.

(iii) For kidnapping offenders, the web site shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the web site shall be limited to the information and functionality that is permissible under state and federal law.

(b) Until the implementation of (a) of this subsection, the Washington association of sheriffs and police chiefs shall create a web site available to the public that provides electronic links to county-operated web sites that offer sex offender registration information.

(6) Local law enforcement agencies that disseminate information pursuant to this section shall: (a) Review available risk level classifications made by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents at least fourteen days before the offender is released from confinement or, where an offender moves from another jurisdiction, as soon as possible after the agency learns of the offender's move, except that in no case may this notification provision be construed to require an extension of an offender's release date. The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.

(7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

(9) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(10) When a local law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee or the department of social and health services at the time of the offender's release from confinement, the law enforcement agency or official shall notify the end of sentence review committee or the department of social and health services and submit its reasons supporting the change in classification. Upon implementation of subsection (5)(a) of this section, notification of the change shall also be sent to the Washington association of sheriffs and police chiefs."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 2786.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "site;" strike the remainder of the title and insert "and reenacting and amending RCW 4.24.550."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2786 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2786 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2786 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senators Brown and Fraser - 2

Excused: Senators Haugen, Oemig and Prentice - 3

HOUSE BILL NO. 2786 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2727, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Pedersen, Rodne, Goodman, Williams and Green)

Extending personality rights to deceased persons.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2727 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2727.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2727 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Haugen, Oemig and Prentice - 3

SUBSTITUTE HOUSE BILL NO. 2727, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2996, by House Committee on Commerce & Labor (originally sponsored by Representatives Loomis, Dunshee, Simpson and Morrell)

Requiring aversive agents in antifreeze products.

The measure was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 2996 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Holmquist spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Kauffman was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2996.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2996 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

Excused: Senators Oemig and Prentice - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2996, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Brandland, Senator Carrell was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2823, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Kretz)

Regarding the Willapa harbor oyster reserve.

The measure was read the second time.

#### MOTION

On motion of Senator Hatfield, the rules were suspended, Substitute House Bill No. 2823 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2823.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2823 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Carrell, Kauffman, Oemig and Prentice - 4

SUBSTITUTE HOUSE BILL NO. 2823, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

#### MOTION

Senator Rasmussen moved adoption of the following resolution:

#### SENATE RESOLUTION 8731

By Senators Rasmussen, Fraser, Swecker, Franklin, Jacobsen, Shin, Berkey, Delvin, and Fairley

WHEREAS, Washington state is a leader in the development of both public and private higher education; and

WHEREAS, Washington state has a history of pursuing international relationships with the specific purpose of increasing cross-cultural understanding and goodwill for the benefit of citizens here and abroad; and

WHEREAS, Washington state's higher education institutions offer opportunities abroad and welcome international faculty, students, and administrators to participate in colleges and universities in this state; and

WHEREAS, Washington state institutions and individuals have helped increase access to higher education in Malawi, Africa, the fifth poorest nation in the world, to aid the country in its effort to lift itself from economic poverty to self-sustaining independence; and

WHEREAS, Centralia College and City University of Seattle, service clubs such as Rotary, P.E.O., Sertoma, Lions, A.A.U.W., and churches of the Olympia Presbytery and throughout the state have joined Malawians in their efforts to improve their in-country education opportunities; and

WHEREAS, Washington state public and private entities have supported the Malawian dream to bring to reality the vision of Dr. Robert Laws to establish the University of Livingstonia in honor of Dr. David Livingstone; and

WHEREAS, The opening of the University of Livingstonia on August 27, 2003, was celebrated by the nation of Malawi, and the University of Livingstonia has received government accreditation of its educational programs; and

WHEREAS, The first Bachelor of Education degrees were awarded to thirty-five graduates of the University of Livingstonia College of Education during the graduation ceremony at Livingstonia on September 15, 2007, and presented by the guest of honor, His Excellency, Dr. Bingu wa Mutharika, president of the Republic of Malawi; and

WHEREAS, Citizens from Washington state, working both in the United States and in Malawi, have contributed their time and knowledge to help Malawians build capacity and capability for the long-term sustainability of the University of Livingstonia; and

WHEREAS, The following residents of the state of Washington are to be congratulated and thanked for their willingness to travel to Malawi to encourage Malawians and to assist with the development of the University of Livingstonia: David Carr, Joyce Carr, Ralph Carr, Drew Conrad, Doris Crawford, Doug Crawford, Anthony Dolezal, Joe Dolezal, Laura Dolezal, Patricia Dolezal, Sarah Dolezal, Vernon Elgin, Ken Gentili, Sylvia Gentili, Barbara Hayden Wahl, Cindy Hill, James Hill, Rob Jacobson, Carol Johnstone, Sherry Jorgensen, Henry Kirk, Jenny Sheldon Kirk, Lynn Longfield, Vicki Nupen, Glen Nutter, Linda Rakoz, Ken Rakoz, Judith Richerzhagen, Barbara Schacht, Bill Schacht, Janice Smith, Jeff Smith, Michiko Tanaka, Linda Ticknor, Alicia Wicks, Bob Wubbena, Joan Wubbena, Melody Young, and others;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state legislature thank and commend all those who have reached beyond our borders to lend a hand to the nation of Malawi located halfway around the world; and

BE IT FURTHER RESOLVED, That the Washington state legislature offer congratulations to the citizens of Malawi for bringing their 100-plus-year dream to reality; and

BE IT FURTHER RESOLVED, That the Washington state legislature encourage those with time, talent, and resources to continue to support this humanitarian effort which will help Malawians build better futures for themselves and their nation.

Senators Rasmussen, Swecker and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8731.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President recognized a large group of representatives from Lewis and Thurston counties and other Washingtonians

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

who have helped establish the University of Livingstonia in the nation of Malawi and were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3224, by House Committee on Transportation (originally sponsored by Representatives Loomis, Hunter, Sells and Liias)

Reviewing and conducting studies on providing commuter rail services.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Substitute House Bill No. 3224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3224.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3224 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 3224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3144, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Liias, Loomis, Hunt, Miloscia, Rolfes, Upthegrove, Linville, Green, VanDeWege, Morrell, Conway, Kelley, Nelson, Santos and Ormsby)

Creating a consumer protection web site and information line. Revised for 1st Substitute: Creating a consumer protection web site.

The measure was read the second time.

MOTION

Senator Kilmer moved that the following committee striking amendment by the Committee on Consumer Protection &

Housing be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1** The legislature finds that in an era of consumer product recalls, increasing state emphasis on quality ratings and accountability, and decreasing resources at the federal level for consumer protection, there may be a gap in outreach to consumers in the state. The legislature further finds that many state agencies provide helpful information to consumers, but consumers may not always know where to look to find such information. To remedy this potential information gap, the legislature declares that a "one-stop" consumer protection web site should be created so that consumers in Washington state have access to clear and appropriate information regarding consumer services that are available to them across state government.

NEW SECTION. **Sec. 2** A new section is added to chapter 43.105 RCW to read as follows:

(1) The department shall coordinate among state agencies to develop a consumer protection web site. The web site shall serve as a one-stop web site for consumer information. At a minimum, the web site must provide links to information on:

(a) Insurance information provided by the office of the insurance commissioner, including information on how to file consumer complaints against insurance companies, how to look up authorized insurers, and how to learn more about health insurance benefits;

(b) Child care information provided by the department of early learning, including how to select a child care provider, how child care providers are rated, and information about product recalls;

(c) Financial information provided by the department of financial institutions, including consumer information on financial fraud, investing, credit, and enforcement actions;

(d) Health care information provided by the department of health, including health care provider listings and quality assurance information;

(e) Home care information provided by the home care quality authority, including information to assist consumers in finding an in-home provider;

(f) Licensing information provided by the department of licensing, including information regarding business, vehicle, and professional licensing; and

(g) Other information available on existing state agency web sites that could be a helpful resource for consumers.

(2) By July 1, 2008, state agencies shall report to the department on whether they maintain resources for consumers that could be made available through the consumer protection web site.

(3) By September 1, 2008, the department shall make the consumer protection web site available to the public.

(4) After September 1, 2008, the department, in coordination with other state agencies, shall develop a plan on how to build upon the consumer protection web site to create a consumer protection portal. The plan must also include an examination of the feasibility of developing a toll-free information line to support the consumer protection portal. The plan must be submitted to the governor and the appropriate committees of the legislature by December 1, 2008.

NEW SECTION. **Sec. 3** (1) Within existing funds, the attorney general shall conduct a study to:

(a) Determine the percentage of consumer complaints of possible consumer protection act violations received by its consumer resource centers that are resolved to the consumer's satisfaction; and

(b) Develop possible sanctions that the attorney general may use if it determines that a consumer's complaint is legitimate and the business fails to provide the consumer with an adequate remedy or response.

(2) The attorney general shall report its findings to the legislature by December 1, 2008.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

NEW SECTION. **Sec. 4** Section 3 of this act expires December 31, 2008."

MOTION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Consumer Protection & Housing to Substitute House Bill No. 3144.

The motion by Senator Kilmer carried and the committee striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "line;" strike the remainder of the title and insert "adding a new section to chapter 43.105 RCW; creating new sections; and providing an expiration date."

## MOTION

On motion of Senator Kilmer, the rules were suspended, Substitute House Bill No. 3144 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3144 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3144 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 3144 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Delvin, Senator Swecker was excused.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2903, by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Lantz, Rodne, McCoy, Wallace, Moeller, Williams, O'Brien and Goodman)

Creating an access coordinator for the administrative office of the courts.

The measure was read the second time.

On motion of Senator Kline, the rules were suspended, Second Substitute House Bill No. 2903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2903.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2903 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2668, by House Committee on Appropriations (originally sponsored by Representatives Morrell, Green, Cody, Hunt, McCoy, Wallace, Pedersen, Campbell, McIntire, Conway, Simpson, Kenney and Darneille)

Expanding programs for persons needing long-term care. Revised for 2nd Substitute: Expanding programs for persons needing long-term care. (REVISED FOR ENGROSSED: Concerning long-term care.)

The measure was read the second time.

## MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1** The legislature finds that Washingtonians sixty-five years of age and older will nearly double in the next twenty years, from eleven percent of our population today to almost twenty percent of our population in 2025. Younger people with disabilities will also require supportive long-term care services. Nationally, young people with a disability account for thirty seven percent of the total number of people who need long-term care.

The legislature further finds that to address this increasing need, the long-term care system should support autonomy and self-determination, and support the role of informal caregivers and families. It should promote personal planning and savings combined with public support, when needed. It should also include culturally appropriate, high quality information, services, and supports delivered in a cost-effective and efficient manner.

The legislature further finds that more than fifteen percent of adults over age sixty-five in Washington state have diabetes.

FIFTY-FOURTH DAY, MARCH 7, 2008

Current nurse delegation statutes limit the ability of elderly and disabled persons with diabetes to remain in their own homes or in other home-like long-term care settings. It is the intent of the legislature to modify nurse delegation statutes to enable elderly persons and persons with disabilities who have diabetes to continue to reside in their own home or other home-like settings.

The legislature further finds that the long-term care system should utilize evidence-based practices for the prevention and management of chronic disease to improve the general health of Washingtonians over their lifetime and reduce health care and long-term care costs related to ineffective chronic care management.

**Sec. 2** RCW 74.41.040 and 1987 c 409 s 3 are each amended to read as follows:

The department shall administer this chapter and shall establish such rules and standards as the department deems necessary in carrying out this chapter. The department shall not require the development of plans of care or discharge plans by nursing homes or adult family homes providing respite care service under this chapter. Boarding homes providing respite care services shall comply with the assessment and plan of care provisions of RCW 18.20.350.

The department shall develop standards for the respite program in conjunction with the selected area agencies on aging. The program standards shall serve as the basis for soliciting bids, entering into subcontracts, and developing sliding fee scales to be used in determining the ability of eligible participants to participate in paying for respite care.

**Sec. 3** RCW 18.20.350 and 2004 c 142 s 7 are each amended to read as follows:

(1) The boarding home licensee shall conduct a preadmission assessment for each resident applicant. The preadmission assessment shall include the following information, unless unavailable despite the best efforts of the licensee:

- (a) Medical history;
- (b) Necessary and contraindicated medications;
- (c) A licensed medical or health professional's diagnosis, unless the individual objects for religious reasons;
- (d) Significant known behaviors or symptoms that may cause concern or require special care;
- (e) Mental illness diagnosis, except where protected by confidentiality laws;
- (f) Level of personal care needs;
- (g) Activities and service preferences; and
- (h) Preferences regarding other issues important to the resident applicant, such as food and daily routine.

(2) The boarding home licensee shall complete the preadmission assessment before admission unless there is an emergency. If there is an emergency admission, the preadmission assessment shall be completed within five days of the date of admission. For purposes of this section, "emergency" includes, but is not limited to: Evening, weekend, or Friday afternoon admissions if the resident applicant would otherwise need to remain in an unsafe setting or be without adequate and safe housing.

(3) The boarding home licensee shall complete an initial resident service plan upon move-in to identify the resident's immediate needs and to provide direction to staff and caregivers relating to the resident's immediate needs. The initial resident service plan shall include as much information as can be obtained, under subsection (1) of this section.

(4) When a facility provides respite care, before or at the time of admission, the facility must obtain sufficient information to meet the individual's anticipated needs. At a minimum, such information must include:

- (a) The name, address, and telephone number of the individual's attending physician, and alternate physician if any;
- (b) Medical and social history, which may be obtained from a respite care assessment and service plan performed by a case

2008 REGULAR SESSION

manager designated by an area agency on aging under contract with the department, and mental and physical assessment data;

(c) Physician's orders for diet, medication, and routine care consistent with the individual's status on admission;

(d) Ensure the individuals have assessments performed, where needed, and where the assessment of the individual reveals symptoms of tuberculosis, follow required tuberculosis testing requirements; and

(e) With the participation of the individual and, where appropriate, their representative, develop a plan of care to maintain or improve their health and functional status during their stay in the facility.

**Sec. 4** RCW 74.41.050 and 2000 c 207 s 4 are each amended to read as follows:

The department shall contract with area agencies on aging or other appropriate agencies to conduct family caregiver long-term care information and support services to the extent of available funding. The responsibilities of the agencies shall include but not be limited to: (1) Administering a program of family caregiver long-term care information and support services; ~~(and)~~ (2) negotiating rates of payment, administering sliding-fee scales to enable eligible participants to participate in paying for respite care, and arranging for respite care information, training, and other support services; and (3) developing an evidence-based tailored caregiver assessment and referral tool. In evaluating the need for respite services, consideration shall be given to the mental and physical ability of the caregiver to perform necessary caregiver functions.

**Sec. 5** RCW 74.38.030 and 1975-'76 2nd ex.s. c 131 s 3 are each amended to read as follows:

(1) The program of community based services authorized under this chapter shall be administered by the department. Such services may be provided by the department or through purchase of service contracts, vendor payments or direct client grants.

The department shall, under stipend or grant programs provided under RCW 74.38.060, utilize, to the maximum staffing level possible, eligible persons in its administration, supervision, and operation.

(2) The department shall be responsible for planning, coordination, monitoring and evaluation of services provided under this chapter but shall avoid duplication of services.

(3) The department may designate area agencies in cities of not less than twenty thousand population or in regional areas within the state. These agencies shall submit area plans, as required by the department. For area plans prepared for submission in 2009, and thereafter, the area agencies may include the findings and recommendations of area-wide planning initiatives that they may undertake with appropriate local and regional partners regarding the changing age demographics of their area and the implications of this demographic change for public policies and public services. They shall also submit, in the manner prescribed by the department, such other program or fiscal data as may be required.

(4) The department shall develop an annual state plan pursuant to the Older Americans Act of 1965, as now or hereafter amended. This plan shall include, but not be limited to:

- (a) Area agencies' programs and services approved by the department;
- (b) Other programs and services authorized by the department; and
- (c) Coordination of all programs and services.

(5) The department shall establish rules and regulations for the determination of low income eligible persons. Such determination shall be related to need based on the initial resources and subsequent income of the person entering into a program or service. This determination shall not prevent the eligible person from utilizing a program or service provided by the department or area agency. However, if the determination is

FIFTY-FOURTH DAY, MARCH 7, 2008

that such eligible person is nonlow income, the provision of RCW 74.38.050 shall be applied as of the date of such determination.

**Sec. 6** RCW 74.38.040 and 1983 c 290 s 14 are each amended to read as follows:

The community based services for low-income eligible persons provided by the department or the respective area agencies may include:

(1) Access services designed to provide identification of eligible persons, assessment of individual needs, reference to the appropriate service, and follow-up service where required. These services shall include information and referral, outreach, transportation and counseling. They shall also include long-term care planning and options counseling, information and crisis intervention, and streamlined assistance to access a wide array of public and private community-based services. Services would be available to individuals, concerned families or friends, or professionals working with issues related to aging, disabilities, and caregivers;

(2) Day care offered on a regular, recurrent basis. General nursing, rehabilitation, personal care, nutritional services, social casework, mental health as provided pursuant to chapter 71.24 RCW and/or limited transportation services may be made available within this program;

(3) In-home care for persons, including basic health care; performance of various household tasks and other necessary chores, or, a combination of these services;

(4) Counseling on death for the terminally ill and care and attendance at the time of death; except, that this is not to include reimbursement for the use of life-sustaining mechanisms;

(5) Health services which will identify health needs and which are designed to avoid institutionalization; assist in securing admission to medical institutions or other health related facilities when required; and, assist in obtaining health services from public or private agencies or providers of health services. These services shall include health screening and evaluation, in-home services, health education, and such health appliances which will further the independence and well-being of the person;

(6) The provision of low cost, nutritionally sound meals in central locations or in the person's home in the instance of incapacity. Also, supportive services may be provided in nutritional education, shopping assistance, diet counseling and other services to sustain the nutritional well-being of these persons;

(7) The provisions of services to maintain a person's home in a state of adequate repair, insofar as is possible, for their safety and comfort. These services shall be limited, but may include housing counseling, minor repair and maintenance, and moving assistance when such repair will not attain standards of health and safety, as determined by the department;

(8) Civil legal services, as limited by RCW 2.50.100, for counseling and representation in the areas of housing, consumer protection, public entitlements, property, and related fields of law;

(9) Long-term care ombudsman programs for residents of all long-term care facilities.

**NEW SECTION. Sec. 7** A new section is added to chapter 43.70 RCW to read as follows:

Within funds appropriated for this purpose, the department shall develop a statewide fall prevention program. The program shall include networking community services, identifying service gaps, making affordable senior-based, evaluated exercise programs more available, providing consumer education to older adults, their adult children, and the community at large, and conducting professional education on fall risk identification and reduction.

**NEW SECTION. Sec. 8** A new section is added to chapter 74.39A RCW to read as follows:

Within funds appropriated for this purpose, the department shall provide additional support for residents in community

2008 REGULAR SESSION

settings who exhibit challenging behaviors that put them at risk for institutional placement. The residents must be receiving services under the community options program entry system waiver or the medically needy residential facility waiver under section 1905(c) of the federal social security act and must have been evaluated under the individual comprehensive assessment reporting and evaluation process.

**NEW SECTION. Sec. 9** A new section is added to chapter 74.39A RCW to read as follows:

Within funds appropriated for this specific purpose, the department shall develop a challenge grant program to assist communities and organizations in efforts to plan and establish additional adult day service programs throughout the state. The challenge grant program shall provide financial grants, not to exceed fifty thousand dollars for each grant, for the purpose of helping to meet the costs of planning, development, and start-up of new adult day service programs in underserved communities. Recipients of these grants must provide matching resources, in funds or in-kind, of equal value to any grant received. Any adult day services program developed after receiving a challenge grant must agree to serve people whose care is paid for by the state on a first-come, first-served basis, regardless of the source of payment.

**NEW SECTION. Sec. 10** A new section is added to chapter 74.34 RCW to read as follows:

(1) The department may conduct a vulnerable adult fatality review in the event of a death of a vulnerable adult when the department has reason to believe that the death of the vulnerable adult may be related to the abuse, abandonment, exploitation, or neglect of the vulnerable adult, or may be related to the vulnerable adult's self-neglect, and the vulnerable adult was:

(a) Receiving home and community-based services in his or her own home, described under chapters 74.39 and 74.39A RCW, within sixty days preceding his or her death; or

(b) Living in his or her own home and was the subject of a report under this chapter received by the department within twelve months preceding his or her death.

(2) When conducting a vulnerable adult fatality review of a person who had been receiving hospice care services before the person's death, the review shall provide particular consideration to the similarities between the signs and symptoms of abuse and those of many patients receiving hospice care services.

(3) All files, reports, records, communications, and working papers used or developed for purposes of a fatality review are confidential and not subject to disclosure pursuant to RCW 74.34.095.

(4) The department may adopt rules to implement this section.

**Sec. 11** RCW 18.79.260 and 2003 c 140 s 2 are each amended to read as follows:

(1) A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood, to individuals with illnesses, injuries, or disabilities.

(2) A registered nurse may, at or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, naturopathic physician, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner acting within the scope of his or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required. Such direction must be for acts which are within the scope of registered nursing practice.

(3) A registered nurse may delegate tasks of nursing care to other individuals where the registered nurse determines that it is in the best interest of the patient.

(a) The delegating nurse shall:

(i) Determine the competency of the individual to perform the tasks;

(ii) Evaluate the appropriateness of the delegation;

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(iii) Supervise the actions of the person performing the delegated task; and

(iv) Delegate only those tasks that are within the registered nurse's scope of practice.

(b) A registered nurse, working for a home health or hospice agency regulated under chapter 70.127 RCW, may delegate the application, instillation, or insertion of medications to a registered or certified nursing assistant under a plan of care.

(c) Except as authorized in (b) or (e) of this subsection, a registered nurse may not delegate the administration of medications. Except as authorized in (e) of this subsection, a registered nurse may not delegate acts requiring substantial skill, and may not delegate piercing or severing of tissues. Acts that require nursing judgment shall not be delegated.

(d) No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines that it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the nursing care quality assurance commission for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety.

(e) For delegation in community-based care settings or in-home care settings, a registered nurse may delegate nursing care tasks only to registered or certified nursing assistants. Simple care tasks such as blood pressure monitoring, personal care service, diabetic insulin device set up, verbal verification of insulin dosage for sight-impaired individuals, or other tasks as defined by the nursing care quality assurance commission are exempted from this requirement.

(i) "Community-based care settings" includes: Community residential programs for ~~((the developmentally disabled))~~ people with developmental disabilities, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and boarding homes licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(ii) "In-home care settings" include an individual's place of temporary or permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings as defined in (e)(i) of this subsection.

(iii) Delegation of nursing care tasks in community-based care settings and in-home care settings is only allowed for individuals who have a stable and predictable condition. "Stable and predictable condition" means a situation in which the individual's clinical and behavioral status is known and does not require the frequent presence and evaluation of a registered nurse.

(iv) The determination of the appropriateness of delegation of a nursing task is at the discretion of the registered nurse. ~~((However))~~ Other than delegation of the administration of insulin by injection for the purpose of caring for individuals with diabetes, the administration of medications by injection, sterile procedures, and central line maintenance may never be delegated.

(v) When delegating insulin injections under this section, the registered nurse delegator must instruct the individual regarding proper injection procedures and the use of insulin, demonstrate proper injection procedures, and must supervise and evaluate the individual performing the delegated task weekly during the first four weeks of delegation of insulin injections. If the registered nurse delegator determines that the individual is competent to perform the injection properly and safely, supervision and evaluation shall occur at least every ninety days thereafter.

(vi) The registered nurse shall verify that the nursing assistant has completed the required core nurse delegation training required in chapter 18.88A RCW prior to authorizing delegation.

~~((vii))~~ (vii) The nurse is accountable for his or her own individual actions in the delegation process. Nurses acting within the protocols of their delegation authority are immune from liability for any action performed in the course of their delegation duties.

~~((viii))~~ (viii) Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur, but are intended to ensure that nursing care services have a consistent standard of practice upon which the public and the profession may rely, and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task.

(f) The nursing care quality assurance commission may adopt rules to implement this section.

(4) Only a person licensed as a registered nurse may instruct nurses in technical subjects pertaining to nursing.

(5) Only a person licensed as a registered nurse may hold herself or himself out to the public or designate herself or himself as a registered nurse.

**Sec. 12** RCW 18.88A.210 and 2003 c 140 s 5 are each amended to read as follows:

(1) A nursing assistant meeting the requirements of this section who provides care to individuals in community-based care settings or in-home care settings, as defined in RCW 18.79.260(3), may accept delegation of nursing care tasks by a registered nurse as provided in RCW 18.79.260(3).

(2) For the purposes of this section, "nursing assistant" means a nursing assistant-registered or a nursing assistant-certified. Nothing in this section may be construed to affect the authority of nurses to delegate nursing tasks to other persons, including licensed practical nurses, as authorized by law.

(3)(a) Before commencing any specific nursing care tasks authorized under this chapter, the nursing assistant must ~~((a))~~ (i) provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating the completion of basic core nurse delegation training, ~~((b))~~ (ii) be regulated by the department of health pursuant to this chapter, subject to the uniform disciplinary act under chapter 18.130 RCW, and ~~((c))~~ (iii) meet any additional training requirements identified by the nursing care quality assurance commission. Exceptions to these training requirements must adhere to RCW 18.79.260(3)(e)~~((a))~~ (vi).

(b) In addition to meeting the requirements of (a) of this subsection, before commencing the care of individuals with diabetes that involves administration of insulin by injection, the nursing assistant must provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating completion of specialized diabetes nurse delegation training. The training must include, but is not limited to, instruction regarding diabetes, insulin, sliding scale insulin orders, and proper injection procedures.

**NEW SECTION. Sec. 13** A new section is added to chapter 74.09 RCW to read as follows:

With funds appropriated for this purpose, the department shall establish two dental access projects to serve seniors and other adults who are categorically needy blind or disabled. The projects shall provide:

(1) Enhanced reimbursement rates for certified dentists for specific procedures, to begin no sooner than July 1, 2009;

(2) Reimbursement for trained medical providers for preventive oral health services, to begin no sooner than July 1, 2009;

(3) Training, development, and implementation through a partnership with the University of Washington school of dentistry;

(4) Local program coordination including outreach and case management; and

(5) An evaluation that measures the change in utilization rates and cost savings.

**NEW SECTION. Sec. 14** If any provision of this act or its application to any person or circumstance is held invalid, the

FIFTY-FOURTH DAY, MARCH 7, 2008

remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 15** If specific funding for the purposes of sections 4, 6, 7, 8, and 9 of this act, referencing the section by section number and by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, each section not referenced is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 2668.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.41.040, 18.20.350, 74.41.050, 74.38.030, 74.38.040, 18.79.260, and 18.88A.210; adding a new section to chapter 43.70 RCW; adding new sections to chapter 74.39A RCW; adding a new section to chapter 74.34 RCW; adding a new section to chapter 74.09 RCW; and creating new sections."

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 2668 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2668 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2668 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2668 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2679, by House Committee on Appropriations (originally sponsored by Representatives Roberts, Pettigrew, Hunt, Hasegawa, Sullivan, Chase, Morrell, McIntire, Santos, Barlow, Simpson, Kenney, Goodman, Wood, Dameille, Lantz and McDonald)

2008 REGULAR SESSION

Creating programs to improve educational outcomes for students in foster care.

The measure was read the second time.

#### MOTION

Senator Tom moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 28A.310 RCW to read as follows:

Subject to the availability of funds appropriated for this purpose, the Puget Sound educational service district shall designate a foster care program supervisor to coordinate programs and services for students in foster care. The foster care program supervisor shall:

(1) Facilitate the use of education system resources to improve educational stability and other measurable outcomes for children in children's administration out-of-home care and enrolled in a school district within the Puget Sound educational service district;

(2) Develop and distribute model school district policies to improve services and supports to children in children's administration out-of-home care and enrolled in a school district within the Puget Sound educational service district;

(3) Provide training to public school staff on the impact of child abuse and neglect, school preparedness, and the child welfare system upon children who live in children's administration out-of-home care, the likely need for students in children's administration out-of-home care to have a strong relationship with one or more adults at school and academic and behavioral remediation, and the need to determine eligibility of students in children's administration out-of-home care for the many programs for which they qualify that are provided in schools;

(4) Provide technical assistance to schools concerning interagency agreements and children's administration policies relative to the education of children who live in children's administration out-of-home care;

(5) Coordinate with the McKinney-Vento education of homeless children and youth program supervisor within the office of the superintendent of public instruction on issues that relate to the definition of children's administration out-of-home care and homelessness;

(6) Coordinate with the office of the superintendent of public instruction the legal interpretations of the family education rights and privacy act and the health insurance portability and accountability act relative to data exchange;

(7) Provide technical assistance to school districts within the Puget Sound educational service district to facilitate local data exchange;

(8) Coordinate with regions 4 and 5 children's administration education leads to facilitate completion of interagency agreements for top priority school districts within the Puget Sound educational service district; and

(9) Establish a model information and data-sharing agreement between school districts and the children's administration and facilitate completion of information and data-sharing agreements.

**NEW SECTION. Sec. 2** A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall provide an annual aggregate report to the legislature on the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing

FIFTY-FOURTH DAY, MARCH 7, 2008

the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

**NEW SECTION. Sec. 3** A new section is added to chapter 28A.310 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this purpose, the Puget Sound educational service district shall create a grant program for local school districts to improve stability and educational outcomes for students in foster care. Grants shall be awarded to school districts with the highest incidence of child protective services removals and foster care placements under chapter 13.34 RCW.

(2) School districts receiving grants under this section shall agree to the following:

(a) The grant shall not supplant funding already in place for all students.

(b) The grant shall be used to supplement and enhance educational stability and educational outcomes for students in foster care.

(3) Grant activities may include but are not limited to the following:

(a) Dedicated staff time for:

(i) Additional counselor support for students in foster care and foster parent support;

(ii) Facilitation of education planning meetings with children's administration caseworkers, students, foster and relative caregivers, other community providers, and birth parents when appropriate;

(iii) Coordination with programs for which students in foster care may be eligible including: Title I, Upward Bound, free and reduced meals, etc.;

(iv) Tutoring;

(v) Temporary arrangements for transportation to enhance educational stability;

(vi) Coordination with the McKinney-Vento education of homeless children and youth program activities within the office of the superintendent of public instruction and local school district Title X liaisons;

(vii) Activities promoting engagement of foster parents in school programming activities;

(viii) Outreach to birth parents, when appropriate;

(ix) Assurance of timely and accurate record and data transfer when a student in foster care moves to a different school;

(x) Support for school-based foster parent recruitment; and

(xi) Additional school staff training concerning the characteristics and needs of students in foster care including protecting the right to privacy for students in foster care;

(b) Fees normally covered by parents for extracurricular activity participation, school pictures, yearbooks, ASB cards, school fines, etc.

(4) The Puget Sound educational service district shall annually submit a report to the legislature on grant program outcomes under this section.

**NEW SECTION. Sec. 4** A new section is added to chapter 74.13 RCW to read as follows:

(1) Subject to availability of funds appropriated specifically for this purpose, the department of social and health services, within the children's administration, shall fund two school district-based foster care recruitment pilots in one or more of the school districts with the highest number of child protective services removals and out-of-home placements under chapter 13.34 RCW. Pilots must coordinate with existing foster care recruitment contracts and the family-to-family model. Funds can be used to expand existing contracts or fund children's administration staff.

(2) The department of social and health services shall annually report to the legislature on the increase or decrease of foster homes within the pilot areas.

**Sec. 5** RCW 28A.150.510 and 2000 c 88 s 1 are each amended to read as follows:

2008 REGULAR SESSION

In order to effectively serve students who are (~~under the jurisdiction of the juvenile justice system as~~) dependent pursuant to chapter 13.34 RCW, education records shall be (~~released upon~~) transmitted to the department of social and health services within two school days after receiving the request (~~to~~) from the department (~~of social and health services~~) provided that the department (~~of social and health services~~) certifies that it will not disclose to any other party the education records without prior written consent of the parent or student unless authorized to disclose the records under state law. The department of social and health services is authorized to disclose education records it obtains pursuant to this section to a foster parent, guardian, or other entity authorized by the department (~~of social and health services~~) to provide residential care to the student.

**NEW SECTION. Sec. 6** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 2679.

The motion by Senator Tom carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 28A.150.510; adding new sections to chapter 28A.310 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 74.13 RCW; and creating a new section."

#### MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 2679 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2679 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2679 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2679 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY-FOURTH DAY, MARCH 7, 2008

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2580, by House Committee on Appropriations (originally sponsored by Representatives Hurst, McCoy, VanDeWege, Morrell, Campbell and Roach)

Concerning paydates for employees participating in state active military duty.

The measure was read the second time.

## MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2580.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2580 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2822, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Walsh, Lantz, Dickerson, Haler, Sullivan, Seaquist and Kenney)

Concerning the family and juvenile court improvement program.

The measure was read the second time.

## MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 2.56 RCW to read as follows:

Subject to the availability of funds appropriated therefor, the family and juvenile court improvement grant program is created.

(1) The purpose of the program is to assist superior courts in improving their family and juvenile court systems, especially in dependency cases, with the goals of:

## 2008 REGULAR SESSION

(a) Assuring a stable and well-trained judiciary in family and juvenile law providing consistency of judicial officers hearing all of the proceedings in a case involving one family, especially in dependency cases; and

(b) Ensuring judicial accountability in implementing specific principles and practices for family and juvenile court.

(2) The administrator for the courts shall develop and administer the program subject to requirements in section 2 of this act. As part of administering the program, the administrator for the courts shall define appropriate outcome measures, collect data, and gather information from courts receiving grants.

NEW SECTION. Sec. 2 A new section is added to chapter 2.56 RCW to read as follows:

(1) A superior court may apply for grants from the family and juvenile court improvement grant program by submitting a local improvement plan with the administrator for the courts. To be eligible for grant funds, a superior court's local improvement plan must meet the criteria developed by the administrator for the courts and approved by the board for judicial administration. The criteria must be consistent with the principles adopted for unified family courts. At a minimum, the criteria must require that the court's local improvement plan meet the following requirements:

(a) Commit to a chief judge assignment to the family and juvenile court for a minimum of two years;

(b) Implementation of the principle of one judicial team hearing all of the proceedings in a case involving one family, especially in dependency cases;

(c) Require court commissioners and judges assigned to family and juvenile court to receive a minimum of thirty hours specialized training in topics related to family and juvenile matters within six months of assuming duties in family and juvenile court. Where possible, courts should utilize local, statewide, and national training forums. A judicial officer's recorded educational history may be applied toward the thirty-hour requirement. The topics for training must include:

(i) Parentage;

(ii) Adoption;

(iii) Domestic relations;

(iv) Dependency and termination of parental rights;

(v) Child development;

(vi) The impact of child abuse and neglect;

(vii) Domestic violence;

(viii) Substance abuse;

(ix) Mental health;

(x) Juvenile status offenses;

(xi) Juvenile offenders;

(xii) Self-representation issues;

(xiii) Cultural competency;

(xiv) Roles of family and juvenile court judges and commissioners; and

(d) As part of the application for grant funds, submit a spending proposal detailing how the superior court would use the grant funds.

(2) Courts receiving grant money must use the funds to improve and support family and juvenile court operations based on standards developed by the administrator for the courts and approved by the board for judicial administration. The standards may allow courts to use the funds to:

(a) Pay for family and juvenile court training of commissioners and judges or pay for pro tem commissioners and judges to assist the court while the commissioners and judges receive training;

(b) Increase judicial and nonjudicial staff, including administrative staff to improve case coordination and referrals in family and juvenile cases, guardian ad litem volunteers or court-appointed special advocates, security, and other staff;

(c) Improve the court facility to better meet the needs of children and families;

(d) Improve referral and treatment options for court participants, including enhancing court facilitator programs and

FIFTY-FOURTH DAY, MARCH 7, 2008

family treatment court and increasing the availability of alternative dispute resolution;

(e) Enhance existing family and children support services funded by the courts and expand access to social service programs for families and children ordered by the court; and

(f) Improve or support family and juvenile court operations in any other way deemed appropriate by the administrator for the courts.

(3) The administrator for the courts shall allocate available grant moneys based upon the needs of the court as expressed in their local improvement plan.

(4) Money received by the superior court under this program must be used to supplement, not supplant, any other local, state, and federal funds for the court.

(5) Upon receipt of grant funds, the superior court shall submit to the administrator for the courts a spending plan detailing the use of funds. At the end of the fiscal year, the superior court shall submit to the administrator for the courts a financial report comparing the spending plan to actual expenditures. The administrator for the courts shall compile the financial reports and submit them to the appropriate committees of the legislature.

**NEW SECTION. Sec. 3** A new section is added to chapter 2.56 RCW to read as follows:

After July 1, 2009, grant money received by a court under section 1 of this act shall be deemed to be state funding for the purpose of RCW 26.12.260 thereby obligating the court to operate a program to provide services to all parties involved in dissolution proceedings as required in RCW 26.12.260.

This obligation remains in effect only for the duration of the grant authorized by section 1 of this act.

**Sec. 4** RCW 2.56.030 and 2007 c 496 s 302 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;

(10) Administer programs and standards for the training and education of judicial personnel;

2008 REGULAR SESSION

(11) Examine the need for new superior court and district court judge positions under an objective workload analysis. The results of the objective workload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that an objective workload analysis become the basis for creating additional district and superior court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, 2008, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, domestic violence, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Develop a Washington family law handbook in accordance with RCW 2.56.180;

(20) Administer state funds for improving the operation of the courts and provide support for court coordinating councils, under the direction of the board for judicial administration;

**(21) Administer the family and juvenile court improvement grant program;**

**(22)(a)** Administer and distribute amounts appropriated from the equal justice subaccount under RCW 43.08.250(2) for district court judges' and qualifying elected municipal court judges' salary contributions. The administrator for the courts shall develop a distribution formula for these amounts that does not differentiate between district and elected municipal court judges.

(b) A city qualifies for state contribution of elected municipal court judges' salaries under (a) of this subsection if:

(i) The judge is serving in an elected position;

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(ii) The city has established by ordinance that a full-time judge is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or for a part-time judge on a pro rata basis the same equivalent; and

(iii) The city has certified to the office of the administrator for the courts that the conditions in (b)(i) and (ii) of this subsection have been met.

**NEW SECTION. Sec. 5** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 2822.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 2.56.030; adding new sections to chapter 2.56 RCW; and creating a new section."

## MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 2822 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

## MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

## MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2822 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2822 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Kauffman - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2822 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2864, by House Committee on Commerce & Labor (originally sponsored by Representatives Ormsby, Wood, Barlow, Hasegawa and Simpson)

Requiring the filing of certified payroll records on public works projects.

The measure was read the second time.

## MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 39.12.030 and 1989 c 12 s 9 are each amended to read as follows:

(1) The specifications for every contract for the construction, reconstruction, maintenance, or repair of any public work, to which the state or any county, municipality, or political subdivision created by its laws is a party, shall contain a provision stating the hourly minimum rate of wage, not less than the prevailing rate of wage, which may be paid to laborers, workers, or mechanics in each trade or occupation required for such public work employed in the performance of the contract either by the contractor, subcontractor or other person doing or contracting to do the whole or any part of the work contemplated by the contract, and the contract shall contain a stipulation that such laborers, workers, or mechanics shall be paid not less than such specified hourly minimum rate of wage.

(2) For purposes of compliance with this chapter, including identifying certified payroll records to be requested from a contractor or subcontractor, every contract and subcontract for the construction, reconstruction, maintenance, or repair of any public work, to which the state or any county, municipality, or political subdivision created by its laws is a party, must contain a provision requiring the contractor and all subcontractors to submit a certified list of any off-site prefabricated, nonstandard, project-specific products that are supplied under the terms of each respective contract. The list must identify: (a) The type of product produced; (b) the contractor or subcontractor's name; (c) the contractor or subcontractor's employer identification number; (d) the labor hours expended producing the product; and (e) the hourly rate of wages paid in each trade or occupation producing the product. The provision in the contract or subcontract must indicate that the list requirement does not apply to a contractor or subcontractor who submits a statement of intent to pay prevailing wages under RCW 39.12.040(1).

**Sec. 2** RCW 39.12.040 and 2007 c 210 s 4 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, before payment is made by or on behalf of the state, or any county, municipality, or political subdivision created by its laws, of any sum or sums due on account of a public works contract, it shall be the duty of the officer or person charged with the custody and disbursement of public funds to require the contractor and each and every subcontractor from the contractor or a subcontractor to submit to such officer a "Statement of Intent to Pay Prevailing Wages". For a contract in excess of ten thousand dollars, the statement of intent to pay prevailing wages shall include:

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

~~((a))~~ (i) The contractor's registration certificate number; and

~~((b))~~ (ii) The prevailing rate of wage for each classification of workers entitled to prevailing wages under RCW 39.12.020 and the estimated number of workers in each classification. Each statement of intent to pay prevailing wages must be approved by the industrial statistician of the department of labor and industries before it is submitted to said officer.

(b) Unless otherwise authorized by the department of labor and industries, each voucher claim submitted by a contractor for payment on a project estimate shall state that the prevailing wages have been paid in accordance with the prefiled statement or statements of intent to pay prevailing wages on file with the public agency.

(c) For purposes of compliance with this chapter, including identifying certified payroll records to be requested from a contractor or subcontractor, for a public works project involving the off-site prefabrication of a nonstandard, project-specific product, before final acceptance of the project, the awarding agency must receive from the contractor or subcontractor of all such products a list certified by the contractor or subcontractor that identifies: (i) The contractor or subcontractor's name; (ii) the contractor or subcontractor's employer identification number; (iii) the labor hours expended producing the product; and (iv) the hourly rate of wages paid in each trade or occupation producing the product. The contractor or subcontractor must also submit a copy of the list to the department of labor and industries. This subsection does not apply to a contractor or subcontractor who has submitted a statement of intent to pay prevailing wages under (a) of this subsection.

(d) Following the final acceptance of a public works project, it shall be the duty of the officer charged with the disbursement of public funds, to require the contractor and each and every subcontractor from the contractor or a subcontractor to submit to such officer an "Affidavit of Wages Paid" before the funds retained according to the provisions of RCW 60.28.010 are released to the contractor. Each affidavit of wages paid must be certified by the industrial statistician of the department of labor and industries before it is submitted to said officer.

(2) As an alternate to the procedures provided for in subsection (1) of this section, for public works projects of two thousand five hundred dollars or less and for projects where the limited public works process under RCW 39.04.155(3) is followed:

(a) An awarding agency may authorize the contractor or subcontractor to submit the statement of intent to pay prevailing wages directly to the officer or person charged with the custody or disbursement of public funds in the awarding agency without approval by the industrial statistician of the department of labor and industries. The awarding agency shall retain such statement of intent to pay prevailing wages for a period of not less than three years.

(b) Upon final acceptance of the public works project, the awarding agency shall require the contractor or subcontractor to submit an affidavit of wages paid. Upon receipt of the affidavit of wages paid, the awarding agency may pay the contractor or subcontractor in full, including funds that would otherwise be retained according to the provisions of RCW 60.28.010. Within thirty days of receipt of the affidavit of wages paid, the awarding agency shall submit the affidavit of wages paid to the industrial statistician of the department of labor and industries for approval.

(c) A statement of intent to pay prevailing wages and an affidavit of wages paid shall be on forms approved by the department of labor and industries.

(d) In the event of a wage claim and a finding for the claimant by the department of labor and industries where the awarding agency has used the alternative process provided for in subsection (2) of this section, the awarding agency shall pay the wages due directly to the claimant. If the contractor or

subcontractor did not pay the wages stated in the affidavit of wages paid, the awarding agency may take action at law to seek reimbursement from the contractor or subcontractor of wages paid to the claimant, and may prohibit the contractor or subcontractor from bidding on any public works contract of the awarding agency for up to one year.

(e) Nothing in this section shall be interpreted to allow an awarding agency to subdivide any public works project of more than two thousand five hundred dollars for the purpose of circumventing the procedures required by ~~((RCW 39.12.040(1)))~~ subsection (1) of this section.

NEW SECTION. **Sec. 3** A new section is added to chapter 39.12 RCW to read as follows:

If an interested party makes a written request of a contractor or subcontractor to file certified payroll records under rules regarding payroll which have been adopted by the department of labor and industries to enforce this chapter and the records requested are for the off-site prefabrication of a nonstandard, project-specific product, the contractor or subcontractor must file the certified copy of the payroll records with the awarding agency and the department of labor and industries."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Regala, Senators Fairley and Kauffman were excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles to Engrossed Substitute House Bill No. 2864.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 39.12.030 and 39.12.040; and adding a new section to chapter 39.12 RCW."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 2864 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Keiser spoke in favor of passage of the bill.

Senators King, Carrell, Holmquist, Zarelli and Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2864 as amended by the Senate.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 2864 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2713, by House Committee on Appropriations (originally sponsored by

FIFTY-FOURTH DAY, MARCH 7, 2008

Representatives Seaquist, Hurst, Lantz, Pearson, Conway, Morrell, Miloscia, Priest, Kenney, Schual-Berke, Haler, McDonald, Loomis, Smith, Bailey, Kristiansen, Hudgins, McCune, Simpson, VanDeWege, Ericks, Kelley, Ormsby and Rolfes)

Providing for broader collection of biological samples for the DNA identification of convicted sex offenders and other persons.

The measure was read the second time.

#### MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 43.43.753 and 2002 c 289 s 1 are each amended to read as follows:

The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called "DNA identification."

The legislature further finds that DNA databases are important tools in criminal investigations, in the exclusion of individuals who are the subject of investigations or prosecutions, and in detecting recidivist acts. It is the policy of this state to assist federal, state, and local criminal justice and law enforcement agencies in both the identification and detection of individuals in criminal investigations and the identification and location of missing and unidentified persons. Therefore, it is in the best interest of the state to establish a DNA database and DNA data bank containing DNA samples submitted by persons convicted of felony offenses and other crimes as specified in RCW 43.43.754. DNA samples necessary for the identification of missing persons and unidentified human remains shall also be included in the DNA database.

The legislature further finds that the DNA identification system used by the federal bureau of investigation and the Washington state patrol has no ability to predict genetic disease or predisposal to illness. Nonetheless, the legislature intends that biological samples collected under RCW 43.43.754, and DNA identification data obtained from the samples, be used only for purposes related to criminal investigation, identification of human remains or missing persons, or improving the operation of the system authorized under RCW 43.43.752 through 43.43.758.

**Sec. 2** RCW 43.43.754 and 2002 c 289 s 2 are each amended to read as follows:

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony (~~stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense must have a biological sample collected for purposes of DNA identification analysis in the following manner~~), or any of the following crimes (or equivalent juvenile offenses):

Assault in the fourth degree with sexual motivation (RCW 9A.36.041, 9.94A.835)

Communication with a minor for immoral purposes (RCW 9.68A.090)

Custodial sexual misconduct in the second degree (RCW 9A.44.170)

Failure to register (RCW 9A.44.130)

Harassment (RCW 9A.46.020)

Patronizing a prostitute (RCW 9A.88.110)

Sexual misconduct with a minor in the second degree (RCW 9A.44.096)

Stalking (RCW 9A.46.110)

Violation of a sexual assault protection order granted under chapter 7.90 RCW; and

(b) Every adult or juvenile individual who is required to register under RCW 9A.44.130.

(2) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(3) Biological samples shall be collected in the following manner:

(a) For persons convicted of (~~such offenses~~) any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in a city or county jail facility, the city or county shall be responsible for obtaining the biological samples (~~either as part of the intake process into the city or county jail or detention facility for those persons convicted on or after July 1, 2002, or within a reasonable time after July 1, 2002, for those persons incarcerated before July 1, 2002, who have not yet had a biological sample collected, beginning with those persons who will be released the soonest~~).

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of (~~such offenses~~) any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do not serve a term of confinement in a city or county jail facility (~~the local police department or sheriff's office is responsible for obtaining the biological samples after sentencing on or after July 1, 2002~~); and

(ii) Persons who are required to register under RCW 9A.44.030.

(c) For persons convicted of (~~such offenses~~) any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of social and health services facility, the facility holding the person shall be responsible for obtaining the biological samples (~~either as part of the intake process into such facility for those persons convicted on or after July 1, 2002, or within a reasonable time after July 1, 2002~~)). For those persons incarcerated before (~~July 1, 2002~~) the effective date of this section, who have not yet had a biological sample collected, (~~beginning with~~) priority shall be given to those persons who will be released the soonest.

(~~(2)~~) (4) Any biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

(~~(3)~~) (5) The (~~director of the~~) forensic laboratory services bureau of the Washington state patrol (~~shall perform~~) is responsible for testing performed on all biological samples that are collected under subsection (1) of this section, to the extent allowed by funding available for this purpose. The director shall give priority to testing on samples collected from those adults or juveniles convicted of a felony or adjudicated guilty of an equivalent juvenile offense that is defined as a sex offense or a violent offense in RCW 9.94A.030. Known duplicate samples

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

may be excluded from testing unless testing is deemed necessary or advisable by the director.

~~((4)) This section applies to all adults who are convicted of a sex or violent offense after July 1, 1990; and to all adults who were convicted of a sex or violent offense on or prior to July 1, 1990, and who are still incarcerated on or after July 25, 1999. This section applies to all juveniles who are adjudicated guilty of a sex or violent offense after July 1, 1994; and to all juveniles who were adjudicated guilty of a sex or violent offense on or prior to July 1, 1994, and who are still incarcerated on or after July 25, 1999. This section applies to all adults and juveniles who are convicted of a felony other than a sex or violent offense, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, or communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense, on or after July 1, 2002; and to all adults and juveniles who were convicted or adjudicated guilty of such an offense before July 1, 2002, and are still incarcerated on or after July 1, 2002.)~~ (6) This section applies to :

(a) All adults and juveniles to whom this section applied prior to the effective date of this section;

(b) All adults and juveniles to whom this section did not apply prior to the effective date of this section who:

(i) Are convicted on or after the effective date of this section of an offense listed in subsection (1)(a) of this section; or

(ii) Were convicted prior to the effective date of this section of an offense listed in subsection (1)(a) of this section and are still incarcerated on or after the effective date of this section; and

(c) All adults and juveniles who are required to register under RCW 9A.44.130 on or after the effective date of this section, whether convicted before, on, or after the effective date of this section.

~~((5))~~ (7) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

~~((6))~~ (8) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks.

**Sec. 3** RCW 43.43.754 and 2002 c 289 s 4 are each amended to read as follows:

Every sentence imposed under chapter 9.94A RCW((;)) for a ((felony)) crime specified in RCW 43.43.754 ((that is committed on or after July 1, 2002;)) must include a fee of one hundred dollars ((for collection of a biological sample as required under RCW 43.43.754, unless the court finds that imposing the fee would result in undue hardship on the offender)). The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030, payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. The clerk of the court shall transmit eighty percent of the fee((s)) collected to the state treasurer for deposit in the state DNA database account created under RCW 43.43.7532, and shall transmit twenty percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754.

**Sec. 4** RCW 43.43.756 and 1989 c 350 s 5 are each amended to read as follows:

The Washington state patrol ((in consultation with the University of Washington school of medicine)) forensic laboratory services bureau may:

(1) Provide DNA analysis services to law enforcement agencies throughout the state ((after July 1, 1990));

(2) Provide assistance to law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and

(3) Provide expert testimony in court on DNA evidentiary issues."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Second Substitute House Bill No. 2713.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "and amending RCW 43.43.753, 43.43.754, 43.43.7541, and 43.43.756."

MOTION

On motion of Senator Regala, the rules were suspended, Second Substitute House Bill No. 2713 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2713 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2713 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Kastama - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2713 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3200, by Representatives Schmick, Simpson, Warnick, Schindler and Sullivan

Establishing a cemetery district in a county.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 3200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FIFTY-FOURTH DAY, MARCH 7, 2008

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3200.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3200 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Carrell - 1

HOUSE BILL NO. 3200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 3120, by House Committee on Finance (originally sponsored by Representatives Rolfes, Morrell, Liias and Williams)

Providing a sales and use tax exemption for environmentally certified residential and commercial construction. Revised for 1st Substitute: Requiring a study on tax incentives to encourage green building.

The measure was read the second time.

#### MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** (1)(a) The legislature finds that green building, also called "sustainable" or "high-performance" building, has significant environmental benefits. Buildings consume thirty-six percent of the energy used in the United States, more than factories and automobiles, and they generate thirty percent of the nation's greenhouse gas emissions. The construction of commercial, residential, public, or institutional buildings using energy-efficient techniques and environmentally sustainable products also connects to the state's climate change goals.

(b) The legislature further finds that standards for green building provide an effective framework for green building practices. Some techniques have been shown to reduce building energy costs by twenty to fifty percent and water usage by at least fifty percent outdoors and thirty percent indoors. It is in the interest of the state to encourage the best green building practices through targeted incentives and policies.

(c) The legislature intends to establish a connection between green construction and the need for local governments to adopt "green" land use provisions, permitting standards, and building codes that allow green building, in order to achieve the most effective climate change policies.

(2) The department of community, trade, and economic development shall conduct a study to determine the potential feasibility and effectiveness of providing tax incentives to encourage green building in commercial, residential, and public

2008 REGULAR SESSION

buildings. The department of revenue shall provide any tax-related data necessary for the department of community, trade, and economic development to perform the study.

(3) In conducting the study, the department of community, trade, and economic development shall:

(a) Identify existing tax incentives with the primary purpose of encouraging green building;

(b) Propose tax incentives that would encourage green building, with special emphasis on sales and use tax exemptions on green building construction activities and business and occupation tax incentives for contractors or architects that build or design green buildings;

(c) Provide an estimate on the fiscal cost for each tax incentive identified under (b) of this subsection;

(d) Provide an estimate of cost savings and emission reductions for the estimated number of buildings that would qualify for a tax incentive identified under (b) of this subsection;

(e) Recommend other tax and programmatic policy changes that would encourage green building;

(f) Evaluate whether tax incentives should target communities that encourage green building; and

(g) Evaluate current trends in green building and whether tax incentives would support these trends.

(4) The department of community, trade, and economic development may include any other information in the study that it deems necessary for the legislative evaluation of potential tax incentives to encourage green building.

(5) By December 1, 2008, the department of community, trade, and economic development shall report its findings and recommendations to the appropriate committees of the legislature."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 3120.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "construction;" strike the remainder of the title and insert "and creating a new section."

#### MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 3120 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3120 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3120 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala,

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Honeyford - 1

SUBSTITUTE HOUSE BILL NO. 3120 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865, by House Committee on Judiciary (originally sponsored by Representatives Williams, O'Brien, Springer, Fromhold, Warnick and McCune)

Limiting the obligations of landlords under writs of restitution.

The measure was read the second time.

#### MOTION

On motion of Senator Weinstein, the rules were suspended, Engrossed Substitute House Bill No. 1865 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1865.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1865 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Murray - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2476, by Representatives McCoy, Simpson, Lantz, Appleton, O'Brien, Kenney, Sells, Moeller, Hudgins, Dunn, Upthegrove and Chase

Authorizing tribal police officers to act as general authority Washington state peace officers.

The measure was read the second time.

#### PARLIAMENTARY INQUIRY

Senator Kline: "We have a striker amendment by Senator Carrell and myself. We also have a committee striker."

#### REPLY BY THE PRESIDENT

President Owen: "The President assumes that you wish to pass the amendment by you and Senator Carrell. He would suggest that possibly you would make the motion to not adopt the committee amendment."

#### MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "General authority Washington peace officer" means an officer authorized to enforce the criminal and traffic laws of the state of Washington generally.

(2) "Tribal police officer" means any person in the employ of one of the federally recognized sovereign tribal governments, whose traditional lands and territories lie within the borders of the state of Washington, to enforce the criminal laws of that government.

NEW SECTION. **Sec. 1** (1) Tribal police officers under subsection (2) of this section shall be recognized and authorized to act as general authority Washington peace officers. A tribal police officer recognized and authorized to act as a general authority Washington peace officer under this section has the same powers as any other general authority Washington peace officer to enforce state laws in Washington, including the power to make arrests for violations of state laws.

(2) A tribal police officer may exercise the powers of law enforcement of a general authority Washington peace officer under this section, subject to the following:

(a) The appropriate sovereign tribal nation shall submit to the office of financial management proof of public liability and property damage insurance for vehicles operated by the peace officers and police professional liability insurance from a company licensed to sell insurance in the state.

(i) Within the thirty days of receipt of written proof of insurance from the sovereign tribal nation, the office of financial management shall either approve or reject the adequacy of insurance. The adequacy of insurance under this chapter shall be subject to annual review by the state office of financial management.

(ii) Each policy of insurance issued under this chapter must include a provision that the insurance shall be available to satisfy settlements or judgments arising from the tortious conduct of tribal police officers when acting in the capacity of a general authority Washington peace officer, and that to the extent of policy coverage neither the sovereign tribal nation nor its liability insurance companies will raise a defense of sovereign immunity to preclude an action for damages, the determination of fault in a civil action, or the payment of a settlement or judgment arising from the tortious conduct.

(b) The appropriate sovereign tribal nation shall submit to the office of financial management proof of training requirements for each tribal police officer. To be authorized as a general authority Washington peace officer, a tribal police officer must successfully complete the requirements set forth under RCW 43.101.157. Any applicant not meeting the requirements for certification as a tribal police officer may not act as a general authority Washington peace officer under this chapter. The criminal justice training commission shall notify the office of financial management if:

(i) A tribal police officer authorized under this act as a general authority Washington state peace officer has been decertified pursuant to RCW 43.101.157; or

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(ii) An appropriate sovereign tribal government is otherwise in noncompliance with RCW 43.101.157.

(3) A copy of any citation or notice of infraction issued, or any incident report taken, by a tribal police officer acting in the capacity of a general authority Washington peace officer as authorized by this act must be submitted within three days to the police chief or sheriff within whose jurisdiction the action was taken. Any citation issued under this section shall be to a Washington court, except that any citation issued to Indians within the exterior boundaries of an Indian reservation may be cited to a tribal court. Any arrest made or citation issued not in compliance with this section is not enforceable.

(4) Any authorization granted under this act shall not in any way expand the jurisdiction of any tribal court or other tribal authority.

(5) The authority granted under this act shall be coextensive with the exterior boundaries of the reservation, except that an officer commissioned under this act may act as authorized under RCW 10.93.070 beyond the exterior boundaries of the reservation.

(6) For purposes of civil liability under this chapter, a tribal police officer shall not be considered an employee of the state of Washington or any local government. Neither the state of Washington nor local governments nor their individual employees thereof shall be liable for the authorization of tribal police officers under this chapter, nor for the negligence or other misconduct of tribal officers. The authorization of tribal police officers under this chapter shall not be deemed to have been a nondelegable duty of the state of Washington or any local government.

(7) Nothing in this act impairs or affects the existing status and sovereignty of those sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington as established under the laws of the United States.

(8) Nothing in this act limits, impairs, or nullifies the authority of a county sheriff to appoint duly commissioned state or federally certified tribal police officers as deputy sheriffs authorized to enforce the criminal and traffic laws of the state of Washington.

(9) Nothing in this act limits, impairs, or otherwise affects the existing authority under state or federal law of state or local law enforcement officers to (a) enforce state law within the exterior boundaries of an Indian reservation; or (b) enter Indian country in fresh pursuit of a person suspected of violating state law, where the officer would otherwise not have jurisdiction, as fresh pursuit is defined in RCW 10.93.120.

**NEW SECTION. Sec. 2** Sections 1 and 2 of this act constitute a new chapter in Title 10 RCW.

**NEW SECTION. Sec. 3** (1) This act takes effect June 1, 2009, provided however, if a sovereign tribal nation has entered into an interlocal agreement pursuant to chapter 39.34 RCW with an appropriate local government regarding the implementation of the provisions of this act and the requirements of section 2(2) of this act have been met, the agreement shall be effective immediately thereafter.

(2)(a) If a sovereign tribal nation and an appropriate local government have failed to enter into an interlocal agreement pursuant to chapter 39.34 RCW prior to June 1, 2009, regarding the implementation of the provisions of this act, the sovereign tribal nation and the appropriate local government shall agree to binding arbitration to resolve any conflicts regarding the implementation of the provisions of this act.

(b) The sovereign tribal nation and the appropriate local government shall agree to an arbitration panel consisting of three members. Each party shall name one person to serve as its arbitrator on the arbitration panel. The two members appointed shall meet within seven days following the appointment of the later appointed member to choose a third member to act as the neutral chair of the arbitration panel.

(c) Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chair shall be shared equally between the parties.

(d) The arbitration panel shall consider the final offer submitted by each party and shall select the offer that best implements the provisions of this act."

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "adding a new chapter to Title 10 RCW; and providing an effective date."

The President declared the question before the Senate to be the motion by Senator Kline to not adopt the committee striking amendment by the Committee on Judiciary to Engrossed House Bill No. 2476.

The motion by Senator Kline carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Carrell moved that the following striking amendment by Senators Carrell and Kline be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "General authority Washington peace officer" means an officer authorized to enforce the criminal and traffic laws of the state of Washington generally.

(2) "Tribal police officer" means any person in the employ of one of the federally recognized sovereign tribal governments, whose traditional lands and territories lie within the borders of the state of Washington, to enforce the criminal laws of that government.

**NEW SECTION. Sec. 2** (1) Tribal police officers under subsection (2) of this section shall be recognized and authorized to act as general authority Washington peace officers. A tribal police officer recognized and authorized to act as a general authority Washington peace officer under this section has the same powers as any other general authority Washington peace officer to enforce state laws in Washington, including the power to make arrests for violations of state laws.

(2) A tribal police officer may exercise the powers of law enforcement of a general authority Washington peace officer under this section, subject to the following:

(a) The appropriate sovereign tribal nation shall submit to the office of financial management proof of public liability and property damage insurance for vehicles operated by the peace officers and police professional liability insurance from a company licensed to sell insurance in the state. For purposes of determining adequacy of insurance liability, the sovereign tribal government must submit with the proof of liability insurance a copy of the interlocal agreement between the sovereign tribal government and the local governments that have shared jurisdiction under this chapter where such an agreement has been reached pursuant to subsection (10) of this section.

(i) Within the thirty days of receipt of the information from the sovereign tribal nation, the office of financial management shall either approve or reject the adequacy of insurance, giving consideration to the scope of the interlocal agreement. The adequacy of insurance under this chapter shall be subject to annual review by the state office of financial management.

(ii) Each policy of insurance issued under this chapter must include a provision that the insurance shall be available to satisfy settlements or judgments arising from the tortious conduct of tribal police officers when acting in the capacity of a general authority Washington peace officer, and that to the extent of policy coverage neither the sovereign tribal nation nor the insurance carrier will raise a defense of sovereign immunity to preclude an action for damages under state or federal law, the

FIFTY-FOURTH DAY, MARCH 7, 2008

determination of fault in a civil action, or the payment of a settlement or judgment arising from the tortious conduct.

(b) The appropriate sovereign tribal nation shall submit to the office of financial management proof of training requirements for each tribal police officer. To be authorized as a general authority Washington peace officer, a tribal police officer must successfully complete the requirements set forth under RCW 43.101.157. Any applicant not meeting the requirements for certification as a tribal police officer may not act as a general authority Washington peace officer under this chapter. The criminal justice training commission shall notify the office of financial management if:

(i) A tribal police officer authorized under this chapter as a general authority Washington state peace officer has been decertified pursuant to RCW 43.101.157; or

(ii) An appropriate sovereign tribal government is otherwise in noncompliance with RCW 43.101.157.

(3) A copy of any citation or notice of infraction issued, or any incident report taken, by a tribal police officer acting in the capacity of a general authority Washington peace officer as authorized by this chapter must be submitted within three days to the police chief or sheriff within whose jurisdiction the action was taken. Any citation issued under this chapter shall be to a Washington court, except that any citation issued to Indians within the exterior boundaries of an Indian reservation may be cited to a tribal court. Any arrest made or citation issued not in compliance with this chapter is not enforceable.

(4) Any authorization granted under this chapter shall not in any way expand the jurisdiction of any tribal court or other tribal authority.

(5) The authority granted under this chapter shall be coextensive with the exterior boundaries of the reservation, except that an officer commissioned under this section may act as authorized under RCW 10.93.070 beyond the exterior boundaries of the reservation.

(6) For purposes of civil liability under this chapter, a tribal police officer shall not be considered an employee of the state of Washington or any local government except where a state or local government has deputized a tribal police officer as a specially commissioned officer. Neither the state of Washington and its individual employees nor any local government and its individual employees shall be liable for the authorization of tribal police officers under this chapter, nor for the negligence or other misconduct of tribal officers. The authorization of tribal police officers under this chapter shall not be deemed to have been a nondelegable duty of the state of Washington or any local government.

(7) Nothing in this chapter impairs or affects the existing status and sovereignty of those sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington as established under the laws of the United States.

(8) Nothing in this chapter limits, impairs, or nullifies the authority of a county sheriff to appoint duly commissioned state or federally certified tribal police officers as deputy sheriffs authorized to enforce the criminal and traffic laws of the state of Washington.

(9) Nothing in this act limits, impairs, or otherwise affects the existing authority under state or federal law of state or local law enforcement officers to enforce state law within the exterior boundaries of an Indian reservation or to enter Indian country in fresh pursuit, as defined in RCW 10.93.120, of a person suspected of violating state law, where the officer would otherwise not have jurisdiction.

(10) An interlocal agreement pursuant to chapter 39.34 RCW is required between the sovereign tribal government and all local government law enforcement agencies that will have shared jurisdiction under this chapter prior to authorization taking effect under this chapter. Nothing in this act shall limit, impair, or otherwise affect the implementation of an interlocal agreement completed pursuant to chapter 39.34 RCW by the

2008 REGULAR SESSION

effective date of this act, between a sovereign tribal government and a local government law enforcement agency for cooperative law enforcement.

(a) Sovereign tribal governments that meet all of the requirements of subsection (2) of this section, but do not have an interlocal agreement pursuant to chapter 39.34 RCW and seek authorization under this chapter, may submit proof of liability insurance and training certification to the office of financial management. Upon confirmation of receipt of the information from the office of financial management, the sovereign tribal government and the local government law enforcement agencies that will have shared jurisdiction under this chapter have one year to enter into an interlocal agreement pursuant to chapter 39.34 RCW. If the sovereign tribal government and the local government law enforcement agencies that will have shared jurisdiction under this chapter are not able to reach agreement after one year, the sovereign tribal governments and the local government law enforcement agencies shall submit to binding arbitration pursuant to chapter 7.04A RCW with the American arbitration association or successor agency for purposes of completing an agreement prior to authorization going into effect.

(b) For the purposes of (a) of this subsection, those sovereign tribal government and local government law enforcement agencies that must enter into binding arbitration shall submit to last best offer arbitration. For purposes of accepting a last best offer, the arbitrator must consider other interlocal agreements between sovereign tribal governments and local law enforcement agencies in Washington state, any model policy developed by the Washington association of sheriffs and police chiefs or successor agency, and national best practices.

NEW SECTION. Sec. 3 Sections 1 and 2 of this act constitute a new chapter in Title 10 RCW.

NEW SECTION. Sec. 4 This act takes effect July 1, 2008."

Senators Carrell and Kline spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Carrell and Kline to Engrossed House Bill No. 2476.

The motion by Senator Carrell carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "adding a new chapter to Title 10 RCW; and providing an effective date."

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed House Bill No. 2476 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Carrell, Sheldon and Jacobsen spoke in favor of passage of the bill.

Senators Berkey, Honeyford and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2476 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2476 as amended by the Senate and

FIFTY-FOURTH DAY, MARCH 7, 2008

the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 34

Voting nay: Senators Berkey, Brandland, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Stevens and Zarelli - 15

ENGROSSED HOUSE BILL NO. 2476 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate was recessed until 12:45 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 12:45 p.m. by President Owen.

#### SECOND READING

HOUSE BILL NO. 2774, by Representatives Barlow, O'Brien, Warnick, Ormsby, Seaquist, Moeller, Morrell and Kelley

Making a false or misleading material statement that results in an Amber alert.

The measure was read the second time.

#### MOTION

Senator Tom moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** A new section is added to chapter 9A.76 RCW to read as follows:

(1) A person who, with the intent of causing an activation of the voluntary broadcast notification system commonly known as the "Amber alert," or as the same system may otherwise be known, which is used to notify the public of abducted children, knowingly makes a false or misleading material statement to a public servant that a child has been abducted and which statement causes an activation, is guilty of a class C felony.

(2) "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 2774.

The motion by Senator Tom carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

2008 REGULAR SESSION

On page 1, line 2 of the title, after "alert;" strike the remainder of the title and insert "adding a new section to chapter 9A.76 RCW; and prescribing penalties."

#### MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 2774 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Delvin, Hewitt, Honeyford, McCaslin, Parlette, Roach, Stevens and Zarelli were excused.

#### MOTION

On motion of Senator Regala, Senator Shin was excused.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2774 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2774 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom and Weinstein - 42

Absent: Senator McAuliffe - 1

Excused: Senators Delvin, Hewitt, Honeyford, McCaslin, Shin and Zarelli - 6

HOUSE BILL NO. 2774 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2762, by Representatives Takko, Blake, Orcutt and Herrera

Increasing the number of district court judges in Cowlitz county.

The measure was read the second time.

#### MOTION

On motion of Senator Hatfield, the rules were suspended, House Bill No. 2762 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

#### MOTION

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2762.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2762 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Excused: Senators McAuliffe, McCaslin, Shin and Zarelli - 4

HOUSE BILL NO. 2762, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1141, by House Committee on Human Services (originally sponsored by Representatives Roberts, Haler, O'Brien, Green, Goodman, Kagi, Appleton, Walsh, Williams, Dickerson, Darneille, Flannigan, McCoy, Hinkle, Pettigrew and Hasegawa)

Modifying diversion records provisions.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 13.50.050 and 2004 c 42 s 1 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12) The court shall not grant any motion to seal records made pursuant to subsection (11) of this section that is filed on or after July 1, 1997, unless it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction. For gross misdemeanors and misdemeanors, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person

FIFTY-FOURTH DAY, MARCH 7, 2008

has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction. For diversions, since completion of the diversion agreement, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

~~(17)(a) ((A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.)) (i) Subject to subsection (23) of this section, all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:~~

~~(A) The person who is the subject of the information or complaint is at least eighteen years of age;~~

~~(B) His or her criminal history consists entirely of one diversion agreement or counsel and release entered on or after the effective date of this act;~~

~~(C) Two years have elapsed since completion of the agreement or counsel and release;~~

~~(D) No proceeding is pending against the person seeking the conviction of a criminal offense; and~~

~~(E) There is no restitution owing in the case.~~

~~(ii) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of the records to be destroyed. The requirement to destroy records under this subsection is not~~

2008 REGULAR SESSION

~~dependent on a court hearing or the issuance of a court order to destroy records.~~

~~(iii) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.~~

~~(b) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to the effective date of this act, may request that the court order the records in his or her case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the agreement or counsel and release.~~

~~(c) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.~~

~~(18) If the court grants the motion to destroy records made pursuant to subsection (17)(b) or (c) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.~~

~~(19) The person making the motion pursuant to subsection (17)(b) or (c) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.~~

~~(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.~~

~~(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.~~

~~(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.~~

~~(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older (or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement) or pursuant to subsection (17)(a) of this section.~~

~~(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.~~

~~(23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.~~

~~(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault."~~

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1141.

Senator Fairley spoke in favor of passage of the bill.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

MOTION

The President declared the question before the Senate to be the final passage of House Bill No. 2448.

There being no objection, the following title amendment was adopted:

ROLL CALL

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "and amending RCW 13.50.050."

The Secretary called the roll on the final passage of House Bill No. 2448 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

MOTION

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1141 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1141 as amended by the Senate.

Absent: Senator Roach - 1

Excused: Senators Delvin, McCaslin and Prentice - 3

HOUSE BILL NO. 2448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1141 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

SECOND READING

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

SUBSTITUTE HOUSE BILL NO. 2788, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives VanDeWege, Blake, Orcutt, Kretz, Nelson, Grant, Williams, Eickmeyer, Linville and McCoy)

Excused: Senator McCaslin - 1

SUBSTITUTE HOUSE BILL NO. 1141 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Organizing definitions in Title 77 RCW.

The measure was read the second time.

MOTION

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

SECOND READING

Strike everything after the enacting clause and insert the following:

HOUSE BILL NO. 2448, by Representatives Hunt, Chandler, Appleton, Armstrong and Haigh

"NEW SECTION. **Sec. 1** The code reviser is directed to put the defined terms in RCW 77.08.010 in alphabetical order.

**Sec. 2** RCW 77.08.010 and 2007 c 350 s 2 and 2007 c 254 s 1 are each reenacted and amended to read as follows:

~~((As used in))~~ The definitions in this section apply throughout this title or rules adopted under this title(⌘) unless the context clearly requires otherwise(⌘).

Changing the time frame covered by the twenty-one day preelection campaign finance report.

(1) "Director" means the director of the department of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

The measure was read the second time.

(4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 2448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title

FIFTY-FOURTH DAY, MARCH 7, 2008

and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

2008 REGULAR SESSION

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(28) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(29) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(30) "Senior" means a person seventy years old or older.

(31) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(32) "Saltwater" means those marine waters seaward of river mouths.

(33) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(34) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(35) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(36) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(37) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

(38) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(39) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(40) "Commercial" means related to or connected with buying, selling, or bartering.

(41) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(42) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(43) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(44) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(45) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(46) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(47) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(48) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(49) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(50) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(51) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(52) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(53) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(54) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(55) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (48) through (53) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(56) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

**Sec. 3** RCW 77.04.060 and 1993 sp.s. c 2 s 63 are each amended to read as follows:

(1) The commission shall hold at least one regular meeting during the first two months of each calendar quarter, and special meetings when called by the chair and by five members. Five members constitute a quorum for the transaction of business.

(2) The commission at a meeting in each odd-numbered year shall elect one of its members as ~~((chairman))~~ chair and another member as ~~((vice-chairman))~~ vice-chair, each of whom shall serve for a term of two years or until a successor is elected and qualified.

(3) No member may serve as chair of the commission unless that member has been confirmed by the senate.

(4) Members of the commission shall be compensated in accordance with RCW 43.03.250. In addition, members are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 2788.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "RCW;" strike the remainder of the title and insert "amending RCW 77.04.060; reenacting and amending RCW 77.08.010; and creating a new section."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2788 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2788 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2788 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Fraser - 1

Excused: Senator Fairley - 1

SUBSTITUTE HOUSE BILL NO. 2788 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3126, by House Committee on Finance (originally sponsored by Representatives Loomis, Orcutt, Hunter, McIntire, Priest, Roach, Condotta, Kelley and Rolfes)

Clarifying the interaction of the streamlined sales and use tax legislation and the power of local governments to license and tax.

The measure was read the second time.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

## MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 3126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3126.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3126 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Stevens - 1

Excused: Senator Fairley - 1

SUBSTITUTE HOUSE BILL NO. 3126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2999, by Representatives Hurst, Loomis, Kelley, Kirby, Liias, Morrell, Green and Simpson

Concerning the "chief for a day" program.

The measure was read the second time.

## MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2999 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2999.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2999 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

HOUSE BILL NO. 2999, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 3168, by House Committee on Appropriations (originally sponsored by Representatives Goodman, Kagi, Walsh, Haler, Roberts, Pettigrew, Hinkle, Sullivan, Kessler, Green, Hudgins, Darneille, McIntire, Liias, Kelley, Kenney, Hankins, Nelson, Santos and Ormsby)

Regarding the creation of the Washington head start program.

The measure was read the second time.

## MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** The legislature finds that:

(1) It is in the best interest of the state to provide early learning services to economically disadvantaged families;

(2) Research has demonstrated that comprehensive services, including family support services designed to meet the early education needs of low-income and at-risk children, are successful in improving school readiness, reducing the risk of juvenile delinquency and incarceration, and reducing reliance on public assistance among these children later in life;

(3) The state's early childhood education and assistance program was originally established to serve as the state counterpart to the federal head start program. When it was created, it aligned with the federal program in both standards and funding levels;

(4) The state early childhood education and assistance program has served an important role in providing comprehensive services to low-income children. However, since it was first created, per-child funding levels for the state program have not kept pace with funding levels for the federal program. This has resulted in fewer service hours for children and less intensive services for families;

(5) Aligning performance standards and funding levels for the state early childhood education and assistance program with federal head start will improve the quality of state-supported early learning programs. Additionally, it will improve school readiness through measures, such as a forty percent increase in class time, and it will achieve administrative efficiencies and make state-supported services more easily recognizable and accessible to parents and families eligible for these programs; and

(6) Providing quality early learning services for children from birth to age three is the most cost-effective investment society can make. Additionally, the state can use the demonstrated results from the federal early head start program as an example to expand its reach of services already provided to three and four-year old children to children in the critical birth to three years age category.

**NEW SECTION. Sec. 2** (1) Within existing funds, the department shall develop a proposal for implementing a statewide Washington head start program. To the extent possible while maintaining quality standards, the proposal should align the state early childhood education and assistance program with federal head start program eligibility criteria, guidelines, performance standards, and methods/processes for

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

ensuring continuous improvement in program quality. In this proposal, the department shall make recommendations that:

(a) Identify federal head start program guidelines, performance measures and standards, or other requirements for which state flexibility would be recommended. This shall include an analysis of how state flexibility may impact outcomes for children and how that flexibility might deviate from outcomes associated with the federal standards. Areas to be examined must include, but are not limited to, transportation requirements, service hour configurations, delivery methods, and impact on rural programs;

(b) Provide comparative data regarding child performance, readiness, and educational outcomes for Washington's existing head start and early childhood education and assistance programs;

(c) Determine the alignment between head start standards and the recommendations of Washington learns;

(d) Identify any change in the state early childhood education and assistance program laws that would be required to implement the Washington head start proposal;

(e) Identify additional resources needed to meet federal guidelines and standards. Areas to be examined must include, but are not limited to: Per-child funding levels, professional development and training needs, facilities needs, and technical assistance;

(f) Identify state early childhood education and assistance programs that do and do not offer full-day, full-year services to children, and what transition steps would be needed for these programs to operate in the same manner as federal head start programs;

(g) Provide steps for phasing-in the Washington head start proposal;

(h) Include a timeline, strategy, and funding needs to implement a statewide, state-supported early head start program as a component of the Washington head start proposal; and

(i) Detail the process the department would take with the regional office of federal head start in identifying any exceptions or waivers needed to provide flexibility and maintain high quality standards.

(2) In developing its recommendations for this proposal, the department shall seek, where appropriate and available, training or technical assistance from the appropriate regional office of federal head start in order to maximize nonstate resources that might be available for the consultative work and research involved with developing this proposal. The department also shall consult with and solicit input from:

(a) State early childhood education and assistance program providers on Indian reservations and across the state, including providers who operate solely state-supported programs;

(b) Tribal governments operating head start programs and early head start programs in the state to ensure that the needs of Indian and Alaskan native children and their families are incorporated into the recommendations of the proposal, especially as they pertain to standards or guidelines around language acquisition, school readiness, availability and need for services among Indian and Alaskan native children and their families, and curriculum development; and

(c) Providers operating migrant and seasonal head start programs in the state in order to address the needs of the children of migrant and seasonal farmworker families.

(3) The department shall make recommendations on how it would periodically review the standards and guidelines within the Washington head start program, including incorporation of the latest research and information on early childhood development as well as any new innovations that may further improve outcomes to low-income children and their families.

(4) The department shall deliver its report to the governor and legislature by December 1, 2009.

**NEW SECTION. Sec. 3** Sections 1 and 2 of this act are each added to chapter 43.215 RCW."

MOTION

Senator Kauffman moved that the following amendment by Senator Kauffman and others to the committee striking amendment be adopted.

On page 3, line 37 of the amendment, after "families." insert the following:

"(4) The department's recommendations on a Washington head start proposal shall include how the proposal aligns with the department's current statutory duties. The recommendations shall also include any other options that may improve the quality of state-supported early learning programs."

Renumber the remaining subsection consecutively.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kauffman and others on page 3, line 37 to the committee striking amendment to Second Substitute House Bill No. 3168.

The motion by Senator Kauffman carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Second Substitute House Bill No. 3168.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" insert "and adding new sections to chapter 43.215 RCW."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 3168 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 3168 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 3168 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE HOUSE BILL NO. 3168 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY-FOURTH DAY, MARCH 7, 2008

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637, by House Committee on Health Care & Wellness (originally sponsored by Representatives Hinkle, Cody, B. Sullivan, Moeller, Campbell, Williams, Green, Lovick, Upthegrove, Seaquist, Goodman, Simpson, Morrell, Linville, Ormsby and Rolfes)

Creating the revised uniform anatomical gift act.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 This chapter may be cited as the revised uniform anatomical gift act.

NEW SECTION. Sec. 2 The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual who is at least eighteen years old.

(2) "Agent" means an individual:

(a) Authorized to make health care decisions on the principal's behalf by a power of attorney for health care; or

(b) Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

(4) "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift.

(5) "Disinterested witness" means a witness other than the spouse or state registered domestic partner, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift. The term does not include a person to which an anatomical gift could pass under section 11 of this act.

(6) "Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver's license, identification card, or donor registry.

(7) "Donor" means an individual whose body or part is the subject of an anatomical gift.

(8) "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(9) "Driver's license" means a license or permit issued by the department of licensing to operate a vehicle, whether or not conditions are attached to the license or permit.

(10) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(11) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

2008 REGULAR SESSION

(12) "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(13) "Identification card" means an identification card issued by the department of licensing.

(14) "Know" means to have actual knowledge.

(15) "Minor" means an individual who is less than eighteen years old.

(16) "Organ procurement organization" means a person designated by the secretary of the United States department of health and human services as an organ procurement organization.

(17) "Parent" means a parent whose parental rights have not been terminated.

(18) "Part" means an organ, an eye, or tissue of a human being. The term does not include the whole body.

(19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(20) "Physician" means an individual licensed or otherwise authorized to practice medicine and surgery or osteopathic medicine and surgery under the law of any state.

(21) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

(22) "Prospective donor" means an individual whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. "Prospective donor" does not include an individual who has made a refusal.

(23) "Reasonable costs" include: (a) Programming and software installation and upgrades; (b) employee training that is specific to the organ and tissue donor registry or the donation program created in RCW 46.12.510; (c) literature that is specific to the organ and tissue donor registry or the donation program created in RCW 46.12.510; and (d) hardware upgrades or other issues important to the organ and tissue donor registry or the donation program created in RCW 46.12.510 that have been mutually agreed upon in advance by the department of licensing and the Washington state organ procurement organizations.

(24) "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(25) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(27) "Refusal" means a record created under section 7 of this act that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part.

(28) "Sign" means, with the present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

(31) "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

(32) "Tissue bank" means a person that is licensed to conduct business in this state, accredited, and regulated under

FIFTY-FOURTH DAY, MARCH 7, 2008

federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(33) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

(34) "Washington state organ procurement organization" means an organ procurement organization that has been designated by the United States department of health and human services to coordinate organ procurement activities for any portion of Washington state.

**NEW SECTION. Sec. 3** This chapter applies to an anatomical gift or amendment to, revocation of, or refusal to make an anatomical gift, whenever made.

**NEW SECTION. Sec. 4** Subject to section 8 of this act, an anatomical gift of a donor's body or part may be made during the life of the donor in the manner provided in section 5 of this act by:

(1) The donor, if the donor is an adult or if the donor is a minor and is:

(a) Emancipated; or

(b) Authorized under state law to apply for a driver's license because the donor is at least fifteen and one-half years old;

(2) An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;

(3) A parent of the donor, if the donor is an unemancipated minor; provided, however, that an anatomical gift made pursuant to this subsection shall cease to be valid once the donor becomes either an emancipated minor or an adult; or

(4) The donor's guardian.

**NEW SECTION. Sec. 5** (1) A donor may make an anatomical gift:

(a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

(b) In a will;

(c) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

(d) As provided in subsection (2) of this section.

(2) A donor or other person authorized to make an anatomical gift under section 4 of this act may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in (a) of this subsection.

(3) Revocation, suspension, expiration, or cancellation of a driver's license or identification card through which an anatomical gift has been made does not invalidate the gift.

(4) An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

**NEW SECTION. Sec. 6** (1) Subject to section 8 of this act, a donor or other person authorized to make an anatomical gift under section 4 of this act may amend or revoke an anatomical gift by:

(a) A record signed by:

(i) The donor;

(ii) The other person; or

(iii) Subject to subsection (2) of this section, another individual acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

2008 REGULAR SESSION

(b) A later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

(2) A record signed pursuant to subsection (1)(a)(iii) of this section must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in (a) of this subsection.

(3) Subject to section 8 of this act, a donor or other person authorized to make an anatomical gift under section 4 of this act may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift. The donor or other person shall notify the Washington organ procurement organization of the destruction or cancellation of the document of gift for the purpose of removing the individual's name from the organ and tissue donor registry created in RCW 68.50.635 (as recodified by this act). If the Washington state organ procurement organization that is notified does not maintain a registry for Washington residents, it shall notify all Washington state procurement organizations that do maintain such a registry.

(4) A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

(5) A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection (1) of this section.

**NEW SECTION. Sec. 7** (1) An individual may refuse to make an anatomical gift of the individual's body or part by:

(a) A record signed by:

(i) The individual; or

(ii) Subject to subsection (2) of this section, another individual acting at the direction of the individual if the individual is physically unable to sign;

(b) The individual's will, whether or not the will is admitted to probate or invalidated after the individual's death; or

(c) Any form of communication made by the individual during the individual's terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

(2) A record signed pursuant to subsection (1)(a)(ii) of this section must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the individual; and

(b) State that it has been signed and witnessed as provided in (a) of this subsection.

(3) An individual who has made a refusal may amend or revoke the refusal:

(a) In the manner provided in subsection (1) of this section for making a refusal;

(b) By subsequently making an anatomical gift pursuant to section 5 of this act that is inconsistent with the refusal; or

(c) By destroying or canceling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

(4) Except as otherwise provided in section 8(8) of this act, in the absence of an express, contrary indication by the individual set forth in the refusal, an individual's unrevoked refusal to make an anatomical gift of the individual's body or part bars all other persons from making an anatomical gift of the individual's body or part.

**NEW SECTION. Sec. 8** (1) Except as otherwise provided in subsection (7) of this section and subject to subsection (6) of this section, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending, or revoking an anatomical gift of a donor's body or

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

part if the donor made an anatomical gift of the donor's body or part under section 5 of this act or an amendment to an anatomical gift of the donor's body or part under section 6 of this act.

(2) A donor's revocation of an anatomical gift of the donor's body or part under section 6 of this act is not a refusal and does not bar another person specified in section 4 or 9 of this act from making an anatomical gift of the donor's body or part under section 5 or 10 of this act.

(3) If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under section 5 of this act or an amendment to an anatomical gift of the donor's body or part under section 6 of this act, another person may not make, amend, or revoke the gift of the donor's body or part under section 10 of this act.

(4) A revocation of an anatomical gift of a donor's body or part under section 6 of this act by a person other than the donor does not bar another person from making an anatomical gift of the body or part under section 5 or 10 of this act.

(5) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 4 of this act, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

(6) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 4 of this act, an anatomical gift of a part for one or more of the permitted purposes is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under section 5 or 10 of this act.

(7) If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

(8) If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor's refusal.

**NEW SECTION. Sec. 9** (1) Subject to subsections (2) and (3) of this section and unless barred by section 7 or 8 of this act, an anatomical gift of a decedent's body or part may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(a) An agent of the decedent at the time of death who could have made an anatomical gift under section 4(2) of this act immediately before the decedent's death;

(b) The spouse, or domestic partner registered as required by state law, of the decedent;

(c) Adult children of the decedent;

(d) Parents of the decedent;

(e) Adult siblings of the decedent;

(f) Adult grandchildren of the decedent;

(g) Grandparents of the decedent;

(h) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(i) Any other person having the authority under applicable law to dispose of the decedent's body.

(2) If there is more than one member of a class listed in subsection (1)(a), (c), (d), (e), (f), (g), or (h) of this section entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under section 11 of this act knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

(3) A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection (1) of this section is reasonably available to make or to object to the making of an anatomical gift.

**NEW SECTION. Sec. 10** (1) A person authorized to make an anatomical gift under section 9 of this act may make an anatomical gift by a document of gift signed by the person

making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the individual receiving the oral communication.

(2) Subject to subsection (3) of this section, an anatomical gift by a person authorized under section 9 of this act may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under section 9 of this act may be:

(a) Amended only if a majority of the reasonably available members agree to the amending of the gift; or

(b) Revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

(3) A revocation under subsection (2) of this section is effective only if, before an incision has been made to remove a part from the donor's body or before transplant procedures have begun on the recipient, the procurement organization, transplant hospital, or physician or technician knows of the revocation.

**NEW SECTION. Sec. 11** (1) An anatomical gift may be made to the following persons named in the document of gift:

(a) For research or education: A hospital; an accredited medical school, dental school, college, or university; or an organ procurement organization;

(b) Subject to subsection (2) of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of the part;

(c) An eye bank or tissue bank.

(2) If an anatomical gift to an individual under subsection (1)(b) of this section cannot be transplanted into the individual, the part passes in accordance with subsection (7) of this section in the absence of an express, contrary indication by the person making the anatomical gift.

(3) If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection (1) of this section but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(a) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank.

(b) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank.

(c) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(d) If the part is an organ, an eye, or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement organization.

(4) For the purpose of subsection (3) of this section, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift must be used for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education.

(5) If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection (1) of this section and does not identify the purpose of the gift, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection (7) of this section.

(6) If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor," "organ donor," or "body donor," or by a symbol or statement of similar import, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection (7) of this section.

(7) For purposes of subsections (2), (5), and (6) of this section the following rules apply:

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(a) If the part is an eye, the gift passes to the appropriate eye bank.

(b) If the part is tissue, the gift passes to the appropriate tissue bank.

(c) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(8) An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under subsection (1)(b) of this section, passes to the organ procurement organization as custodian of the organ.

(9) If an anatomical gift does not pass pursuant to subsections (1) through (8) of this section or the decedent's body or part is not used for transplantation, therapy, research, or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

(10) A person may not accept an anatomical gift if the person knows that the gift was not effectively made under section 5 or 10 of this act or if the person knows that the decedent made a refusal under section 7 of this act that was not revoked. For purposes of this subsection (10), if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

(11) Except as otherwise provided in subsection (1)(b) of this section, nothing in this chapter affects the allocation of organs for transplantation or therapy.

**NEW SECTION. Sec. 12** (1) A document of gift need not be delivered during the donor's lifetime to be effective.

(2) Upon or after an individual's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the individual shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the individual or by a person to which the gift could pass under section 11 of this act.

**NEW SECTION. Sec. 13** (1) When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of the records of the department of licensing and any donor registry that it knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

(2) A procurement organization must be allowed reasonable access to information in the records of the department of licensing to ascertain whether an individual at or near death is a donor.

(3) When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

(4) Unless prohibited by law other than this chapter, at any time after a donor's death, the person to which a part passes under section 11 of this act may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

(5) Unless prohibited by law other than this chapter, an examination under subsection (3) or (4) of this section may include an examination of all medical records of the donor or prospective donor.

(6) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

(7) Upon referral by a hospital under subsection (1) of this section, a procurement organization shall make a reasonable search for any person listed in section 9 of this act having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, it shall promptly advise the other person of all relevant information.

(8) Subject to sections 11(9), 21, and 22 of this act, the rights of the person to which a part passes under section 11 of this act are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this chapter, a person that accepts an anatomical gift of an entire body may allow embalming, burial, or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 11 of this act, upon the death of the donor and before embalming, burial, or cremation, shall cause the part to be removed without unnecessary mutilation.

(9) Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

(10) A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

**NEW SECTION. Sec. 14** When English is not the first language of the person or persons making, amending, revoking, or refusing anatomical gifts as defined in this act, organ procurement organizations are responsible for providing, at no cost, appropriate interpreter services or translations to such persons for the purpose of making such decisions.

**NEW SECTION. Sec. 15** Each hospital in this state shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

**NEW SECTION. Sec. 16** (1) Except as otherwise provided in subsection (2) of this section, a person who, for valuable consideration, knowingly purchases or sells a part for transplantation or therapy if removal of a part from an individual is intended to occur after the individual's death is guilty of a class C felony under RCW 9A.20.010.

(2) A person may charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation, or disposal of a part.

**NEW SECTION. Sec. 17** A person who, in order to obtain financial gain, intentionally falsifies, forges, conceals, defaces, or obliterates a document of gift, an amendment or revocation of a document of gift, or a refusal is guilty of a class C felony under RCW 9A.20.010.

**NEW SECTION. Sec. 18** (1) A person who acts in accordance with this chapter or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution, or administrative proceeding.

(2) Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

(3) In determining whether an anatomical gift has been made, amended, or revoked under this chapter, a person may rely upon representations of an individual listed in section 9(1)(b) through (g) of this act relating to the individual's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

**NEW SECTION. Sec. 19** (1) A document of gift is valid if executed in accordance with:

(a) This chapter;

(b) The laws of the state or country where it was executed;

or

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(c) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence, or was a national at the time the document of gift was executed.

(2) If a document of gift is valid under this section, the law of this state governs the interpretation of the document of gift.

(3) A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

**NEW SECTION. Sec. 20** (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Advance health care directive" means a power of attorney for health care or a "directive" as defined in RCW 70.122.020.

(b) "Declaration" means a record signed by a prospective donor specifying the circumstances under which a life support system may be withheld or withdrawn from the prospective donor.

(c) "Health care decision" means any decision made regarding the health care of the prospective donor.

(2) If a prospective donor has a declaration or advance health care directive, and the terms of the declaration or directive and the express or implied terms of a potential anatomical gift are in conflict with regard to the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy, the prospective donor's attending physician and the prospective donor shall confer to resolve the conflict. If the prospective donor is incapable of resolving the conflict, an agent acting under the prospective donor's declaration or directive, or, if none or the agent is not reasonably available, another person authorized by law other than this chapter to make health care decisions on behalf of the prospective donor, shall act for the donor to resolve the conflict. The conflict must be resolved as expeditiously as possible. Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift for the prospective donor under section 9 of this act. Before resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor if withholding or withdrawing the measures is not contraindicated by appropriate end-of-life care.

**NEW SECTION. Sec. 21** (1)(a) A coroner or medical examiner shall cooperate with procurement organizations, to the extent that such cooperation does not prevent, hinder, or impede the timely investigation of death, to facilitate the opportunity to recover anatomical gifts for the purpose of transplantation or therapy. However, a coroner or medical examiner may limit the number of procurement organizations with which he or she cooperates.

(b) The coroner or medical examiner may release the initial investigative information to the tissue or organ procurement organization for the purpose of determining the suitability of the potential donor by those organizations. The information released for this purpose shall remain confidential. The coroner or medical examiner is not liable for any release of confidential information by the procurement organization.

(2)(a) Procurement organizations shall cooperate with the coroner or medical examiner to ensure the preservation of and timely transfer to the coroner or medical examiner any physical or biological evidence from a prospective donor that the procurement organization may have contact with or access to that is required by the coroner or medical examiner for the investigation of death.

(b) If the coroner or medical examiner or a designee releases a part for donation under subsection (4) of this section, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the coroner or medical examiner with a record describing the condition of the part, biopsies, residual tissue, photographs, and any other information and observations requested by the coroner

or medical examiner that would assist in the investigation of death.

(3) A part may not be removed from the body of a decedent under the jurisdiction of a coroner or medical examiner for transplantation, therapy, research, or education unless the part is the subject of an anatomical gift, and has been released by the coroner or medical examiner. The body of a decedent under the jurisdiction of the coroner or medical examiner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift. This subsection does not preclude a coroner or medical examiner from performing the medicolegal investigation upon the body or relevant parts of a decedent under the jurisdiction of the coroner or medical examiner.

(4) If an anatomical gift of a part from the decedent under the jurisdiction of the coroner or medical examiner has been or might be made, but the coroner or medical examiner initially believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death, the collection of evidence, or the description, documentation, or interpretation of injuries on the body, the coroner or medical examiner may consult with the procurement organization or physician or technician designated by the procurement organization about the proposed recovery. After consultation, the coroner or medical examiner may release the part for recovery.

**NEW SECTION. Sec. 22** This chapter is subject to the laws of this state governing the jurisdiction of the coroner or medical examiner.

**NEW SECTION. Sec. 23** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**NEW SECTION. Sec. 24** This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act (15 U.S.C. Sec. 7001 et seq.) with respect to electronic signatures and anatomical gifts, but does not modify, limit, or supersede section 101(a) of that act (15 U.S.C. Sec. 7001), or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. Sec. 7003(b)).

**Sec. 25** RCW 1.50.010 and 1998 c 59 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Organ donor" means an individual who makes an anatomical gift as specified in ~~((RCW 68.50.530(+)))~~ chapter 68.-- RCW (sections 1 through 24 of this act).

(2) "Organ procurement organization" ~~((means any accredited or certified organ or eye bank))~~ has the same meaning as in section 2 of this act.

(3) "Person" means a person specified in ~~((RCW 68.50.550))~~ section 9 of this act.

**Sec. 26** RCW 46.12.510 and 2003 c 94 s 6 are each amended to read as follows:

An applicant for a new or renewed registration for a vehicle required to be registered under this chapter or chapter 46.16 RCW may make a donation of one dollar or more to the organ and tissue donation awareness account to promote the donation of organs and tissues under the provisions of the uniform anatomical gift act, ~~((RCW 68.50.520 through 68.50.630))~~ chapter 68.-- RCW (sections 1 through 24 of this act). The department shall collect the donations and credit the donations to the organ and tissue donation awareness account, created in RCW 68.50.640 (as recodified by this act). At least quarterly, the department shall transmit donations made to the organ and tissue donation awareness account to the foundation established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. All Washington state organ procurement organizations will have proportional access to these funds to conduct public education

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

in their service areas. The donation of one or more dollars is voluntary and may be refused by the applicant. The department shall make available informational booklets or other informational sources on the importance of organ and tissue donations to applicants.

The department shall inquire of each applicant at the time the completed application is presented whether the applicant is interested in making a donation of one dollar or more and shall also specifically inform the applicant of the option for organ and tissue donations as required by RCW 46.20.113. The department shall also provide written information to each applicant volunteering to become an organ and tissue donor. The written information shall disclose that the applicant's name shall be transmitted to the organ and tissue donor registry created in RCW 68.50.635 (as recodified by this act), and that the applicant shall notify a Washington state organ procurement organization of any changes to the applicant's donor status.

All reasonable costs associated with the creation of the donation program created under this section must be paid proportionally or by other agreement by a Washington state organ procurement organization.

For the purposes of this section, "reasonable costs" and "Washington state organ procurement organization" have the same meaning as defined in ((RCW 68.50.530)) section 2 of this act.

**Sec. 27** RCW 46.20.113 and 1993 c 228 s 18 are each amended to read as follows:

The department of licensing shall provide a statement whereby the licensee may certify his or her willingness to make an anatomical gift under ((RCW 68.50.540)) section 4 of this act, as now or hereafter amended. The department shall provide the statement in at least one of the following ways:

- (1) On each driver's license; or
- (2) With each driver's license; or
- (3) With each in-person driver's license application.

**Sec. 28** RCW 46.20.1131 and 2003 c 94 s 5 are each amended to read as follows:

The department shall electronically transfer the information of all persons who upon application for a driver's license or identicard volunteer to donate organs or tissue to a registry created in RCW 68.50.635 (as recodified by this act), and any subsequent changes to the applicant's donor status when the applicant renews a driver's license or identicard or applies for a new driver's license or identicard.

**NEW SECTION. Sec. 29** Sections 1 through 24 of this act constitute a new chapter in Title 68 RCW.

**NEW SECTION. Sec. 30** RCW 68.50.635 and 68.50.640 are each recodified as sections in the new chapter created in section 29 of this act.

**NEW SECTION. Sec. 31** The following acts or parts of acts are each repealed:

- 1 RCW 68.50.500 (Identification of potential donors--Hospital procedures) and 1993 c 228 s 20, 1987 c 331 s 71, & 1986 c 129 s 1;
- 2 RCW 68.50.510 (Good faith compliance with RCW 68.50.500--Hospital liability) and 1987 c 331 s 72 & 1986 c 129 s 2;
- 3 RCW 68.50.520 (Anatomical gifts--Findings--Declaration) and 1993 c 228 s 1;
- 4 RCW 68.50.530 (Anatomical gifts--Definitions) and 2003 c 94 s 2, 1996 c 178 s 15, & 1993 c 228 s 2;
- 5 RCW 68.50.540 (Anatomical gifts--Authorized--Procedures--Changes--Refusal) and 2003 c 94 s 4, 1995 c 132 s 1, & 1993 c 228 s 3;
- 6 RCW 68.50.550 (Anatomical gifts--By person other than decedent) and 2007 c 156 s 26 & 1993 c 228 s 4;
- 7 RCW 68.50.560 (Anatomical gifts--Hospital procedure--Records--Liability) and 1993 c 228 s 5;
- 8 RCW 68.50.570 (Anatomical gifts--Donees) and 1993 c 228 s 6;

9 RCW 68.50.580 (Anatomical gifts--Document of gift--Delivery) and 1993 c 228 s 7;

10 RCW 68.50.590 (Anatomical gifts--Rights of donee--Time of death--Actions by technician, enucleator) and 1993 c 228 s 8;

11 RCW 68.50.600 (Anatomical gifts--Hospitals--Procurement and use coordination) and 1993 c 228 s 9;

12 RCW 68.50.610 (Anatomical gifts--Illegal purchase or sale--Penalty) and 2003 c 53 s 312 & 1993 c 228 s 10; and

13 RCW 68.50.620 (Anatomical gifts--Examination for medical acceptability--Jurisdiction of coroner, medical examiner--Liability limited) and 1993 c 228 s 11."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Second Engrossed Substitute House Bill No. 1637.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 1.50.010, 46.12.510, 46.20.113, and 46.20.1131; adding a new chapter to Title 68 RCW; recodifying RCW 68.50.635 and 68.50.640; repealing RCW 68.50.500, 68.50.510, 68.50.520, 68.50.530, 68.50.540, 68.50.550, 68.50.560, 68.50.570, 68.50.580, 68.50.590, 68.50.600, 68.50.610, and 68.50.620; and prescribing penalties."

MOTION

On motion of Senator Keiser, the rules were suspended, Second Engrossed Substitute House Bill No. 1637 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute House Bill No. 1637 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute House Bill No. 1637 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmner, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 48

Excused: Senator Zarelli - 1

**SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637** as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTY-FOURTH DAY, MARCH 7, 2008

ENGROSSED HOUSE BILL NO. 2459, by Representatives Kelley, Ross, Simpson, Hudgins, Upthegrove and Warnick

Creating the uniform real property electronic recording act.

The measure was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed House Bill No. 2459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2459.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2459 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 48

Excused: Senator Zarelli - 1

ENGROSSED HOUSE BILL NO. 2459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2474, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Wood, Morrell, Barlow and Green)

Modifying supervised experience requirements for social worker licenses.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 18.225.090 and 2006 c 69 s 1 are each amended to read as follows:

(1) The secretary shall issue a license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following education and experience requirements for the applicant's practice area.

(a) Licensed social work classifications:

(i) Licensed advanced social worker:

(A) Graduation from a master's or doctorate social work educational program accredited by the council on social work education and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

2008 REGULAR SESSION

(C) Successful completion of a supervised experience requirement. The supervised experience requirement consists of a minimum of three thousand two hundred hours with supervision by an approved supervisor who has been licensed for at least two years. Of those supervised hours:

(I) At least ninety hours ~~((of supervision))~~ must include direct supervision as specified in this subsection by a licensed independent clinical social worker ~~((or))~~, a licensed advanced social worker ~~((who has been licensed or certified for at least two years))~~, or an equally qualified licensed mental health professional. Of those hours~~(s)~~ of directly supervised experience:

(1) At least fifty hours must include ~~((direct))~~ supervision by a licensed advanced social worker or licensed independent clinical social worker; the other forty hours may be ~~((with))~~ supervised by an equally qualified licensed mental health practitioner~~(s)~~; and

(2) At least forty hours must be in one-to-one supervision and fifty hours may be in one-to-one supervision or group supervision~~(s)~~;

(II) Distance supervision is limited to forty supervision hours~~(s)~~; and

(III) Eight hundred hours must be in direct client contact; and

(D) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(i) Licensed independent clinical social worker:

(A) Graduation from a master's or doctorate level social work educational program accredited by the council on social work education and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The supervised experience requirement consists of a minimum of four thousand hours of experience, ~~((of which))~~ over a three-year period, with supervision by an approved supervisor who has been licensed for at least two years and, as specified in this subsection, may be either a licensed independent clinical social worker who has had at least one year of experience in supervising the clinical social work of others or an equally qualified licensed mental health practitioner. Of those supervised hours:

(I) At least one thousand hours must be direct client contact~~((over a three-year period supervised by a licensed independent clinical social worker who has been licensed or certified for at least five years and who has had at least one year of experience in supervising the clinical social work practice of others, with supervision of))~~;

(II) Hours of direct supervision must include:

(1) At least one hundred thirty hours by a licensed mental health practitioner~~((Of the total supervision))~~;

(2) At least seventy hours ~~((must be))~~ of supervision with ~~((am))~~ a licensed independent clinical social worker meeting the qualifications under this subsection (1)(a)(ii)(C); the other sixty hours may be ~~((with))~~ supervised by an equally qualified licensed mental health practitioner~~(s)~~; and

(3) At least sixty hours must be in one-to-one supervision and seventy hours may be in one-to-one supervision or group supervision~~(s)~~; and

(III) Distance supervision is limited to sixty supervision hours; and

(D) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(b) Licensed mental health counselor:

(i) Graduation from a master's or doctoral level educational program in mental health counseling or a related discipline from a college or university approved by the secretary based upon nationally recognized standards;

(ii) Successful completion of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

of thirty-six months full-time counseling or three thousand hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor or equally qualified licensed mental health practitioner, in an approved setting. The three thousand hours of required experience includes a minimum of one hundred hours spent in immediate supervision with the qualified licensed mental health counselor, and includes a minimum of one thousand two hundred hours of direct counseling with individuals, couples, families, or groups; and

(iv) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(c) Licensed marriage and family therapist:

(i) Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards;

(ii) Successful passage of an approved examination;

(iii) A minimum of three thousand hours of supervised experience requirement. The experience requirement consists of a minimum of two calendar years of full-time marriage and family therapy. Of the total supervision, one hundred hours must be with a licensed marriage and family therapist with at least five years' clinical experience; the other one hundred hours may be with an equally qualified licensed mental health practitioner. Total experience requirements include:

(A) A minimum of three thousand hours of experience, one thousand hours of which must be direct client contact; at least five hundred hours must be gained in diagnosing and treating couples and families; plus

(B) At least two hundred hours of qualified supervision with a supervisor. At least one hundred of the two hundred hours must be one-on-one supervision, and the remaining hours may be in one-on-one or group supervision.

Applicants who have completed a master's program accredited by the commission on accreditation for marriage and family therapy education of the American association for marriage and family therapy may be credited with five hundred hours of direct client contact and one hundred hours of formal meetings with an approved supervisor; and

(iv) Successful completion of continuing education requirements of thirty-six hours, with six in professional ethics.

(2) The department shall establish by rule what constitutes adequate proof of meeting the criteria.

(3) In addition, applicants shall be subject to the grounds for denial of a license or issuance of a conditional license under chapter 18.130 RCW.

**NEW SECTION. Sec. 2** This act is remedial and curative in nature and applies retroactively to July 22, 2003."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 2474.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 18.225.090; and creating a new section."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2474 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2474 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2474 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2474 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2499, by Representatives Pedersen and Rodne

Addressing the materials required to accompany notice under the Washington business corporation act.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2499.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2499 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Delvin, Senator McCaslin was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2575, by House Committee on Local Government (originally sponsored by Representatives Simpson, Ormsby and Wood)

Forming a technical advisory group on fire sprinkler systems in private residences.

The measure was read the second time.

#### MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 2575 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2575.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2575 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Carrell, Honeyford, King, Morton and Pflug - 5

Excused: Senators McCaslin and Prentice - 2

SUBSTITUTE HOUSE BILL NO. 2575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2480, by House Committee on Transportation (originally sponsored by Representatives Clibborn, McIntire and Simpson)

Concerning public transportation fares.

The measure was read the second time.

#### MOTION

Senator Murray moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 35.58 RCW to read as follows:

(1) Persons traveling on public transportation operated by a metropolitan municipal corporation or a city-owned transit system shall pay the fare established by the metropolitan municipal corporation or the city-owned transit system. Such persons shall produce proof of payment when requested by a person designated to monitor fare payment.

(2) The following constitute civil infractions punishable according to the schedule of fines and penalties established by a metropolitan municipal corporation or a city-owned transit system under section 2 of this act:

(a) Failure to pay the required fare;

(b) Failure to display proof of payment when requested to do so by a person designated to monitor fare payment; and

(c) Failure to depart the bus or other mode of public transportation when requested to do so by a person designated to monitor fare payment.

**NEW SECTION. Sec. 2** A new section is added to chapter 35.58 RCW to read as follows:

(1) Both a metropolitan municipal corporation and a city-owned transit system may establish, by resolution, a schedule of fines and penalties for civil infractions established in section 1 of this act. Fines established shall not exceed those imposed for class 1 infractions under RCW 7.80.120.

(2)(a) Both a metropolitan municipal corporation and a city-owned transit system may designate persons to monitor fare payment who are equivalent to, and are authorized to exercise all the powers of, an enforcement officer as defined in RCW 7.80.040. Both a metropolitan municipal corporation and a city-owned transit system may employ personnel to either monitor fare payment or contract for such services, or both.

(b) In addition to the specific powers granted to enforcement officers under RCW 7.80.050 and 7.80.060, persons designated to monitor fare payment may also take the following actions:

(i) Request proof of payment from passengers;

(ii) Request personal identification from a passenger who does not produce proof of payment when requested;

(iii) Issue a citation conforming to the requirements established in RCW 7.80.070; and

(iv) Request that a passenger leave the bus or other mode of public transportation when the passenger has not produced proof of payment after being asked to do so by a person designated to monitor fare payment.

(3) Both a metropolitan municipal corporation and a city-owned transit system shall keep records of citations in the manner prescribed by RCW 7.80.150. All civil infractions established by this section and sections 1 and 3 of this act shall be heard and determined by a district court as provided in RCW 7.80.010 (1) and (4).

**NEW SECTION. Sec. 3** A new section is added to chapter 35.58 RCW to read as follows:

Sections 1 and 2 of this act do not prevent law enforcement authorities from prosecuting for theft, trespass, or other charges by any individual who:

(1) Fails to pay the required fare on more than one occasion within a twelve-month period;

(2) Fails to timely select one of the options for responding to the notice of civil infraction after receiving a statement of the options for responding to the notice of infraction and the procedures necessary to exercise these options; or

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(3) Fails to depart the bus or other mode of public transportation when requested to do so by a person designated to monitor fare payment.

NEW SECTION. Sec. 4 A new section is added to chapter 35.58 RCW to read as follows:

The powers and authority conferred by sections 1 through 3 of this act shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained therein shall be construed as limiting any other powers or authority of any public agency.

Sec. 5 RCW 35.58.020 and 1982 c 103 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Metropolitan municipal corporation" means a municipal corporation of the state of Washington created pursuant to this chapter, or a county which has by ordinance or resolution assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation pursuant to the provisions of chapter 36.56 RCW.

(2) "Metropolitan area" means the area contained within the boundaries of a metropolitan municipal corporation, or within the boundaries of an area proposed to be organized as such a corporation.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a metropolitan area.

(5) "Component county" means a county, all or part of which is included within a metropolitan area.

(6) "Central city" means the city with the largest population in a metropolitan area.

(7) "Central county" means the county containing the city with the largest population in a metropolitan area.

(8) "Special district" means any municipal corporation of the state of Washington other than a city, county, or metropolitan municipal corporation.

(9) "Metropolitan council" means the legislative body of a metropolitan municipal corporation, or the legislative body of a county which has by ordinance or resolution assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation pursuant to the provisions of chapter 36.56 RCW.

(10) "City council" means the legislative body of any city or town.

(11) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the office of financial management.

(12) "Metropolitan function" means any of the functions of government named in RCW 35.58.050.

(13) "Authorized metropolitan function" means a metropolitan function which a metropolitan municipal corporation shall have been authorized to perform in the manner provided in this chapter.

(14) "Metropolitan public transportation" or "metropolitan transportation" for the purposes of this chapter means the transportation of packages, passengers, and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual fare-paying basis, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people-moving systems: PROVIDED, That nothing in this chapter shall be construed to prohibit a metropolitan municipal corporation from leasing its buses to private certified carriers; to prohibit a metropolitan municipal corporation from providing school bus service for the transportation of pupils; or to prohibit a metropolitan municipal corporation from chartering an electric streetcar on rails which it operates entirely within a city.

(15) "Pollution" has the meaning given in RCW 90.48.020.

(16) "Proof of payment" means evidence of fare prepayment authorized by a metropolitan municipal corporation or a city-

owned transit system for the use of buses or other modes of public transportation.

(17) "City-owned transit system" means a system of public transportation owned or operated, including contracts for the services of a publicly owned or operated system of transportation, by a city that is not located within the boundaries of a metropolitan municipal corporation, county transportation authority, or public transportation benefit area.

NEW SECTION. Sec. 6 A new section is added to chapter 36.57A RCW to read as follows:

(1) Persons traveling on public transportation operated by a public transportation benefit area shall pay the fare established by the public transportation benefit area. Such persons shall produce proof of payment when requested by a person designated to monitor fare payment.

(2) The following constitute civil infractions punishable according to the schedule of fines and penalties established by a public transportation benefit area under section 7 of this act:

(a) Failure to pay the required fare;

(b) Failure to display proof of payment when requested to do so by a person designated to monitor fare payment; and

(c) Failure to depart the bus or other mode of public transportation when requested to do so by a person designated to monitor fare payment.

NEW SECTION. Sec. 7 A new section is added to chapter 36.57A RCW to read as follows:

(1) A public transportation benefit area may establish, by resolution, a schedule of fines and penalties for civil infractions established in section 6 of this act. Fines established shall not exceed those imposed for class 1 infractions under RCW 7.80.120.

(2)(a) A public transportation benefit area may designate persons to monitor fare payment who are equivalent to, and are authorized to exercise all the powers of, an enforcement officer as defined in RCW 7.80.040. A public transportation benefit area may employ personnel to either monitor fare payment or contract for such services, or both.

(b) In addition to the specific powers granted to enforcement officers under RCW 7.80.050 and 7.80.060, persons designated to monitor fare payment may also take the following actions:

(i) Request proof of payment from passengers;

(ii) Request personal identification from a passenger who does not produce proof of payment when requested;

(iii) Issue a citation conforming to the requirements established in RCW 7.80.070; and

(iv) Request that a passenger leave the bus or other mode of public transportation when the passenger has not produced proof of payment after being asked to do so by a person designated to monitor fare payment.

(3) A public transportation benefit area shall keep records of citations in the manner prescribed by RCW 7.80.150. All civil infractions established by this section and sections 6 and 8 of this act shall be heard and determined by a district court as provided in RCW 7.80.010 (1) and (4).

NEW SECTION. Sec. 8 A new section is added to chapter 36.57A RCW to read as follows:

Sections 6 and 7 of this act do not prevent law enforcement authorities from prosecuting for theft, trespass, or other charges by any individual who:

(1) Fails to pay the required fare on more than one occasion within a twelve-month period;

(2) Fails to timely select one of the options for responding to the notice of civil infraction after receiving a statement of the options for responding to the notice of infraction and the procedures necessary to exercise these options; or

(3) Fails to depart the bus or other mode of public transportation when requested to do so by a person designated to monitor fare payment.

NEW SECTION. Sec. 9 A new section is added to chapter 36.57A RCW to read as follows:

FIFTY-FOURTH DAY, MARCH 7, 2008

The powers and authority conferred by sections 6 through 8 of this act shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained therein shall be construed as limiting any other powers or authority of any public agency.

**Sec. 10** RCW 36.57A.010 and 2003 c 83 s 209 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Public transportation benefit area" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Public transportation benefit area authority" or "authority" means the legislative body of a public transportation benefit area.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a public transportation benefit area.

(5) "City council" means the legislative body of any city or town.

(6) "County legislative authority" means the board of county commissioners or the county council.

(7) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of financial management.

(8) "Proof of payment" means evidence of fare prepayment authorized by a public transportation benefit area for the use of buses or other modes of public transportation.

(9) "Public transportation service" means the transportation of packages, passengers, and their incidental baggage by means other than by chartered bus, sight-seeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people moving systems: PROVIDED, That nothing shall prohibit an authority from leasing its buses to private certified carriers or prohibit the authority from providing school bus service. "Public transportation service" includes passenger-only ferry service for those public transportation benefit areas eligible to provide passenger-only ferry service under RCW 36.57A.200.

~~((9))~~ (10) "Public transportation improvement conference" or "conference" means the body established pursuant to RCW 36.57A.020 which shall be authorized to establish, subject to the provisions of RCW 36.57A.030, a public transportation benefit area pursuant to the provisions of this chapter.

NEW SECTION. Sec. 11 The code reviser shall alphabetize and renumber the definitions in RCW 35.58.020 and 36.57A.010."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 2480.

The motion by Senator Murray carried and the committee striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "fares;" strike the remainder of the title and insert "amending RCW 35.58.020 and 36.57A.010; adding new sections to chapter 35.58 RCW; adding new sections to chapter 36.57A RCW; creating a new section; and prescribing penalties."

## MOTION

2008 REGULAR SESSION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute House Bill No. 2480 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Regala, Senator Brown was excused.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2480 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2480 as amended by the Senate and the bill passed the Senate by the following vote : Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2480 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3254, by House Committee on Transportation (originally sponsored by Representatives Goodman, Pedersen, Simpson, Morrell, Green, Kelley, Kagi and Roberts)

Concerning accountability for persons driving under the influence of intoxicating liquor or drugs.

The measure was read the second time.

## MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 46.04 RCW to read as follows:

"Ignition interlock driver's license" means a permit issued to a person by the department that allows the person to operate a noncommercial motor vehicle with an ignition interlock device while the person's regular driver's license is suspended, revoked, or denied.

**Sec. 2** RCW 46.20.308 and 2005 c 314 s 307 and 2005 c 269 s 1 are each reenacted and amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer

FIFTY-FOURTH DAY, MARCH 7, 2008

has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(5). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

(c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if the driver is age twenty-one or over and the test indicates the alcohol concentration of the driver's breath or blood is 0.08 or more, or if the driver is under age twenty-one and the test indicates the alcohol concentration of the driver's breath or blood is 0.02 or more, or if the driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504; and

(d) If the driver's license, permit, or privilege to drive is suspended, revoked, or denied the driver may be eligible to immediately apply for an ignition interlock driver's license.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test

2008 REGULAR SESSION

results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or 0.02 or more if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section and that the person waives the right to a hearing if he or she receives an ignition interlock driver's license;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person is age twenty-one or over, or was 0.02 or more if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within ~~((thirty))~~ twenty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of two hundred dollars as part of the request. If the request is mailed, it must be postmarked within ~~((thirty))~~ twenty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required two hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required two hundred dollar fee if the person is an indigent as defined in RCW

FIFTY-FOURTH DAY, MARCH 7, 2008

10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or 0.02 or more if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing

de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10)(a) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, or notifies the department of licensing of the intent to seek such a deferred prosecution, then the license suspension or revocation shall be stayed pending entry of the deferred prosecution. The stay shall not be longer than one hundred fifty days after the date charges are filed, or two years after the date of the arrest, whichever time period is shorter. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

(b) A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(c) The provisions of (b) of this subsection relating to a stay of a suspension, revocation, or denial and the cancellation of any suspension, revocation, or denial do not apply to the suspension, revocation, denial, or disqualification of a person's commercial driver's license or privilege to operate a commercial motor vehicle.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in

FIFTY-FOURTH DAY, MARCH 7, 2008

writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

**NEW SECTION. Sec. 3** A new section is added to chapter 46.68 RCW to read as follows:

The ignition interlock device revolving account is created in the state treasury. All receipts from the fee assessed under section 9(6) of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for administering and operating the ignition interlock device revolving account program.

**Sec. 4** RCW 46.20.342 and 2004 c 95 s 5 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be a habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational ~~(or)~~ driver's license, a temporary restricted driver's license, or an ignition interlock driver's license;

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.500, relating to reckless driving;

(ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

2008 REGULAR SESSION

(x) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xi) A conviction of RCW 46.61.522, relating to vehicular assault;

(xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xv) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

(xvi) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xvii) An administrative action taken by the department under chapter 46.20 RCW; or

(xviii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (i) through (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

**Sec. 5** RCW 46.20.380 and 2004 c 95 s 6 are each amended to read as follows:

FIFTY-FOURTH DAY, MARCH 7, 2008

No person may file an application for an occupational ~~(or)~~ driver's license, a temporary restricted driver's license, or an ignition interlock driver's license as provided in RCW 46.20.391 and section 9 of this act unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of one hundred dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

**Sec. 6** RCW 46.20.391 and 2004 c 95 s 7 are each amended to read as follows:

(1)~~((a))~~ Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide ~~(or)~~, vehicular assault, ~~(or who has had his or her license suspended, revoked, or denied under RCW 46.20.3101)~~ driving while under the influence of intoxicating liquor or any drug, or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, may submit to the department an application for a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue a temporary restricted driver's license and may set definite restrictions as provided in RCW 46.20.394. ~~((No person may petition for, and the department shall not issue, a temporary restricted driver's license that is effective during the first thirty days of any suspension or revocation imposed for a violation of RCW 46.61.502 or 46.61.504 or, for a suspension, revocation, or denial imposed under RCW 46.20.3101, during the required minimum portion of the periods of suspension, revocation, or denial established under (c) of this subsection.~~

~~(b) An applicant under this subsection whose driver's license is suspended or revoked for an alcohol-related offense shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on a vehicle owned or operated by the person.~~

~~(i) The department shall require the person to maintain such a device on a vehicle owned or operated by the person and shall restrict the person to operating only vehicles equipped with such a device, for the remainder of the period of suspension, revocation, or denial.~~

~~(ii) Subject to any periodic renewal requirements established by the department pursuant to this section and subject to any applicable compliance requirements under this chapter or other law, a temporary restricted driver's license granted after a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.~~

~~(iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720 (1) and (2) (a), (b), and (c).~~

~~(c) The department shall provide by rule the minimum portions of the periods of suspension, revocation, or denial set forth in RCW 46.20.3101 after which a person may apply for a temporary restricted driver's license under this section. In establishing the minimum portions of the periods of suspension, revocation, or denial, the department shall consider the requirements of federal law regarding state eligibility for grants or other funding, and shall establish such periods so as to ensure that the state will maintain its eligibility, or establish eligibility, to obtain incentive grants or any other federal funding.)~~

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for

2008 REGULAR SESSION

multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license.

(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.

(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation.

(3) An applicant for an occupational or temporary restricted driver's license who qualifies under subsection (1) or (2) of this section is eligible to receive such license only if:

(a) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522; and

(b) The applicant demonstrates that it is necessary for him or her to operate a motor vehicle because he or she:

(i) Is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle;

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the applicant;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

(iv) Is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous that requires the petitioner to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect for no longer than fourteen days; and

(c) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first-class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and

(e) The department shall not issue an occupational driver's license under (b)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (b)(iv) of this subsection.

(4) A person aggrieved by the decision of the department on the application for an occupational or temporary restricted driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an occupational or temporary restricted driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of a separate offense that under chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the

FIFTY-FOURTH DAY, MARCH 7, 2008

date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

**Sec. 7** RCW 46.20.400 and 2004 c 95 s 9 are each amended to read as follows:

If an occupational ~~((or))~~ driver's license, a temporary restricted driver's license, or an ignition interlock driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's license may be issued to such person until he or she surrenders his or her occupational ~~((or))~~ driver's license, temporary restricted driver's license, or ignition interlock driver's license and his or her copy of the order, and the director is satisfied that the person complies with all other provisions of law relative to the issuance of a driver's license.

**Sec. 8** RCW 46.20.410 and 2004 c 95 s 10 are each amended to read as follows:

Any person convicted for violation of any restriction of an occupational ~~((or))~~ driver's license, a temporary restricted driver's license, or an ignition interlock driver's license shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment.

**NEW SECTION. Sec. 9** A new section is added to chapter 46.20 RCW to read as follows:

(1)(a) Beginning January 1, 2009, any person licensed under this chapter who is convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle in violation of RCW 46.61.502 or 46.61.504, other than vehicular homicide or vehicular assault, or who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied. A person receiving an ignition interlock driver's license waives his or her right to a hearing or appeal under RCW 46.20.308.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial. The installation of an ignition interlock device is not necessary on vehicles owned by a person's employer and driven as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer during working hours.

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720 and 46.61.5055.

2008 REGULAR SESSION

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if:

(a) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522; and

(b) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of a separate offense that under this chapter would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional twenty-dollar fee to the department. (b) The

department shall deposit the proceeds of the twenty-dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

**NEW SECTION. Sec. 10** A new section is added to chapter 46.20 RCW to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under section 9 of this act and RCW 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under section 9 of this act.

**Sec. 11** RCW 46.63.020 and 2005 c 431 s 2, 2005 c 323 s 3, and 2005 c 183 s 10 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational ~~(or)~~ driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to ~~((assisting another person to start a vehicle equipped with))~~ circumventing an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(23) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

~~(24)~~ RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((24))~~ (25) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((25))~~ (26) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((26))~~ (27) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((27))~~ (28) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((28))~~ (29) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

~~((29))~~ (30) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((30))~~ (31) RCW 46.55.035 relating to prohibited practices by tow truck operators;

~~((31))~~ (32) RCW 46.55.300 relating to vehicle immobilization;

~~(33)~~ RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

~~((32))~~ (34) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((33))~~ (35) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((34))~~ (36) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((35))~~ (37) RCW 46.61.500 relating to reckless driving;

~~((36))~~ (38) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((37))~~ (39) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

~~((38))~~ (40) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((39))~~ (41) RCW 46.61.522 relating to vehicular assault;

~~((40))~~ (42) RCW 46.61.5249 relating to first degree negligent driving;

~~((41))~~ (43) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

~~((42))~~ (44) RCW 46.61.530 relating to racing of vehicles on highways;

~~((43))~~ (45) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

~~((44))~~ (46) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((45))~~ (47) RCW 46.61.740 relating to theft of motor vehicle fuel;

~~((46)~~ RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

~~(47))~~ (48) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((48))~~ (49) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((49))~~ (50) Chapter 46.65 RCW relating to habitual traffic offenders;

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

~~((50))~~ (51) RCW 46.68.010 relating to false statements made to obtain a refund;

~~((51))~~ (52) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((52))~~ (53) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((53))~~ (54) RCW 46.72A.060 relating to limousine carrier insurance;

~~((54))~~ (55) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

~~((55))~~ (56) RCW 46.72A.080 relating to false advertising by a limousine carrier;

~~((56))~~ (57) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((57))~~ (58) Chapter 46.82 RCW relating to driver's training schools;

~~((58))~~ (59) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((59))~~ (60) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

**Sec. 12** RCW 46.20.720 and 2004 c 95 s 11 are each amended to read as follows:

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started. The court shall also establish the period of time for which interlock use will be required.

(2) Under RCW 46.61.5055, the court shall order any person convicted of an alcohol-related violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to apply for an ignition interlock driver's license from the department under section 9 of this act and to have a functioning ignition interlock device installed on all motor vehicles operated by the person.

(3) The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock device if the person is convicted of an alcohol-related violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance.

The department may waive the requirement for the use of such a device if it concludes that such devices are not reasonably available in the local area. The device is not necessary on vehicles owned by a person's employer and driven as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer during working hours.

The ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more. The period of time of the restriction will be as follows:

(a) For a person who has not previously been restricted under this section, a period of one year;

(b) For a person who has previously been restricted under (a) of this subsection, a period of five years;

(c) For a person who has previously been restricted under (b) of this subsection, a period of ten years.

**Sec. 13** RCW 46.20.740 and 2004 c 95 s 12 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720 or 46.61.5055 stating that the person may operate only a motor

vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped.

**Sec. 14** RCW 46.61.5055 and 2007 c 474 s 1 are each amended to read as follows:

(1) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home

FIFTY-FOURTH DAY, MARCH 7, 2008

monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(2) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(3) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(4) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has four or more prior offenses within ten years, or who has ever previously been convicted of a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug or RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, shall be punished in accordance with chapter 9.94A RCW.

(5)(a) The court shall require any person convicted of an alcohol-related violation of RCW 46.61.502 or 46.61.504 to apply for an ignition interlock driver's license from the department under section 9 of this act and to have a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) The installation of an ignition interlock device is not necessary on vehicles owned by a person's employer and driven as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer during working hours.

(c) An ignition interlock device imposed under this section shall be calibrated to prevent a motor vehicle from being started

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

when the breath sample provided has an alcohol concentration of 0.025 or more.

(d) The court may waive the requirement that a person obtain an ignition interlock driver's license and operate only vehicles equipped with a functioning ignition interlock device if the court makes a specific finding in writing that the devices are not reasonably available in the local area, that the person does not operate a vehicle, or the person is not eligible to receive an ignition interlock driver's license under section 9 of this act.

(e) When the requirement that a person obtain an ignition interlock driver's license and operate only vehicles equipped with a functioning ignition interlock device is waived by the court, the court shall order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring. The county or municipality where the penalty is being imposed shall determine the cost.

(f) The period of time for which ignition interlock use or alcohol monitoring is required will be as follows:

(i) For a person who has not previously been restricted under this section, a period of one year;

(ii) For a person who has previously been restricted under (f)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (f)(ii) of this subsection, a period of ten years.

(6) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or nonresident driving privileges; and

(b) In any case in which the installation and use of such a device is otherwise mandatory, order the use of such a device for an additional sixty days.

~~((6))~~ (7) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers.

~~((7))~~ (8) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

~~((8))~~ (9) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

For purposes of this subsection ~~((8))~~ (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

~~((9))~~ (10) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

~~((10))~~ (11)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), or (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

~~((11))~~ (12) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

FIFTY-FOURTH DAY, MARCH 7, 2008

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-five days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

~~((#2))~~ (13) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(4).

~~((#3))~~ (14) For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense; and

(c) "Within ten years" means that the arrest for a prior offense occurred within ten years of the arrest for the current offense.

**NEW SECTION. Sec. 15** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus transportation appropriations act, this act is null and void.

**NEW SECTION. Sec. 16** Sections 2, 4 through 8, and 11 through 14 of this act take effect January 1, 2009."

#### MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others to the committee striking amendment be adopted.

On page 23, line 14 of the amendment, after "46.61.5055," insert "10.05.020, or section 18 of this act"

On page 23, line 16 of the amendment, after "ordinance" insert "or participating in a deferred prosecution program under RCW 10.05.020 or section 18 of this act for an alcohol-related

2008 REGULAR SESSION

violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance"

On page 34, after line 7 of the amendment, insert the following:

"**Sec. 15** RCW 10.05.010 and 2002 c 219 s 6 are each amended to read as follows:

(1) In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program. The petition shall be filed with the court at least seven days before the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial.

(2) A person charged with a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020 or section 18 of this act. Such person shall not be eligible for a deferred prosecution program more than once; and cannot receive a deferred prosecution under both RCW 10.05.020 and section 18 of this act. Separate offenses committed more than seven days apart may not be consolidated in a single program.

(3) A person charged with a misdemeanor or a gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once.

**Sec. 16** RCW 10.05.020 and 2002 c 219 s 7 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section or section 18 of this act, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by alcoholism, drug addiction, or mental problems for which the person is in need of treatment and unless treated the probability of future recurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved alcoholism treatment program as designated in chapter 70.96A RCW if the petition alleges alcoholism, an approved drug program as designated in chapter 71.24 RCW if the petition alleges drug addiction, or by an approved mental health center if the petition alleges a mental problem.

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of social and health services to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of social and health services.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgment of his or her rights; (b) an

FIFTY-FOURTH DAY, MARCH 7, 2008

acknowledgment and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgment that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who: (i) Sincerely believes that he or she is innocent of the charges ~~((or))~~; (ii) sincerely believes that he or she does not, in fact, suffer from alcoholism, drug addiction, or mental problems, unless the petition for deferred prosecution is under section 18 of this act; or (iii) in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

(4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

**Sec. 17** RCW 10.05.090 and 1997 c 229 s 1 are each amended to read as follows:

If a petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the petitioner's treatment plan or any term or condition imposed in connection with the installation of an interlock or other device under RCW 46.20.720 or section 9 of this act, the facility, center, institution, or agency administering the treatment or the entity administering the use of the device, shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the petitioner should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the petitioner's alleged failure to comply with the treatment plan or device installation and the petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the petitioner continue on the treatment plan or be removed from deferred prosecution. If the petitioner's noncompliance is based on a violation of a term or condition imposed in connection with the installation of an ignition interlock device under section 9 of this act, the court shall either order that the petitioner comply with the term or condition or be removed from deferred prosecution. If removed from deferred prosecution, the court shall enter judgment pursuant to RCW 10.05.020 and, if the charge for which the deferred prosecution was granted was a misdemeanor or gross misdemeanor under Title 46 RCW, shall notify the department of licensing of the removal and entry of judgment.

**NEW SECTION. Sec. 18** A new section is added to chapter 10.05 RCW to read as follows:

(1) A person charged with a misdemeanor or gross misdemeanor under RCW 46.61.502 or 46.61.504 who has had no prior offenses as defined in RCW 46.61.5055 and has been

2008 REGULAR SESSION

assessed pursuant to subsection (3) of this section shall be eligible for a one-time deferred prosecution program.

(2) Before entering an order deferring prosecution under this section, the court shall make a specific finding that the petitioner has no prior offenses as defined in RCW 46.61.5055 and has been assessed by a certified chemical dependency counselor and a licensed mental health professional, and found not to need treatment for alcoholism, drug addiction, or mental problems. As a condition of granting a deferral prosecution petition, the court shall order the petitioner to satisfy the conditions in RCW 10.05.140 and shall order the petitioner to apply for an ignition interlock driver's license from the department of licensing and have a functioning ignition interlock device installed on all motor vehicles operated by the person. The required period of use of the ignition interlock device shall be one year. The court may order supervision of the petitioner during the period of deferral pursuant to RCW 10.05.170.

(3) A petitioner seeking a deferral of prosecution under this section shall undergo an assessment by a certified chemical dependency counselor and a licensed mental health professional to determine whether the petitioner is or is not in need of treatment for alcoholism, drug addiction, or mental problems.

**Sec. 19** RCW 10.05.160 and 1999 c 143 s 44 are each amended to read as follows:

The prosecutor may appeal an order granting deferred prosecution on any or all of the following grounds:

(1) Prior deferred prosecution has been granted to the defendant;

(2) Failure of the court to obtain proof of insurance or a treatment plan conforming to the requirements of this chapter;

(3) Failure of the court to comply with the requirements of RCW 10.05.100;

(4) Failure of the evaluation facility to provide the information required in RCW 10.05.040 and 10.05.050, if the defendant has been referred to the facility for treatment. If an appeal on such basis is successful, the trial court may consider the use of another treatment program;

(5) Failure of the court to order the installation of an ignition interlock or other device under RCW 46.20.720 or section 9 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Hargrove spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 23, line 14 to the committee striking amendment to Engrossed Second Substitute House Bill No. 3254.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted by voice vote.

#### MOTION

Senator Brandland moved that the following amendment by Senator Brandland and others to the committee striking amendment be adopted.

Beginning on page 28, line 37 of the amendment, strike all of subsection (4) and insert the following:

"(4) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 ~~((and who))~~ shall be punished under chapter 9.94A RCW if: (a) The person has four or more prior offenses within ten years~~((;))~~; or ~~((who))~~ (b) the person has ever previously been convicted of: (i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug ~~((or))~~; (ii) a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

any drug (~~shall be punished in accordance with chapter 9.94A RCW~~); or (iii) an out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection."

On page 34, after line 7 of the amendment, insert the following:

"**Sec. 15** RCW 46.61.502 and 2006 c 73 s 1 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if: (a) The person has four or more prior offenses within ten years as defined in RCW 46.61.5055; or (b) the person has ever previously been convicted of (i) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), ~~((or))~~ (ii) vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or (iii) an out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection.

"**Sec. 16** RCW 46.61.504 and 2006 c 73 s 2 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or

affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if: (a) The person has four or more prior offenses within ten years as defined in RCW 46.61.5055; or (b) the person has ever previously been convicted of (i) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), ~~((or))~~ (ii) vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or (iii) an out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Brandland spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brandland and others on page 28, line 7 to the committee striking amendment to Engrossed Second Substitute House Bill No. 3254.

The motion by Senator Brandland carried and the amendment to the committee striking amendment was adopted by voice vote.

#### MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others to the committee striking amendment be adopted.

On page 34, after line 7 of the amendment, insert the following:

"**Sec. 15** RCW 10.05.010 and 2002 c 219 s 6 are each amended to read as follows:

(1) In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

considered for a deferred prosecution program. The petition shall be filed with the court at least seven days before the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial.

(2) A person charged with a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020 or section 18 of this act. Such person shall not be eligible for a deferred prosecution program more than once. Separate offenses committed more than seven days apart may not be consolidated in a single program.

(3) A person charged with a misdemeanor or a gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once.

**Sec. 16** RCW 10.05.020 and 2002 c 219 s 7 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section or section 18 of this act, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by alcoholism, drug addiction, or mental problems for which the person is in need of treatment and unless treated the probability of future recurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved alcoholism treatment program as designated in chapter 70.96A RCW if the petition alleges alcoholism, an approved drug program as designated in chapter 71.24 RCW if the petition alleges drug addiction, or by an approved mental health center if the petition alleges a mental problem.

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of social and health services to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of social and health services.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgment of his or her rights; (b) an acknowledgment and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury

trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgment that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who: (i) Sincerely believes that he or she is innocent of the charges ~~((or))~~; (ii) sincerely believes that he or she does not, in fact, suffer from alcoholism, drug addiction, or mental problems, unless the petition for deferred prosecution is under section 18 of this act; or (iii) in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

(4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

**Sec. 17** RCW 10.05.090 and 1997 c 229 s 1 are each amended to read as follows:

If a petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the petitioner's treatment plan or any term or condition imposed in connection with the installation of an interlock or other device under RCW 46.20.720 or section 9 of this act, the facility, center, institution, or agency administering the treatment or the entity administering the use of the device, shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the petitioner should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the petitioner's alleged failure to comply with the treatment plan or device installation and the petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the petitioner continue on the treatment plan or be removed from deferred prosecution. If the petitioner's noncompliance is based on a violation of a term or condition imposed in connection with the installation of an ignition interlock device under section 9 of this act, the court shall either order that the petitioner comply with the term or condition or be removed from deferred prosecution. If removed from deferred prosecution, the court shall enter judgment pursuant to RCW 10.05.020 and, if the charge for which the deferred prosecution was granted was a misdemeanor or gross misdemeanor under Title 46 RCW, shall notify the department of licensing of the removal and entry of judgment.

**NEW SECTION. Sec. 18** A new section is added to chapter 10.05 RCW to read as follows:

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(1) A person charged with a misdemeanor or gross misdemeanor under RCW 46.61.502 or 46.61.504 who has had no prior offenses as defined in RCW 46.61.5055 and has been assessed pursuant to subsection (3) of this section shall be eligible for a one-time deferred prosecution program.

(2) Before entering an order deferring prosecution under this section, the court shall make a specific finding that the petitioner has no prior offenses as defined in RCW 46.61.5055 and has been assessed by a certified chemical dependency counselor and a licensed mental health professional, and found not to need treatment for alcoholism, drug addiction, or mental problems. As a condition of granting a deferral prosecution petition, the court shall order the petitioner to satisfy the conditions in RCW 10.05.140 and shall order the petitioner to apply for an ignition interlock driver's license from the department of licensing and have a functioning ignition interlock device installed on all motor vehicles operated by the person. The required period of use of the ignition interlock device shall be one year. The court may order supervision of the petitioner during the period of deferral pursuant to RCW 10.05.170.

(3) A petitioner seeking a deferral of prosecution under this section shall undergo an assessment by a certified chemical dependency counselor and a licensed mental health professional to determine whether the petitioner is or is not in need of treatment for alcoholism, drug addiction, or mental problems."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 34, line 16 of the title amendment, after "46.20.740," strike "and" and after "46.61.5055" insert ", 10.05.010, 10.05.020, and 10.05.090"

On page 34, line 19 of the title amendment, after "RCW;" insert "adding a new section to chapter 10.05 RCW;"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Hargrove, the amendment by Senator Hargrove and others on page 34, line 7 to the committee striking amendment to Engrossed Second Substitute House Bill No. 3254 was withdrawn.

#### MOTION

Senator Brandland moved that the following amendment by Senator Brandland to the committee striking amendment be adopted.

On page 34, after line 7 of the amendment, insert the following:

"**Sec. 15** RCW 9.94A.533 and 2007 c 368 s 9 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement

or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a

violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055. This enhancement is mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the

FIFTY-FOURTH DAY, MARCH 7, 2008

offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in ~~((the))~~ the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

**Sec. 16** RCW 9.94A.728 and 2007 c 483 s 304 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements. An offender convicted of vehicular homicide committed while under the influence of intoxicating liquor or any drug that involves a sentence enhancement under RCW 9.94A.533(7) may not receive any earned early release time for the portion of his or her sentence that results from the enhancement.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

2008 REGULAR SESSION

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(E) Has not committed a new felony after July 22, 2007, while under community supervision, community placement, or community custody.

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody or community placement;

(e) If the department denies transfer to community custody status in lieu of earned early release pursuant to (d) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;

(f) An offender serving a term of confinement imposed under RCW 9.94A.670(4)(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an

extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to subsection (2)(e) of this section;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

NEW SECTION. Sec. 17 Sections 15 and 16 of this act apply prospectively only and not retroactively. Those provisions apply only to convictions occurring on or after the effective date of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 34, line 16 of the title amendment, after "46.20.740," strike "and 46.61.5055" and insert "46.61.5055, 9.94A.533, and 9.94A.728"

On page 34, line 19 of the title amendment, after "creating" strike "a new section" and insert "new sections"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Brandland, the amendment by Senator Brandland on page 34, line 7 to the committee striking amendment to Engrossed Second Substitute House Bill No. 3254 was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Second Substitute House Bill No. 3254 as amended.

The motion by Senator Kline carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendments were adopted:

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

On page 1, line 2 of the title, after "drugs;" strike the remainder of the title and insert "amending RCW 46.20.342, 46.20.380, 46.20.391, 46.20.400, 46.20.410, 46.20.720, 46.20.740, and 46.61.5055; reenacting and amending RCW 46.20.308 and 46.63.020; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.68 RCW; adding new sections to chapter 46.20 RCW; creating a new section; and providing an effective date."

On page 34, line 16 of the title amendment, after "46.20.740," strike "and" and after "46.61.5055" insert ", 10.05.010, 10.05.020, 10.05.090, and 10.05.160"

On page 34, line 19 of the title amendment, after "RCW;" insert "adding a new section to chapter 10.05 RCW;"

On page 34, line 16 of the title amendment, after "46.20.740," strike "and 46.61.5055" and insert "46.61.5055, 46.61.502, and 46.61.504"

## MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Second Substitute House Bill No. 3254 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 3254 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 3254 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Holmquist - 1

Excused: Senator Brown - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3254 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2594, by Representatives Kirby, Ormsby, Kenney and Uptegrove

Distributing the insurance commissioner's examination reports.

The measure was read the second time.

## MOTION

On motion of Senator Berkey, the rules were suspended, House Bill No. 2594 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2594.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2594 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Hobbs - 1

Excused: Senator Brown - 1

HOUSE BILL NO. 2594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2540, by Representatives Warnick, Walsh and Kristiansen

Regarding the advisory committee that represents the interest of hunters and fishers with disabilities.

The measure was read the second time.

## MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2540.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2540 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

HOUSE BILL NO. 2540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

FIFTY-FOURTH DAY, MARCH 7, 2008

SUBSTITUTE HOUSE BILL NO. 2729, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Eddy, Pedersen, Appleton, Lantz, Williams, Upthegrove, Santos, Simpson, Hasegawa, Ericks, Ormsby and Springer)

Addressing the reading and handling of certain identification documents.

The measure was read the second time.

#### MOTION

Senator Murray moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1** The legislature finds that:

(1) Washington state recognizes the importance of protecting its citizens from unwanted wireless surveillance.

(2) Enhanced drivers' licenses and enhanced identicards are intended to facilitate efficient travel at land and sea borders between the United States, Canada, and Mexico, not to facilitate the profiling and tracking of individuals.

(3) Easy access to the information found on enhanced drivers' licenses and enhanced identicards could facilitate the commission of other unwanted offenses, such as identity theft.

**NEW SECTION. Sec. 2** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Enhanced driver's license" means a driver's license that is issued under RCW 46.20.202.

(2) "Enhanced identicard" means an identicard that is issued under RCW 46.20.202.

(3) "Identification document" means an enhanced driver's license or an enhanced identicard.

(4) "Radio frequency identification" means a technology that uses radio waves to transmit data remotely to readers.

(5) "Reader" means a scanning device that is capable of using radio waves to communicate with an identification document and read the data transmitted by the identification document.

(6) "Remotely" means that no physical contact between the identification document and a reader is necessary in order to transmit data using radio waves.

(7) "Unique personal identifier number" means a randomly assigned string of numbers or symbols issued by the department of licensing that is encoded on an identification document and is intended to be read remotely by a reader to identify the identification document that has been issued to a particular individual.

**NEW SECTION. Sec. 3** (1) Except as provided in subsection (2) of this section, a person is guilty of a class C felony if the person intentionally possesses, or reads or captures remotely using radio waves, information contained on another person's identification document, including the unique personal identifier number encoded on the identification document, without that person's express knowledge or consent.

(2) This section does not apply to:

(a) A person or entity that reads an identification document to facilitate border crossing;

(b) A person or entity that reads a person's identification document in the course of an act of good faith security research, experimentation, or scientific inquiry including, but not limited to, activities useful in identifying and analyzing security flaws and vulnerabilities; or

(c) A person or entity that unintentionally reads an identification document remotely in the course of operating its

2008 REGULAR SESSION

own radio frequency identification system, provided that the inadvertently received information:

(i) Is not disclosed to any other party;

(ii) Is not used for any purpose; and

(iii) Is not stored or is promptly destroyed.

**NEW SECTION. Sec. 4** The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying chapter 19.86 RCW.

**Sec. 5** RCW 42.56.230 and 2005 c 274 s 403 are each amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (a) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer; ~~(and)~~

(4) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law; and

(5) Documents and related materials and scanned images of documents and related materials used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.

**Sec. 6** RCW 42.56.330 and 2007 c 197 s 5 are each amended to read as follows:

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

(1) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095;

(2) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order;

(3) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service; however, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides;

(4) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons;

(5) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety;

(6) Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer; however, the information may be given to other governmental agencies or the owners of the truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW 81.80.010; ~~(and)~~

(7) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; and

(8) The personally identifying information of persons who acquire and use a driver's license or identicaid that includes a radio frequency identification chip or similar technology to facilitate border crossing. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only for United States customs and border protection enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

NEW SECTION. Sec. 7 Sections 1 through 4 of this act constitute a new chapter in Title 9A RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment to the Committee on Transportation to Substitute House Bill No. 2729.

The motion by Senator Murray carried and the committee striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "documents;" strike the remainder of the title and insert "amending RCW 42.56.230 and 42.56.330; adding a new chapter to Title 9A RCW; and prescribing penalties."

## MOTION

On motion of Senator Murray, the rules were suspended, Substitute House Bill No. 2729 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

## PARLIAMENTARY INQUIRY

Senator Benton: "Was there an amendment adopted here on the floor of the Senate to this bill?"

## REPLY BY THE PRESIDENT

President Owen: "There was a committee amendment."

## MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2729 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2729 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Rockefeller - 2

SUBSTITUTE HOUSE BILL NO. 2729 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2817, by House Committee on Transportation (originally sponsored by Representatives Campbell, Green, Morrell, Hudgins and McCune)

Concerning motor vehicles, vehicles, and vessels contaminated with methamphetamines.

The measure was read the second time.

## MOTION

Senator Marr moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 64.44.050 and 2006 c 339 s 205 are each amended to read as follows:

(1) An owner of contaminated property who desires to have the property decontaminated, demolished, or disposed of shall use the services of an authorized contractor unless otherwise authorized by the local health officer. The contractor and property owner shall prepare and submit a written work plan for decontamination, demolition, or disposal to the local health officer. The local health officer may charge a reasonable fee for review of the work plan. If the work plan is approved and the decontamination, demolition, or disposal is completed and the property is retested according to the plan and properly documented, then the health officer shall allow reuse of the property. A release for reuse document shall be recorded in the real property records indicating the property has been decontaminated, demolished, or disposed of in accordance with rules of the state department of health. The property owner is responsible for: (a) The costs of any property testing which may be required to demonstrate the presence or absence of hazardous chemicals; and (b) the costs of the property's decontamination,

FIFTY-FOURTH DAY, MARCH 7, 2008

demolition, and disposal expenses, as well as costs incurred by the local health officer resulting from the enforcement of this chapter.

(2)(a) In a case where the contaminated property is a motor vehicle as defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as defined in RCW 88.02.010, and the local health officer has issued an order declaring the property unfit and prohibiting its use, the city or county in which the property is located shall take action to prohibit use, occupancy, or removal, and shall require demolition, disposal, or decontamination of the property. The city, county, or local law enforcement agency may impound the vehicle or vessel to enforce this chapter.

(b) The property owner shall have the property demolished, disposed of, or decontaminated by an authorized contractor, or under a written work plan approved by the local health officer, within thirty days of receiving the order declaring the property unfit and prohibited from use. After all procedures granting the right of notice and the opportunity to appeal in RCW 64.44.030 have been exhausted, if the property owner has not demolished, disposed of, or decontaminated the property using an authorized contractor, or under a written work plan approved by the local health officer within thirty days, then the local health officer or the local law enforcement agency may demolish, dispose of, or decontaminate the property. The property owner is responsible for the costs of the property's demolition, disposal, or decontamination, as well as all costs incurred by the local health officer or the local law enforcement agency resulting from the enforcement of this chapter, except as otherwise provided under this subsection.

(c) The legal owner of a motor vehicle as defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as defined in RCW 88.02.010 whose sole basis of ownership is a bona fide security interest is responsible for costs under this subsection if the legal owner had knowledge of or consented to any act or omission that caused contamination of the vehicle or vessel.

(d) If the vehicle or vessel has been stolen and the property owner neither had knowledge of nor consented to any act or omission that contributed to the theft and subsequent contamination of the vehicle or vessel, the owner is not responsible for costs under this subsection. However, if the registered owner is insured, the registered owner shall, within fifteen calendar days of receiving an order declaring the property unfit and prohibiting its use, submit a claim to his or her insurer for reimbursement of costs of the property's demolition, disposal, or decontamination, as well as all costs incurred by the local health officer or the local law enforcement agency resulting from the enforcement of this chapter, and shall provide proof of claim to the local health officer or the local law enforcement agency.

(e) If the property owner has not acted to demolish, dispose of, or decontaminate as set forth in this subsection regardless of responsibility for costs, and the local health officer or local law enforcement agency has taken responsibility for demolition, disposal, or decontamination, including all associated costs, then all rights, title, and interest in the property shall be deemed forfeited to the local health jurisdiction or the local law enforcement agency.

(f) This subsection may not be construed to limit the authority of a city, county, local law enforcement agency, or local health officer to take action under this chapter to require the owner of the real property upon which the contaminated vehicle or vessel is located to comply with the requirements of this chapter, including provisions for the right of notice and opportunity to appeal as provided in RCW 64.44.030.

(3) Except as provided in subsection (2) of this section, the local health officer has thirty days from the issuance of an order declaring a property unfit and prohibiting its use to establish a reasonable timeline for decontamination. The department of

2008 REGULAR SESSION

health shall establish the factors to be considered by the local health officer in establishing the appropriate amount of time.

The local health officer shall notify the property owner of the proposed time frame by United States mail to the last known address. Notice shall be postmarked no later than the thirtieth day from the issuance of the order. The property owner may request a modification of the time frame by submitting a letter identifying the circumstances which justify such an extension to the local health officer within thirty-five days of the date of the postmark on the notification regardless of when received.

NEW SECTION. Sec. 2 A new section is added to chapter 64.44 RCW to read as follows:

(1) The Washington state department of licensing shall take action to place notification on the title of any motor vehicle as defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as defined in RCW 88.02.010, that the vehicle or vessel has been declared unfit and prohibited from use by order of the local health officer under this chapter. When satisfactory decontamination has been completed and the contaminated property has been retested according to the written work plan approved by the local health officer, a release for reuse document shall be issued by the local health officer, and the department of licensing shall place notification on the title of that vehicle or vessel as having been decontaminated and released for reuse.

(2)(a) A person is guilty of a gross misdemeanor if he or she advertises for sale or sells a motor vehicle as defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as defined in RCW 88.02.010, that has been declared unfit and prohibited from use by the local health officer under this chapter when:

(i) The person has knowledge that the local health officer has issued an order declaring the vehicle or vessel unfit and prohibiting its use; or

(ii) A notification has been placed on the title under subsection (1) of this section that the vehicle or vessel has been declared unfit and prohibited from use.

(b) A person may advertise or sell a vehicle or vessel when a release for reuse document has been issued by the local health officer under this chapter or a notification has been placed on the title under subsection (1) of this section that the vehicle or vessel has been decontaminated and released for reuse.

NEW SECTION. Sec. 3 A new section is added to chapter 46.55 RCW to read as follows:

An impound under RCW 64.44.050 shall not be considered an impound under this chapter. A tow operator who contracts with a law enforcement agency for transporting a vehicle impounded under RCW 64.44.050 shall only remove the vehicle to a secure public facility, and is not required to store or dispose of the vehicle. The vehicle shall remain in the care, custody, and control of the law enforcement agency to be demolished, disposed of, or decontaminated as provided under RCW 64.44.050. The law enforcement agency shall pay for all costs incurred as a result of the towing if the vehicle owner does not pay within thirty days. The law enforcement agency may seek reimbursement from the owner.

NEW SECTION. Sec. 4 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus transportation appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications to Engrossed Second Substitute House Bill No. 2817.

The motion by Senator Marr carried and the committee striking amendment was adopted by voice vote.

MOTION

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "contaminated motor vehicles, vehicles, and vessels; amending RCW 64.44.050; adding a new section to chapter 64.44 RCW; adding a new section to chapter 46.55 RCW; and creating a new section."

## MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Second Substitute House Bill No. 2817 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2817 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2817 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2817 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2885, by House Committee on Commerce & Labor (originally sponsored by Representatives Williams, Conway, Newhouse, Sells, Chandler, Condotta and Moeller)

Modifying industrial insurance coverage for geoduck harvesters.

The measure was read the second time.

## MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2885 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2885.

## ROLL CALL

The Secretary called the roll on the final passage of

Substitute House Bill No. 2885 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2885, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 3024, by Representatives Conway, Fromhold, Bailey, Crouse, Hurst, Simpson and Linville

Purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government.

The measure was read the second time.

## MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 3024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3024.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3024 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 3024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 3019, by Representatives Fromhold, Conway, Bailey, Crouse, Hurst and Simpson

Addressing service credit for members working a partial year in plans 2 and 3 of the teachers' retirement system and the school employees' retirement system.

The measure was read the second time.

FIFTY-FOURTH DAY, MARCH 7, 2008  
 MOTION

2008 REGULAR SESSION

On motion of Senator Prentice, the rules were suspended, House Bill No. 3019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3019.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3019 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 3019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3139, by House Committee on Appropriations (originally sponsored by Representatives Conway, Wood, Green, Moeller, Simpson and Ormsby)

Providing for stays of industrial insurance orders on appeal.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 51.52.050 and 2004 c 243 s 8 are each amended to read as follows:

(1) Whenever the department has made any order, decision, or award, it shall promptly serve the worker, beneficiary, employer, or other person affected thereby, with a copy thereof by mail, which shall be addressed to such person at his or her last known address as shown by the records of the department. The copy, in case the same is a final order, decision, or award, shall bear on the same side of the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award shall become final within sixty days from the date the order is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia (~~:- PROVIDED, That~~). However, a department order or decision making demand, whether with or without penalty, for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker, shall state that such order or decision shall become final within twenty days from the date the order or decision is communicated to the

parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia.

(2)(a) Whenever the department has taken any action or made any decision relating to any phase of the administration of this title the worker, beneficiary, employer, or other person aggrieved thereby may request reconsideration of the department, or may appeal to the board. In an appeal before the board, the appellant shall have the burden of proceeding with the evidence to establish a prima facie case for the relief sought in such appeal (~~:- PROVIDED, That~~).

(b) An order by the department awarding benefits shall become effective and benefits due on the date issued. Subject to (b)(i) and (ii) of this subsection, if the department order is appealed the order shall not be stayed pending a final decision on the merits unless ordered by the board. Upon issuance of the order granting the appeal, the board will provide the worker with notice concerning the potential of an overpayment of benefits paid pending the outcome of the appeal and the requirements for interest on unpaid benefits pursuant to RCW 51.52.135. A worker may request that benefits cease pending appeal at any time following the employer's motion for stay or the board's order granting appeal. The request must be submitted in writing to the employer, the board, and the department. Any employer may move for a stay of the order on appeal, in whole or in part. The motion must be filed within fifteen days of the order granting appeal. The board shall conduct an expedited review of the claim file provided by the department as it existed on the date of the department order. The board shall issue a final decision within twenty-five days of the filing of the motion for stay or the order granting appeal, whichever is later. The board's final decision may be appealed to superior court in accordance with RCW 51.52.110. The board shall grant a motion to stay if the moving party demonstrates that it is more likely than not to prevail on the facts as they existed at the time of the order on appeal. The board shall not consider the likelihood of recoupment of benefits as a basis to grant or deny a motion to stay.

(i) If upon reconsideration requested by a worker or medical provider, the department has ordered an increase in a permanent partial disability award from the amount reflected in an earlier order, the award reflected in the earlier order shall not be stayed pending a final decision on the merits. However, the increase is stayed without further action by the board pending a final decision on the merits.

(ii) If any party appeals an order establishing a worker's wages or the compensation rate at which a worker will be paid temporary or permanent total disability or loss of earning power benefits, the worker shall receive payment pending a final decision on the merits based on the following:

(A) When the employer is self-insured, the wage calculation or compensation rate the employer most recently submitted to the department; or

(B) When the employer is insured through the state fund, the highest wage amount or compensation rate uncontested by the parties.

Payment of benefits or consideration of wages at a rate that is higher than that specified in (b)(ii)(A) or (B) of this subsection is stayed without further action by the board pending a final decision on the merits.

(c) In an appeal from an order of the department that alleges willful misrepresentation, the department or self-insured employer shall initially introduce all evidence in its case in chief. Any such person aggrieved by the decision and order of the board may thereafter appeal to the superior court, as prescribed in this chapter.

Sec. 2 RCW 51.32.240 and 2004 c 243 s 7 are each amended to read as follows:

(1)(a) Whenever any payment of benefits under this title is made because of clerical error, mistake of identity, innocent misrepresentation by or on behalf of the recipient thereof

FIFTY-FOURTH DAY, MARCH 7, 2008

mistakenly acted upon, or any other circumstance of a similar nature, all not induced by willful misrepresentation, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The department or self-insurer, as the case may be, must make claim for such repayment or recoupment within one year of the making of any such payment or it will be deemed any claim therefor has been waived.

(b) Except as provided in subsections (3), (4), and (5) of this section, the department may only assess an overpayment of benefits because of adjudicator error when the order upon which the overpayment is based is not yet final as provided in RCW 51.52.050 and 51.52.060. "Adjudicator error" includes the failure to consider information in the claim file, failure to secure adequate information, or an error in judgment.

(c) The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise his or her discretion to waive, in whole or in part, the amount of any such timely claim where the recovery would be against equity and good conscience.

(2) Whenever the department or self-insurer fails to pay benefits because of clerical error, mistake of identity, or innocent misrepresentation, all not induced by recipient willful misrepresentation, the recipient may request an adjustment of benefits to be paid from the state fund or by the self-insurer, as the case may be, subject to the following:

(a) The recipient must request an adjustment in benefits within one year from the date of the incorrect payment or it will be deemed any claim therefore has been waived.

(b) The recipient may not seek an adjustment of benefits because of adjudicator error. Adjustments due to adjudicator error are addressed by the filing of a written request for reconsideration with the department of labor and industries or an appeal with the board of industrial insurance appeals within sixty days from the date the order is communicated as provided in RCW 51.52.050. "Adjudicator error" includes the failure to consider information in the claim file, failure to secure adequate information, or an error in judgment.

(3) Whenever the department issues an order rejecting a claim for benefits paid pursuant to RCW 51.32.190 or 51.32.210, after payment for temporary disability benefits has been paid by a self-insurer pursuant to RCW 51.32.190(3) or by the department pursuant to RCW 51.32.210, the recipient thereof shall repay such benefits and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The director, under rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(4)(a) Whenever any payment of benefits under this title has been made pursuant to an adjudication by the department or by order of the board or any court and timely appeal therefrom has been made where the final decision is that any such payment was made pursuant to an erroneous adjudication, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim (~~with the state fund or self-insurer, as the case may be~~) whether state funded or self-insured.

(b) The department shall establish procedures by rule to collect information concerning self-insured claim overpayments resulting from decisions of the board or court, and to recoup such overpayments from state fund claims. If recovery is made in whole or in part on behalf of a self-insurer from a worker's state fund claim, the amount recovered shall be paid to the self-insurer by the department. The department may provide overpayment information to a self-insurer when the worker is entitled to benefits from which the self-insurer can collect the

2008 REGULAR SESSION

amount due, in whole or in part, on behalf of the department or another self-insurer. In these cases, the self-insurer shall pay directly to the department any amounts recovered. The department shall credit the amounts recovered to the appropriate workers' compensation funds or shall forward any amounts collected on behalf of another self-insurer, as the case may be.

(c) For purposes of this subsection, "recipient" does not include health service providers whose treatment or services were authorized by the department or self-insurer.

(d) The department or self-insurer may recover overpayments for health services from any entity that provided health insurance to the worker to the extent that the health insurance entity would have provided health insurance benefits but for workers' compensation coverage.

(e) The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise ~~(his)~~ discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(5)(a) Whenever any payment of benefits under this title has been induced by willful misrepresentation the recipient thereof shall repay any such payment together with a penalty of fifty percent of the total of any such payments and the amount of such total sum may be recouped from any future payments due to the recipient on any claim with the state fund or self-insurer against whom the willful misrepresentation was committed, as the case may be, and the amount of such penalty shall be placed in the supplemental pension fund. Such repayment or recoupment must be demanded or ordered within three years of the discovery of the willful misrepresentation.

(b) For purposes of this subsection (5), it is willful misrepresentation for a person to obtain payments or other benefits under this title in an amount greater than that to which the person otherwise would be entitled. Willful misrepresentation includes:

(i) Willful false statement; or

(ii) Willful misrepresentation, omission, or concealment of any material fact.

(c) For purposes of this subsection (5), "willful" means a conscious or deliberate false statement, misrepresentation, omission, or concealment of a material fact with the specific intent of obtaining, continuing, or increasing benefits under this title.

(d) For purposes of this subsection (5), failure to disclose a work-type activity must be willful in order for a misrepresentation to have occurred.

(e) For purposes of this subsection (5), a material fact is one which would result in additional, increased, or continued benefits, including but not limited to facts about physical restrictions, or work-type activities which either result in wages or income or would be reasonably expected to do so. Wages or income include the receipt of any goods or services. For a work-type activity to be reasonably expected to result in wages or income, a pattern of repeated activity must exist. For those activities that would reasonably be expected to result in wages or produce income, but for which actual wage or income information cannot be reasonably determined, the department shall impute wages pursuant to RCW 51.08.178(4).

(6) The worker, beneficiary, or other person affected thereby shall have the right to contest an order assessing an overpayment pursuant to this section in the same manner and to the same extent as provided under RCW 51.52.050 and 51.52.060. In the event such an order becomes final under chapter 51.52 RCW and notwithstanding the provisions of subsections (1) through (5) of this section, the director, director's designee, or self-insurer may file with the clerk in any county within the state a warrant in the amount of the sum representing the unpaid overpayment and/or penalty plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the worker, beneficiary, or other person mentioned in the warrant, the amount of the unpaid overpayment and/or penalty plus interest accrued, and the date the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the worker, beneficiary, or other person against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department or self-insurer in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee under RCW 36.18.012(10), which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the worker, beneficiary, or other person within three days of filing with the clerk.

The director, director's designee, or self-insurer may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice to withhold and deliver property of any kind if there is reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is due, owing, or belonging to any worker, beneficiary, or other person upon whom a warrant has been served for payments due the department or self-insurer. The notice and order to withhold and deliver shall be served by certified mail accompanied by an affidavit of service by mailing or served by the sheriff of the county, or by the sheriff's deputy, or by any authorized representative of the director, director's designee, or self-insurer. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired or in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property that may be subject to the claim of the department or self-insurer, such property shall be delivered forthwith to the director, the director's authorized representative, or self-insurer upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount, plus costs, claimed by the director, director's designee, or self-insurer in the notice. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner may be entitled.

This subsection shall only apply to orders assessing an overpayment which are issued on or after July 28, 1991: PROVIDED, That this subsection shall apply retroactively to all orders assessing an overpayment resulting from fraud, civil or criminal.

(7) Orders assessing an overpayment which are issued on or after July 28, 1991, shall include a conspicuous notice of the collection methods available to the department or self-insurer.

**NEW SECTION. Sec. 3** A new section is added to chapter 51.52 RCW to read as follows:

(1) The department shall study appeals of workers' compensation cases and collect information on the impacts of this act on state fund and self-insured workers and employers.

The study shall consider the types of benefits that may be paid pending an appeal, and shall include, but not be limited to:

- (a) The frequency and outcomes of appeals;
- (b) The duration of appeals and any procedural or process changes made by the board to implement this act and expedite the process;
- (c) The number of and amount of overpayments resulting from decisions of the board or court; and
- (d) The processes used and efforts made to recoup overpayments and the results of those efforts.

(2) State fund and self-insured employers shall provide the information requested by the department to conduct the study.

(3) The department shall report to the workers' compensation advisory committee by July 1, 2009, on the preliminary results of the study. By December 1, 2009, and annually thereafter, with the final report due by December 1, 2011, the department shall report to the workers' compensation advisory committee and the appropriate committees of the legislature on the results of the study. The workers' compensation advisory committee shall provide its recommendations for addressing overpayments resulting from this act, including the need for and ability to fund a permanent method to reimburse employer and state fund overpayment costs.

**NEW SECTION. Sec. 4** Section 2 of this act takes effect July 1, 2009.

**NEW SECTION. Sec. 5** This act applies to orders issued on or after the effective date of this section."

On page 1, line 1 of the title, after "appeal;" strike the remainder of the title and insert "amending RCW 51.52.050 and 51.32.240; adding a new section to chapter 51.52 RCW; creating a new section; and providing an effective date."

The President declared the question before the Senate to be the motion by Senator Kohl-Welles to not adopt the committee striking amendment by the Committee on Labor, Commerce, Research & Development to Engrossed Second Substitute House Bill No. 3139.

The motion by Senator Kohl-Welles carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles, Murray and Holmquist be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 51.52 RCW to read as follows:

(1) The department shall study appeals of workers' compensation cases and collect information concerning the impacts on employees and employers of a requirement that employers pay workers' compensation benefits pending an employer appeal. The study shall consider the types of benefits that may be paid pending an appeal, and shall include, but not be limited to:

- (a) The issues, frequency, and outcomes of appeals;
- (b) The duration of appeals;
- (c) The number of cases that may be affected by the payment of benefits pending an appeal and the potential for overpayments; and
- (d) The processes used and efforts made to recoup overpayments and the results of those efforts.

(2) State fund and self-insured employers shall provide the information requested by the department to conduct the study.

(3) The department shall report to the workers' compensation advisory committee and the appropriate committees of the legislature by December 1, 2008, on the results of the study. By December 31, 2008, the workers' compensation advisory committee shall provide its

FIFTY-FOURTH DAY, MARCH 7, 2008

recommendations for addressing payment of benefits pending employer appeals, any procedural or process changes that may be considered by the board to expedite the appeals process, the need for a permanent funding source to reimburse employer and state fund overpayment costs, and the method to fund such a source if needed."

Senators Kohl-Welles and Holmquist spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles, Murray and Holmquist to Engrossed Second Substitute House Bill No. 3139.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "appeal;" strike the remainder of the title and insert "and creating a new section."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute House Bill No. 3139 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Brandland, Senator Swecker was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 3139 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 3139 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3139 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2949, by Representatives Linville, Conway, Armstrong, Condotta, Fromhold and Wood

Designating nonappropriated expenses of the liquor control board paid from the liquor revolving fund.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2949 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2949.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2949 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2949, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2279, by House Committee on Housing (originally sponsored by Representatives Darneille, Springer, Pettigrew, O'Brien, Hasegawa and Santos)

Prohibiting discrimination against affordable housing developments.

The measure was read the second time.

#### MOTION

Senator Kauffman moved that the following committee striking amendment by the Committee on Consumer Protection & Housing be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** It is the public policy of the state to assist in making affordable housing available throughout the state. The legislature recognizes that despite ongoing efforts there is still a lack of affordable housing in many areas. The legislature also recognizes that some local governments have imposed development requirements on affordable housing developments that are not generally imposed on other housing developments. The intent of this legislature is to prohibit discrimination against affordable housing developments.

**NEW SECTION. Sec. 2** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable housing development" means a housing development in which at least twenty-five percent of the dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that is considered affordable by a federal, state, or local government housing program.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(2) "Dwelling unit" means that part of a housing development that is used as a home, residence, or place to sleep by one person or two or more persons maintaining a common household.

(3) "Housing development" means a proposed or existing structure that is used as a home, residence, or place to sleep by one or more persons including, but not limited to, single-family residences, manufactured homes, multifamily housing, group homes, and foster care facilities.

(4) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located.

NEW SECTION. Sec. 3 (1) A city, county, or other local governmental entity or agency may not adopt, impose, or enforce requirements on an affordable housing development that are different than the requirements imposed on housing developments generally.

(2) This section does not prohibit any city, county, or other local governmental entity or agency from extending preferential treatment to affordable housing developments intended for including, but not limited to, occupancy by homeless persons, farmworkers, persons with disabilities, senior citizens, or low-income households. Preferential treatment may include, but is not limited to: A reduction or waiver of fees or changes in applicable requirements including, without limitation, architectural requirements, site development requirements, property line requirements, building setback requirements, or vehicle parking requirements; or other treatment that reduces or is likely to reduce the development or operating costs of an affordable housing development.

NEW SECTION. Sec. 4 Sections 2 and 3 of this act constitute a new chapter in Title 43 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Consumer Protection & Housing to Substitute House Bill No. 2279.

The motion by Senator Kauffman carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "developments;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating a new section."

MOTION

On motion of Senator Kauffman, the rules were suspended, Substitute House Bill No. 2279 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2279 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2279 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2279 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2467, by Representatives Warnick, Blake, Grant, Kretz, Newhouse and VanDeWege

Regulating fertilizers.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee amendment by the Committee on Agriculture & Rural Economic Development be not adopted.

On page 3, line 25, after "registered," insert "However, a customer-formula fertilizer must comply with all applicable requirements of chapter 70.105 RCW and the resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq."

The President declared the question before the Senate to be the motion by Senator Rasmussen to not adopt the committee amendment by the Committee on Agriculture & Rural Economic Development to House Bill No. 2467.

The motion by Senator Rasmussen carried and the committee amendment was not adopted by voice vote.

MOTION

Senator Rasmussen moved that the following striking amendment by Senators Rasmussen and Schoesler be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 15.54.325 and 1999 c 383 s 1 and 1999 c 382 s 1 are each reenacted and amended to read as follows:

(1) No person may distribute in this state a commercial fertilizer until it has been registered with the department by the producer, importer, or packager of that product. ~~((A bulk fertilizer does not require registration if all commercial fertilizer products contained in the final product are registered.))~~

(2) An application for registration ~~((shall))~~ must be made on a form furnished by the department and ~~((shall))~~ must include the following:

- (a) The product name;
- (b) The brand and grade;
- (c) The guaranteed analysis;
- (d) Name, address, and phone number of the registrant;
- (e) ~~((Labels))~~ A label for each product being registered;
- (f) Identification of those products that are (i) waste-derived fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer materials containing phosphate;

(g) The concentration of each metal, for which standards are established under RCW 15.54.800, in each product being registered, unless the product is (i) anhydrous ammonia or a solution derived solely from dissolving anhydrous ammonia in water, (ii) a customer-formula fertilizer containing only registered commercial fertilizers, or (iii) a packaged commercial

FIFTY-FOURTH DAY, MARCH 7, 2008

fertilizer whose plant nutrient content is present in the form of a single chemical compound which is registered in compliance with this chapter and the product is not blended with any other material. The provisions of (g)(i) of this subsection do not apply if the anhydrous ammonia is derived in whole or in part from waste such that the fertilizer is a "waste-derived fertilizer" as defined in RCW 15.54.270. Verification of a registration relied on by an applicant under (g)(iii) of this subsection must be submitted with the application;

(h) ~~If a waste-derived fertilizer((s and)) or micronutrient fertilizer((s shall include at a minimum)), information to ensure the product complies with chapter 70.105 RCW and the resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq.; and~~

(i) Any other information required by the department by rule.

(3) All companies planning to mix customer-formula fertilizers shall include the statement "customer-formula grade mixes" under the column headed "product name" on the product registration application form. All customer-formula fertilizers sold under one brand name shall be considered one product.

~~(4) ((All registrations issued by the department for registrants whose names begin with the letters A through M expire on June 30th of even-numbered years and all registrations issued by the department for registrants whose names begin with the letters N through Z expire on June 30th of odd-numbered years, unless otherwise specified in rule adopted by the director)) Registrations are issued by the department for a two-year period beginning on July 1st of a given year and ending twenty-four months later on July 1st, except that registrations issued to a registrant who applies to register an additional product during the last twelve months of the registrant's period expire on the next July 1st.~~

(5) An application for registration ~~((shall)) must be accompanied by a fee of fifty dollars for each product((, except that an applicant whose registration expires in even-numbered years shall pay a fee of twenty-five dollars for each product for the registration period ending June 30, 2000)).~~

~~(6) Application for renewal of registration is due July 1st of each registration period. If an application for renewal ((of the product registration provided for in this section is not filed prior to July 1st of the registration renewal year)) is not received by the department by the due date, a late fee of ten dollars per product ((shall be assessed and)) is added to the original fee and ((shall)) must be paid by the applicant before the renewal registration ((shall)) may be issued. ((The assessment of this late fee shall not prevent the department from taking any other action as provided for in this chapter. The)) A late fee ((shall)) does not apply if the applicant furnishes an affidavit that he or she has not distributed this commercial fertilizer subsequent to the expiration of ((his or her)) the prior registration. Payment of a late fee does not prevent the department from taking any action authorized by this chapter for the violation.~~

**Sec. 2** RCW 15.54.340 and 2003 c 15 s 1 are each amended to read as follows:

(1) Any packaged commercial fertilizer distributed in this state ~~((shall)) that is not a customer-formula fertilizer must~~ have placed on or affixed to the package a label ~~((setting forth)) stating~~ in clearly legible and conspicuous form the following information:

(a) The net weight;

(b) The product name, brand, and grade. The grade is not required if no primary nutrients are claimed;

(c) The guaranteed analysis;

(d) The name and address of the registrant or licensee. The name and address of the manufacturer, if different from the registrant or licensee, may also be stated;

(e) Any information required under WAC ~~((296-62-054)) 296-307-560 through 296-307-56050;~~

(f) A statement, established by rule, referring persons to the department's Uniform Resource Locator (URL) internet address

where data regarding the metals content of the product is located; and

(g) Other information as required by the department by rule.

~~(2) ((f-a)) Any commercial fertilizer that is distributed in bulk((s)) in this state that is not a customer-formula fertilizer must be accompanied by a written or printed statement ((of)) that includes the information required by subsection (1) of this section ((shall accompany delivery)) and must be supplied to the purchaser at the time of delivery.~~

(3) Each delivery of a customer-formula fertilizer ~~((shall be subject to containing those ingredients specified by the purchaser, which ingredients shall be shown on the statement or invoice with the amount contained therein, and a record of all invoices of customer-formula grade mixes shall be kept by the registrant or licensee for a period of twelve months and shall be available to the department upon request. PROVIDED, That each such delivery shall)) in this state must be accompanied by either a statement, invoice, a delivery slip, or a label if bagged, containing the following information: The net weight; the brand; the name and amount of each ingredient; the guaranteed analysis which may be stated to the nearest tenth of a percent or to the next lower whole number; the name and address of the registrant or licensee, or manufacturer, or both; and the name and address of the purchaser.~~

(4) Each delivery of a customer-formula fertilizer must contain the ingredients specified by the purchaser. A record of the invoice or statement of each delivery must be kept by the registrant or licensee for twelve months and must be available to the department upon request.

**Sec. 3** RCW 15.54.362 and 1993 c 183 s 7 are each amended to read as follows:

(1) Every registrant or licensee who distributes commercial fertilizer in this state ~~((shall)) must~~ file a semiannual report on forms provided by the department ~~((setting forth)) stating~~ the number of net tons of each commercial fertilizer ~~((so)) distributed in this state. ((The reports will cover the following periods: January 1 through June 30 and July 1 through December 31 of each year.))~~

(a) For the period January 1st through June 30th of each year, the report is due on July 31st of that year; and

(b) For the period July 1st through December 31st of each year, the report is due on January 31st of the following year.

Upon permission of the department, ~~((an annual statement under oath may be filed for the annual reporting period of July 1 through June 30 of any year by any)) a person distributing ((within)) in the state less than one hundred tons for each six-month period during any ~~((calendar year, and upon filing such statement, such person shall pay the inspection fee required under RCW 15.54.350)) annual reporting period of July 1st through June 30th may submit an annual report on a form provided by the department that is due on the July 31st following the period. The department may accept sales records or other records accurately reflecting the tonnage sold and verifying such reports.~~~~

(2) Each person responsible for the payment of inspection fees for commercial fertilizer distributed in this state ~~((shall)) must~~ include the inspection fees with ~~((the report on the same dates and for the same reporting periods mentioned in subsection (1) of this section)) each semiannual or annual report. If in ((one year)) an annual reporting period a registrant or licensee distributes less than eighty-three tons of commercial fertilizer or less than one hundred sixty-seven tons of commercial lime or equivalent combination of the two, the registrant or licensee ((shall)) must pay the minimum inspection fee~~((The minimum inspection fee shall be)) of twenty-five dollars ((per year)).~~~~

(3) The department may, upon request, require registrants or licensees to furnish information setting forth the net tons of commercial fertilizer distributed to each location in this state.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(4) ~~((Semiannual or annual reports filed after the close of the corresponding reporting period shall pay a late filing fee of twenty-five dollars. Inspection fees which are due and have not been remitted to the department by the due date shall have a late collection fee of ten percent, but not less than twenty-five dollars, added to the amount due when payment is finally made. The assessment of this late collection fee shall not prevent the department from taking any other action as provided for in this chapter.))~~

(a) If a complete report is not received by the due date, the person responsible for filing the report must pay a late fee of twenty-five dollars.

(b) If the appropriate inspection fees are not received by the due date, the person responsible for paying the inspection fee must pay a late fee equal to ten percent of the inspection fee owed or twenty-five dollars, whichever is greater.

(c) Payment of a late fee does not prevent the department from taking any other action authorized by this chapter for the violation.

~~(5) It ((shall be)) is a misdemeanor for any person to divulge any information provided under this section that would reveal the business operation of the person making the report. However, nothing contained in this subsection may be construed to prevent or make unlawful the use of information concerning the business operations of a person in any action, suit, or proceeding instituted under the authority of this chapter, including any civil action for the collection of unpaid inspection fees, which action is ((hereby)) authorized and which shall be as an action at law in the name of the director of the department.~~

**Sec. 4** RCW 15.54.433 and 1998 c 36 s 21 are each amended to read as follows:

(1) The department shall ~~((expand its))~~ maintain a fertilizer database ~~((to include additional))~~ that includes the information required for registration under RCW 15.54.325 and 15.54.330.

(2) Except for confidential information under RCW 15.54.362 regarding fertilizer tonnages distributed in the state, information in the fertilizer database ~~((shall))~~ must be made available to the public upon request.

(3) The department, and the department of ecology in consultation with the department of health, shall biennially prepare a report to the legislature presenting information on levels of nonnutritive substances in fertilizers ~~((Results from))~~ and the results of any agency testing of products ~~((that were sampled shall also be displayed))~~. The first ~~((such))~~ report ~~((will))~~ must be provided to the legislature by December 1, 1999.

(4) ~~((After July 1, 1999;))~~ The department shall post on the internet the information contained in applications for fertilizer registration."

Senators Rasmussen and Schoesler spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Rasmussen and Schoesler to House Bill No. 2467.

The motion by Senator Rasmussen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "fertilizers;" strike the remainder of the title and insert "amending RCW 15.54.340, 15.54.362, and 15.54.433; and reenacting and amending RCW 15.54.325."

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 2467 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2467 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2467 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2467 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2551, by House Committee on Human Services (originally sponsored by Representatives Dickerson, Appleton, McCoy, Roberts, Kenney and Kagi)

Expanding the types of treatment programs provided under the suspended disposition alternative for juveniles.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 13.40.0357 and 2007 c 199 s 11 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
---------------------------------------	----------------------------	--

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B +
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

D	Reckless Burning 2 (9A.48.050)	E	B +	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B +
B	Malicious Mischief 1 (9A.48.070)	C			
C	Malicious Mischief 2 (9A.48.080)	D			
D	Malicious Mischief 3 (9A.48.090(2) (a) and (c))	E	C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C
E	Malicious Mischief 3 (9A.48.090(2)(b))	E	E	Possession of Marijuana <40 grams (69.50.4014)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E	C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E	C +	Sale of Controlled Substance for Profit (69.50.410)	C +
A	Possession of Incendiary Device (9.40.120)	B +	E	Unlawful Inhalation (9.47A.020)	E
	<b>Assault and Other Crimes Involving Physical Harm</b>		B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
A	Assault 1 (9A.36.011)	B +			
B +	Assault 2 (9A.36.021)	C +	C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
C +	Assault 3 (9A.36.031)	D +			
D +	Assault 4 (9A.36.041)	E	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C
B +	Drive-By Shooting (9A.36.045)	C +			
D +	Reckless Endangerment (9A.36.050)	E	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
C +	Promoting Suicide Attempt (9A.36.060)	D +			
D +	Coercion (9A.36.070)	E			
C +	Custodial Assault (9A.36.100)	D +			
	<b>Burglary and Trespass</b>		B	Theft of Firearm (9A.56.300)	C
B +	Burglary 1 (9A.52.020)	C +	B	Possession of Stolen Firearm (9A.56.310)	C
B	Residential Burglary (9A.52.025)	C	E	Carrying Loaded Pistol Without Permit (9.41.050)	E
B	Burglary 2 (9A.52.030)	C	C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(iii))	C
D	Burglary Tools (Possession of) (9A.52.060)	E	D +	Possession of Dangerous Weapon (9.41.250)	E
D	Criminal Trespass 1 (9A.52.070)	E			
E	Criminal Trespass 2 (9A.52.080)	E	D	Intimidating Another Person by use of Weapon (9.41.270)	E
C	Mineral Trespass (78.44.330)	C			
C	Vehicle Prowling 1 (9A.52.095)	D			
D	Vehicle Prowling 2 (9A.52.100)	E			
	<b>Drugs</b>		A +	Murder 1 (9A.32.030)	A
E	Possession/Consumption of Alcohol (66.44.270)	E	A +	Murder 2 (9A.32.050)	B +
C	Illegally Obtaining Legend Drug (69.41.020)	D	B +	Manslaughter 1 (9A.32.060)	C +
C +	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D +	C +	Manslaughter 2 (9A.32.070)	D +
E	Possession of Legend Drug (69.41.030(2)(b))	E	B +	Vehicular Homicide (46.61.520)	C +
				<b>Kidnapping</b>	
			A	Kidnap 1 (9A.40.020)	B +
			B +	Kidnap 2 (9A.40.030)	C +
			C +	Unlawful Imprisonment (9A.40.040)	D +
				<b>Obstructing Governmental Operation</b>	

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

D	Obstructing a Law Enforcement Officer (9A.76.020)	E	B +	Extortion 1 (9A.56.120)	C +
E	Resisting Arrest (9A.76.040)	E	C +	Extortion 2 (9A.56.130)	D +
B	Introducing Contraband 1 (9A.76.140)	C	C	Identity Theft 1 (9.35.020(2))	D
C	Introducing Contraband 2 (9A.76.150)	D	D	Identity Theft 2 (9.35.020(3))	E
E	Introducing Contraband 3 (9A.76.160)	E	D	Improperly Obtaining Financial Information (9.35.010)	E
B +	Intimidating a Public Servant (9A.76.180)	C +	B	Possession of a Stolen Vehicle (9A.56.068)	C
B +	Intimidating a Witness (9A.72.110)	C +	B	Possession of Stolen Property 1 (9A.56.150)	C
	<b>Public Disturbance</b>		C	Possession of Stolen Property 2 (9A.56.160)	D
C +	Riot with Weapon (9A.84.010(2)(b))	D +	D	Possession of Stolen Property 3 (9A.56.170)	E
D +	Riot Without Weapon (9A.84.010(2)(a))	E	B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
E	Failure to Disperse (9A.84.020)	E	C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D
E	Disorderly Conduct (9A.84.030)	E	B	Theft of a Motor Vehicle (9A.56.065)	C
	<b>Sex Crimes</b>			<b>Motor Vehicle Related Crimes</b>	
A	Rape 1 (9A.44.040)	B +	E	Driving Without a License (46.20.005)	E
A-	Rape 2 (9A.44.050)	B +	B +	Hit and Run - Death (46.52.020(4)(a))	C +
C +	Rape 3 (9A.44.060)	D +	C	Hit and Run - Injury (46.52.020(4)(b))	D
A-	Rape of a Child 1 (9A.44.073)	B +	D	Hit and Run-Attended (46.52.020(5))	E
B +	Rape of a Child 2 (9A.44.076)	C +	E	Hit and Run-Unattended (46.52.010)	E
B	Incest 1 (9A.64.020(1))	C	C	Vehicular Assault (46.61.522)	D
C	Incest 2 (9A.64.020(2))	D	C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
D +	Indecent Exposure (Victim <14) (9A.88.010)	E	E	Reckless Driving (46.61.500)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E	D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B +	Promoting Prostitution 1 (9A.88.070)	C +	B +	Felony Driving While Under the Influence (46.61.502(6))	B
C +	Promoting Prostitution 2 (9A.88.080)	D +	B +	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
E	O & A (Prostitution) (9A.88.030)	E		<b>Other</b>	
B +	Indecent Liberties (9A.44.100)	C +	B	Animal Cruelty 1 (16.52.205)	C
A-	Child Molestation 1 (9A.44.083)	B +	B	Bomb Threat (9.61.160)	C
B	Child Molestation 2 (9A.44.086)	C +	C	Escape 1 <sup>1</sup> (9A.76.110)	C
	<b>Theft, Robbery, Extortion, and Forgery</b>		C	Escape 2 <sup>1</sup> (9A.76.120)	C
B	Theft 1 (9A.56.030)	C	D	Escape 3 (9A.76.130)	E
C	Theft 2 (9A.56.040)	D	E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
D	Theft 3 (9A.56.050)	E	A	Other Offense Equivalent to an Adult Class A Felony	B +
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C			
C	Forgery (9A.60.020)	D			
A	Robbery 1 (9A.56.200)	B +			
B +	Robbery 2 (9A.56.210)	C +			

B	Other Offense Equivalent to an Adult Class B Felony	C	SANCTIONS (LS)	15-36 WEEKS	WEEKS
C	Other Offense Equivalent to an Adult Class C Felony	D	C + LS		
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E		15-36 WEEKS	
E	Other Offense Equivalent to an Adult Misdemeanor	E			
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V	C LS		15-36 WEEKS

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

Local Sanctions:

0 to 30 Days

D + LS 0 to 12 Months Community Supervision

0 to 150 Hours Community Restitution

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4  
or more

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, D, or RCW 13.40.167.

**OPTION A  
JUVENILE OFFENDER  
SENTENCING GRID  
STANDARD RANGE**

A + 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A-	15-36	52-65	80-100	103-129
	WEEKS	WEEKS	WEEKS	WEEKS
		S	S	S

EXCEPT

30-40

WEEKS FOR

15-17

YEAR OLDS

Current B +	15-36	52-65	80-100	103-129
Offense	WEEKS	WEEKS	WEEKS	WEEKS

Category

B LOCAL 52-65

**PRIOR ADJUDICATIONS**

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR  
OPTION B  
SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

(a) Adjudicated of an A + offense;

(b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); or

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

**OR  
OPTION C  
CHEMICAL DEPENDENCY DISPOSITION  
ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR  
OPTION D  
MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2)."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 2551.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

**MOTION**

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "juveniles;" strike the remainder of the title and insert "and amending RCW 13.40.0357."

**MOTION**

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2551 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

**MOTION**

On motion of Senator Regala, Senator Murray was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2551 as amended by the Senate.

**ROLL CALL**

The Secretary called the roll on the final passage of Substitute House Bill No. 2551 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

SUBSTITUTE HOUSE BILL NO. 2551 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**SECOND READING**

HOUSE BILL NO. 2835, by Representatives Kagi, Roberts, Loomis, Morrell, Kenney and Haigh

Requiring federal name-based criminal history record checks when a child is placed in out-of-home care in an emergency situation.

The measure was read the second time.

**MOTION**

Senator Hargrove moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that the safety of children in foster care depends upon receipt of comprehensive, accurate, and timely information about the background of prospective foster parents. It is vital to ensure that all relevant information about prospective foster parents is received and carefully reviewed. The legislature believes that some foster parents may have previously resided in other countries and that it is important to determine whether those countries have background information on the prospective foster parents that might impact the safety of children in their care.

**NEW SECTION. Sec. 2** A new section is added to chapter 26.44 RCW to read as follows:

(1) During an emergency situation when a child must be placed in out-of-home care due to the absence of appropriate

FIFTY-FOURTH DAY, MARCH 7, 2008

parents or custodians, the department shall request a federal name-based criminal history record check of each adult residing in the home of the potential placement resource. Upon receipt of the results of the name-based check, the department shall provide a complete set of each adult resident's fingerprints to the Washington state patrol for submission to the federal bureau of investigation within fourteen calendar days from the date the name search was conducted. The child shall be removed from the home immediately if any adult resident fails to provide fingerprints and written permission to perform a federal criminal history record check when requested.

(2) When placement of a child in a home is denied as a result of a name-based criminal history record check of a resident, and the resident contests that denial, the resident shall, within fifteen calendar days, submit to the department a complete set of the resident's fingerprints with written permission allowing the department to forward the fingerprints to the Washington state patrol for submission to the federal bureau of investigation.

(3) The Washington state patrol and the federal bureau of investigation may each charge a reasonable fee for processing a fingerprint-based criminal history record check.

(4) As used in this section, "emergency placement" refers to those limited instances when the department is placing a child in the home of private individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker.

**Sec. 3** RCW 74.15.040 and 1982 c 118 s 7 are each amended to read as follows:

An agency seeking to accept and serve children, developmentally disabled persons, or expectant mothers as a foster-family home shall make application for license in such form and substance as required by the department. The department shall maintain a list of applicants through which placement may be undertaken. However, agencies and the department shall not place a child, developmentally disabled person, or expectant mother in a home until the home is licensed. The department shall inquire whether an applicant has previously resided in any other state or foreign country and shall check databases available to it through the Washington state patrol and federal bureau of investigation to ascertain whether the applicant has ever been the subject of a conviction or civil finding outside of the state of Washington that bears upon the fitness of the applicant to serve as a foster-family home. Foster-family homes shall be inspected prior to licensure, except that inspection by the department is not required if the foster-family home is under the supervision of a licensed agency upon certification to the department by the licensed agency that such homes meet the requirements for foster homes as adopted pursuant to chapter 74.15 RCW and RCW 74.13.031."

## MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Stevens to the committee striking amendment be adopted.

On page 2, after line 31 of the amendment, insert the following:

**"NEW SECTION. Sec. 4** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Hargrove spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Stevens on page 2, after line 31 to the committee striking amendment to House Bill No. 2835.

2008 REGULAR SESSION

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to House Bill No. 2835.

The motion by Senator Hargrove carried and the committee striking amendment as amended was adopted by voice vote.

## MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 3 of the title, after "situation;" strike the remainder of the title and insert "amending RCW 74.15.040; adding a new section to chapter 26.44 RCW; and creating a new section."

On page 3, line 3 of the title amendment, after "26.44 RCW;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."

## MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 2835 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2835 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2835 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2835 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

Senator Eide moved that, pursuant to Senate Rule 18, Engrossed Second Substitute House Bill No. 2647 be made a Special Order of Business at 4:55 p.m.

The President declared the question before the Senate to be the motion by Senator Eide pursuant to Rule 18 Engrossed Second Substitute House Bill No. 2647 be made a special order of business at 4:55 p.m.

The motion by Senator Eide carried on a rising vote.

## SECOND READING

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847, by House Committee on Finance (originally sponsored by Representatives Ormsby, Schindler, Barlow, Simpson, Springer, Wood and Santos)

Creating a sales and use tax exemption of materials and services used in the weatherization assistance program.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 2847 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2847.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2847 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2263, by Representatives Blake, Moeller, Orcutt and Newhouse

Regarding the phosphorus content in dishwashing detergent.

The measure was read the second time.

MOTION

Senator Brandland moved that the following amendment by Senators Brandland and Spanel be adopted.

On page 1, after line 8, strike all of subsection (2) and insert the following:

" (2)(a) After July 1, 1994, and until the dates specified in this subsection, a person may not sell or distribute for sale a dishwashing detergent that contains 8.7 percent or more phosphorous weight.

(b) Beginning on July 1, 2008, in counties located east of the crest of the Cascade mountains with populations greater than three hundred ninety thousand, as determined by the office of financial management population estimates, a person may not sell or distribute for sale dishwashing detergent that contains .5 percent phosphorus by weight.

(c) Beginning on July 1, 2008, in counties greater than one

hundred eighty thousand and less than two hundred twenty thousand, as determined by the office of financial management population estimates, a person may not sell or distribute for sale dishwashing detergent that contains no more than 2.0 grams phosphorus per single use package.

(d) Beginning July 1, 2008, in counties located west of the crest of the Cascade mountains and adjacent to the north shore of the Columbia river with populations greater than four hundred thousand and less than four hundred fifty thousand, as determined by the office of financial management population estimates, a person may not sell or distribute for sale dishwashing detergent that contains more than 2.0 grams phosphorus per single use package.

(e) After July 1, 2010, a person may not sell or distribute for sale a dishwashing detergent that contains .5 percent or more phosphorus by weight in the state.

(f) For purposes of this subsection, "single use package" means tablets or other forms of dishwashing detergent by which the amount in tact is intended for use in a single washing."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Brandland and Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brandland and Spanel on page 1, after line 8 to House Bill No. 2263.

The motion by Senator Brandland carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rockefeller, the rules were suspended, House Bill No. 2263 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Benton: "Would Senator Rockefeller yield to a question? Senator, if this bill is a good bill and if in fact it is and I believe it is for the State of Washington, why, maybe you can tell me why Clark, Spokane and Whatcom are the only three counties singled out in this legislation for accelerated implementation?"

Senator Rockefeller: "Thank you for the question Senator. The reason is all the other counties have a July 1, 2010 effective date. These were the only three counties for which the new standards were accelerated and now we're modifying it as to two of those three."

The President declared the question before the Senate to be the final passage of House Bill No. 2263 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2263 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2263 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 3149, by House Committee on Appropriations (originally sponsored by Representatives Sommers, Haler, Conway, Kenney, Fromhold, McIntire, Anderson and Darneille)

Changing state investment board personnel compensation provisions.

The measure was read the second time.

## MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 43.33A.100 and 2001 c 302 s 1 are each amended to read as follows:

The state investment board shall maintain appropriate offices and employ such personnel as may be necessary to perform its duties. Employment by the investment board shall include but not be limited to an executive director, investment officers, and a confidential secretary, which positions are exempt from classified service under chapter 41.06 RCW. Employment of the executive director by the board shall be for a term of three years, and such employment shall be subject to confirmation of the state finance committee: PROVIDED, That nothing shall prevent the board from dismissing the director for cause before the expiration of the term nor shall anything prohibit the board, with the confirmation of the state finance committee, from employing the same individual as director in succeeding terms. Compensation levels for the executive director, a confidential secretary, and all investment officers, including the deputy director for investment management, employed by the investment board shall be established by the state investment board. The investment board is authorized to maintain a retention pool within the state investment board expense account under RCW 43.33A.160, from the earnings of the funds managed by the board, pursuant to a performance management and compensation program developed by the investment board, in order to address recruitment and retention problems and to reward performance. The compensation levels and incentive compensation for investment officers shall be limited to the average of total compensation provided by state or other public funds of similar size, based upon a biennial survey conducted by the investment board, with review and comment by the joint legislative audit and review committee. However, in any fiscal year the ~~((salary increases))~~ incentive compensation granted by the investment board from the retention pool to investment officers pursuant to this section may not exceed ((an average of five)) thirty percent. Disbursements from the retention pool shall be from legislative appropriations and shall

be on authorization of the board's executive director or the director's designee.

The investment board shall provide notice to the director of the department of personnel, the director of financial management, and the chairs of the house of representatives and senate fiscal committees of proposed changes to the compensation levels for the positions. The notice shall be provided not less than sixty days prior to the effective date of the proposed changes.

As of July 1, 1981, all employees classified under chapter 41.06 RCW and engaged in duties assumed by the state investment board on July 1, 1981, are assigned to the state investment board. The transfer shall not diminish any rights granted these employees under chapter 41.06 RCW nor exempt the employees from any action which may occur thereafter in accordance with chapter 41.06 RCW.

All existing contracts and obligations pertaining to the functions transferred to the state investment board in ~~((this 1980 act))~~ chapter 3, Laws of 1981 shall remain in full force and effect, and shall be performed by the board. None of the transfers directed by ~~((this 1980 act))~~ chapter 3, Laws of 1981 shall affect the validity of any act performed by a state entity or by any official or employee thereof prior to July 1, 1981."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 3149.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "personnel;" strike the remainder of the title and insert "and amending RCW 43.33A.100."

## MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 3149 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3149 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3149 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 3149 as amended by the Senate, having received the constitutional majority, was

FIFTY-FOURTH DAY, MARCH 7, 2008

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2712, by House Committee on Appropriations (originally sponsored by Representatives Hurst, Ross, Dickerson, Newhouse, Conway, Morrell, Roach, Kelley and Ormsby)

Concerning criminal street gangs.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

**"PART I  
NEAR-TERM RELIEF FOR 2008**

**Washington Association Of Sheriffs And Police  
Chiefs Grant Program To Communities**

NEW SECTION. Sec. 101 A new section is added to chapter 36.28A RCW to read as follows:

(1) When funded, the Washington association of sheriffs and police chiefs shall establish a grant program to assist local law enforcement agencies in the support of special enforcement emphasis targeting gang crime. Grant applications shall be reviewed and awarded through peer review panels. Grant applicants are encouraged to utilize multijurisdictional efforts.

(2) Each grant applicant shall:

(a) Show a significant gang problem in the jurisdiction or jurisdictions receiving the grant;

(b) Verify that grant awards are sufficient to cover increased investigation, prosecution, and jail costs;

(c) Design an enforcement program that best suits the specific gang problem in the jurisdiction or jurisdictions receiving the grant;

(d) Demonstrate community coordination focusing on prevention, intervention, and suppression; and

(e) Collect data on performance pursuant to section 103 of this act.

(3) The cost of administering the grants shall not exceed sixty thousand dollars, or four percent of appropriated funding, whichever is greater.

**Graffiti/Tagging Abatement Grant**

NEW SECTION. Sec. 102 A new section is added to chapter 36.28A RCW to read as follows:

(1) When funded, the Washington association of sheriffs and police chiefs shall establish a grant program to assist local law enforcement agencies in the support of graffiti and tagging abatement programs located in local communities. Grant applicants are encouraged to utilize multijurisdictional efforts.

(2) Each graffiti or tagging abatement grant applicant shall:

(a) Demonstrate that a significant gang problem exists in the jurisdiction or jurisdictions receiving the grant;

(b) Show how the funds will be used to dispose or eliminate any current or ongoing tagging or graffiti within a specified time period;

(c) Specify how the funds will be used to reduce gang-related graffiti or tagging within its community;

2008 REGULAR SESSION

(d) Show how the local citizens and business owners of the community will benefit from the proposed graffiti or tagging abatement process being presented in the grant application; and

(e) Collect data on performance pursuant to section 103 of this act.

(3) The cost of administering the grants shall not exceed twenty-five thousand dollars, or four percent of funding, whichever is greater.

NEW SECTION. Sec. 103 A new section is added to chapter 36.28A RCW to read as follows:

For the grant programs created in sections 101 and 102 of this act and within the funds provided for these programs, the Washington association of sheriffs and police chiefs shall, upon consultation with the Washington state institute for public policy, identify performance measures, periodic reporting requirements, data needs, and a framework for evaluating the effectiveness of grant programs in graffiti and tagging abatement and reducing gang crime.

**PART II**

**STATEWIDE GANG INFORMATION DATABASE**

NEW SECTION. Sec. 201 A new section is added to chapter 43.43 RCW to read as follows:

The Washington association of sheriffs and police chiefs shall work with the Washington state patrol to coordinate, designate, and recommend the use of a statewide database accessible by law enforcement agencies that utilizes existing resources, networks, or structures for assessing and addressing the problems associated with criminal street gangs.

(1) The gang database shall comply with federal regulations for state law enforcement databases shared with other law enforcement agencies, including auditing and access to data.

(2) The Washington state patrol, in consultation with the Washington state association of sheriffs and police chiefs, shall adopt uniform state criteria for entering gangs, gang members, and gang associates into the database. Data on individuals may be entered only based on reasonable suspicion of criminal activity or actual criminal activity and must be supported by documentation, where documentation is available.

(3) Information in the database shall be available to all local, state, and federal general authority law enforcement agencies, the Washington department of corrections, and the juvenile rehabilitation administration of the Washington department of social and health services solely for gang enforcement and for tracking gangs, gang members, and gang incidents. Information in the database shall not be available for public use.

(4) The database shall provide an internet-based multiagency, multilocation, information-sharing application that operates in a network fashion.

(5) The database shall be used solely as a law enforcement intelligence tool and shall not be used as evidence in any criminal, civil, or administrative proceeding. Law enforcement may use the information within the database to obtain information external to the database to formulate the probable cause necessary to make a stop or arrest. The mere existence of information relating to an individual within the database does not by itself justify a stop or arrest.

(6) Access to the database shall be determined by the chief executive officer of each participating agency. Information about specific individuals in the database shall be automatically expunged if: (a) No new or updated information has been entered into the database within the previous five years; (b) there are no pending criminal charges against such person in any court in this state or another state or in any federal court; (c) the person has not been convicted of a new crime in this state, another state, or federal court within the last five years; and (d) it has been five years since the person completed his or her term of total confinement.

(7) Each law enforcement and criminal justice agency using the database is required to:

FIFTY-FOURTH DAY, MARCH 7, 2008

(a) Identify a system administrator that is responsible for annually auditing the use of the system within his or her respective agency to ensure agency compliance with policies established for the use of the database;

(b) Ensure that all users of the database receive training on the use of the database before granting the users access to the database;

(c) Ensure that any information entered into the database relates to a criminal street gang associate or gang member who is twelve years old or older;

(d) Annually produce a gang threat assessment report including available data sources such as uniform crime reports, record management systems, and entries into the statewide gang database. Local public schools shall also be encouraged to provide data to the local gang threat assessment report.

(8) The database and all contents in the database are confidential and exempt from public disclosure under chapter 42.56 RCW.

(9) Any public employee or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, and the Washington association of sheriffs and police chiefs and its employees are immune from civil liability for damages arising from incidents involving a person who has been included in the database, unless it is shown that an employee acted with gross negligence or bad faith.

**Sec. 202** RCW 42.56.240 and 2005 c 274 s 404 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies; ~~(and)~~

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator; ~~and~~

(6) The statewide gang database referenced in section 201 of this act.

### PART III CIVIL INJUNCTIONS

2008 REGULAR SESSION

**NEW SECTION. Sec. 301** The legislature recognizes that counsel is not constitutionally required in civil actions (*In re Marriage of King*, No. 79978-4 (Wash. Dec. 6, 2007)), but believes that it should be required as a matter of public policy in actions brought against a respondent criminal street gang member under section 303 of this act who might risk the loss of procedural rights, in that the resulting injunction may be enforced by criminal prosecution for contempt of court.

**NEW SECTION. Sec. 302** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Gang" means "criminal street gang" as defined in RCW 9.94A.030.

(2) "Pattern of criminal street gang activity" has the same meaning as that term is defined in RCW 9.94A.030.

**NEW SECTION. Sec. 303** (1) Equitable relief is authorized to enjoin, abate, and prevent criminal street gang activity, whether it is a private or public nuisance. Relief is authorized to enjoin criminal street gang-related offenses defined in RCW 9.94A.030(17) and associated noncriminal acts or acts which are known precursors to gang-related criminal acts as specified in subsection (2) of this section, upon a showing that the individual gang member sought to be enjoined has been convicted of a crime included within the definition of "pattern of criminal street gang activity" under RCW 9.94A.030, and of the following elements by a preponderance of the evidence:

(a) A gang is named as a respondent and contains at least five members, at least two of whom possess active leadership roles at the time of application, and that any person sought to be enjoined is an active or current member of the gang;

(b) The gang is a cohesive organization with a historical relationship to the described geographical area for the past five years or more immediately prior to the filing, and with known leadership, membership, and criminal practices;

(c) The respondent gang members have committed, during the five years immediately prior to the filing of the petition, a pattern of criminal street gang activity within the described geographical area. It is necessary to demonstrate a nexus between criminal gang activity and crime in the area;

(d) As a result of the criminal activity of the gang or members, a significant number of nongang members residing within the described geographical area are in reasonable fear of their physical security or that of their family members, or of significant damage to their property to such an extent that they are intimidated or terrorized, and are effectively prevented from living normal lives; and

(e) The plaintiffs have engaged in prevention and intervention planning to serve a reasonable number of the gang's total membership with prevention and intervention services to divert them from gang activity.

(2) The complaint for equitable relief shall contain a statement of specific relief requested and activities sought to be enjoined, which may include:

(a) Associating with other gang members;

(b) Confronting, intimidating, annoying, harassing, threatening, challenging, provoking, or assaulting any person;

(c) Confronting, intimidating, annoying, harassing, threatening, challenging, provoking, or assaulting any person known to be a victim or witness to gang activity;

(d) Possessing or knowingly remaining in the presence of anyone who is in possession of any firearm, ammunition, or deadly weapon in a public place;

(e) Possessing or knowingly remaining in the presence of anyone who is in possession of any controlled substance or drug paraphernalia;

(f) Consuming alcohol in public;

(g) Being present on any private property without the written consent of the owner;

(h) Defacing any public or private property or possessing graffiti or tagging tools; or

(i) Violating any court defined curfew.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(3) The attorney general, the prosecuting attorney, or city attorney or city prosecutor may maintain an action of an equitable nature in the name of the state under this act. If a city applies for equitable relief under this act, the city shall seek and obtain approval of the prosecuting attorney of the county in which the city is located to maintain the action.

(4) Service of the summons and complaint on the respondent gang members may be made by representative service of at least five active and current members of the gang, at least two of whom possess active leadership roles at the time of application. A person served in a representative capacity and who appears may request, if indigent, that an attorney be appointed to represent him or her at public expense. If the court appoints counsel, the plaintiff shall pay the cost of representation. Notice of this shall be provided in the summons. A person served in a representative capacity of the gang need not testify, but may testify and cross-examine witnesses and present testimony and other evidence on his or her own behalf.

(5) A court of competent jurisdiction shall conduct an evidentiary hearing on the complaint for equitable relief filed under this act whether or not any person served in a representative capacity of the gang appears to contest the issuance of the injunction. The plaintiff must prove by a preponderance of the evidence all of the elements set forth in subsection (1) of this section that the persons served in a representative capacity are current and active members of the gang, and that the specific remedies requested are reasonable and necessary.

(6) If after trial the court grants the request for relief, it shall issue an appropriate order of injunction against the gang and any members of the gang within the delineated geographical area as authorized by this section.

(7) An injunction issued under this section is not effective as to any person unless the plaintiff makes a showing to the court, which may be made ex parte, that the person is an active or current member or associate of the gang, as defined in RCW 9.94A.030, and after authorization by the court the person is served with personal notice of the injunction. The notice must state that the person may request an evidentiary hearing at which the plaintiffs must present evidence and show by preponderance of evidence that the defendant is a member of the gang. The individual need not testify, but may testify and may cross-examine witnesses for the plaintiffs and may present testimony and other evidence on his or her own behalf. The plaintiff may seek to add any person to an existing gang injunction at any time using the procedures in this subsection, regardless of whether the person was a gang member or associate at the time that the request for relief was requested or granted.

(8) The final order of injunction shall contain an opt out provision, by which an alleged member previously included in the order may petition at any time for removal from the injunction after a period of three years in which no act by the alleged member has resulted in either a contempt finding or a conviction of crime, and further that there is no criminal charge pending at the time of the hearing. In the petition, the alleged member may request a court hearing on the matter.

(9) All actions to punish any violation of the injunction shall be by prosecution of the crime of contempt of court. It is an affirmative defense that the person charged was a gang member but that he or she was no longer an active or current member of the gang at the time of the alleged violation.

(10) No nonprofit or charitable organization which is conducting its affairs with ordinary care and skill, no labor organization, and no governmental entity, shall be enjoined or abated under this chapter.

#### PART IV ADDITIONAL MEASURES TO COMBAT GANG- RELATED CRIME

##### Increase In Sentences For Adults Who Recruit Juveniles

**Sec. 401** RCW 9.94A.533 and 2007 c 368 s 9 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a

FIFTY-FOURTH DAY, MARCH 7, 2008

deadly weapon other than a firearm as defined in RCW 9A.1010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9A.1010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

2008 REGULAR SESSION

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in ~~((the))~~ the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

**NEW SECTION. Sec. 402** A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution of a criminal street gang-related felony offense, the prosecution may file a special allegation that the felony offense involved the compensation, threatening, or solicitation of a minor in order to involve that minor in the commission of the felony offense, as described under RCW 9.94A.533(10)(a).

(2) The state has the burden of proving a special allegation made under this section beyond a reasonable doubt. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the criminal street gang-related felony offense involved the compensation, threatening, or solicitation of a minor in order to involve that minor in the commission of the felony offense. If no jury is had, the court shall make a finding of fact as to whether the criminal street gang-related felony offense involved the compensation, threatening, or solicitation of a minor in order to involve that minor in the commission of the felony offense.

#### **Expansion Of The List Of Aggravating Factors**

**Sec. 403** RCW 9.94A.535 and 2007 c 377 s 10 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

#### **(1) Mitigating Circumstances - Court to Consider**

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

#### **(2) Aggravating Circumstances - Considered and Imposed by the Court**

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

#### **(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court**

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range.

FIFTY-FOURTH DAY, MARCH 7, 2008

Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the

2008 REGULAR SESSION

defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z)(1)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property or nonferrous metal property, as defined in RCW 19.290.010.

(aa) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street gang as defined in RCW 9.94A.030, its reputation, influence, or membership.

#### **Requiring Community Custody For Unlawful Possession Of A Firearm**

**Sec. 404** RCW 9.94A.545 and 2006 c 128 s 4 are each amended to read as follows:

(1) Except as provided in RCW 9.94A.650 and in subsection (2) of this section, on all sentences of confinement for one year or less, in which the offender is convicted of a sex offense, a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation to commit such a

FIFTY-FOURTH DAY, MARCH 7, 2008

crime, the court may impose up to one year of community custody, subject to conditions and sanctions as authorized in RCW 9.94A.715 and 9.94A.720. An offender shall be on community custody as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of the sentence, the period of community custody shall toll.

(2)(a) If the offender is guilty of failure to register under RCW 9A.44.130((+0)) (11)(a), the court shall impose a term of community custody under RCW 9.94A.715.

(b) If the offender is a criminal street gang associate or member and is found guilty of unlawful possession of a firearm under RCW 9.41.040, the court shall impose a term of community custody under RCW 9.94A.715.

(c) In a criminal case in which there has been a special allegation, the state shall prove by a preponderance of the evidence that the accused is a criminal street gang member or associate as defined in RCW 9.94A.030 and has committed the crime of unlawful possession of a firearm. The court shall make a finding of fact of whether or not the accused was a criminal street gang member or associate at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether or not the accused was a criminal street gang member or associate during the commission of the crime.

**Sec. 405** RCW 9.94A.715 and 2006 c 130 s 2 and 2006 c 128 s 5 are each reenacted and amended to read as follows:

(1) When a court sentences a person to the custody of the department for a sex offense not sentenced under RCW 9.94A.712, a violent offense, any crime against persons under RCW 9.94A.411(2), an offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate, or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, or when a court sentences a person to a term of confinement of one year or less for a violation of RCW 9A.44.130((+0)) (11)(a) committed on or after June 7, 2006, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer. The community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) and (2); or (c) with regard to offenders sentenced under RCW 9.94A.660, upon failure to complete or administrative termination from the special drug offender sentencing alternative program. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community custody imposed under this section.

(2)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to subsection (6) of this section.

(b) As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department under RCW 9.94A.720. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. In addition, the department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws. The department may impose electronic monitoring as a condition of community custody for

2008 REGULAR SESSION

an offender sentenced to a term of community custody under this section pursuant to a conviction for a sex offense. Within the resources made available by the department for this purpose, the department shall carry out any electronic monitoring imposed under this section using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to, a system using radio frequency or active or passive global positioning system technology.

(c) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(3) If an offender violates conditions imposed by the court or the department pursuant to this section during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.737 and 9.94A.740.

(4) Except for terms of community custody under RCW 9.94A.670, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(5) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.631 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(6) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection.

(7) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (a) The crime of conviction; (b) the offender's risk of reoffending; or (c) the safety of the community.

### **Making Subsequent Convictions Of Malicious Mischief 3 A Gross Misdemeanor Offense**

**NEW SECTION. Sec. 406** A new section is added to chapter 9A.48 RCW to read as follows:

(1) A person is guilty of criminal street gang tagging and graffiti if he or she commits malicious mischief in the third degree under RCW 9A.48.090(1)(b) and he or she:

FIFTY-FOURTH DAY, MARCH 7, 2008

(a) Has multiple current convictions for malicious mischief in the third degree offenses under RCW 9A.48.090(1)(b); or

(b) Has previously been convicted for a malicious mischief in the third degree offense under RCW 9A.48.090(1)(b) or a comparable offense under a municipal code provision of any city or town; and

(c) The current offense or one of the current offenses is a "criminal street gang-related offense" as defined in RCW 9.94A.030.

(2) Criminal street gang tagging and graffiti is a gross misdemeanor offense.

#### **Civil Cause Of Action For Graffiti And Tagging**

**NEW SECTION. Sec. 407** A new section is added to chapter 4.24 RCW to read as follows:

(1) An adult or emancipated minor who commits criminal street gang tagging and graffiti under section 406 of this act by causing physical damage to the property of another is liable in addition to actual damages, for a penalty to the owner in the amount of the value of the damaged property not to exceed one thousand dollars, plus an additional penalty of not less than one hundred dollars nor more than two hundred dollars, plus all reasonable attorneys' fees and court costs expended by the owner.

(2) A conviction for violation of section 406 of this act is not a condition precedent to maintenance of a civil action authorized by this section.

(3) An owner demanding payment of a penalty under subsection (1) of this section shall give written notice to the person or persons from whom the penalty is sought.

**Sec. 408** RCW 10.22.010 and 1999 c 143 s 45 are each amended to read as follows:

When a defendant is prosecuted in a criminal action for a misdemeanor, other than a violation of section 406 of this act, for which the person injured by the act constituting the offense has a remedy by a civil action, the offense may be compromised as provided in RCW 10.22.020, except when it was committed:

(1) By or upon an officer while in the execution of the duties of his office(-);

(2) Riotously;

(3) With an intent to commit a felony; or

(4) By one family or household member against another as defined in RCW 10.99.020 and was a crime of domestic violence as defined in RCW 10.99.020.

#### **Criminal Street Gang Definition**

**Sec. 409** RCW 9.94A.030 and 2006 c 139 s 5, 2006 c 124 s 1, 2006 c 122 s 7, 2006 c 73 s 5, and 2005 c 436 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

2008 REGULAR SESSION

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

FIFTY-FOURTH DAY, MARCH 7, 2008

(15) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(16) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(17) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

(18) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

((+6)) (19) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

((+7)) (20) "Department" means the department of corrections.

((+8)) (21) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

((+9)) (22) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments

2008 REGULAR SESSION

made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

((20)) (23) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

((21)) (24) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

((22)) (25) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

((23)) (26) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

((24)) (27) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

((25)) (28) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

((26)) (29) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

((27)) (30) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

((28)) (31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

((29)) (32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;  
 (c) Assault of a child in the second degree;  
 (d) Child molestation in the second degree;  
 (e) Controlled substance homicide;  
 (f) Extortion in the first degree;  
 (g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;  
 (i) Kidnapping in the second degree;  
 (j) Leading organized crime;  
 (k) Manslaughter in the first degree;  
 (l) Manslaughter in the second degree;  
 (m) Promoting prostitution in the first degree;  
 (n) Rape in the third degree;  
 (o) Robbery in the second degree;  
 (p) Sexual exploitation;  
 (q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

~~((30))~~ (33) "Nonviolent offense" means an offense which is not a violent offense.

~~((31))~~ (34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((32))~~ (35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((33))~~ (36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in RCW 9.94A.030, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by RCW 9.94A.030, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9A.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under section 402 of this act;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C)

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

an attempt to commit any crime listed in this subsection ~~((33))~~ (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((34))~~ (38) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((35))~~ (39) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

~~((36))~~ (40) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((37))~~ (41) "Public school" has the same meaning as in RCW 28A.150.010.

~~((38))~~ (42) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((39))~~ (43) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

~~((40))~~ (44) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((41))~~ (45) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or  
 (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((42))~~ (46) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130~~((41))~~ (12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((43))~~ (47) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((44))~~ (48) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((45))~~ (49) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((46))~~ (50) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((47))~~ (51) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((48))~~ (52) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((49))~~ (53) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((50))~~ (54) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((54))~~ (55) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((52))~~ (56) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((53))~~ (57) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

#### PART V STATE PREEMPTION

NEW SECTION. Sec. 501 (1) The state of Washington hereby fully occupies and preempts the entire field of definitions used for purposes of substantive criminal law relating to criminal street gangs, criminal street gang-related offenses, criminal street gang associates and members, and pattern of criminal street gang activity. These definitions of "criminal street gang," "criminal street gang associate or member," "criminal street gang-related offense," and "pattern of criminal street gang activity" contained in RCW 9.94A.030 expressly preempt any conflicting city or county codes or ordinances. Cities, towns, counties, or other municipalities may enact laws and ordinances relating to criminal street gangs that contain definitions that are consistent with definitions pursuant to RCW 9.94A.030. Local laws and ordinances that are inconsistent with the definitions shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

(2) The preemption provided in this chapter does not apply to "gang" as defined in RCW 28A.600.455 under the common school provisions act or "gang" as defined in RCW 59.18.030 under the landlord-tenant act.

(3) The preemption provided for in this chapter does not restrict the adoption or use of a uniform state definition of "gang," "gang member," or "gang associate," for purposes of the creation and maintenance of the statewide gang database for law enforcement intelligence purposes under section 201 of this act.

#### PART VI TEMPORARY WITNESS RELOCATION PROGRAM

NEW SECTION. Sec. 601 A new section is added to chapter 43.31 RCW to read as follows:

The legislature recognizes that witnesses are often fearful of testifying against criminal gang members. Witnesses may be subject to harassment, intimidation, and threats. While the state does not ensure protection of witnesses, the state intends to provide resources to assist local prosecutors in combating gang-related crimes and to help citizens perform their civic duty to testify in these cases.

NEW SECTION. Sec. 602 A new section is added to chapter 43.31 RCW to read as follows:

(1) Subject to available funds, the department of community, trade, and economic development shall establish a temporary witness assistance grant program for witnesses of felony criminal street gang-related offenses. The department of community, trade, and economic development shall develop a formula for distributing temporary witness assistance grants and consideration shall primarily be given to those county prosecutors that show that there is a significant gang problem in their jurisdiction.

(2) As part of the temporary witness assistance grant program, the department of community, trade, and economic development shall work in collaboration with each local prosecuting attorney to determine how and how much grant funding shall be distributed in order to reimburse county prosecutors in assisting witnesses of felony gang-related offenses with temporary assistance, relocation, and shelter.

(3) Each temporary witness assistance grant awarded shall be limited to a maximum of five thousand dollars per witness of a felony criminal street gang-related offense or for a period of no more than three months.

(4) Based upon the prior approval of the department of community, trade, and economic development, approved county prosecutor costs incurred for providing temporary witness assistance shall be reimbursed to the respective county prosecutor's office on a quarterly basis.

(5) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for damages resulting from the temporary witness assistance program, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.

NEW SECTION. Sec. 603 If specific funding for purposes of section 602 of this act, referencing section 602 of this act by bill or chapter and section number, is not provided by June 30, 2008, in the omnibus operating appropriations act, section 602 of this act is null and void.

#### PART VII STUDY ON BEST PRACTICES TO REDUCE GANG INVOLVEMENT WHILE INCARCERATED

NEW SECTION. Sec. 701 A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall study and establish best practices to reduce gang involvement and recruitment among incarcerated offenders. The department shall study and make recommendations regarding the establishment of:

(a) Intervention programs within the institutions of the department for offenders who are seeking to opt out of gangs. The intervention programs shall include, but are not limited to, tattoo removal, anger management, GED, and other interventions; and

(b) An intervention program to assist gang members with successful reentry into the community.

(2) The department shall report to the legislature on its findings and recommendations by January 1, 2009.

#### PART VIII MISCELLANEOUS

NEW SECTION. Sec. 801 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802 Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 803 Sections 302 and 303 of this act constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 804 Section 501 of this act constitutes a new chapter in Title 9 RCW.

NEW SECTION. Sec. 805 If specific funding for the purposes of this act, referencing this act by bill or chapter

FIFTY-FOURTH DAY, MARCH 7, 2008

number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

MOTION

Senator Prentice moved that the following amendment by Senators Prentice and Brown to the committee striking amendment be adopted.

On page 5, beginning on line 33 of the amendment, strike all material up to and including page 9, line 13 of the amendment

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

Senators Prentice, Kauffman and Franklin spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Holmquist spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Prentice and Brown on page 5, line 33 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2712.

The motion by Senator Prentice carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 2712.

The motion by Senator Prentice carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "gangs;" strike the remainder of the title and insert "amending RCW 42.56.240, 9.94A.533, 9.94A.535, 9.94A.545, and 10.22.010; reenacting and amending RCW 9.94A.715 and 9.94A.030; adding a new section to chapter 43.20A RCW; adding new sections to chapter 36.28A RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 9A.48 RCW; adding a new section to chapter 4.24 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 72.09 RCW; adding a new chapter to Title 7 RCW; adding a new chapter to Title 9 RCW; creating new sections; and prescribing penalties."

On page 42, line 19 of the title amendment, after "72.09 RCW;" strike "adding a new chapter to Title 7 RCW;"

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Second Substitute House Bill No. 2712 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Honeyford and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2712 as amended by the Senate.

ROLL CALL

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2712 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Franklin, Kauffman and Prentice - 3

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2712 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2479, by House Committee on Appropriations (originally sponsored by Representatives Morrell, Bailey, Cody, Pedersen, Appleton, Sells, Lantz, Hasegawa, Ormsby, Conway, Condotta, Hurst, McIntire, Roberts, Kenney, Haigh, Schual-Berke, Campbell, VanDeWege, Rolfes, Kagi, Chase, Liias, Simpson, Barlow, Ericks, Green, Kelley and McDonald)

Requiring subscribers' consent to disclosure of wireless phone numbers.

The measure was read the second time.

MOTION

Senator Kauffman moved that the following committee striking amendment by the Committee on Consumer Protection & Housing be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that the right to privacy is a personal and fundamental right protected by Article I, section 7 of the state Constitution. The legislature also finds that, in the vast majority of cases, subscribers pay for both incoming and outgoing calls, and that subscribers purchase cell phone service with an expectation that their numbers will not be made public. Therefore, the legislature recognizes that a subscriber's cell phone number should be kept private, unless that subscriber knowingly provides their express, opt-in consent to have that number made available in a public directory.

**NEW SECTION. Sec. 2** A new section is added to chapter 19.250 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Directory provider" means any person in the business of marketing, selling, or sharing the phone number of any subscriber for commercial purposes.

(2) "Radio communications service company" has the same meaning as in RCW 80.04.010.

(3) "Reverse phone number search services" means a service that provides the name of a subscriber associated with a phone number when the phone number is supplied.

(4) "Subscriber" means a person who resides in the state of Washington and subscribes to radio communications services, radio paging, or cellular communications service.

(5) "Wireless phone number" means a phone number unique to the subscriber that permits the subscriber to receive radio

FIFTY-FOURTH DAY, MARCH 7, 2008

communications, radio paging, or cellular communications from others.

**Sec. 3** RCW 19.250.010 and 2005 c 322 s 1 are each amended to read as follows:

(1) A radio communications service company (~~as defined in RCW 80.04.010;~~) or any direct or indirect affiliate or agent of a (~~provider~~) radio communications service company shall not include the wireless phone number of any subscriber for inclusion in any directory of any form, nor shall it sell the contents of any directory database, without first obtaining the express, opt-in consent of that subscriber. The subscriber's consent must be obtained either in writing or electronically, and a receipt must be provided to the subscriber. The consent shall be a separate document or located on a separate screen or web page that has the sole purpose of authorizing a radio communications service company to include the subscriber's wireless phone number in a publicly available directory assistance database.

(2) In obtaining the subscriber's consent, the (~~provider~~) radio communications service company or direct or indirect affiliate or agent of a radio communications service company shall unambiguously disclose that, by consenting, the subscriber agrees to (~~have~~) the following:

(a) That the subscriber's wireless phone number may be sold or licensed as part of a list of subscribers and that the wireless phone number may be included in a publicly available directory assistance database (~~The provider must also disclose that by consenting to be included in the directory;~~);

(b) That the subscriber may incur additional charges for receiving unsolicited calls or text messages; and

(c) That the subscriber's express, opt-in consent will be construed as consent for the subsequent publication of the wireless phone number to and by third parties in other directories or databases.

~~((2) A subscriber who provides express consent pursuant to subsection (1) of this section may revoke that consent at any time. A radio communications service company shall comply with the subscriber's request to opt out within a reasonable period of time, not to exceed sixty days.~~

~~(3) A subscriber shall not be charged for opting not to be listed in the directory.~~

~~(4) This section does not apply to the provision of telephone numbers, for the purposes indicated, to:~~

~~(a) Any law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or county emergency services planning agency, or private for-profit corporation operating under contract with, and at the direction of, one or more of these agencies, for the exclusive purpose of responding to a 911 call or communicating an imminent threat to life or property. Information or records provided to a private for-profit corporation pursuant to (b) of this subsection shall be held in confidence by that corporation and by any individual employed by or associated with that corporation. Such information or records shall not be open to examination for any purpose not directly connected with the administration of the services specified in this subsection;~~

~~(b) A lawful process issued under state or federal law;~~

~~(c) A telecommunications company providing service between service areas for the provision of telephone services to the subscriber between service areas, or to third parties for the limited purpose of providing billing services;~~

~~(d) A telecommunications company to effectuate a customer's request to transfer the customer's assigned telephone number from the customer's existing provider of telecommunications services to a new provider of telecommunications services;~~

~~(e) The utilities and transportation commission pursuant to its jurisdiction and control over telecommunications companies; and~~

2008 REGULAR SESSION

~~(f) A sales agent to provide the subscriber's cell phone numbers to the cellular provider for the limited purpose of billing and customer service.~~

~~(5) Every knowing violation of this section is punishable by a fine of up to fifty thousand dollars for each violation.~~

~~(6) The attorney general may bring actions to enforce compliance with this section. For the first violation by any company or organization of this section, the attorney general may notify the company with a letter of warning that the section has been violated.~~

~~(7) No telecommunications company, nor any official or employee of a telecommunications company, shall be subject to criminal or civil liability for the release of customer information as authorized by this section.)~~

**NEW SECTION. Sec. 4** A new section is added to chapter 19.250 RCW to read as follows:

(1) A directory provider shall not include any phone number that belongs to a Washington state resident in any directory of any form, or sell the contents of any directory database, without first undertaking a reasonable ongoing investigation as to whether the phone number is a wireless phone number. An investigation under this section is presumed reasonable if the directory provider compares the phone number at least every thirty days against: (a) A commercially available list of central office code assignment records offered through the North American numbering plan administration or other similar service; or (b) a commercially available list of intermodal ports of telephone numbers between wireline-to-wireless ports and wireless-to-wireline ports. A directory provider also has a duty to continually use up-to-date, commercially available technology when conducting its investigation of a phone number. If an investigation reveals that the phone number is a wireless phone number, the directory provider shall not include the number in any directory of any form, or sell the contents of any directory database without first obtaining the subscriber's express, opt-in consent. The subscriber's consent must be provided to the subscriber. The consent must be a separate document or located on a separate screen or web page that has the sole purpose of authorizing a directory provider to include the subscriber's wireless phone number in a publicly available directory assistance database.

(2) In obtaining the subscriber's consent, the directory provider shall unambiguously disclose that, by consenting, the subscriber agrees to the following:

(a) That the subscriber's wireless phone number may be sold or licensed as part of a list of subscribers and that the wireless phone number may be included in a publicly available directory assistance database;

(b) That the subscriber may incur additional charges for receiving unsolicited calls or text messages; and

(c) That the subscriber's express, opt-in consent will be construed as consent for the subsequent publication of the wireless phone number to and by third parties in other directories or databases.

(3) This section does not preclude a directory provider from providing a reverse phone number search service. However, a subscriber whose wireless phone number is contained in a reverse phone number search service may utilize the opt-out provisions set forth in section 5 of this act.

**NEW SECTION. Sec. 5** A new section is added to chapter 19.250 RCW to read as follows:

(1) A subscriber who provides express, opt-in consent under RCW 19.250.010 and section 4 of this act may revoke that consent at any time. A radio communications service company and a directory provider shall comply with the subscriber's request to opt out within a reasonable period of time, not to exceed sixty days for printed directories and not to exceed thirty days for online directories.

(2) At the subscriber's request, a provider of a reverse phone number search service must allow a subscriber to perform a

FIFTY-FOURTH DAY, MARCH 7, 2008

reverse phone number search free of charge to determine whether the subscriber's wireless phone number is listed in the reverse phone number search service. If the subscriber finds that his or her wireless phone number is contained in the reverse phone number search service, the subscriber may opt out of having his or her wireless phone number included in the reverse phone number search service at any time. The provider of the reverse phone number search service must comply with the subscriber's request to opt out within a reasonable period of time, not to exceed thirty days.

(3) A subscriber shall not be charged for opting out of having his or her wireless phone number listed in a directory or reverse phone number search service.

**NEW SECTION. Sec. 6** A new section is added to chapter 19.250 RCW to read as follows:

The legislature finds that allowing a subscriber to opt out of a reverse phone number search service vitally affects the public interest for the purpose of applying chapter 19.86 RCW. A violation of section 5 of this act by a provider of a reverse phone number search service is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying chapter 19.86 RCW.

**NEW SECTION. Sec. 7** A new section is added to chapter 19.250 RCW to read as follows:

(1) Every knowing violation of RCW 19.250.010 is punishable by a fine of not less than two thousand dollars and no more than fifty thousand dollars for each violation. Including a wireless phone number in a directory without a subscriber's express, opt-in consent pursuant to section 4 of this act is a violation of this chapter and is punishable by a fine of up to fifty thousand dollars unless the directory provider first conducted a reasonable investigation as required in section 4 of this act and was unable to determine if the published number was a wireless phone number.

(2) The attorney general may bring actions to enforce compliance with this section. For the first violation by any company, organization, or person under this chapter, the attorney general may notify the company, organization, or person with a letter of warning that this chapter has been violated.

(3) A telecommunications company or directory provider, or any official or employee of a telecommunications company or directory provider, is not subject to criminal or civil liability for the release of customer information as authorized by this chapter.

**NEW SECTION. Sec. 8** A new section is added to chapter 19.250 RCW to read as follows:

(1) A radio communications service company or a directory provider, who has maintained a directory before the effective date of this section, must within thirty days either:

(a) Secure the express, opt-in consent of each subscriber listed in the directory as specified in RCW 19.250.010 or section 4 of this act; or

(b) Remove the wireless phone numbers of any subscribers who have not provided their express, opt-in consent.

(2) This section does not apply to the following:

(a) A directory provider that has undertaken a reasonable investigation pursuant to section 4 of this act and is unable to determine whether the phone number is a wireless phone number;

(b) A directory provider that publishes a subscriber's wireless phone number in a directory that is obtained directly from a radio communications service company and that radio communications service company has obtained the required express, opt-in consent for including in any directory the subscriber's wireless phone number as specified in RCW 19.250.010;

(c) A person that publishes a subscriber's wireless phone number in a directory where the subscriber pays a fee to have the number published for commercial purposes; and

2008 REGULAR SESSION

(d) A person that publishes a subscriber's wireless phone number that was ported from listed wireline service to wireless service within the previous fifteen months.

(3) This section does not preclude a directory provider from providing a reverse phone number search service. However, a subscriber whose wireless phone number is contained in a reverse phone number search service may utilize the opt-out provisions set forth in section 5 of this act.

**NEW SECTION. Sec. 9** A new section is added to chapter 19.250 RCW to read as follows:

This chapter does not apply to the provision of wireless phone numbers, for the purposes indicated, to:

(1) Any law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or county emergency services planning agency, or private for-profit corporation operating under contract with, and at the direction of, one or more of these agencies, for the exclusive purpose of responding to a 911 call or communicating an imminent threat to life or property. Information or records provided to a private for-profit corporation pursuant to subsection (2) of this section must be held in confidence by that corporation and by any individual employed by or associated with that corporation. Such information or records are not open to examination for any purpose not directly connected with the administration of the services specified in this subsection;

(2) A lawful process issued under state or federal law;

(3) A telecommunications company providing service between service areas for the provision of telephone services to the subscriber between service areas, or to third parties for the limited purpose of providing billing services;

(4) A telecommunications company to effectuate a customer's request to transfer the customer's assigned telephone number from the customer's existing provider of telecommunications services to a new provider of telecommunications services;

(5) The utilities and transportation commission pursuant to its jurisdiction and control over telecommunications companies;

(6) A sales agent to provide the subscriber's wireless phone numbers to the radio communications service company for the limited purpose of billing and customer service;

(7) A directory provider that has undertaken a reasonable investigation pursuant to section 4 of this act and is unable to determine whether the phone number is a wireless phone number;

(8) A directory provider that publishes a subscriber's wireless phone number in a directory that is obtained directly from a radio communications service company and that radio communications service company has obtained the required express, opt-in consent for including in any directory the subscriber's wireless phone number as specified in RCW 19.250.010;

(9) A person that publishes a subscriber's wireless phone number in a directory where the subscriber pays a fee to have the number published for commercial purposes;

(10) A person that publishes a subscriber's wireless phone number that was ported from listed wireline service to wireless service within the previous fifteen months; and

(11) A consumer reporting agency as defined in RCW 19.182.010 for use as a unique identifier of a consumer in a consumer report as defined in RCW 19.182.010."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Consumer Protection & Housing to Second Substitute House Bill No. 2479.

The motion by Senator Kauffman carried and the committee striking amendment was adopted by voice vote.

MOTION

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "numbers;" strike the remainder of the title and insert "amending RCW 19.250.010; adding new sections to chapter 19.250 RCW; creating a new section; and prescribing penalties."

#### MOTION

On motion of Senator Kauffman, the rules were suspended, Second Substitute House Bill No. 2479 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Honeyford spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2479 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2479 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Prentice - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2479 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2635, by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representative Quall)

Regarding school district boundaries and organization.

The measure was read the second time.

#### MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 28A.315.195 and 2006 c 263 s 502 are each amended to read as follows:

(1) A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:

(a) Signed by at least fifty percent plus one of the active registered voters residing in the territory proposed to be transferred; or

(b) Signed by a majority of the members of the board of directors of one of the districts affected by a proposed transfer of territory and providing documentation that, before signing the petition, the board of directors took the following actions:

(i) Communicated the proposed transfer to the board of directors of the affected district or districts and provided an opportunity for the board of the affected district or districts to respond; and

(ii) Communicated the proposed transfer to the registered voters residing in the territory proposed to be transferred, provided notice of a public hearing regarding the proposal, and provided the voters an opportunity to comment on the proposal at the public hearing.

(2) The petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory.

(3) The educational service district superintendent shall not complete any transfer of territory under this section that involves ten percent or more of the common school student population of the entire district from which the transfer is proposed, unless the educational service district superintendent has first called and held a special election of the voters of the entire school district from which the transfer of territory is proposed. The purpose of the election is to afford those voters an opportunity to approve or reject the proposed transfer. A simple majority shall determine approval or rejection.

(4) The superintendent of public instruction may establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(5) Upon receipt of the petition, the educational service district superintendent shall notify in writing the affected districts that:

(a) Each school district board of directors, whether or not initiating a proposed transfer of territory, is required to enter into negotiations with the affected district or districts;

(b) In the case of a citizen-initiated petition, the affected districts must negotiate on the entire proposed transfer of territory;

(c) The districts have ninety calendar days in which to agree to the proposed transfer of territory;

(d) The districts may request and shall be granted by the educational service district superintendent one thirty-day extension to try to reach agreement; and

(e) Any district involved in the negotiations may at any time during the ninety-day period notify the educational service district superintendent in writing that agreement will not be possible.

(6) If the negotiating school boards cannot come to agreement about the proposed transfer of territory, the educational service district superintendent, if requested by the affected districts, shall appoint a mediator. The mediator has thirty days to work with the affected school districts to see if an agreement can be reached on the proposed transfer of territory.

(7) If the affected school districts cannot come to agreement about the proposed transfer of territory, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, either district may file with the educational service district superintendent a written request for a hearing by the regional committee.

(8) If the affected school districts cannot come to agreement about the proposed transfer of territory initiated by citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside shall file with the educational service district

FIFTY-FOURTH DAY, MARCH 7, 2008

superintendent a written request for a hearing by the regional committee, unless a majority of the citizen petitioners request otherwise.

(9) Upon receipt of a notice under subsection (7) or (8) of this section, the educational service district superintendent shall notify the chair of the regional committee in writing within ten days.

(10) Costs incurred by school districts under this section shall be reimbursed by the state from such funds as are appropriated for this purpose.

**Sec. 2** RCW 28A.315.205 and 2006 c 263 s 503 are each amended to read as follows:

(1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory at a location in the educational service district within sixty calendar days of being notified under RCW 28A.315.195 (7) or (8).

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of RCW 28A.315.015 and in making decisions as authorized under RCW 28A.315.095(1), the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with RCW 28A.315.015(2) and rules adopted by the superintendent of public instruction under chapter 34.05 RCW.

(4) The rules under subsection (3) of this section shall provide for giving consideration to all of the following:

(a) Student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates;

(b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;

(c) The history and relationship of the property affected to the students and communities affected, including, for example, ~~((inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units))~~ the impact of the growth management act and current or proposed urban growth areas, city boundaries, and master planned communities;

(d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

(e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee to the superintendent of public instruction based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any such appeal shall be based on the record and the appeal must be filed within thirty days of the final decision of the regional committee. The appeal shall be heard and determined by an administrative law

2008 REGULAR SESSION

judge in the office of administrative hearings, based on the standards in (a)(ii) of this subsection.

(ii) If the administrative law judge finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, the administrative law judge shall refer the matter back to the regional committee with an explanation of his or her findings. The regional committee shall rehear the proposal.

(iii) If the administrative law judge finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW 34.05.570.

**Sec. 3** RCW 28A.315.085 and 2006 c 263 s 507 are each amended to read as follows:

(1) The superintendent of public instruction shall furnish to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter. ~~((Members shall be reimbursed for expenses necessarily incurred by them in the performance of their duties in accordance with RCW 28A.315.155.))~~

(2) Costs that may be incurred by an educational service district in association with school district negotiations under RCW 28A.315.195 and supporting the regional committee under RCW 28A.315.205 shall be reimbursed by the state from such funds as are appropriated for these purposes.

**Sec. 4** RCW 28A.315.105 and 1985 c 385 s 2 are each amended to read as follows:

(1) There is hereby created in each educational service district a committee which shall be known as the regional committee on school district organization, which committee shall be composed of not less than seven nor more than nine registered voters of the educational service district, the number to correspond with the number of board member districts established for the governance of the educational service district in which the regional committee is located.

(2) Members of each regional committee shall be appointed to serve a four-year term by the educational service district board of the district in which the regional committee is located. One member of the regional committee shall be ((elected from the registered voters of)) appointed from each such educational service district board member district. Appointed members of regional committees must be registered voters and reside in the educational service district board member district from which they are appointed. Members of regional committees who were elected before the effective date of this section may serve the remainder of their four-year terms. Vacancies occurring for any reason, including at the end of the term of any member of a regional committee who was elected before the effective date of this section, shall be filled by appointment by the educational service district board of directors as provided in this section.

(3) In the event of a change in the number of educational service districts or in the number of educational service district board members pursuant to chapter 28A.310 RCW, a new regional committee shall be appointed for each affected educational service district at the expiration of the terms of the majority of the members of the regional committee. Those persons who were serving on a regional committee within an educational service district affected by a change in the number of districts or board members shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new board has been appointed.

(4) No appointed member of a regional committee may continue to serve on the committee if he or she ceases to be a registered voter of the educational service district board member

FIFTY-FOURTH DAY, MARCH 7, 2008

district or if he or she is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

**NEW SECTION. Sec. 5** The following acts or parts of acts are each repealed:

1 RCW 28A.315.125 (Regional committees--Election of members--Qualifications) and 2006 c 263 s 508, 1993 c 416 s 2, 1990 c 33 s 295, 1985 c 385 s 4, & 1975-'76 2nd ex.s. c 15 s 1;

2 RCW 28A.315.135 (Regional committees--Vacancies) and 1985 c 385 s 5, 1975 1st ex.s. c 275 s 81, 1969 ex.s. c 176 s 117, & 1969 ex.s. c 223 s 28A.57.033; and

3 RCW 28A.315.145 (Regional committees--Terms of members) and 1993 c 416 s 3, 1990 c 33 s 296, 1985 c 385 s 6, & 1969 ex.s. c 223 s 28A.57.034.

**Sec. 6** RCW 28A.323.020 and 2006 c 263 s 612 are each amended to read as follows:

The duties in this chapter imposed upon and required to be performed by a regional committee and by an educational service district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in ~~((a single))~~ more than one educational service district is involved shall be performed ~~((jointly))~~ by the regional committee~~((s))~~ and by the superintendent~~((s))~~ of the ~~((several))~~ educational service district~~((s as required whenever territory lying in more than one educational service district is involved in a proposed change in the organization and extent of school districts. PROVIDED, That a regional committee may designate three of its members, or two of its members and the educational service district superintendent, as a subcommittee to serve in lieu of the whole committee, but action by a subcommittee shall not be binding unless approved by a majority of the regional committee))~~ in which is located the part of the proposed or enlarged school district having the largest number of common school pupils residing therein. Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the superintendent of public instruction ~~((by the regional committee of the educational service district in which is located the part of the proposed or enlarged district having the largest number of common school pupils residing therein)).~~

**NEW SECTION. Sec. 7** RCW 28A.323.030 (School districts in two or more educational service districts--Proposed change or adjustment--Procedure when one committee does not approve or fails to act--Temporary committee) and 1990 c 33 s 310, 1985 c 385 s 26, 1975 1st ex.s. c 275 s 96, 1969 ex.s. c 176 s 132, & 1969 ex.s. c 223 s 28A.57.245 are each repealed.

**NEW SECTION. Sec. 8** RCW 28A.323.020 is recodified as a new section in chapter 28A.315 RCW.

**Sec. 9** RCW 28A.343.070 and 1990 c 33 s 324 are each amended to read as follows:

Each educational service district superintendent shall prepare and keep in his or her office ~~((+))~~ a map showing the boundaries of the directors' districts of all school districts in or belonging to his or her educational service district that are so divided ~~((, and (2) a record of the action taken by the regional committee in establishing such boundaries)).~~

**NEW SECTION. Sec. 10** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Second Substitute House Bill No. 2635.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "organization;" strike the remainder of the title and insert "amending RCW 28A.315.195, 28A.315.205, 28A.315.085, 28A.315.105, 28A.323.020, and 28A.343.070; adding a new section to chapter 28A.315 RCW; creating a new section; recodifying RCW 28A.323.020; and repealing RCW 28A.315.125, 28A.315.135, 28A.315.145, and 28A.323.030."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2635 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2635 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2635 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Prentice - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2635 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2955, by Representatives Hunter, O'Brien, Hurst, Sullivan, Williams, Kelley and Morrell

Ensuring access to criminal justice information.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2955 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2955.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2955 and the bill passed the Senate by the following

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Prentice - 1

HOUSE BILL NO. 2955, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2700, by Representatives O'Brien, Morrell, VanDeWege, Green, Hurst, Pearson, Sullivan, Williams, Hankins and Kelley

Creating the military department active state service account.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 2700 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2700.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2700 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2700, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2879, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Erickson, Hasegawa, Morrell and Kelley)

Modifying provisions regulating spyware.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 2879 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2879.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2879 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2879, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2537, by House Committee on Appropriations (originally sponsored by Representatives Cody, Hasegawa, Kenney, Morrell, Green and Loomis)

Modifications to the health insurance partnership act.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 70.47A.020 and 2007 c 260 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the Washington state health care authority, established under chapter 41.05 RCW.

(2) "Board" means the health insurance partnership board established in RCW 70.47A.100.

(3) "Eligible partnership participant" means ~~((an individual))~~ a partnership participant who:

(a) Is a resident of the state of Washington; and

(b) Has family income that does not exceed two hundred percent of the federal poverty level, as determined annually by the federal department of health and human services ~~((and~~

~~((c) Is employed by a participating small employer or is a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment)).~~

(4) "Health benefit plan" has the same meaning as defined in RCW 48.43.005.

(5) "Participating small employer" means a small employer that ~~((employs at least one eligible partnership participant and))~~ has entered into an agreement with the partnership ~~((for the~~

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

~~partnership to offer and administer the small employer's group health benefit plan, as defined in federal law, Sec. 706 of ERISA (29 U.S.C. Sec. 1167), for enrollees in the plan) to purchase health benefits through the partnership. To participate in the partnership, an employer must attest to the fact that (a) the employer does not currently offer health insurance to its employees, and (b) at least fifty percent of the employer's employees are low-wage workers.~~

(6) "Partnership" means the health insurance partnership established in RCW 70.47A.030.

(7) "Partnership participant" means ~~(an employee)~~ a participating small employer and employees of a participating small employer, ~~(or)~~ and, except to the extent provided otherwise in RCW 70.47A.110(1)(e), a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.

(8) "Small employer" has the same meaning as defined in RCW 48.43.005.

(9) "Subsidy" or "premium subsidy" means payment or reimbursement to an eligible partnership participant toward the purchase of a health benefit plan, and may include a net billing arrangement with insurance carriers or a prospective or retrospective payment for health benefit plan premiums.

**Sec. 2** RCW 70.47A.030 and 2007 c 259 s 58 are each amended to read as follows:

(1) To the extent funding is appropriated in the operating budget for this purpose, the health insurance partnership is established. The administrator shall be responsible for the implementation and operation of the health insurance partnership, directly or by contract. The administrator shall offer premium subsidies to eligible partnership participants under RCW 70.47A.040. The partnership shall begin to offer coverage no later than March 1, 2009.

(2) Consistent with policies adopted by the board under ~~(section 59 of this act)~~ RCW 70.47A.110, the administrator shall, directly or by contract:

(a) Establish and administer procedures for enrolling small employers in the partnership, including publicizing the existence of the partnership and disseminating information on enrollment, and establishing rules related to minimum participation of employees in small groups purchasing health insurance through the partnership. Opportunities to publicize the program for outreach and education of small employers on the value of insurance shall explore the use of online employer guides. As a condition of participating in the partnership, a small employer must agree to establish a cafeteria plan under section 125 of the federal internal revenue code that will enable employees to use pretax dollars to pay their share of their health benefit plan premium. The partnership shall provide technical assistance to small employers for this purpose;

(b) Establish and administer procedures for health benefit plan enrollment by employees of small employers during open enrollment periods and outside of open enrollment periods upon the occurrence of any qualifying event specified in the federal health insurance portability and accountability act of 1996 or applicable state law. ~~(Neither)~~ Except to the extent authorized in RCW 70.47A.110(1)(e), neither the employer nor the partnership shall limit an employee's choice of coverage from among ~~(at)~~ the health benefit plans offered through the partnership.

(c) ~~(Establish and manage a system for the partnership to be designated as the sponsor or administrator of a participating small employer health benefit plan and to undertake the obligations required of a plan administrator under federal law;~~

~~(d))~~ Establish and manage a system of collecting and transmitting to the applicable carriers all premium payments or contributions made by or on behalf of partnership participants, including employer contributions, automatic payroll deductions for partnership participants, premium subsidy payments, and contributions from philanthropies;

~~((c))~~ (d) Establish and manage a system for determining eligibility for and making premium subsidy payments under chapter 259, Laws of 2007;

~~((f))~~ (e) Establish a mechanism to apply a surcharge to ~~(at)~~ each health benefit plan ~~(s)~~ purchased through the partnership, which shall be used only to pay for administrative and operational expenses of the partnership. The surcharge must be applied uniformly to all health benefit plans ~~(offered)~~ purchased through the partnership ~~(and must be included in the premium for each health benefit plan)~~. Any surcharge amount may be added to the premium, but shall not be considered part of the small group community rate, and shall be applied only to the coverage purchased through the partnership. Surcharges may not be used to pay any premium assistance payments under this chapter. The surcharge shall reflect administrative and operational expenses remaining after any appropriation provided by the legislature to support administrative or operational expenses of the partnership during the year the surcharge is assessed;

~~((g))~~ (f) Design a schedule of premium subsidies that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members based on a benchmark health benefit plan designated by the board. The amount of an eligible partnership participant's premium subsidy shall be determined by applying a sliding scale subsidy schedule with the percentage of premium similar to that developed for subsidized basic health plan enrollees under RCW 70.47.060. The subsidy shall be applied to the employee's premium obligation for his or her health benefit plan, so that employees benefit financially from any employer contribution to the cost of their coverage through the partnership.

(3) The administrator may enter into interdepartmental agreements with the office of the insurance commissioner, the department of social and health services, and any other state agencies necessary to implement this chapter.

**Sec. 3** RCW 70.47A.040 and 2007 c 260 s 6 are each amended to read as follows:

Beginning ~~(September 1, 2008)~~ January 1, 2009, the administrator shall accept applications from eligible partnership participants, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the health insurance partnership.

**Sec. 4** RCW 70.47A.070 and 2006 c 255 s 7 are each amended to read as follows:

The administrator shall report biennially, beginning November 1, 2010, to the relevant policy and fiscal committees of the legislature on the effectiveness and efficiency of the ~~(small employer)~~ health insurance partnership program, including enrollment trends, the services and benefits covered under the purchased health benefit plans, consumer satisfaction, and other program operational issues.

**Sec. 5** RCW 70.47A.110 and 2007 c 260 s 5 are each amended to read as follows:

(1) The health insurance partnership board shall:

(a) Develop policies for enrollment of small employers in the partnership, including minimum participation rules for small employer groups. The small employer shall determine the criteria for eligibility and enrollment in his or her plan and the terms and amounts of the employer's contributions to that plan, consistent with any minimum employer premium contribution level established by the board under (d) of this subsection;

(b) Designate health benefit plans that are currently offered in the small group market that will be offered to participating small employers through the health insurance partnership and those plans that will qualify for premium subsidy payments. ~~(At least four)~~ Up to five health benefit plans shall be chosen, with multiple deductible and point-of-service cost-sharing options. The health benefit plans shall range from catastrophic to comprehensive coverage, and one health benefit plan shall be a high deductible health plan accompanied by a health savings account. Every effort shall be made to include health benefit

FIFTY-FOURTH DAY, MARCH 7, 2008

plans that include components to maximize the quality of care provided and result in improved health outcomes, such as preventive care, wellness incentives, chronic care management services, and provider network development and payment policies related to quality of care;

(c) Approve a mid-range benefit plan from those selected to be used as a benchmark plan for calculating premium subsidies;

(d) Determine whether there should be a minimum employer premium contribution on behalf of employees, and if so, how much;

(e) Develop policies related to partnership participant enrollment in health benefit plans. The board may focus its initial efforts on access to coverage and affordability of coverage for participating small employers and their employees. To the extent necessary for successful implementation of the partnership, during a start-up phase of partnership operation, the board may:

(i) Limit partnership participant health benefit plan choice; and

(ii) Offer former employees of participating small employers the opportunity to continue coverage after separation from employment to the extent that a former employee is eligible for continuation coverage under 29 U.S.C. Sec. 1161 et seq.

The start-up phase may not exceed two years from the date the partnership begins to offer coverage;

(f) Determine appropriate health benefit plan rating methodologies. The methodologies shall be based on the small group adjusted community rate as defined in Title 48 RCW. The board shall evaluate the impact of applying the small group adjusted community rating ~~((with))~~ methodology to health benefit plans purchased through the partnership on the ~~((partnership))~~ principle of allowing each ~~((employee))~~ partnership participant to choose ~~((their))~~ his or her health benefit plan, and ~~((consider options))~~ may implement one or more risk adjustment or reinsurance mechanisms to reduce uncertainty for carriers and provide for efficient risk management of high-cost enrollees ~~((through risk adjustment, reinsurance, or other mechanisms));~~

~~((f))~~ (g) Determine whether the partnership should be designated as the administrator of a participating small employer health benefit plan and undertake the obligations required of a plan administrator under federal law in order to minimize administrative burdens on participating small employers;

(h) Conduct analyses and provide recommendations as requested by the legislature and the governor, with the assistance of staff from the health care authority and the office of the insurance commissioner.

(2) The board may authorize one or more limited health care service plans for dental care services to be offered by limited health care service contractors under RCW 48.44.035. However, such plan shall not qualify for subsidy payments.

(3) In fulfilling the requirements of this section, the board shall consult with small employers, the office of the insurance commissioner, members in good standing of the American academy of actuaries, health carriers, agents and brokers, and employees of small business.

**Sec. 6** RCW 48.21.045 and 2007 c 260 s 7 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

2008 REGULAR SESSION

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, ~~((48.21.240,))~~ 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage

FIFTY-FOURTH DAY, MARCH 7, 2008

points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW:

(i) Any surcharge established pursuant to RCW 70.47A.030(2)(e) shall be applied only to health benefit plans purchased through the health insurance partnership; and

(ii) Risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 7 RCW 48.44.023 and 2007 c 260 s 8 are each amended to read as follows:

2008 REGULAR SESSION

(1)(a) A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, ~~((48.44.340))~~ 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does

FIFTY-FOURTH DAY, MARCH 7, 2008

not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW:

(i) Any surcharge established pursuant to RCW 70.47A.030(2)(e) shall be applied only to health benefit plans purchased through the health insurance partnership; and

(ii) Risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or

2008 REGULAR SESSION

dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

**Sec. 8** RCW 48.46.066 and 2007 c 260 s 9 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, ~~((48.46.290))~~ 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the enrollment of the small employer;

(ii) Changes to the family composition of the employee;

(iii) Changes to the health benefit plan requested by the small employer; or

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW:

(i) Any surcharge established pursuant to RCW 70.47A.030(2)(c) shall be applied only to health benefit plans purchased through the health insurance partnership; and

(ii) Risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a

small employer at any time after the small employer has been accepted for coverage.

(e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

**NEW SECTION. Sec. 9** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

## MOTION

Senator Parlette moved that the following amendment by Senator Parlette to the committee striking amendment be adopted.

On page 1, line 10 of the amendment, strike "established in RCW 70.47A.100" and insert "~~(established in RCW 70.47A.100)~~"

On page 1, line 13 of the amendment, strike "and"

On page 1, beginning on line 16 of the amendment, after "services" strike all material through "or" on line 17, and insert "; and

(c) Is employed by a ~~((participating))~~ small employer ~~((or~~

On page 1, line 22 of the amendment, after "48.43.005" insert "or any plan provided by a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010 or by another benefit arrangement defined in the federal employee retirement income security act of 1974, as amended"

Beginning on page 1, line 23 of the amendment, after "(5)" strike all material through "(6)" on page 2, line 4, and insert ~~((("Participating small employer" means a small employer that employs at least one eligible partnership participant and has entered into an agreement with the partnership for the partnership to offer and administer the small employer's group health benefit plan, as defined in federal law. Sec. 706 of ERISA (29 U.S.C. Sec. 1167), for enrollees in the plan: —(6))~~)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, beginning on line 6 of the amendment, strike all material through "employment." on line 11, and insert ~~((("Partnership participant" means an employee of a participating small employer, or a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.))~~)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, beginning on line 25 of the amendment, after "eligible" strike "partnership participants" and insert ~~((("partnership participants") employees"~~)

Beginning on page 2, line 28 of the amendment, strike all material through "(3)" on page 4, line 16, and insert the following:

~~((2) ((Consistent with policies adopted by the board under section 59 of this act, the administrator shall, directly or by contract:~~

~~((a) Establish and administer procedures for enrolling small employers in the partnership, including publicizing the existence of the partnership and disseminating information on enrollment;~~

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

and establishing rules related to minimum participation of employees in small groups purchasing health insurance through the partnership. Opportunities to publicize the program for outreach and education of small employers on the value of insurance shall explore the use of online employer guides. As a condition of participating in the partnership, a small employer must agree to establish a cafeteria plan under section 125 of the federal internal revenue code that will enable employees to use pretax dollars to pay their share of their health benefit plan premium. The partnership shall provide technical assistance to small employers for this purpose;

~~(b) Establish and administer procedures for health benefit plan enrollment by employees of small employers during open enrollment periods and outside of open enrollment periods upon the occurrence of any qualifying event specified in the federal health insurance portability and accountability act of 1996 or applicable state law. Neither the employer nor the partnership shall limit an employee's choice of coverage from among all the health benefit plans offered;~~

~~(c) Establish and manage a system for the partnership to be designated as the sponsor or administrator of a participating small employer health benefit plan and to undertake the obligations required of a plan administrator under federal law;~~

~~(d) Establish and manage a system of collecting and transmitting to the applicable carriers all premium payments or contributions made by or on behalf of partnership participants, including employer contributions, automatic payroll deductions for partnership participants, premium subsidy payments, and contributions from philanthropies;~~

~~(e) Establish and manage a system for determining eligibility for and making premium subsidy payments under chapter 259, Laws of 2007;~~

~~(f) Establish a mechanism to apply a surcharge to all health benefit plans, which shall be used only to pay for administrative and operational expenses of the partnership. The surcharge must be applied uniformly to all health benefit plans offered through the partnership and must be included in the premium for each health benefit plan. Surcharges may not be used to pay any premium assistance payments under this chapter;~~

~~(g) Design a schedule of premium subsidies that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members based on a benchmark health benefit plan designated by the board. The amount of an eligible partnership participant's premium subsidy shall be determined by applying a sliding scale subsidy schedule with the percentage of premium similar to that developed for subsidized basic health plan enrollees under RCW 70.47.060. The subsidy shall be applied to the employee's premium obligation for his or her health benefit plan, so that employees benefit financially from any employer contribution to the cost of their coverage through the partnership.~~

~~(3))"~~

On page 4, at the beginning of line 22 of the amendment, insert "(1)"

On page 4, line 23 of the amendment, after "eligible" strike "partnership participants" and insert "((partnership participants)) employees"

On page 4, after line 25 of the amendment, insert the following:

"(2) Premium subsidy payments may be provided to eligible employees if:

(a) The eligible employee is employed by a small employer;

(b) The actuarial value of the health benefit plan offered by the small employer is at least substantially equivalent to that of the basic health plan benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that are at least ninety percent actuarially equivalent to the basic health plan benefit; and

(c) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the

eligible employee.

(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule similar to the subsidy scale used for subsidized basic health plan enrollees under RCW 70.47.060.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources."

Beginning on page 4, line 34 of the amendment, strike all material through "void." on page 18, line 6, and insert the following:

"NEW SECTION. Sec. 5 The joint legislative audit and review committee shall conduct a program and fiscal review of the small employer health insurance partnership program and report their findings and recommendation to the appropriate committees of the legislature no later than December 1, 2010.

NEW SECTION. Sec. 6 The following acts or parts of acts are each repealed:

1 RCW 70.47A.100 (Health insurance partnership board) and 2007 c 260 s 4;

2 RCW 70.47A.110 (Health insurance partnership board--Duties) and 2007 c 260 s 5;

(3) 2007 c 260 s 10 (uncodified); and

(4) 2007 c 260 s 11 (uncodified)."

On page 18, beginning on line 9 of the title amendment, after "70.47A.040," strike the remainder of the title amendment and insert "and 70.47A.070; repealing RCW 70.47A.100 and 70.47A.110; repealing 2007 c 260 s 10 (uncodified); repealing 2007 c 260 s 11 (uncodified); and creating a new section."

POINT OF ORDER

Senator Parlette: "We have a lot of documents that are still sitting on the rostrum. I think it would be proper that they have the opportunity to be handed out before we start discussing this bill, please."

REPLY BY THE PRESIDENT

President Owen: "Senator Parlette, in response to your inquiry, it is not necessary for the orderly conduct for those to be handed out, however, if the body desire that we wait, the President will wait before we continue on but it's up to the body to determine whether or not we wait for those documents to be handed out."

Senator Parlette: "Thank you Mr. President . Those documents had been prepared for quite some time. They include many talking points to help educate those senators who may choose to vote a certain way. We tried to. We've had them there for at least an hour..."

President Owen: "Senator Parlette, your issue needs to be taken up with the members, not with the President.

FIFTY-FOURTH DAY, MARCH 7, 2008

Senator Parlette: "Oh, thank you."

President Owen: "So if you wish to have them handed out and have the process held up for that, I can do that but we need to have the body tell me to do that...They are out there."

Senators Parlette and Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Keiser spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 1, line 10 to the committee striking amendment to Second Substitute House Bill No. 2537.

The motion by Senator Parlette failed and the amendment to the committee striking amendment was not adopted by a rising vote.

#### MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Parlette to the committee striking amendment be adopted.

On page 4, line 25 of the amendment, after "partnership." insert "Every effort shall be made to coordinate premium subsidies for dependent children with federal funding available under Title XIX and Title XXI of the federal social security act, consistent with the requirements established in RCW 74.09.470(4) for the employer-sponsored insurance program at the department of social and health services."

Senator Keiser spoke in favor of adoption of the amendment to the committee striking amendment.

#### SPECIAL ORDER OF BUSINESS

Pursuant to Rule 18 at 4:55 p.m., the President announced that the special order of business was before the Senate.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2647, by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Hudgins, Hunt, Morrell, Pedersen, Williams, Cody, Green, Campbell, VanDeWege, Hasegawa, Roberts, Loomis, Upthegrove, Lias, Hunter, Chase, Smith, McIntire, Barlow, Conway, Priest, Schual-Berke, Simpson, Kenney, Goodman, Sells, Rolfes, Darneille and Lantz)

Regarding the children's safe products act.

The measure was read the second time.

#### MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** Research shows that many toys and other children's products contain toxic chemicals, such as lead, cadmium, and phthalates that have been shown to cause harm to children's health and the environment. These chemicals, and others like them, have been linked to long-term health impacts such as birth defects, reproductive harm, impaired

2008 REGULAR SESSION

learning, liver toxicity, and cancer. Because children's bodies are growing and developing, they are especially vulnerable to the effects of toxic chemicals. Regulation of toxic chemicals in children's toys and other products is woefully inadequate. To protect children's health, it is important to phase out the use of lead, cadmium, and phthalates in children's toys and other products and to begin collecting information on other chemicals that are present in toys and other products to determine whether further action is required.

**NEW SECTION. Sec. 2** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Children's cosmetics" means cosmetics that are made for, marketed for use by, or marketed to children under the age of twelve. Children's cosmetics includes cosmetics that meet any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children; or

(c) Sold in any of the following:

(i) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(ii) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(2) "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children under the age of twelve. Children's jewelry includes jewelry that meets any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children under the age of twelve;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;

(c) Sized for children and not intended for use by adults; or

(d) Sold in any of the following:

(i) A vending machine;

(ii) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(iii) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(3)(a) "Children's product" includes any of the following:

(i) Toys;

(ii) Children's cosmetics;

(iii) Children's jewelry;

(iv) A product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, or to be worn as clothing by children; or

(v) Child car seats.

(b) "Children's product" does not include the following:

(i) Batteries;

(ii) Slings and catapults;

(iii) Sets of darts with metallic points;

(iv) Toy steam engines;

(v) Bicycles;

(vi) Video toys that can be connected to a video screen and are operated at a nominal voltage exceeding twenty-four volts;

(vii) Chemistry sets;

(viii) Consumer electronic products, including but not limited to personal computers, audio and video equipment, calculators, wireless phones, game consoles, and handheld devices incorporating a video screen, used to access interactive software and their associated peripherals; and

FIFTY-FOURTH DAY, MARCH 7, 2008

(ix) Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact disks.

(4) "Cosmetics" includes articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and articles intended for use as a component of such an article. "Cosmetics" does not include soap, dietary supplements, or food and drugs approved by the United States food and drug administration.

(5) "Department" means the department of ecology.

(6) "High priority chemical" means a chemical identified by a state agency, federal agency, or accredited research university, or other scientific evidence deemed authoritative by the department on the basis of credible scientific evidence as known to do one or more of the following:

(a) Harm the normal development of a fetus or child or cause other developmental toxicity;

(b) Cause cancer, genetic damage, or reproductive harm;

(c) Disrupt the endocrine system;

(d) Damage the nervous system, immune system, or organs or cause other systemic toxicity;

(e) Be persistent, bioaccumulative, and toxic; or

(f) Be very persistent and very bioaccumulative.

(7) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a children's product or an importer or domestic distributor of a children's product. For the purposes of this subsection, "importer" means the owner of the children's product.

(8) "Phthalates" means di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisonoyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

(9) "Toy" means a product designed or intended by the manufacturer to be used by a child at play.

(10) "Trade association" means a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit.

(11) "Very bioaccumulative" means having a bioconcentration factor or bioaccumulation factor greater than or equal to five thousand, or if neither are available, having a log Kow greater than 5.0.

(12) "Very persistent" means having a half-life greater than or equal to one of the following:

(a) A half-life in soil or sediment of greater than one hundred eighty days;

(b) A half-life greater than or equal to sixty days in water or evidence of long-range transport.

**NEW SECTION. Sec. 3** (1) Beginning July 1, 2009, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state a children's product or product component containing the following:

(a) Except as provided in subsection (2) of this section, lead at more than .009 percent by weight (ninety parts per million);

(b) Cadmium at more than .004 percent by weight (forty parts per million); or

(c) Phthalates, individually or in combination, at more than 0.10 percent by weight (one thousand parts per million).

(2) Beginning July 1, 2010, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state a children's product or product component containing lead at more than .004 percent by weight (forty parts per million).

**NEW SECTION. Sec. 4** (1) By January 1, 2009, the department, in consultation with the department of health, shall identify high priority chemicals that are of high concern for

2008 REGULAR SESSION

children after considering a child's or developing fetus's potential for exposure to each chemical. In identifying the chemicals, the department shall include chemicals that meet one or more of the following criteria:

(a) The chemical has been found through biomonitoring studies that demonstrate the presence of the chemical in human umbilical cord blood, human breast milk, human urine, or other bodily tissues or fluids;

(b) The chemical has been found through sampling and analysis to be present in household dust, indoor air, drinking water, or elsewhere in the home environment; or

(c) The chemical has been added to or is present in a consumer product used or present in the home.

(2) By January 1, 2009, the department shall identify children's products or product categories that may contain chemicals identified under subsection (1) of this section.

(3) By January 1, 2009, the department shall submit a report on the chemicals of high concern to children and the children's products or product categories they identify to the appropriate standing committees of the legislature. The report shall include policy options for addressing children's products that contain chemicals of high concern for children, including recommendations for additional ways to inform consumers about toxic chemicals in products, such as labeling.

**NEW SECTION. Sec. 5** Beginning six months after the department has adopted rules under section 8(5) of this act, a manufacturer of a children's product, or a trade organization on behalf of its member manufacturers, shall provide notice to the department that the manufacturer's product contains a high priority chemical. The notice must be filed annually with the department and must include the following information:

(1) The name of the chemical used or produced and its chemical abstracts service registry number;

(2) A brief description of the product or product component containing the substance;

(3) A description of the function of the chemical in the product;

(4) The amount of the chemical used in each unit of the product or product component. The amount may be reported in ranges, rather than the exact amount;

(5) The name and address of the manufacturer and the name, address, and phone number of a contact person for the manufacturer; and

(6) Any other information the manufacturer deems relevant to the appropriate use of the product.

**Sec. 6** RCW 43.70.660 and 2001 c 257 s 2 are each amended to read as follows:

(1) The legislature authorizes the secretary to establish and maintain a product safety education campaign to promote greater awareness of products designed to be used by infants and children(~~, excluding toys,~~) that:

(a) Are recalled by the United States consumer products safety commission;

(b) Do not meet federal safety regulations and voluntary safety standards; ~~((or))~~

(c) Are unsafe or illegal to place into the stream of commerce under the infant crib safety act, chapter 70.111 RCW; or

(d) Contain chemicals of high concern for children as identified under section 4 of this act.

(2) The department shall make reasonable efforts to ensure that this infant and children product safety education campaign reaches the target population. The target population for this campaign includes, but is not limited to, parents, foster parents and other caregivers, child care providers, consignment and resale stores selling infant and child products, and charitable and governmental entities serving infants, children, and families.

(3) The secretary may utilize a combination of methods to achieve this outreach and education goal, including but not limited to print and electronic media. The secretary may operate the campaign or may contract with a vendor.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

(4) The department shall coordinate this infant and children product safety education campaign with child-serving entities including, but not limited to, hospitals, birthing centers, midwives, pediatricians, obstetricians, family practice physicians, governmental and private entities serving infants, children, and families, and relevant manufacturers.

(5) The department shall coordinate with other agencies and entities to eliminate duplication of effort in disseminating infant and children consumer product safety information.

(6) The department may receive funding for this infant and children product safety education effort from federal, state, and local governmental entities, child-serving foundations, or other private sources.

**NEW SECTION. Sec. 7** (1) A manufacturer of products that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter shall recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of children's products in violation of this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(4) Retailers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

**NEW SECTION. Sec. 8** (1) Before the prohibitions under section 3 of this act take effect, the department shall prepare and distribute information to in-state and out-of-state manufacturers, to the maximum extent practicable, to assist them in identifying products prohibited for manufacture, sale, or distribution under this chapter.

(2) The department must assist in-state retailers in identifying products restricted under this chapter.

(3) The department may require manufacturers to electronically file the notice required under section 5 of this act to the department that the manufacturer's product contains a high priority chemical.

(4) The department shall develop and publish a web site that provides consumers with information on the chemicals used in children's products, the reason the chemical has been identified as a high priority chemical, and any safer alternatives to the chemical.

(5) The department shall adopt rules to finalize the list of high priority chemicals that are of high concern for children identified in section 4(1) of this act by January 1, 2010.

**NEW SECTION. Sec. 9** The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

**NEW SECTION. Sec. 10** Sections 1 through 5 and 7 through 9 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 11** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

#### MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller to the committee striking amendment be adopted.

On page 1, after line 2 strike everything beginning with "**NEW SECTION**" through "70 RCW" on page 8, line 11 and insert the following:

**"NEW SECTION. Sec. 1** Research shows that many toys and other children's products contain toxic chemicals, such as lead, cadmium, and phthalates that have been shown to cause harm to children's health and the environment. These chemicals have been linked to long-term health impacts such as birth defects, reproductive harm, impaired learning, liver toxicity, and cancer. Because children's bodies are growing and developing, they are especially vulnerable to the effects of toxic chemicals. Regulation of toxic chemicals in children's toys and other products is woefully inadequate. To protect children's health, it is important to phase out the use of lead, cadmium, and phthalates in children's toys and other products and to begin collecting information on other chemicals that are present in toys and other products to determine whether further action is required.

**NEW SECTION. Sec. 2** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Children's cosmetics" means cosmetics that are made for, marketed for use by, or marketed to children under the age of twelve. Children's cosmetics includes cosmetics that meet any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children; or

(c) Sold in any of the following:

(i) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(ii) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(2) "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children under the age of twelve. Children's jewelry includes jewelry that meets any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children under the age of twelve;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;

(c) Sized for children and not intended for use by adults; or

(d) Sold in any of the following:

(i) A vending machine; (ii) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(iii) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(3)(a) "Children's product" includes any of the following:

(i) Toys;

(ii) Children's cosmetics;

(iii) Children's jewelry;

(iv) A product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, or to be worn as clothing by children; or

(v) Child car seats.

(b) "Children's product" does not include the following:

(i) Batteries;

(ii) Slings and catapults;

(iii) Sets of darts with metallic points;

(iv) Toy steam engines;

(v) Bicycles;

(vi) Video toys that can be connected to a video screen and are operated at a nominal voltage exceeding twenty-four volts;

FIFTY-FOURTH DAY, MARCH 7, 2008

(vii) Chemistry sets;

(viii) Consumer electronic products, including but not limited to personal computers, audio and video equipment, calculators, wireless phones, game consoles, and handheld devices incorporating a video screen, used to access interactive software and their associated peripherals; and

(ix) Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact disks.

(4) "Cosmetics" includes articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and articles intended for use as a component of such an article. "Cosmetics" does not include soap, dietary supplements, or food and drugs approved by the United States food and drug administration.

(5) "Department" means the department of ecology.

(6) "High priority chemical" means a chemical identified by a state agency, federal agency, or accredited research university, or other scientific evidence deemed authoritative by the department on the basis of credible scientific evidence as known to do one or more of the following:

(a) Harm the normal development of a fetus or child or cause other developmental toxicity;

(b) Cause cancer, genetic damage, or reproductive harm;

(c) Disrupt the endocrine system;

(d) Damage the nervous system, immune system, or organs or cause other systemic toxicity;

(e) Be persistent, bioaccumulative, and toxic; or (f) Be very persistent and very bioaccumulative.

(7) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a children's product or an importer or domestic distributor of a children's product. For the purposes of this subsection, "importer" means the owner of the children's product.

(8) "Phthalates" means di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisonoyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

(9) "Toy" means a product designed or intended by the manufacturer to be used by a child at play.

(10) "Trade association" means a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit.

(11) "Very bioaccumulative" means having a bioconcentration factor or bioaccumulation factor greater than or equal to five thousand, or if neither are available, having a log Kow greater than 5.0.

(12) "Very persistent" means having a half-life greater than or equal to one of the following:

(a) A half-life in soil or sediment of greater than one hundred eighty days;

(b) A half-life greater than or equal to sixty days in water or evidence of long-range transport.

**NEW SECTION. Sec. 3** (1) Beginning July 1, 2009, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state a children's product or product component containing the following:

(a) Except as provided in subsection (2) of this section, lead at more than .009 percent by weight (ninety parts per million);

(b) Cadmium at more than .004 percent by weight (forty parts per million); or

(c) Phthalates, individually or in combination, at more than 0.10 percent by weight (one thousand parts per million).

(2) Beginning July 1, 2010, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale,

2008 REGULAR SESSION

distribute for sale, or distribute for use in this state a children's product or product component containing lead at more than .004 percent by weight (forty parts per million).

**NEW SECTION. Sec. 4** (1) By January 1, 2009, the department, in consultation with the department of health, shall identify high priority chemicals that are of high concern for children after considering a child's or developing fetus's potential for exposure to each chemical. In identifying the chemicals, the department shall include chemicals that meet one or more of the following criteria:

(a) The chemical has been found through biomonitoring studies that demonstrate the presence of the chemical in human umbilical cord blood, human breast milk, human urine, or other bodily tissues or fluids;

(b) The chemical has been found through sampling and analysis to be present in household dust, indoor air, drinking water, or elsewhere in the home environment; or

(c) The chemical has been added to or is present in a consumer product used or present in the home.

(2) By January 1, 2009, the department shall identify children's products or product categories that may contain chemicals identified under subsection (1) of this section.

(3) By January 1, 2009, the department shall submit a report on the chemicals of high concern to children and the children's products or product categories they identify to the appropriate standing committees of the legislature. The report shall include policy options for addressing children's products that contain chemicals of high concern for children, including recommendations for additional ways to inform consumers about toxic chemicals in products, such as labeling.

**NEW SECTION. Sec. 5** Beginning six months after the department has adopted rules under section 8(5) of this act, a manufacturer of a children's product, or a trade organization on behalf of its member manufacturers, shall provide notice to the department that the manufacturer's product contains a high priority chemical. The notice must be filed annually with the department and must include the following information:

(1) The name of the chemical used or produced and its chemical abstracts service registry number;

(2) A brief description of the product or product component containing the substance;

(3) A description of the function of the chemical in the product;

(4) The amount of the chemical used in each unit of the product or product component. The amount may be reported in ranges, rather than the exact amount;

(5) The name and address of the manufacturer and the name, address, and phone number of a contact person for the manufacturer; and

(6) Any other information the manufacturer deems relevant to the appropriate use of the product.

**Sec. 6** RCW 43.70.660 and 2001 c 257 s 2 are each amended to read as follows:

(1) The legislature authorizes the secretary to establish and maintain a product safety education campaign to promote greater awareness of products designed to be used by infants and children (~~excluding toys~~) that:

(a) Are recalled by the United States consumer products safety commission;

(b) Do not meet federal safety regulations and voluntary safety standards; ~~(or)~~

(c) Are unsafe or illegal to place into the stream of commerce under the infant crib safety act, chapter 70.111 RCW; or

(d) Contain chemicals of high concern for children as identified under section 4 of this act.

(2) The department shall make reasonable efforts to ensure that this infant and children product safety education campaign reaches the target population. The target population for this campaign includes, but is not limited to, parents, foster parents and other caregivers, child care providers, consignment and resale stores selling infant and child products, and charitable and

FIFTY-FOURTH DAY, MARCH 7, 2008

governmental entities serving infants, children, and families.

(3) The secretary may utilize a combination of methods to achieve this outreach and education goal, including but not limited to print and electronic media. The secretary may operate the campaign or may contract with a vendor.

(4) The department shall coordinate this infant and children product safety education campaign with child-serving entities including, but not limited to, hospitals, birthing centers, midwives, pediatricians, obstetricians, family practice physicians, governmental and private entities serving infants, children, and families, and relevant manufacturers.

(5) The department shall coordinate with other agencies and entities to eliminate duplication of effort in disseminating infant and children consumer product safety information. (6) The department may receive funding for this infant and children product safety education effort from federal, state, and local governmental entities, child-serving foundations, or other private sources.

**NEW SECTION. Sec. 7** (1) A manufacturer of products that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter shall recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of children's products in violation of this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(4) Retailers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

**NEW SECTION. Sec. 8** (1) Before the prohibitions under section 3 of this act take effect, the department shall prepare and distribute information to in-state and out-of-state manufacturers, to the maximum extent practicable, to assist them in identifying products prohibited for manufacture, sale, or distribution under this chapter.

(2) The department must assist in-state retailers in identifying products restricted under this chapter.

(3) The department may require manufacturers to electronically file the notice required under section 5 of this act to the department that the manufacturer's product contains a high priority chemical.

(4) The department shall develop and publish a web site that provides consumers with information on the chemicals used in children's products, the reason the chemical has been identified as a high priority chemical, and any safer alternatives to the chemical.

(5) The department shall adopt rules to finalize the list of high priority chemicals that are of high concern for children identified in section 4(1) of this act by January 1, 2010.

**NEW SECTION. Sec. 9** The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

**NEW SECTION. Sec. 10** Sections 1 through 5 and 7 through 9 of this act constitute a new chapter in Title 70 RCW."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Rockefeller spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Honeyford spoke against adoption of the amendment to the committee striking amendment.

2008 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 1, after line 2 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647.

The motion by Senator Rockefeller carried and the amendment to the committee striking amendment was adopted by a rising voice vote.

#### MOTION

Senator Hatfield moved that the following amendment by Senator Hatfield and others to the committee striking amendment be adopted.

Beginning on page 1, after line 2 of the amendment, strike all material through "void." on page 8, line 15, and insert the following:

**"NEW SECTION. Sec. 1** Research shows that many toys and other children's products contain toxic chemicals, such as lead, cadmium, and phthalates that have been shown to cause harm to children's health and the environment. These chemicals, and others like them, have been linked to long-term health impacts such as birth defects, reproductive harm, impaired learning, liver toxicity, and cancer. Because children's bodies are growing and developing, they are especially vulnerable to the effects of toxic chemicals. Regulation of toxic chemicals in children's toys and other products is woefully inadequate. To protect children's health, it is important to phase out the use of lead, cadmium, and phthalates in children's toys and other products and to begin collecting information on other chemicals that are present in toys and other products to determine whether further action is required.

**NEW SECTION. Sec. 2** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Children's cosmetics" means cosmetics that are made for, marketed for use by, or marketed to children under the age of twelve. Children's cosmetics includes cosmetics that meet any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children; or

(c) Sold in any of the following:

(i) A retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(ii) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(2) "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children under the age of twelve. Children's jewelry includes jewelry that meets any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children under the age of twelve;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;

(c) Sized for children and not intended for use by adults; or

(d) Sold in any of the following:

(i) A vending machine;

(ii) A retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children in this

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

state; or

(iii) A discrete portion of a retail store, catalogue, or online web site in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children in this state.

(3)(a) "Children's product" includes any of the following:

(i) Toys;

(ii) Children's cosmetics;

(iii) Children's jewelry;

(iv) A product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, or to be worn as clothing by children; or

(v) Car seats.

(b) "Children's product" does not include the following:

(i) Batteries;

(ii) Slings and catapults;

(iii) Sets of darts with metallic points;

(iv) Toy steam engines;

(v) Bicycles, tricycles, roller skates, scooters, skateboards, or sporting equipment;

(vi) Video toys that can be connected to a video screen and are operated at a nominal voltage not exceeding twenty-four volts;

(vii) Chemistry sets;

(viii) Consumer electronic products, including but not limited to personal computers, audio and video equipment, calculators, wireless phones, game consoles, and handheld devices incorporating a video screen, used to access interactive software and their associated peripherals;

(ix) Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact disks;

(x) Toy components through which electrical current is transmitted, including but not limited to: Circuit boards, wiring, connectors, power jacks, lights, and switches;

(xi) Components used for product or child safety; and

(xii) Any component part of a product that is not accessible to a child through normal and reasonably foreseeable use and abuse of such a product. A component part is not accessible under this subsection (3)(a)(xii) if such a component part is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product.

(4) "Cosmetics" includes articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and articles intended for use as a component of such article. "Cosmetics" does not include soap, dietary supplements, or food and drugs approved by the United States food and drug administration.

(5) "Department" means the department of ecology.

(6) "High priority chemical" means a chemical identified by a state agency, federal agency, or accredited research university or other scientific evidence deemed authoritative by the department on the basis of credible scientific evidence as known to do one or more of the following:

(a) Harm the normal development of a fetus or child or cause other developmental toxicity;

(b) Cause cancer, genetic damage, or reproductive harm;

(c) Disrupt the endocrine system;

(d) Damage the nervous system, immune system, or organs or cause other systemic toxicity;

(e) Be persistent, bioaccumulative, and toxic; or

(f) Be very persistent and bioaccumulative.

(7) "Manufacture" means to create and introduce a product into the stream of commerce.

(8) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a children's product or an importer or domestic distributor of a children's product. For purposes of this subsection, "importer" means the owner of the children's product.

(9) "Toy" means a product designed or intended by the manufacturer to be used by a child at play.

(10) "Trade association" means a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit.

(11) "Very bioaccumulative" means having a bioconcentration factor or bioaccumulation factor greater than or equal to five thousand, or if neither are available, having a log Kow of greater than 5.0.

(12) "Very persistent" means having a half-life greater than or equal to one of the following:

(a) A half-life in soil or sediment of greater than one hundred eighty days;

(b) A half-life greater than or equal to sixty days in water or evidence of long-range transport.

NEW SECTION. Sec. 3 (1) Beginning July 1, 2009, a manufacturer, wholesaler, or retailer may not manufacture for sale in this state a children's product containing lead or cadmium at more than .025 percent total weight (two hundred fifty parts per million). This requirement does not apply to children's products with a date of manufacture prior to July 1, 2009.

(2) Beginning July 1, 2011, a manufacturer, wholesaler, or retailer may not manufacture for sale in this state a children's product containing lead or cadmium at more than .010 percent total weight (one hundred parts per million). This subsection does not apply to children's products with a date of manufacture prior to July 1, 2011.

(3) Beginning July 1, 2009, a manufacturer, wholesaler, or retailer may not manufacture for sale in this state a children's product containing lead or cadmium in paint at more than .009 percent total weight (ninety parts per million). This subsection does not apply to children's products with a date of manufacture prior to July 1, 2009.

(4) Beginning July 1, 2012, the department of health may specify lower limits for lead or cadmium than those contained in this section. In making a determination to adopt lower limits, the department of health shall consider whether practical technologies are available to make lower limits feasible, whether lead or cadmium is likely to be bioavailable from materials used in a specific children's product, and whether these children's products provide a safety benefit to the user.

(5) This section does not apply to any product or material in which lead or cadmium is not bioavailable or will not have any adverse impact on public health and safety, such as lead crystal.

NEW SECTION. Sec. 4 (1) Beginning January 1, 2009, a manufacturer, wholesaler, or retailer may not manufacture for use in this state a children's product that contains di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP) in concentrations exceeding 0.1 percent.

(2) Beginning January 1, 2009, a manufacturer, wholesaler, or retailer may not manufacture a children's product intended for use by a child under three years of age if that product can be placed in the child's mouth and contains diisononyl phthalate

FIFTY-FOURTH DAY, MARCH 7, 2008

(DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent.

(3) Manufacturers must use the least toxic alternative when replacing phthalates in accordance with this chapter.

(4) Manufacturers may not replace phthalates with carcinogens rated by the United States environmental protection agency as A, B, or C carcinogens, or substances listed as known or likely carcinogens, known to be human carcinogens, likely to be human carcinogens, or suggestive of being human carcinogens, as described in "List of Chemicals Evaluated for Carcinogenic Potential," or known to the state of California to cause cancer as listed in the California safe drinking water act.

(5) Manufacturers may not replace phthalates with reproductive toxicants that cause birth defects, reproductive harm, or developmental harm as identified by the United States environmental protection agency or listed in the California safe drinking water act.

(6) The requirements of this section do not apply to children's products with a date of manufacture prior to January 1, 2009.

**NEW SECTION. Sec. 5** The department of ecology and the department of health shall convene an advisory committee by May 1, 2008.

(1) The advisory committee must be composed of representatives of children's product manufacturers, retailers, physicians, public health experts, toxic reduction advocates, and any other parties the department of ecology deems necessary.

(2) The advisory committee shall review:

(a) Any material of high priority used in children's products;

(b) The feasibility and mechanisms for manufacturers to report to the department of ecology regarding high priority materials used in children's products;

(c) Statutory and regulatory actions taken to promote safety in children's products by other states, the federal government, and other countries; and

(d) Effective mechanisms to educate the public and retailers about the safety of children's products and the materials used to manufacture those products.

(3) The departments of ecology shall report to the legislature by December 15, 2008, and shall include recommendations for statutory or regulatory revisions and funding necessary to carry out these recommendations.

**NEW SECTION. Sec. 6** (1) A manufacturer of children's products in violation of this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of the first offense, with a total aggregate fine not to exceed twenty-five thousand dollars per event. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense, with a total aggregate fine not to exceed fifty thousand dollars per event. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(2) Retailers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

**NEW SECTION. Sec. 7** (1) Before the prohibitions under this chapter take effect, the department shall prepare and distribute information to in-state and out-of-state manufacturers, to the maximum extent practicable, to assist them in identifying products prohibited from manufacture, sale, or distribution under this chapter.

(2) The department must assist in-state retailers in identifying products restricted under this chapter.

**NEW SECTION. Sec. 8** Sections 1 through 4, 6, and 7 of this act constitute a new chapter in Title 70 RCW.

2008 REGULAR SESSION

**NEW SECTION. Sec. 9** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

On page 8, beginning on line 16, strike the title amendment and insert the following:

"On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; creating new sections; and prescribing penalties.""

Senators Hatfield, Honeyford, Hobbs and Roach spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Regala and Kastama spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hatfield and others on page 1, after line 2 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647.

The motion by Senator Hatfield failed and the amendment to the committee striking amendment was not adopted by a rising vote.

#### MOTION

Senator Oemig moved that the following amendment by Senator Oemig and others to the committee striking amendment be adopted.

On page 2, line 31 of the amendment, after "children," strike "or"

On page 2, line 32 of the amendment, after "seats" insert "; or

(vi) Vaccines containing added mercury for children under the age of eighteen or pregnant women"

On page 4, after line 33 of the amendment, insert the following:

"(3) Beginning July 1, 2009, no one may knowingly administer vaccines containing added mercury into children under the age of eighteen or pregnant women unless notice is provided to parents or guardians of the child or pregnant woman receiving the vaccine, that the vaccine contains mercury. Further, if a United States food and drug administration approved alternative vaccine without added mercury is available, the disclosure to the parents or guardians of the child or pregnant woman receiving a vaccine containing mercury must be informed that a mercury-free option is available."

#### POINT OF ORDER

Senator Rockefeller: "Mr. President, I wish to raise an objection of scope and object. Thank you Mr. President. Mr. President, may I read from some remarks that I have prepared? Mr. President, I believe the proposed amendment is outside the scope and object and I ask that it be ruled out of order under Rule 66. The underlying bill deals with a single discrete subject, the inclusion of certain chemicals in children's products, children's cosmetics and children's jewelry. It is directed solely that products that are designed to be used by children, toys, clothes, jewelry and cosmetic devices. This amendment is out of scope for at least three reasons: first, it expands the scope of the bill to include vaccines, vaccines are medicines administered under the care and direction of a physician or other health professional. None of the other products listed in the bill following remotely in the same category. This bill is focused on

FIFTY-FOURTH DAY, MARCH 7, 2008

toys, cosmetics and devices that aide in easing pain in teething. The amendment concerns a product taking internally and is severely contrast to the bill. To show just how far this amendment strays from the bill, the bill itself contains exclusion for products that are regulated by the U. S. food and drug administration. There can't be no dispute that vaccines are drugs regulated by the FDA. Secondly, the bill explicitly applies to products marketed to are used by children who are eleven years of age or younger. The amendment however applies to vaccines provided to pregnant women or older children. The addition of this element shows that the underline striker is narrowly focused on protecting our most vulnerable children whose decisions are often made for them while the amendment expands the age group to provide protections for teenagers and one group of adult and third, the penalties in the amendment are expanded to cover a class of persons not even considered in the underline bill. The striker penalties found in section seven focus on finding manufacturers of products that contain the listed toxic chemicals and while retailers are mentioned the bill contains no sanctions directed at retailers. The amendment by contrast prohibits the administration of covered vaccines by doctors, nurses and any other person authorized to administer a vaccine. These persons are extremely remote from the manufacturers targeted in this bill. This expands the scope of the bill in two ways, first, it restricts the actions of the medical professionals who are not included in the underline bill and it includes a class of persons who have the most direct contact with the consumer which the underline bill avoids. For these reasons Mr. President, the proposed amendment falls outside the scope and object and I request it to be ruled out of order."

Senator Oemig spoke against the point of order.

#### REPLY BY THE PRESIDENT

President Owen: "Senator Oemig, the President has noticed that your next two amendments are very similar and, therefore, he would respectfully request that you move adoption of those amendments and, Senator Eide, if you would defer consideration on each of the amendments after he does that, the President would be able to take a look at those and expedite the process."

#### MOTION

On motion of Senator Eide, further consideration of amendment number 229 was deferred and the amendment held its place on the second reading calendar.

#### MOTION

Senator Oemig moved that the following amendment by Senator Oemig to the committee striking amendment be adopted.

On page 2, line 31 of the amendment, after "children," strike "or"

On page 2, line 32 of the amendment, after "seats" insert "; or

(vi) Vaccines containing added mercury for children under the age of eighteen"

On page 4, after line 33 of the amendment, insert the following:

"(3) Beginning July 1, 2009, no one may knowingly administer vaccines containing added mercury into children under the age of eighteen unless notice is provided to parents or guardians of the child receiving the vaccine that the vaccine

contains mercury. Further, if a United States food and drug administration approved alternative vaccine without added mercury is available, the disclosure to the parents or guardians of the child receiving a vaccine containing mercury must be informed that a mercury-free option is available."

#### MOTION

On motion of Senator Eide, further consideration of amendment by Senator Oemig, on page 2, line 31 was deferred and the amendment held its place on the second reading calendar.

#### MOTION

Senator Oemig moved that the following amendment by Senator Oemig be adopted.

On page 2, line 31 of the amendment, after "children," strike "or"

On page 2, line 32 of the amendment, after "seats" insert "; or

(vi) Vaccines containing added mercury for children under the age of twelve"

On page 4, after line 33 of the amendment, insert the following:

"(3) Beginning July 1, 2009, no one may knowingly administer vaccines containing added mercury into children under the age of twelve unless notice is provided to parents or guardians of the child receiving the vaccine that the vaccine contains mercury. Further, if a United States food and drug administration approved alternative vaccine without added mercury is available, the disclosure to the parents or guardians of the child receiving a vaccine containing mercury must be informed that a mercury-free option is available."

#### MOTION

On motion of Senator Eide, further consideration of the amendment by Senator Oemig, on page 2, line 31 was deferred and the amendment held its place on the second reading calendar.

#### POINT OF ORDER

Senator Rockefeller: "Thank you Mr. President. I just, for the record, wanted to be sure that my objections to all three would be the same as outlined previously."

#### REPLY BY THE PRESIDENT

President Owen: "So noted."

Senator Franklin assumed the chair.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

On page 2, line 38, after "Bicycles" insert "and tricycles"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Honeyford and Regala spoke in favor of adoption of the amendment to the committee striking amendment.

FIFTY-FOURTH DAY, MARCH 7, 2008

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 38 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647.

The motion by Senator Honeyford carried and the amendment to the committee striking amendment was adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

On page 3, line 8, strike "and"

On page 3, line 10, after "disks" insert "; and

(x) BB guns, pellet guns and air rifles"

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 3, line 8 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647.

The motion by Senator Honeyford failed and the amendment to the committee striking amendment was not adopted by voice vote.

#### MOTION FOR IMMEDIATE RECONSIDERATION

Senator Swecker moved to immediately reconsider the vote by which the amendment by Senator Honeyford failed to pass the Senate.

Senator Swecker moved to reconsider the vote by which the amendment by Senator Honeyford on page 3, line 8 to Engrossed Second Substitute House Bill No. 2647 was adopted.

#### POINT OF ORDER

Senator Eide: "I believe that there no recorded vote on this so there's no I believe any way that we can change the vote with his motion I should say."

#### POINT OF ORDER

Senator McCaslin: "Thank you Madam President, she proved the point, there's no recorded vote. You can't say he didn't vote for it and if he did vote for it then he has a right to ask for a reconsideration. Absolutely, never has been on a division and before in the history of this body we have done such a thing. Madam President, ladies and gentlemen of the Senate if I could walk as fast as she brought that gavel down I wouldn't need another hip replacement."

Senator Regala spoke in favor of adoption of the amendment.

#### POINT OF ORDER

Senator Eide: "Thank you, I believe that I can solve this problem by doing an oral amendment. Can I not? You can introduce an amendment, I can write it out."

#### REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Eide, the gavel did come down but it is in order for a movement of reconsideration."

The President Pro Tempore declared the question before the senate to be the motion by Senator Swecker to immediately reconsider the vote by which the amendment by Senator Honeyford to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647 failed to be adopted.

The motion for by Senator Swecker carried by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford, on page 3, line 8 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647 on reconsideration.

Senators Honeyford and Regala spoke in favor of adoption of the amendment to the committee striking amendment.

The motion by Senator Honeyford carried and the amendment to the committee striking amendment on reconsideration was adopted by voice

#### MOTION

Senator Morton moved that the following amendment by Senator Morton to the committee striking amendment be adopted.

On page 3, line 8, strike "and"

On page 3, line 10, after "disks" insert "; and

(x) Snow sporting equipment, including skis, poles, boots, snow boards, sleds and bindings"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Morton and Regala spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 3, line 8 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647.

The motion by Senator Morton carried and the amendment to the committee striking amendment was adopted by voice vote.

#### MOTION

Senator Morton moved that the following amendment by Senator Morton to the committee striking amendment be adopted.

On page 3, line 8, strike "and"

On page 3, line 10, after "disks" insert "; and

(x) Sporting equipment, including, but not limited to bats, balls, gloves, sticks, pucks and pads"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Morton and Regala spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 3, line 8 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647.

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

The motion by Senator Morton carried and the amendment to the committee striking amendment was adopted by voice vote.

#### MOTION

Senator Morton moved that the following amendment by Senator Morton to the committee striking amendment be adopted.

On page 3, line 8, strike "and"

On page 3, line 10, after "disks" insert "; and

(x) Roller skates"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Morton and Regala spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 3, line 8 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647.

The motion by Senator Morton carried and the amendment to the committee striking amendment was adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

On page 3, line 8, strike "and"

On page 3, line 10, after "disks" insert "; and

(x) Scooters"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Honeyford and Rockefeller spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 3, line 8 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647.

The motion by Senator Honeyford carried and the amendment to the committee striking amendment was adopted by voice vote.

#### MOTION

Senator Honeyford, without objection, moved that the three following amendments by Senator Honeyford to the committee striking amendment be considered together and be adopted.

On page 3, line 8, strike "and"

On page 3, line 10, after "disks" insert "; and

(x) Model rockets"

Renumber the sections consecutively and correct any internal references accordingly.

On page 3, line 8, strike "and"

On page 3, line 10, after "disks" insert "; and

(X) Athletic shoes with cleats or spikes"

Renumber the sections consecutively and correct any internal references accordingly.

On page 3, line 8, strike "and"

On page 3, line 10, after "disks" insert "; and

(X) Pocket knives and multitools"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Honeyford and Regala spoke in favor of adoption of the amendments to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Honeyford on page 3, line 8 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647.

The motion by Senator Honeyford carried and the amendments to the committee striking amendment were adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the set of amendments by Senator Honeyford on pages 3, lines 14 to Engrossed Second Substitute House Bill No. 2647 were withdrawn.

#### MOTION

Senator Kastama moved that the following amendment by Senator Kastama and others to the committee striking amendment be adopted.

On page 3, on line 29 strike "Beginning July 1, 2010," and insert "If determined feasible for manufacturers to achieve and necessary to protect children's health, the department, in consultation with the department of health, may by rule require that".

Senators Kastama and Rockefeller spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Kastama and others on page 3, line 29 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647.

The motion by Senator Kastama carried and the amendment to the committee striking amendment was adopted by voice vote.

#### MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist to the committee striking amendment be adopted.

On page 5, beginning on line 22, strike all material through "product." on page 6, line 4.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Holmquist and Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Rockefeller spoke against adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

Holmquist on page 5, line 22 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2647.

The motion by Senator Holmquist failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President assumed the chair.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Rockefeller that the proposed amendments 229, 310, and 311, are beyond the scope and object of Engrossed Second Substitute House Bill 2647, the President finds and rules as follows:

It is true that the underlying bill, the committee striking amendment, and the amendments at issue all deal with children's health and the toxicity of certain chemicals. The underlying bill and the committee amendment, however, are limited to a very specific category of children's health; that is, toys and products. In a very strict sense, vaccines are a type of product. In the relevant context, however, vaccines are not a contemplated part of this measure. Vaccinations combine specific medical procedures and chemical preparations. This is a highly-regulated and specialized area of medical practice, not another item of general commercial products as covered by the bill and committee striking amendment.

For these reasons, the amendments are beyond the scope and object of the measure and Senator Rockefeller's point is well-taken."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications as amended to Engrossed Second Substitute House Bill No. 2647.

The motion by Senator Rockefeller carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 43.70.660; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties."

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 43.70.660; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties."

#### MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute House Bill No. 2647 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller, Regala, Hargrove, Oemig, Kastama and Kline spoke in favor of passage of the bill.

Senators Honeyford, Hatfield, Holmquist and Delvin spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2647 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2647 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 40

Voting nay: Senators Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, Morton, Parlette and Stevens - 9

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2647 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Second Substitute House Bill No. 2537.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Parlette on page 4, line 25 to Second Substitute House Bill No. 2537.

The motion by Senator Keiser carried and the amendment to the committee striking amendment was adopted by voice vote.

#### MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 18, after line 6 of the amendment, insert the following:

"NEW SECTION. Sec. 10 This act takes effect only if Senate Bill No. 6030 is passed by the legislature and signed by the governor by June 30, 2008. If Senate Bill No. 6030 is not passed by the legislature and signed by the governor before June 30, 2008, this act is void in its entirety."

On page 18, line 10 of the title amendment, after "48.46.066" strike "and" and after "section" insert "; and providing a contingent effective date"

Senators Holmquist, Pflug and Parlette spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Keiser spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 18, after line 6 to the committee striking amendment to Second Substitute House Bill No. 2537.

#### ROLL CALL

The Secretary called the roll on the adoption of the

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

amendment by Senator Holmquist to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Kilmer, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Weinstein and Zarelli - 22

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel and Tom - 27

#### MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the committee striking amendment be adopted.

On page 18, after line 6 of the amendment, insert the following:

"**NEW SECTION. Sec. 10** The cost of administering the health insurance partnership may not exceed ten percent of the value of the premium subsidies provided under the program."

On page 18, line 10 of the title amendment, after "creating" strike "a new section" and insert "new sections"

Senators Zarelli and Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Keiser spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 18, after line 6 to the committee striking amendment to Second Substitute House Bill No. 2537.

The motion by Senator Zarelli failed and the amendment to the committee striking amendment was not adopted by voice vote.

#### PARLIAMENTARY INQUIRY

Senator Pflug: "I believe there's another amendment on the bar that would come before this one by Senator Parlette?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Pflug, normally we'd take them in the order they come particularly when they come in late but at your request we can take them in the opposite order by page number which would be Senator Parlette's first."

#### MOTION

Senator Parlette moved that the following amendment by Senator Parlette to the committee striking amendment be adopted.

On page 1, line 10 of the amendment, strike "established in RCW 70.47A.100" and insert "~~((established in RCW 70.47A.100))~~"

On page 1, line 13 of the amendment, strike "and"

On page 1, beginning on line 16 of the amendment, after "services" strike all material through "~~or~~" on line 17, and insert "; and

(c) Is employed by a (~~(participating))~~ small employer (~~(or~~"

On page 1, line 22 of the amendment, after "48.43.005" insert "or any plan provided by a self-funded multiple employer

welfare arrangement as defined in RCW 48.125.010 or by another benefit arrangement defined in the federal employee retirement income security act of 1974, as amended"

Beginning on page 1, line 23 of the amendment, after "(5)" strike all material through "(6)" on page 2, line 4, and insert "~~((("Participating small employer" means a small employer that employs at least one eligible partnership participant and has entered into an agreement with the partnership for the partnership to offer and administer the small employer's group health benefit plan, as defined in federal law, Sec. 706 of ERISA (29 U.S.C. Sec. 1167), for enrollees in the plan: —(6)))~~"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, beginning on line 6 of the amendment, strike all material through "employment." on line 11, and insert "~~((("Partnership participant" means an employee of a participating small employer, or a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.))~~"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, beginning on line 25 of the amendment, after "eligible" strike "partnership participants" and insert "~~((partnership participants))~~ employees"

Beginning on page 2, line 28 of the amendment, strike all material through "(3)" on page 4, line 16, and insert the following:

"(2) ~~((Consistent with policies adopted by the board under section 59 of this act, the administrator shall, directly or by contract:~~

~~—(a) Establish and administer procedures for enrolling small employers in the partnership, including publicizing the existence of the partnership and disseminating information on enrollment, and establishing rules related to minimum participation of employees in small groups purchasing health insurance through the partnership. Opportunities to publicize the program for outreach and education of small employers on the value of insurance shall explore the use of online employer guides. As a condition of participating in the partnership, a small employer must agree to establish a cafeteria plan under section 125 of the federal internal revenue code that will enable employees to use pretax dollars to pay their share of their health benefit plan premium. The partnership shall provide technical assistance to small employers for this purpose;~~

~~—(b) Establish and administer procedures for health benefit plan enrollment by employees of small employers during open enrollment periods and outside of open enrollment periods upon the occurrence of any qualifying event specified in the federal health insurance portability and accountability act of 1996 or applicable state law. Neither the employer nor the partnership shall limit an employee's choice of coverage from among all the health benefit plans offered;~~

~~—(c) Establish and manage a system for the partnership to be designated as the sponsor or administrator of a participating small employer health benefit plan and to undertake the obligations required of a plan administrator under federal law;~~

~~—(d) Establish and manage a system of collecting and transmitting to the applicable carriers all premium payments or contributions made by or on behalf of partnership participants, including employer contributions, automatic payroll deductions for partnership participants, premium subsidy payments, and contributions from philanthropies;~~

~~—(e) Establish and manage a system for determining eligibility for and making premium subsidy payments under chapter 259;~~

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

~~Laws of 2007;~~

~~—(f) Establish a mechanism to apply a surcharge to all health benefit plans, which shall be used only to pay for administrative and operational expenses of the partnership. The surcharge must be applied uniformly to all health benefit plans offered through the partnership and must be included in the premium for each health benefit plan. Surcharges may not be used to pay any premium assistance payments under this chapter;~~

~~—(g) Design a schedule of premium subsidies that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members based on a benchmark health benefit plan designated by the board. The amount of an eligible partnership participant's premium subsidy shall be determined by applying a sliding scale subsidy schedule with the percentage of premium similar to that developed for subsidized basic health plan enrollees under RCW 70.47.060. The subsidy shall be applied to the employee's premium obligation for his or her health benefit plan, so that employees benefit financially from any employer contribution to the cost of their coverage through the partnership.~~

~~—(3))"~~

On page 4, at the beginning of line 22 of the amendment, insert "(1)"

On page 4, line 23 of the amendment, after "eligible" strike "partnership participants" and insert "((partnership participants)) employees"

On page 4, after line 25 of the amendment, insert the following:

"(2) Premium subsidy payments may be provided to eligible employees if:

—(a) The eligible employee is employed by a small employer;

—(b) The actuarial value of the health benefit plan offered by the small employer is at least substantially equivalent to that of the basic health plan benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that are at least ninety percent actuarially equivalent to the basic health plan benefit; and

—(c) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.

(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule similar to the subsidy scale used for subsidized basic health plan enrollees under RCW 70.47.060.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources."

Beginning on page 4, line 34 of the amendment, strike all material through "void." on page 18, line 6, and insert the following:

"NEW SECTION. Sec. 5 The following acts or parts of acts are each repealed:

1 RCW 70.47A.100 (Health insurance partnership board) and 2007 c 260 s 4;

2 RCW 70.47A.110 (Health insurance partnership board--Duties) and 2007 c 260 s 5;

(3) 2007 c 260 s 10 (uncodified); and

(4) 2007 c 260 s 11 (uncodified)."

On page 18, beginning on line 9 of the title amendment, after "70.47A.040," strike the remainder of the title amendment and insert "and 70.47A.070; repealing RCW 70.47A.100 and 70.47A.110; repealing 2007 c 260 s 10 (uncodified); and repealing 2007 c 260 s 11 (uncodified)."

Senator Parlette spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Keiser spoke against adoption of the amendment of the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 1, line 10 to the committee striking amendment to Second Substitute House Bill No. 2537.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Parlette to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, King, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 25

#### MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 18, after line 6 of the amendment, insert the following:

"NEW SECTION. Sec. 10 The following acts or parts of acts are each repealed:

1 RCW 70.47A.010 (Finding--Intent) and 2007 c 260 s 1 & 2006 c 255 s 1;

2 RCW 70.47A.020 (Definitions) and 2007 c 260 s 2 & 2006 c 255 s 2;

3 RCW 70.47A.030 (Health insurance partnership established--Administrator duties) and 2007 c 259 s 58 & 2006 c 255 s 3;

4 RCW 70.47A.040 (Applications for premium subsidies) and 2007 c 260 s 6 & 2006 c 255 s 4;

5 RCW 70.47A.050 (Enrollment to remain within

FIFTY-FOURTH DAY, MARCH 7, 2008

2008 REGULAR SESSION

appropriation) and 2007 c 260 s 12 & 2006 c 255 s 5;  
 6 RCW 70.47A.060 (Rules) and 2007 c 260 s 13 & 2006 c 255 s 6;  
 7 RCW 70.47A.070 (Reports) and 2006 c 255 s 7;  
 8 RCW 70.47A.080 (Health insurance partnership account) and 2007 c 260 s 14 & 2006 c 255 s 8;  
 9 RCW 70.47A.090 (State children's health insurance program--Federal waiver request) and 2006 c 255 s 9;  
 10 RCW 70.47A.100 (Health insurance partnership board) and 2007 c 260 s 4;  
 11 RCW 70.47A.110 (Health insurance partnership board--Duties) and 2007 c 260 s 5; and  
 12 RCW 70.47A.900 (Captions not law--2006 c 255) and 2006 c 255 s 11.

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 2537 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senators Pflug and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2537 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2537 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 27

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

SECOND SUBSTITUTE HOUSE BILL NO. 2537 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**NEW SECTION. Sec. 11** Section 10 of this act takes effect only if specific funding for the purposes of the small employer health insurance partnership program, chapter 70.47A RCW, referencing the program by RCW chapter number, is not provided by June 30, 2008, in the omnibus appropriations act."

On page 18, line 10 of the title amendment, after "48.46.066;" strike the remainder of the title and insert "creating new sections; and repealing RCW 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, 70.47A.100, 70.47A.110, and 70.47A.900."

Senator Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

POINT OF ORDER

Senator Keiser: "I'm a little confused, I thought that I had heard that the amendment was being withdrawn but it seems..."

REPLY BY THE PRESIDENT

President Owen: "Senator Keiser, she's speaking on the amendment. Its her privilege."

Senator Keiser spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 18, after line 6 to the committee striking amendment to Second Substitute House Bill No. 2537.

The motion by Senator Pflug failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Second Substitute House Bill No. 2537.

The motion by Senator Keiser carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "partnership;" strike the remainder of the title and insert "amending RCW 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.070, 70.47A.110, 48.21.045, 48.44.023, and 48.46.066; and creating a new section."

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The Speaker has signed the following bill:  
 SENATE BILL NO. 6183,  
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed the following bills:  
 SUBSTITUTE SENATE BILL NO. 6060,  
 SUBSTITUTE SENATE BILL NO. 6273,  
 SENATE BILL NO. 6471,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6532,  
 SENATE BILL NO. 6588,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2008

FIFTY-FOURTH DAY, MARCH 7, 2008

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SENATE BILL NO. 6641,  
SUBSTITUTE SENATE BILL NO. 6791,  
SUBSTITUTE SENATE BILL NO. 6847,  
SENATE JOINT MEMORIAL NO. 8028,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:

SUBSTITUTE SENATE BILL NO. 6060,  
SUBSTITUTE SENATE BILL NO. 6273,  
SENATE BILL NO. 6471,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6532,  
SENATE BILL NO. 6588,  
ENGROSSED SENATE BILL NO. 6641,  
SUBSTITUTE SENATE BILL NO. 6791,  
SUBSTITUTE SENATE BILL NO. 6847,  
SENATE JOINT MEMORIAL NO. 8028,

MOTION

At 7:13 p.m., on motion of Senator Eide, the Senate  
adjourned until 9 a.m. Saturday, March 8, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

**FIFTY-FIFTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Saturday, March 8, 2008

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Fairley, Jacobsen, Pflug and Rasmussen.

The Sergeant at Arms Color Guard consisting of Assistant Sgts. At Arms Lom Lacey and Lorna Carter, presented the Colors. Senator Kline offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

March 7, 2008

**SGA 9339** GEORGE ORR, appointed on August 8, 2007, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove and Spanel.

Passed to Committee on Rules for second reading.

**MOTION**

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

**MOTION**

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

February 26, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PATRICIA A. WARREN, appointed February 21, 2008, for the term ending June 15, 2011, as Member of the Marine Employees' Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

**MOTION**

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

**MOTION**

On motion of Senator Eide, the Senate advanced to the sixth order of business.

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Marr moved that Gubernatorial Appointment No. 9378, Rita Colwell, as the Member, Board of Trustees, The Life Sciences Discovery Fund Authority, be confirmed.

Senators Marr and Delvin spoke in favor of the motion.

**MOTION**

On motion of Senator Brandland, Senators Benton, Holmquist, Pflug, Roach and Zarelli were excused.

**APPOINTMENT OF RITA COLWELL**

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9378, Rita Colwell as the Member, Board of Trustees, Life Sciences Discovery Fund Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9378, Rita Colwell as the Member, Board of Trustees, The Life Sciences Discovery Fund Authority and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senators Fairley, Jacobsen and Rasmussen - 3

Excused: Senators Benton and Pflug - 2

Gubernatorial Appointment No. 9378, Rita Colwell, having received the constitutional majority was declared confirmed as the Member, Board of Trustees, The Life Sciences Discovery Fund Authority.

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Tom moved that Gubernatorial Appointment No. 9311, Tony Hey as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority, be confirmed.

Senator Tom spoke in favor of the motion.

**APPOINTMENT OF TONY HEY**

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9311, Tony Hey as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9311, Tony Hey as a member of

FIFTY-FIFTH DAY, MARCH 8, 2008

the Board of Trustees, The Life Sciences Discovery Fund Authority and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senators Fairley and Jacobsen - 2

Excused: Senators Benton and Pflug - 2

Gubernatorial Appointment No. 9311, Tony Hey, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Life Sciences Discovery Fund Authority.

#### MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

#### MOTION

Senator Roach moved adoption of the following resolution:

#### SENATE RESOLUTION 8742

By Senators Roach, Kauffman, and Eide

WHEREAS, Linda S. Cowan, superintendent of the Auburn School District, has enjoyed working in the field of education for 40 years, 30 of those years being dedicated to the Auburn School District; and

WHEREAS, Linda has been an elementary teacher, junior high school teacher, junior high school assistant principal, elementary school principal, director of instruction and staff development, director of elementary education, assistant superintendent, and associate superintendent, and has been superintendent of schools in Auburn since 1997; and

WHEREAS, Linda came to Auburn in 1978 from the Renton School District to be assistant principal at Cascade Junior High School after many years of teaching; and

WHEREAS, Linda has been a member of the Auburn Rotary Club since 1986, including as club president in 1991; and she serves on the Board of Governors for Auburn Regional Medical Center, Board of Directors for the School Employees Credit Union, and Board of Directors for PEMCO Insurance; and

WHEREAS, Linda has received many awards and honors, including the Woman of Distinction Award in 1992 from the Auburn Soroptomists and Citizen of the Year in 1992 from the Auburn Area Chamber of Commerce; and

WHEREAS, Linda worked with the Auburn Chamber of Commerce on numerous community projects, including a job shadow program, the Business Week program, and the annual Career Fair; and

WHEREAS, Linda's interests include traveling, reading, playing bridge, and watching Washington Husky football games with her husband, retired Auburn educator Bud Kuhlman; and

WHEREAS, Linda has a high commitment to the Auburn School District and its students, as she can be seen on a daily basis in school buildings attending student programs and events, reading to students, and encouraging students in their various endeavors; and

WHEREAS, Linda has developed a strong relationship with parents and teachers, one built on the ideal that students are the key focal point of our public education system; and

WHEREAS, Linda Cowan will retire as superintendent at the end of June, after 30 years of devoted service to the Auburn community;

2008 REGULAR SESSION

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate Linda Cowan on her upcoming retirement, and recognize and honor her for her tremendous work as an educator and for her years of dedication to the Auburn School District, the Auburn community, its students, parents, and teachers.

Senators Roach, Eide and Kauffman spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8742.

The motion by Senator Roach carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. Linda Cowan and husband, Bud Kuhlman, who were seated in the gallery.

#### MOTION

At 9:30 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:01 a.m. by President Owen.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SENATE BILL NO. 5927,  
SENATE BILL NO. 6204,  
SUBSTITUTE SENATE BILL NO. 6306,  
SUBSTITUTE SENATE BILL NO. 6317,  
SUBSTITUTE SENATE BILL NO. 6423,  
SUBSTITUTE SENATE BILL NO. 6602,  
SUBSTITUTE SENATE BILL NO. 6678,  
SUBSTITUTE SENATE BILL NO. 6726,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 6340,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4034,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SJM 8033 by Senators Shin, Benton, Eide, Hobbs, Hatfield, Regala, Schoesler, Hewitt, Zarelli, Weinstein, Marr, Rasmussen, Roach, Carrell, King, Brandland, Kilmer, McDermott, Kastama, Berkey, Keiser, Kauffman, Delvin, Honeyford, Holmquist, Tom, Fairley, Murray, McAuliffe, Hargrove, Kline, Kohl-Welles, Spanel, Stevens and Haugen

Requesting the United States Congress to reconsider and halt the procurement of foreign-made tankers for use by the United States Air Force.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHJM 4034 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kessler, DeBolt, Kenney, Ericksen, Grant, Springer, Santos, Ross, Morris, Conway, Moeller, Schual-Berke, Lantz, Crouse, Flannigan, Alexander, Rolfes, Kristiansen, Liias, Smith, Barlow, Priest, Kelley, Ericks, Kagi, Blake, Hurst, Pearson, McIntire, Loomis, Roach, Skinner, Haler, Linville, Haigh, Appleton, Quall, Wood, Armstrong, McCune, Walsh, Bailey, Hankins, Warnick, Herrera, Eddy, Dunshee, Condotta, Hinkle, O'Brien, Schindler, Kretz, Ahern, Rodne, Sump, Dunn, Takko, Hudgins, Wallace, Jarrett, Chandler, Miloscia, Orcutt, Upthegrove, Sells, Newhouse, Seaquist, Williams, Simpson, Campbell, Pedersen, Fromhold, Nelson, McCoy, Hunt, Green, Goodman, Darneille, McDonald, Chase, Chopp, Clibborn, Cody, Dickerson, Eickmeyer, Hailey, Hasegawa, Hunter, Kirby, Morrell, Ormsby, Pettigrew, Roberts, Schmick, Sommers, Sullivan and VanDeWege)

Requesting the United States Congress to reconsider and halt the procurement of foreign-made tankers for use by the United States Air Force.

MOTION

There being no objection, on motion of Senator Eide the rules were suspended and Senate Joint Memorial No. 8033 and Substitute House Joint Memorial No. 4034 were placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6220, with the following amendment: 6220-S2 AMH HCW H5828.1

On page 5, after line 29, insert the following:

**"NEW SECTION. Sec. 4** A new section is added to chapter 18.79 RCW to read as follows:

(1) The commission, in cooperation with the department of social and health services, shall develop a monitoring system for insulin administered by injection by nursing assistants pursuant to a delegation from a registered nurse made in accordance with RCW 18.79.260(3)(e). The monitoring system shall include information reported by delegating nurses on the number of nursing assistants who administer insulin by injection; the number of patients those nursing assistants serve; the number of injections that have been administered; the number, type, and outcome of any inappropriately administered insulin injections; and other relevant information.

(2) The commission shall report to the governor and the legislature on the findings of the monitoring system and any recommendations for continuing or discontinuing to permit registered nurses to delegate the administration of insulin by injection to nursing assistants in accordance with RCW 18.79.260(3)(e). The report shall be submitted to the governor and the legislature by November 15, 2012.

**NEW SECTION. Sec. 5** This act expires June 1, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Regala, Senator Spanel was excused.

MOTION

Senator Keiser moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 6220 and ask the House to recede therefrom.

Senators Keiser, Pflug spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 6220 and ask the House to recede therefrom.

The motion by Senator Keiser carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 6220 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6231, with the following amendment: 6231-S AMH ENGR H6023.E

On page 3, after line 3, insert the following:

"(5) The marine protected areas work group established under this section shall coordinate with the marine managed areas work group established in section 5 of this act. The marine protected areas work group is to focus primarily on marine protected areas located in coastal waters as defined in RCW 43.143.020, while the marine managed areas work group established in section 5 of this act is to focus primarily on the Puget Sound. The two work groups may share resources and expertise when appropriate."

On page 3, after line 3, strike all of section 3 and insert the following:

**"NEW SECTION. Sec. 3** (1) The legislature finds that many state agencies and local governments administer marine protected areas, preserves, conservation areas, and other similar geographically based area designations that are a valuable means

FIFTY-FIFTH DAY, MARCH 8, 2008

to protect and enhance Puget Sound's marine resources. The legislature further finds that climate change impacts and increased population and development in the Puget Sound basin will place further stresses upon sustaining the biological diversity and ecosystem health of Puget Sound.

(2) It is the intent of the legislature that state and local actions intended to protect, conserve, and manage marine life and resources be conducted in a coordinated manner, use the best available science, consider the projected impacts on Puget Sound's marine areas from climate change, and contribute to the recovery of the Puget Sound's environmental health by 2020.

(3) It is the purpose of this act to:

(a) Create a strategic network of marine managed areas that contribute to conserving the biological diversity and ecosystem health of Puget Sound and that maximizes the effectiveness of the role of marine managed areas in achieving the recovery of Puget Sound's health by 2020;

(b) Strengthen the coordination of marine managed areas among multiple state agencies and local governments and align these efforts with the work of the Puget Sound partnership to recover the Puget Sound's health by 2020;

(c) Provide for management and designation of marine managed areas programs on an ecosystem basis and incorporate the best available scientific information into these programs;

(d) Adopt a plan that builds a comprehensive system of marine managed areas in Puget Sound, adopts goals and benchmarks for maintaining the diversity of marine life and resources in Puget Sound, and is based upon anticipated threats and stressors such as climate change impacts;

(e) Recognize the interrelationship of the marine ecosystem throughout the Pacific Northwest, and the multiple entities, including local, state, provincial, and federal governments, as well as tribal governments and first nations, that are involved in managing marine managed areas; and

(f) Adopt codified criteria and procedures applicable to the aquatic reserve program on state-owned aquatic lands.

**Sec. 4** RCW 90.71.010 and 2007 c 341 s 2 are each amended to read as follows:

~~((Unless the context clearly requires otherwise.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Action agenda" means the comprehensive schedule of projects, programs, and other activities designed to achieve a healthy Puget Sound ecosystem that is authorized and further described in RCW 90.71.300 and 90.71.310.

(2) "Action area" means the geographic areas delineated as provided in RCW 90.71.260.

(3) "Benchmarks" means measurable interim milestones or achievements established to demonstrate progress towards a goal, objective, or outcome.

(4) "Board" means the ecosystem coordination board.

(5) "Council" means the leadership council.

(6) "Environmental indicator" means a physical, biological, or chemical measurement, statistic, or value that provides a proximate gauge, or evidence of, the state or condition of Puget Sound.

(7) "Implementation strategies" means the strategies incorporated on a biennial basis in the action agenda developed under RCW 90.71.310.

(8) "Marine managed area" means a named, discrete geographic marine or estuarine area designated by statute, ordinance, resolution, or administrative action, whose designation is intended to protect, conserve, or otherwise manage the marine life and resources within the area.

(9) "Nearshore" means the area beginning at the crest of coastal bluffs and extending seaward through the marine photic zone, and to the head of tide in coastal rivers and streams. "Nearshore" also means both shoreline and estuaries.

~~((9))~~ (10) "Panel" means the Puget Sound science panel.

~~((10))~~ (11) "Partnership" means the Puget Sound partnership.

2008 REGULAR SESSION

~~((11))~~ (12) "Plan" means the Puget Sound marine managed areas plan developed under section 5 of this act.

~~((12))~~ (13) "Puget Sound" means Puget Sound and related inland marine waters, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas 1 through 19 in WAC 173-500-040 as it exists on July 1, 2007.

~~((13))~~ (14) "Puget Sound partner" means an entity that has been recognized by the partnership, as provided in RCW 90.71.340, as having consistently achieved outstanding progress in implementing the 2020 action agenda.

~~((14))~~ (15) "Watershed groups" means all groups sponsoring or administering watershed programs, including but not limited to local governments, private sector entities, watershed planning units, watershed councils, shellfish protection areas, regional fishery enhancement groups, marine ~~((resources))~~ resources committees including those working with the Northwest straits commission, nearshore groups, and watershed lead entities.

~~((15))~~ (16) "Watershed programs" means and includes all watershed-level plans, programs, projects, and activities that relate to or may contribute to the protection or restoration of Puget Sound waters. Such programs include jurisdiction-wide programs regardless of whether more than one watershed is addressed.

**NEW SECTION. Sec. 5** A new section is added to chapter 90.71 RCW to read as follows:

(1) The partnership shall prepare a Puget Sound marine managed areas plan to coordinate and strengthen all of the marine managed areas programs managed by state agencies and local governments.

(2) The chair of the council shall designate a work group on marine managed areas to prepare the plan. The work group shall include one or more members of the Puget Sound science panel, one of whom must chair the work group. The work group must include, but not be limited to, state agencies and local governments with regulatory jurisdiction over or that manage marine managed areas including, but not limited to, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and the department of ecology. The work group shall also include the state biodiversity council, created by executive order 04-02, or the biodiversity council's successor entity. The chair of the council shall also invite representatives of tribal governments, federal agencies, cities, counties, and nongovernmental organizations that have designated or have significant interests in the management of Puget Sound marine managed areas. The chair of the council may also invite representatives from other states and provinces and first nation and tribal governments with interests in marine managed areas in the Pacific Northwest to participate on the work group as observers.

(3) The plan must include, but not be limited to:

(a) Guidelines for identifying key species of concern, threats to these species, and threshold levels of protected habitat needed to recover these species and Puget Sound as a whole to health by 2020;

(b) Guidelines for incorporating the best available scientific information when designating and managing marine managed areas;

(c) Guidelines for managing areas on an ecosystem basis and for coordinating multiple programs and areas within the same biogeographical regions to achieve ecosystem-based management;

(d) Benchmarks to measure progress toward the recovery of species and protected habitat;

(e) Recommendations for adequate levels of funding for the designation, long-term management, and monitoring of the marine managed areas in the network;

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

(f) Strategies to address the projected impacts to marine managed areas from population growth, existing and proposed upland and aquatic lands development, and storm water discharges to Puget Sound;

(g) Strategies to prepare for and manage the impacts of climate change, including impacts due to sea level changes, salinity changes, water temperature, increased acidification, and changes in frequency and intensity of precipitation events affecting storm water discharges to marine waters;

(h) An adaptive management component in which new information on the progress of implementing management goals for the individual marine managed areas and overall goals for all such areas, the contribution these areas are making toward the goals of recovering the health of Puget Sound by 2020, and climate change impacts may be considered and integrated into the designation and management of marine managed areas; and

(i) Methodologies for synthesizing monitoring results with programmatic goals to inform decision making on subsequent designation and marine managed areas strategies and any necessary changes in implementation strategies to increase the effectiveness of the marine managed areas program in achieving the goal of recovering the Puget Sound's health by 2020.

(4) The plan must also include comprehensive objectives for coordinating existing marine managed areas and designating additional areas to achieve a network of marine managed areas contributing to long-term conservation of important biota and marine ecosystems and recovery of Puget Sound by 2020. In developing the objectives the work group shall rely primarily upon existing plans and objectives relating to conservation of marine life in Puget Sound, and the program plans prepared by state agencies and local governments administering marine managed areas programs. The plan must also consider activities and uses within or adjacent to marine managed areas that are allowed under existing leases of state-owned aquatic lands issued under chapter 79.105 RCW.

(5) The plan must be completed by July 1, 2010, and submitted to the council for its review and approval. The plan must be incorporated into the Puget Sound action agenda adopted under RCW 90.71.310. The council shall provide for public review and comment on the plan in a manner comparable to the other provisions of the Puget Sound action agenda. The council may, with the assistance of the work group, amend the plan from time to time using public review and comment procedures comparable to those that apply when other elements of the Puget Sound action agenda are revised.

(6) The marine managed areas work group established under this section shall coordinate with the marine protected areas work group established in section 2 of this act. The marine managed areas work group is to focus primarily on the Puget Sound, while the marine protected areas work group established in section 2 of this act is to focus primarily on coastal waters as defined in RCW 43.143.020. The two work groups may share resources and expertise when appropriate.

**NEW SECTION. Sec. 6** (1) The work product delivered by the marine managed areas work group established in section 5 of this act must include at least one case study regarding how consistent standards, methods, or protocols that may aid governmental organizations with the future identification of marine managed areas can be developed.

(2) The case study required by this section must be designed to analyze how and when future marine managed areas can or should be developed in urbanized areas where the purpose of the marine protected area is to protect the marine shoreline and adjacent upland environmental, cultural, or community values.

(3) The case study required by this section must be located in an urban marine waterway located in Puget Sound adjacent to uplands areas available for public access that includes at least one park area developed, in part, with money from the Washington wildlife and recreation program that includes or is planning to include a seawall, walking paths, interpretive displays, and a cultural botanical display area and includes

within the borders of the case study area at least one nearby area of state-owned aquatic lands currently under lease with the department of natural resources for use as an industrial marine repair facility capable of servicing marine vessels that are seventy-five feet or more in length.

(4) Until the results of the case study required by this section are delivered to the leadership council of the Puget Sound partnership as part of the work product required by section 5 of this act, the city government with jurisdiction over uplands adjacent to the case study area is prohibited from allowing any shoreline uses or expansions not currently authorized for shorelines located within or adjacent to the case study area if the shoreline use or expansion is related to an industrial use capable of performing any of the following actions on marine vessels that are seventy-five feet or more in length: Construction, refurbishment, maintenance, repair, lay berthing, or demolition.

**Sec. 7** RCW 79.105.210 and 2005 c 155 s 143 are each amended to read as follows:

(1) The management of state-owned aquatic lands shall preserve and enhance water-dependent uses. Water-dependent uses shall be favored over other uses in state-owned aquatic land planning and in resolving conflicts between competing lease applications. In cases of conflict between water-dependent uses, priority shall be given to uses which enhance renewable resources, water-borne commerce, and the navigational and biological capacity of the waters, and to statewide interests as distinguished from local interests.

(2) Nonwater-dependent use of state-owned aquatic lands is a low-priority use providing minimal public benefits and shall not be permitted to expand or be established in new areas except in exceptional circumstances where it is compatible with water-dependent uses occurring in or planned for the area.

(3) The department shall consider the natural values of state-owned aquatic lands as wildlife habitat, natural area preserve, representative ecosystem, or spawning area prior to issuing any initial lease or authorizing any change in use. The department may withhold from leasing lands which it finds to have significant natural values, or may provide within any lease for the protection of such values. When withdrawing lands from leasing for the purposes of managing an aquatic reserve, the department shall be guided by the procedures and criteria of section 8 of this act.

(4) The power to lease state-owned aquatic lands is vested in the department, which has the authority to make leases upon terms, conditions, and length of time in conformance with the state Constitution and chapters 79.105 through 79.140 RCW.

(5) State-owned aquatic lands shall not be leased to persons or organizations which discriminate on the basis of race, color, creed, religion, sex, age, or physical or mental handicap.

**NEW SECTION. Sec. 8** A new section is added to chapter 79.105 RCW under a new subchapter heading of "aquatic reserve system" to read as follows:

(1) The aquatic reserve system is established. The aquatic reserve system is comprised of those areas of state-owned aquatic lands designated by the department prior to the effective date of this section and any areas added to the system by order of the commissioner thereafter.

(2) State-owned aquatic lands that have one or more of the following characteristics may be included by order of the commissioner in the system as an aquatic reserve:

(a) The lands have been identified as having high priority for conservation, natural systems, wildlife, or low-impact public use values;

(b) The lands have flora, fauna, geological, recreational, archaeological, cultural, scenic, or similar features of critical importance and have retained to some degree or reestablished its natural character;

(c) The lands provide significant examples of native ecological communities;

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

(d) The lands have significant sites or features threatened with conversion to incompatible uses; and

(e) The lands have been identified by the Puget Sound science panel created in RCW 90.71.270 as critical to achieving recovery of Puget Sound by 2020.

(3)(a) The commissioner shall adopt procedures for submission of reserve nominations and for public participation in the review of proposed reserves.

(b) If, consistent with the best available scientific information, a reserve no longer meets the goals and objectives for which it was designated, and adaptive management has not been successful to meet the goals and objectives, the commissioner may by order modify the reserve boundaries or remove the area from reserve status.

(c) The commissioner shall provide public participation procedures for the proposals.

(4) In the designation and management of reserves within Puget Sound, as geographically defined in RCW 90.71.010, the commissioner shall be guided by the marine managed areas plan adopted under section 5 of this act. Within twenty-four months of the adoption of the marine managed areas plan under section 5 of this act, the department shall complete a review of existing management plans and pending reserve nominations for consistency with the guidelines and recommendations in the marine managed areas plan. The commissioner shall accord substantial weight to any recommendations provided by the Puget Sound partnership regarding the designation and management of reserves within Puget Sound.

(5) Where the commissioner determines that management of the taking of fish, shellfish, or wildlife within or adjacent to the reserve would enhance the objectives for which the reserve has been created, the commissioner shall request that the fish and wildlife commission act pursuant to section 9 of this act to adopt supporting rules.

(6) The aquatic reserve system must be coordinated with other marine managed areas, federally recognized marine protected areas, and related regulatory programs. The department shall:

(a) Cooperate with other state agencies and local governments to manage state-owned aquatic lands consistently with the management of uses and activities in the same geographic areas by state parks, the department of fish and wildlife, the department of ecology, and other state agencies; and

(b) Provide recommendations to local governments in updating their shoreline master programs and in sponsoring local marine park reserves or voluntary stewardship areas to seek consistent planning and management activities in areas adjacent to designated reserves.

(7)(a) State agencies with authority over construction activities or water discharges in state waters or that otherwise implement programs that affect a designated aquatic reserve shall give special consideration to increasing protection and reducing and preventing pollution of these areas, consistent with the management objectives of the reserve.

(b) The department should participate in any public processes regarding water discharge or construction permitting affecting aquatic reserves to aid other agencies in their understanding of the provisions of this subsection.

**NEW SECTION. Sec. 9** A new section is added to chapter 77.12 RCW to read as follows:

(1) The commission may adopt rules governing the taking of fish, shellfish, or wildlife within or adjacent to an aquatic reserve designated by the department of natural resources under section 8 of this act, or other marine managed areas, as that term is defined in RCW 90.71.010. The commission shall give consideration within sixty days to any rule changes requested by the commissioner of public lands to support the purposes of an aquatic reserve.

(2) This section is in addition to and does not limit the commission's authority to establish rules governing the taking of fish, shellfish, or wildlife under any other authority.

**NEW SECTION. Sec. 10** The Puget Sound partnership shall provide the plan required by section 5 of this act to the appropriate committees of the legislature by December 1, 2010, together with its recommendations for further policy legislation and budget recommendations to enhance Puget Sound marine managed areas programs.

**Sec. 11** RCW 90.71.300 and 2007 c 341 s 12 are each amended to read as follows:

(1) The action agenda shall consist of the goals and objectives in this section, implementation strategies to meet measurable outcomes, benchmarks, ~~((and))~~ identification of responsible entities, and the marine managed areas plan adopted under section 5 of this act. By 2020, the action agenda shall strive to achieve the following goals:

(a) A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;

(b) A quality of human life that is sustained by a functioning Puget Sound ecosystem;

(c) Healthy and sustaining populations of native species in Puget Sound, including a robust food web;

(d) A healthy Puget Sound where freshwater, estuary, nearshore, marine, and upland habitats are protected, restored, and sustained;

(e) An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, and wildlife, and the natural functions of the environment;

(f) Fresh and marine waters and sediments of a sufficient quality so that the waters in the region are safe for drinking, swimming, shellfish harvest and consumption, and other human uses and enjoyment, and are not harmful to the native marine mammals, fish, birds, and shellfish of the region.

(2) The action agenda shall be developed and implemented to achieve the following objectives:

(a) Protect existing habitat and prevent further losses;

(b) Restore habitat functions and values;

(c) Significantly reduce toxics entering Puget Sound fresh and marine waters;

(d) Significantly reduce nutrients and pathogens entering Puget Sound fresh and marine waters;

(e) Improve water quality and habitat by managing storm water runoff;

(f) Provide water for people, fish and wildlife, and the environment;

(g) Protect ecosystem biodiversity and recover imperiled species; and

(h) Build and sustain the capacity for action.

**Sec. 12** RCW 36.125.030 and 2007 c 344 s 4 are each amended to read as follows:

(1) The Puget Sound ~~((action team, or its successor organization,))~~ partnership shall serve as the regional coordinating entity for marine resources committees created in the southern Puget Sound and the department of fish and wildlife shall serve as the regional coordinating entity for marine resources committees created for the outer coast.

(2) The regional coordinating entity shall serve as a resource to, at a minimum:

(a) Coordinate and pool grant applications and other funding requests for marine resources committees;

(b) Coordinate communications and information among marine resources committees;

(c) Assist marine resources committees to measure themselves against regional performance benchmarks;

(d) Assist marine resources committees with coordinating local projects to complement regional priorities;

(e) Assist marine resources committees to interact with and complement other marine resources committees, and other similar groups, constituted under a different authority; and

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

(f) Coordinate with the Northwest Straits commission on issues common to marine resources committees statewide.

**NEW SECTION. Sec. 13** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6231 and request of the House a conference thereon.

Senator Jacobsen spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Jacobsen that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6231 and request of the House a conference thereon.

The motion by Senator Jacobsen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6231 and requested of the House a conference thereon by voice vote.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6295, with the following amendment: 6295-S.E AMH APP H5903.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that there are many working adults in Washington that need additional postsecondary educational opportunities to further develop their employability. The legislature further finds that many of these people postpone or call off their personal educational plans because they are busy working and raising their families. Because the largest portion of our workforce over the next thirty years is already employed but in need of skill development, and because many low-wage, low-skilled, and mid-skilled individuals cannot take advantage of postsecondary educational opportunities as they currently exist, the legislature intends to identify and test additional postsecondary educational opportunities tailored to make postsecondary education accessible to working adults through the use of campuses extended to include workplace-based educational offerings.

**NEW SECTION. Sec. 2** A new section is added to chapter 28C.18 RCW to read as follows:

(1) To the extent funds are appropriated specifically for this purpose and in partnership with the state board for community and technical colleges, the board shall convene a work group that includes representatives from the prosperity partnership, the technology alliance, the higher education coordinating board, a private career or vocational school, a four-year public institution of higher education, the council of faculty representatives, the united faculty of Washington state, community and technical college faculty, and a community and technical college student, to take the following actions related to electronically distributed learning:

(a) Identify and evaluate current national private employer workplace-based educational programs with electronically distributed learning components provided by public colleges and universities. The evaluation shall include:

(i) A review of the literature and interviews of practitioners about promising practices and results;

(ii) An initial determination of feasibility based on targeted populations served, subject matter, and level of education;

(iii) An overview of technological considerations and adult learning strategies for distribution of learning to employer sites; and

(iv) An overview of cost factors, including shared costs or coinvestments by public and private partners;

(b) Review and, to the extent necessary, establish standards and best practices regarding electronically distributed learning and related support services including online help desk support, advising, mentoring, counseling, and tutoring;

(c) Recommend methods to increase student access to electronically distributed learning programs of study and identify barriers to programs of study participation and completion;

(d) Determine methods to increase the institutional supply and quality of open course materials, with a focus on the OpenCourseWare initiative at the Massachusetts Institute of Technology;

(e) Recommend methods to increase the availability and use of digital open textbooks; and

(f) Review and report demographic information on electronically distributed learning programs of study enrollments, retention, and completions.

(2) The board shall work in cooperation with the state board for community and technical colleges to report the preliminary results of the studies to the appropriate committees of the legislature by December 1, 2008, and a final report by December 1, 2009.

**NEW SECTION. Sec. 3** A new section is added to chapter 28C.18 RCW to read as follows:

(1) To the extent funds are appropriated specifically for this purpose, the board shall use a matching fund strategy to select and evaluate up to eight pilot projects operated by Washington institutions of higher education. By September 2008, the board shall select up to eight institutions of higher education as defined in RCW 28B.92.030 including at least four community or technical colleges to develop and offer a pilot project providing employer workplace-based educational programs with distance learning components. The board shall convene a task force that includes representatives from the state board for community and technical colleges and the higher education coordinating board to select the participant institutions. At a minimum, the criteria for selecting the educational institutions shall address:

(a) The ability to demonstrate a capacity to make a commitment of resources to build and sustain a high quality program;

(b) The ability to readily engage faculty appropriately qualified to develop and deliver a high quality curriculum;

(c) The ability to demonstrate demand for the proposed program from a sufficient number of interested employees within its service area to make the program cost-effective and feasible to operate; and

(d) The identification of employers that demonstrate a commitment to host an on-site program. Employers shall demonstrate their commitment to provide:

(i) Access to educational coursework and educational advice and support for entry-level and semiskilled workers, including paid and unpaid release time, and adequate classroom space that is equipped appropriately for the selected technological distance learning methodologies to be used;

(ii) On-site promotion and encouragement of worker participation, including employee orientations, peer support and mentoring, educational tutoring, and career planning;

(iii) Allowance of a reasonable level of worker choice in the type and level of coursework available;

(iv) Commitment to work with college partner to ensure the relevance of coursework to the skill demands and potential career pathways of the employer host site and other participating employers;

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

(v) Willingness to participate in an evaluation of the pilot to analyze the net benefit to the employer host site, other employer partners, the worker-students, and the colleges; and

(vi) In firms with union representation, the mandatory establishment of a labor-management committee to oversee design and participation.

(2) Institutions of higher education may submit an application to become a pilot college under this section. An institution of higher education selected as a pilot college shall develop the curriculum for and design and deliver courses. However, the programs developed under this section are subject to approval by the state board for technical and community colleges under RCW 28B.50.090 and by the higher education coordinating board under RCW 28B.76.230.

(3) The board shall evaluate the pilot project and report the outcomes to students and employers by December 1, 2012.

NEW SECTION. Sec. 4 A new section is added to chapter 28C.18 RCW to read as follows:

The board may receive and expend federal funds and private gifts or grants, which funds must be expended in accordance with any conditions upon which the funds are contingent.

NEW SECTION. Sec. 5 Sections 2 through 4 of this act expire December 31, 2012.

NEW SECTION. Sec. 6 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Kilmer moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6295 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Kilmer that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6295 and ask the House to recede therefrom.

The motion by Senator Kilmer carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6295 and asked the House to recede therefrom by voice vote.

## MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6371, with the following amendment: 6371-S.E AMH HE CLYN 048

On page 2, beginning on line 10, after "section" strike "and the limitations in RCW 28B.15.910"

On page 4, after line 2, insert the following:

"(10) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall report to the higher education committees of the legislature by November 15, 2010, and every two years thereafter, regarding the status of implementation of the waivers under subsection (4) of this section. The reports shall include the following data and information:

(a) Total number of waivers;

(b) Total amount of tuition waived;

(c) Total amount of fees waived;

(d) Average amount of tuition and fees waived per recipient;

(e) Recipient demographic data that is disaggregated by distinct ethnic categories within racial subgroups; and

(f) Recipient income level, to the extent possible."

On page 4, beginning on line 10, strike all of section 3

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Shin moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6371 and ask the House to recede therefrom.

Senator Shin spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Shin that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6371 and ask the House to recede therefrom.

The motion by Senator Shin carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6371 and asked the House to recede therefrom.

## MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6426, with the following amendment: 6426-S AMH ED H5813.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 (1) The office of the superintendent of public instruction shall convene and support a task force to review and make recommendations regarding the interstate compact on educational opportunity for military children. Education committee staff from senate committee services and house of representatives office of program research shall provide support to the legislative members of the task force.

(2) The task force shall review the compact and issue a final report on the following, at a minimum:

(a) Which components of the compact are currently being substantially implemented in Washington and which are not;

(b) The implications of and the interplay between the compact and applicable federal education law;

(c) The implications of and the interplay between the compact and applicable state education law; and

(d) The legal obligations that the compact would impose on the state if it were to be adopted.

(3) The task force shall also address any provisions within the compact that raise concerns of the task force members and shall make recommendations on how to address those concerns within the final report.

(4) The task force shall include the following members:

(a) Four legislative members, including one member appointed by the president of the senate from each of the two largest caucuses of the senate, and one member appointed by the speaker of the house of representatives from each of the two largest caucuses of the house of representatives;

(b) The attorney general or a designee;

(c) A representative from the United States department of defense;

(d) The superintendent of public instruction or a designee;

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

(e) A representative from each educational service district;  
 (f) A superintendent from a school district with a high concentration of military children; and

(g) A representative of the state board of education.

(5) Legislative members of the task force shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The task force shall present its final report of findings and conclusions, including recommendations for legislative action if necessary, to the appropriate committees of the legislature by December 1, 2008."

Correct the title.  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6426 and request of the House a conference thereon.

Senators Hobbs and King spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Hobbs that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6426 and request of the House a conference thereon.

The motion by Senator Hobbs carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6426 and requested of the House a conference thereon by voice vote.

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6438, with the following amendment: 6438-S2.E AMH MCCO H5984.4

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** (1) The legislature finds and declares the following:

(a) The deployment and adoption of high-speed internet services and information technology has resulted in enhanced economic development and public safety for the state's communities, improved health care and educational opportunities, and a better quality of life for the state's residents;

(b) Continued progress in the deployment and adoption of high-speed internet services and other advanced telecommunications services, both land-based and wireless, is vital to ensuring Washington remains competitive and continues to create business and job growth; and

(c) That the state must encourage and support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology for state residents and businesses.

(2) Therefore, in order to begin advancing the state towards further growth and development of high-speed internet in the state,

it is the legislature's intent to conduct a statewide needs assessment of broadband internet resources through an open dialogue with all interested parties, including providers, unions, businesses, community organizations, local governments, and state agencies. The legislature further resolves to use this needs assessment in guiding future plans on how to ensure that every

resident in Washington state may gain access to high-speed internet services.

**NEW SECTION. Sec. 2** (1) After the broadband study authorized by the legislature in 2007 has been completed, or by July 15, 2008, the department of information services, in coordination with the department of community, trade, and economic development and the utilities and transportation commission, shall convene a work group to develop a high-speed internet deployment and adoption strategy for the state.

(2) The department of information services shall invite representatives from the following organizations to participate in the work group:

(a) Representatives of public, private, and nonprofit agencies and organizations representing economic development, local community development, local government, community planning, technology planning, education, and health care;

(b) Representatives of telecommunications providers, technology companies, telecommunications unions, public utilities, and relevant private sector entities;

(c) Representatives of community-based organizations; and

(d) Representatives of other relevant entities as the department of information services may deem appropriate.

(3) The department of information services shall, in consultation with the work group, develop a high-speed internet deployment and adoption strategy to accomplish the following objectives:

(a) Create and regularly update a detailed, geographic information system map at the census block level of the high-speed internet services and other relevant telecommunications and information technology services owned or leased by public entities in the state with instructions on how proprietary and competitively sensitive data will be handled, stored, and used. Development of this geographic information system map may include collaboration with students and faculty at community colleges and universities in the state. The statewide inventory must, at a minimum, detail:

(i) The physical location of all high-speed internet infrastructure owned or leased by public entities;

(ii) The amount of excess capacity available; and

(iii) Whether the high-speed internet infrastructure is active or inactive;

(b) Work collaboratively with telecommunications providers and internet service providers to assess, create, and regularly update a geographic information system map at the census block level of the privately owned high-speed internet infrastructure in the state, with instructions on how proprietary and competitively sensitive data will be handled, stored, and used;

(c) Combine the geographic information system map of high-speed internet infrastructure owned by public entities with the geographic information system map of high-speed internet infrastructure owned by private entities to create and regularly update a statewide inventory of all high-speed internet infrastructure in the state;

(d) Use the geographic information system map of all high-speed internet infrastructure in the state, both public and privately owned or leased, to identify and regularly update the geographic gaps in high-speed internet service, including an assessment of the population located in each of the geographic gaps;

(e) Spur the development of high-speed internet resources in the state, which may include, but is not limited to, soliciting funding in the form of grants or donations; establishing technology literacy programs in conjunction with institutions of higher education; establishing low-cost hardware and software purchasing programs; and developing loan programs targeting small businesses or businesses located in underserved areas;

(f) Track statewide residential and business adoption of high-speed internet, computers, and related information technology, including an identification of barriers to adoption;

(g) Build and facilitate local technology planning teams and partnerships with members representing cross-sections of the

FIFTY-FIFTH DAY, MARCH 8, 2008

community, which may include participation from the following organizations: Representatives of business, telecommunications unions, K-12 education, community colleges, local economic development organizations, health care, libraries, universities, community-based organizations, local governments, tourism, parks and recreation, and agriculture;

(h) Use the local technology planning teams and partnerships to:

(i) Conduct a needs assessment; and

(ii) Work collaboratively with high-speed internet providers and technology companies across the state to encourage deployment and use, especially in unserved areas, through use of local demand aggregation, mapping analysis, and creation of market intelligence to improve the investment rationale and business case; and

(i) Establish low-cost programs to improve computer ownership, technology literacy, and high-speed internet access for disenfranchised or unserved populations across the state.

(4) By September 1, 2008, the department of information services shall provide a status update to the telecommunications committees in the house of representatives and the senate, outlining the progress made to date by the work group and the issues remaining to be considered.

(5) By December 1, 2008, the department of information services shall complete the high-speed internet deployment and adoption strategy and provide a report to the fiscal and telecommunications committees in the house of representatives and the senate, the governor, and the office of financial management. The main objective of the report is to outline, based on the efforts of the work group, what legislation is needed in order to implement the high-speed internet deployment and adoption strategy, including a range of potential funding requests to accompany the legislation. Specifically, the report shall include the following:

(a) Benchmarks, performance measures, milestones, deliverables, timelines, and such other indicators of performance and progress as are necessary to guide development and implementation of the high-speed internet deployment and adoption strategy, both short term and long term, including an assessment of the amount of funding needed to accomplish a baseline assessment of the high-speed internet infrastructure owned by public and private entities of the state in an eighteen-month period; and

(b) Ways to structure and appropriately scale and phase development and implementation of the high-speed internet deployment and adoption strategy so as to link to, leverage, and otherwise synchronize with other relevant and related funding, technology, capital initiatives, investments, and opportunities.

**NEW SECTION. Sec. 3** A new section is added to chapter 43.105 RCW to read as follows:

(1) The department of information services, the department of community, trade, and economic development, the utilities and transportation commission, or any other governmental agent or agency shall not gather or request any information related to high-speed internet infrastructure or service from providers of telecommunications or high-speed internet services that could be classified as proprietary or competitively sensitive.

(2) Nothing in this section may be construed as limiting the authority of the utilities and transportation commission to gather or request information from providers of telecommunications services pursuant to its authority under Title 80 RCW.

(3) Nothing in this section may be construed as limiting the authority of the department of information services to gather or request information from providers of telecommunications services in order to carry out the business of the department, including acquisitions and procurements, contracting, other solicitations, and any planning or architecture-related activities.

**NEW SECTION. Sec. 4** Nothing in this act may be construed as giving the department of information services or any other entities any additional authority, regulatory or

2008 REGULAR SESSION

otherwise, over providers of telecommunications and information technology.

**NEW SECTION. Sec. 5** A new section is added to chapter 43.105 RCW to read as follows:

(1) By January 1, 2009, the department, in consultation with the utilities and transportation commission and other relevant agencies, shall identify and make publicly available a web directory of public facilities that provide community technology programs throughout the state.

(2) For the purposes of this section, "community technology program," also known as a digital inclusion program, means a program engaged in diffusing information and communications technology in local communities, particularly in unserved areas. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software ownership, internet connectivity, and development of locally relevant content and delivery of vital services through technology.

**NEW SECTION. Sec. 6** If sections 1 through 5 of this act become null and void, the department of information services shall include high-speed internet adoption and deployment in its 2009-2011 strategic plan.

**NEW SECTION. Sec. 7** If specific funding for the purposes of sections 1 through 5 of this act, referencing sections 1 through 5 of this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, sections 1 through 5 of this act are null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6438 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6438 and ask the House to recede therefrom.

The motion by Senator Kohl-Welles carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6438 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6609, with the following amendment: 6609-S AMH HINK CADE 020

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1)(a) A legislative task force on agricultural structure permits is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The governor shall appoint one member representing the state building code council.

(b) The task force shall choose its chair from among its legislative membership.

(c) The advisory policy committee must have the following nonvoting ex officio members:

(i) One member representing cities;

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

(ii) One member representing counties; and  
 (iii) Three members representing statewide agricultural organizations.

(2) The task force shall review the following issues:

(a) Permit costs for specialty agricultural structures in Washington and adjoining states and provinces; and

(b) Alternative fee structures and building code requirements for agricultural structures.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the house of representatives and the senate. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the appropriate committees of the house of representatives and the senate by January 1, 2009.

(7) This section expires April 1, 2009."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Fairley moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6609 and ask the House to recede therefrom.

Senators Fairley spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Fairley that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6609 and ask the House to recede therefrom.

The motion by Senator Fairley carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6609 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6673, with the following amendment: 6673-S2.E AMH ENGR H5985.E

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** The legislature finds that high school students need to graduate with the skills necessary to be successful in college and work. The state graduation requirements help to ensure that Washington high school graduates have the basic skills to be competitive in a global economy. Under education reform started in 1993, time was to be the variable, obtaining the skills was to be the constant. Therefore, students who need additional time to gain the academic skills needed for college and the workplace should have the opportunities they need to reach high academic achievement, even if that takes more than the standard four years of high school.

Different students face different challenges and barriers to their academic success. Some students struggle to meet the

standard on a single portion of the Washington assessment of student learning while excelling in the other subject areas; other students struggle to complete the necessary state or local graduation credits; while still others have their knowledge tested on the assessments and have completed all the credit requirements but are struggling because English is not their first language. The legislature finds that many of these students need additional time and support to achieve academic proficiency and meet all graduation requirements.

**Sec. 2** RCW 28A.655.061 and 2007 c 355 s 5 and 2007 c 354 s 2 are each reenacted and amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the scholastic assessment test (SAT) or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected ~~((advance placement))~~ AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the ~~((advance placement))~~ AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the ~~((advance placement))~~ AP examinations in English

language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the ~~((advance placement))~~ AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

(i) The student's results on the Washington assessment of student learning;

(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

(iii) Any credit deficiencies;

(iv) The student's attendance rates over the previous two years;

(v) The student's progress toward meeting state and local graduation requirements;

(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation(. ~~If applicable, the plan shall also include the high school completion pilot program created under RCW 28B.50.534.~~

~~(i) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.~~

~~(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary);~~

(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;

(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(x) Available programs offered through skill centers or community and technical colleges.

(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

**NEW SECTION. Sec. 3** A new section is added to chapter 28A.320 RCW to read as follows:

(1) The extended learning opportunities program is created for eligible eleventh and twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who may not be on track to meet the standard on the Washington assessment of student learning or need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

(2) Under the extended learning opportunities program, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under RCW 28A.150.220(3).

(3) Under the extended learning program, instructional services for eligible students can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

- (a) Individual or small group instruction;
- (b) Instruction in English language arts and/or mathematics that eligible students need to pass all or part of the Washington assessment of student learning;
- (c) Attendance in a public high school or public alternative school classes or at a skill center;
- (d) Inclusion in remediation programs, including summer school;
- (e) Language development instruction for English language learners;
- (f) Online curriculum and instructional support, including programs for credit retrieval and Washington assessment of student learning preparatory classes; and
- (g) Reading improvement specialists available at the educational service districts to serve eighth, eleventh, and twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to continue a fifth year in a high school program who are still struggling with basic reading skills.

**Sec. 4** RCW 28A.165.035 and 2004 c 20 s 4 are each amended to read as follows:

Use of best practices magnifies the opportunities for student success. The following are services and activities that may be supported by the learning assistance program:

- (1) Extended learning time opportunities occurring:
  - (a) Before or after the regular school day;
  - (b) On Saturday; and
  - (c) Beyond the regular school year;
- (2) Services under section 3 of this act;
- (3) Professional development for certificated and classified staff that focuses on:
  - (a) The needs of a diverse student population;
  - (b) Specific literacy and mathematics content and instructional strategies; and

(c) The use of student work to guide effective instruction;  
~~((3))~~ (4) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

~~((4))~~ (5) Tutoring support for participating students; and  
~~((5))~~ (6) Outreach activities and support for parents of participating students.

**NEW SECTION. Sec. 5** If funding is appropriated for this purpose, the office of the superintendent of public instruction shall explore online curriculum support in languages other than English that are currently available. By December 1, 2008, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature recommendations for other online support in other languages that would most appropriately assist Washington's English language learners. Included in the recommendations shall be the actions that would need to be taken to access the recommended online support and the cost.

**NEW SECTION. Sec. 6** A new section is added to chapter 28A.655 RCW to read as follows:

(1) If funding is appropriated for this purpose, school districts shall provide all tenth graders enrolled in the district the option of taking the PSAT at no cost to the student.

(2) The office of the superintendent of public instruction shall enter into an agreement with the firm that administers the PSAT to reimburse the firm for the testing fees of students who take the test.

**NEW SECTION. Sec. 7** (1) The legislature intends to build on the lessons learned in the Lorraine Wojahn dyslexia pilot reading program, which the legislature has funded since 2005.

(2) By September 15, 2008, each of the grant recipients shall report to the office of the superintendent of public instruction on the lessons learned in the pilot program regarding effective assessment and intervention programs to help students with dyslexia or characteristics of dyslexia, best practices for professional development, and strategies to build capacity and sustainability among teaching staff.

(3) By December 31, 2008, the office of the superintendent of public instruction shall aggregate the reports from the grant recipients and provide a report and recommendations to the appropriate committees of the legislature. The recommendations shall include how the lessons learned through the pilot program are best shared with school districts and how the best practices can be implemented statewide.

**NEW SECTION. Sec. 8** (1) The legislature finds that educators are faced with the complex responsibility of educating an increasing population of English language learners who speak a wide variety of languages and dialects and may come with varying levels of formal schooling, students who come from low-income households, and students who have learning disabilities. These educators struggle to provide meaningful instruction that helps students meet high content standards while overcoming their challenges. The 2007 legislature directed the professional educator standards board to begin the process of adopting new certification requirements and revising the higher education teacher preparation program requirements. Additionally, the office of the superintendent of public instruction was directed to contract with the northwest regional educational laboratory to review and report on the ongoing English as a second language pilot projects and best practices related to helping students who are English language learners. It is therefore the intent of the legislature to build upon the work started in 2007 by requiring that the professional educator standards board consider the findings of the northwest regional educational laboratory and incorporate into its ongoing work a review of how to revise the current certification requirements and teacher preparation programs in order to better serve the needs of English language learners.

(2) The professional educator standards board shall convene a work group to develop recommendations for increasing teacher knowledge, skills, and competencies to address the

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

needs of English language learner students. The work group shall include representatives from the Washington association of colleges for teacher education, school districts with significant populations of English language learner students who speak a single language, school districts with significant populations of English language learner students who speak multiple languages, classroom teachers, English as a second language teachers, bilingual education teachers, principals, the migrant and bilingual education office in the office of the superintendent of public instruction, and the higher education coordinating board. In making its selections, the professional educator standards board must include members from diverse cultural backgrounds and strive to promote geographic balance. The professional educator standards board shall invite participation by the northwest regional educational laboratory.

(3) The work group shall identify gaps and weaknesses in the current knowledge and skills standards for teacher preparation and teacher competencies regarding understanding how students acquire language, how to teach academic content in English to non-English speakers, and how to demonstrate cultural competence. The work group shall look to the English as a second language demonstration projects under RCW 28A.630.058 and the accompanying research and evaluation by the northwest regional educational laboratory.

(4) The work group shall submit a report by December 1, 2008, to the governor and the education and higher education committees of the legislature with findings and recommendations to improve the teacher preparation knowledge and skills standards and teacher competencies in the areas identified under subsection (2) of this section. Recommendations shall also include what professional development program components are most effective for existing educators of English language learners.

**Sec. 9** RCW 28B.118.010 and 2007 c 405 s 2 are each amended to read as follows:

The higher education coordinating board shall design the Washington college bound scholarship program in accordance with this section.

(1) "Eligible students" are those students who qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3) To be eligible for a Washington college bound scholarship, a student must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. Students who were in the eighth grade during the 2007-08 school year may sign the pledge during the 2008-09 school year. The pledge must be witnessed by a parent or guardian and forwarded to the higher education coordinating board by mail or electronically, as indicated on the pledge form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median

family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

**Sec. 10** RCW 28A.165.055 and 2005 c 489 s 1 are each amended to read as follows:

(1) Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with the biennial appropriations act. The distribution formula is for school district allocation purposes only. The distribution formula shall be based on one or more family income factors measuring economic need.

(2) In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.

(a) If, in the prior school year, a district's percent of October headcount student enrollment in grades kindergarten through twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program headcount taken in October and May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(b) The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

(c) School districts are only eligible for the enhanced funds under this subsection if their percentage of October headcount enrollment in grades kindergarten through twelve eligible for free or reduced price lunch exceeded forty percent in the prior school year.

NEW SECTION. Sec. 11 A new section is added to chapter 28A.310 RCW to read as follows:

Educational service districts shall develop and provide a program of outreach to community-based programs and organizations within the district that are serving non-English speaking segments of the population as well as those programs that target subgroups of students that may be struggling academically, including to the extent possible, African-American, Native American, Asian, Pacific Islander, Hispanic, low income, and special education. Educational service districts shall consult and coordinate with the governor's minority commissions and the governor's office of Indian affairs in order to efficiently conduct this outreach and are encouraged to enter into partnerships with representatives of the local business communities in order to develop a coordinated outreach plan. The purpose of the outreach activities shall be to inform students via the various community-based programs and organizations of the educational opportunities available under chapter . . . , Laws of 2008 (this act) and to engage them in the process as appropriate. Outreach shall at a minimum include information about the availability of dropout and credit retrieval programs, remediation programs, and extended learning opportunities, including fifth year opportunities.

NEW SECTION. Sec. 12 A new section is added to chapter 28A.300 RCW to read as follows:

Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grant funds to school districts to provide summer school funding for middle and high schools for all students to explore career opportunities rich in math, science, and technology using career and technical education as the delivery model.

NEW SECTION. Sec. 13 A new section is added to chapter 28A.300 RCW to read as follows:

Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall contract with a national organization to establish, maintain, and operate an endowment for the promotion of geography education in Washington state. The national organization must have experience operating geography education endowments in other states and must provide equal nonstate matching funds to the state funds provided in the contract. All funds in and any interest earned on the endowment shall be used exclusively for geography education programs including, but not limited to, curriculum materials, resource collections, and professional development institutes for teachers and administrators. The national organization must have an established affiliated advisory committee in the state to recommend local projects to be funded by the endowment. The contract shall require that the organization report annually to the superintendent on the recipients of endowment funds and the amounts and purposes of expenditures from the fund."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6673 and request of the House a conference thereon.

Senator McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6673 and request of the House a conference thereon.

The motion by Senator McAuliffe carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6673 and requested of the House a conference thereon by voice vote.

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5100, with the following amendment: 5100-S.E2 AMH ED H5855.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 28A.210 RCW to read as follows:

(1) By August 1, 2008, the superintendent of public instruction shall solicit and select up to six school districts to implement, on a pilot project basis, this section. The selected school districts shall include districts from urban and rural areas, and eastern and western Washington.

(2) Beginning with the 2008-09 school year, as part of a public school's enrollment process, each school participating as a pilot project shall annually inquire whether a student has health insurance. The school shall include in the inquiry a statement explaining that an outreach worker may contact families with uninsured students about options for health care coverage. The inquiry shall make provision for the parent or guardian to authorize the sharing of information for this purpose, consistent with state and federal confidentiality requirements.

(3) The school shall record each student's health insurance status in the district's student information system.

(4) By December 1, 2008, from the district's student information system, the pilot school shall develop a list of students without insurance for whom parent authorization to share information was granted. To the extent such information is available, the list shall include:

(a) Identifiers, including each student's full name and date of birth; and

(b) Parent or guardian contact information, including telephone number, e-mail address, and street address.

(5) By September 1, 2008, the department and superintendent shall develop and make available a model agreement to enable schools to share student information in compliance with state and federal confidentiality requirements.

(6) By January 1, 2009, each participating pilot school and a local outreach organization, where available, shall work to put in place an agreement to share student information in accordance with state and federal confidentiality requirements. Once an agreement is in place, the school shall share the list described in subsection (4) of this section with the outreach organization.

(7) The outreach organization shall use the information on the list to contact families and assist them to enroll students on a medical program, in accordance with chapter 74.09 RCW.

(8) By July 1, 2009, pilot schools shall report to the superintendent of public instruction:

(a) The number of students identified without health insurance under subsection (2) of this section; and

(b) Whether an agreement as described under subsection (6) of this section is in place.

(9) By December 1, 2009, the department and the superintendent shall submit a joint report to the legislature that provides:

(a) Summary information on the number of students identified without insurance;

(b) The number of schools with agreements with outreach organizations and the number without such agreements;

(c) The cost of collecting and reporting data;  
 (d) The impact of such outreach efforts they can quantify;  
 and

(e) Any recommendations for changes that would improve the efficiency or effectiveness of outreach efforts described in this section.

(10) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Department" means the department of social and health services.

(b) "Superintendent" means the superintendent of public instruction.

(c) "Outreach organization" means a nonprofit organization or a local government entity either contracting with the department pursuant to chapter 74.09 RCW, or otherwise qualified to provide outreach, education, and enrollment services to uninsured children.

**NEW SECTION. Sec. 2** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5100.

Senator McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5100.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5100 by voice vote.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5100 as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5100, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 2; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Prentice, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Tom, Weinstein and Zarelli - 34

Voting nay: Senators Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Schoesler and Swecker - 11

Absent: Senators Hargrove and Pridemore - 2

Excused: Senators Benton and Spanel - 2

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5100, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5104, with the following amendment: 5104-S AMH APP H5892.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that the six colleges that developed proposals for the applied baccalaureate degree pilot programs exhibited exemplary work preparing proposals. The proposals were consistent with the legislature's vision for expanding bachelor's degree access and with the principals and criteria developed by the college board. The legislature recognizes that the authorization for the pilots was limited in number and therefore not all the proposals were able to be approved. The legislature values the work that has been done and intends to provide authority for additional pilots so as not to lose the good work that has been done.

**Sec. 2** RCW 28B.50.810 and 2005 c 258 s 6 are each amended to read as follows:

(1) By April 2006, the college board shall select four community or technical colleges to develop and offer programs of study leading to an applied baccalaureate degree. At least one of the four pilot programs chosen must lead to a baccalaureate of applied science degree which builds on an associate of applied science degree. The college board shall convene a task force that includes representatives of both the community and technical colleges to develop objective selection criteria.

(2) By February 2008, the college board shall select up to three colleges to develop and offer programs of study leading to an applied baccalaureate degree. At least one of the colleges selected must be a technical college. The college board shall use the objective selection criteria developed under subsections (1) and (3) of this section to make the selection.

(3) Colleges may submit an application to become a pilot college under this section. The college board shall review the applications and select the pilot colleges using objective criteria, including:

(a) The college demonstrates the capacity to make a long-term commitment of resources to build and sustain a high quality program;

(b) The college has or can readily engage faculty appropriately qualified to develop and deliver a high quality curriculum at the baccalaureate level;

(c) The college can demonstrate demand for the proposed program from a sufficient number of students within its service area to make the program cost-effective and feasible to operate;

(d) The college can demonstrate that employers demand the level of technical training proposed within the program, making it cost-effective for students to seek the degree; and

(e) The proposed program fills a gap in options available for students because it is not offered by a public four-year institution of higher education in the college's geographic area.

~~((3))~~ (4) A college selected as a pilot college under this section may develop the curriculum for and design and deliver courses leading to an applied baccalaureate degree. However, degree programs developed under this section are subject to approval by the college board under RCW 28B.50.090 and by the higher education coordinating board under RCW 28B.76.230 before a pilot college may enroll students in upper division courses. A pilot college approved under subsection (1) of this section may not enroll students in upper division courses before the fall academic quarter of 2006. A pilot college approved under subsection (2) of this section may not enroll students in upper division courses before the fall academic quarter of 2009.

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

**NEW SECTION. Sec. 3** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5104.  
Senator Shin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5104.

MOTION

On motion of Senator Regala, Senators Hargrove and Pridemore were excused.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5104 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5104 as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5104, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Pridemore and Spanel - 2

SUBSTITUTE SENATE BILL NO. 5104, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5261, with the following amendment: 5261-S.E AMH ENGR H5489.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 48.18.110 and 2000 c 79 s 2 are each amended to read as follows:

(1) The commissioner shall disapprove any such form of policy, application, rider, or endorsement, or withdraw any previous approval thereof, only:

(a) If it is in any respect in violation of or does not comply with this code or any applicable order or regulation of the commissioner issued pursuant to the code; or

(b) If it does not comply with any controlling filing theretofore made and approved; or

(c) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(d) If it has any title, heading, or other indication of its provisions which is misleading; or

(e) If purchase of insurance thereunder is being solicited by deceptive advertising.

(2) In addition to the grounds for disapproval of any such form as provided in subsection (1) of this section, the commissioner may disapprove any form of disability insurance policy(~~(, except an individual health benefit plan.)~~) if the benefits provided therein are unreasonable in relation to the premium charged. Rates, or any modification of rates effective on or after July 1, 2008, for individual health benefit plans may not be used until sixty days after they are filed with the commissioner. If the commissioner does not disapprove a rate filing within sixty days after the insurer has filed the documents required in RCW 48.20.025(2) and any rules adopted pursuant thereto, the filing shall be deemed approved.

**Sec. 2** RCW 48.44.020 and 2000 c 79 s 28 are each amended to read as follows:

(1) Any health care service contractor may enter into contracts with or for the benefit of persons or groups of persons which require prepayment for health care services by or for such persons in consideration of such health care service contractor providing one or more health care services to such persons and such activity shall not be subject to the laws relating to insurance if the health care services are rendered by the health care service contractor or by a participating provider.

(2) The commissioner may on examination, subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.05 RCW, disapprove any individual or group contract form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(b) If it has any title, heading, or other indication of its provisions which is misleading; or

(c) If purchase of health care services thereunder is being solicited by deceptive advertising; or

(d) If it contains unreasonable restrictions on the treatment of patients; or

(e) If it violates any provision of this chapter; or

(f) If it fails to conform to minimum provisions or standards required by regulation made by the commissioner pursuant to chapter 34.05 RCW; or

(g) If any contract for health care services with any state agency, division, subdivision, board, or commission or with any political subdivision, municipal corporation, or quasi-municipal corporation fails to comply with state law.

(3) In addition to the grounds listed in subsection (2) of this section, the commissioner may disapprove any (~~group~~) contract if the benefits provided therein are unreasonable in relation to the amount charged for the contract. Rates, or any modification of rates effective on or after July 1, 2008, for individual health benefit plans may not be used until sixty days after they are filed with the commissioner. If the commissioner does not disapprove a rate filing within sixty days after the health care service contractor has filed the documents required in RCW 48.44.017(2) and any rules adopted pursuant thereto, the filing shall be deemed approved.

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

(4)(a) Every contract between a health care service contractor and a participating provider of health care services shall be in writing and shall state that in the event the health care service contractor fails to pay for health care services as provided in the contract, the enrolled participant shall not be liable to the provider for sums owed by the health care service contractor. Every such contract shall provide that this requirement shall survive termination of the contract.

(b) No participating provider, agent, trustee, or assignee may maintain any action against an enrolled participant to collect sums owed by the health care service contractor.

**Sec. 3** RCW 48.46.060 and 2000 c 79 s 31 are each amended to read as follows:

(1) Any health maintenance organization may enter into agreements with or for the benefit of persons or groups of persons, which require prepayment for health care services by or for such persons in consideration of the health maintenance organization providing health care services to such persons. Such activity is not subject to the laws relating to insurance if the health care services are rendered directly by the health maintenance organization or by any provider which has a contract or other arrangement with the health maintenance organization to render health services to enrolled participants.

(2) All forms of health maintenance agreements issued by the organization to enrolled participants or other marketing documents purporting to describe the organization's comprehensive health care services shall comply with such minimum standards as the commissioner deems reasonable and necessary in order to carry out the purposes and provisions of this chapter, and which fully inform enrolled participants of the health care services to which they are entitled, including any limitations or exclusions thereof, and such other rights, responsibilities and duties required of the contracting health maintenance organization.

(3) Subject to the right of the health maintenance organization to demand and receive a hearing under chapters 48.04 and 34.05 RCW, the commissioner may disapprove an individual or group agreement form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous, or misleading clauses, or exceptions or conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the agreement;

(b) If it has any title, heading, or other indication which is misleading;

(c) If purchase of health care services thereunder is being solicited by deceptive advertising;

(d) If it contains unreasonable restrictions on the treatment of patients;

(e) If it is in any respect in violation of this chapter or if it fails to conform to minimum provisions or standards required by the commissioner by rule under chapter 34.05 RCW; or

(f) If any agreement for health care services with any state agency, division, subdivision, board, or commission or with any political subdivision, municipal corporation, or quasi-municipal corporation fails to comply with state law.

(4) In addition to the grounds listed in subsection (2) of this section, the commissioner may disapprove any ~~((group))~~ agreement if the benefits provided therein are unreasonable in relation to the amount charged for the agreement. Rates, or any modification of rates effective on or after July 1, 2008, for individual health benefit plans may not be used until sixty days after they are filed with the commissioner. If the commissioner does not disapprove a rate filing within sixty days after the health maintenance organization has filed the documents required in RCW 48.46.062(2) and any rules adopted pursuant thereto, the filing shall be deemed approved.

(5) No health maintenance organization authorized under this chapter shall cancel or fail to renew the enrollment on any basis of an enrolled participant or refuse to transfer an enrolled

participant from a group to an individual basis for reasons relating solely to age, sex, race, or health status. Nothing contained herein shall prevent cancellation of an agreement with enrolled participants (a) who violate any published policies of the organization which have been approved by the commissioner, or (b) who are entitled to become eligible for medicare benefits and fail to enroll for a medicare supplement plan offered by the health maintenance organization and approved by the commissioner, or (c) for failure of such enrolled participant to pay the approved charge, including cost-sharing, required under such contract, or (d) for a material breach of the health maintenance agreement.

(6) No agreement form or amendment to an approved agreement form shall be used unless it is first filed with the commissioner.

**Sec. 4** RCW 48.20.025 and 2003 c 248 s 8 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the insurer of health care services, as defined in RCW 48.43.005, provided to a policyholder or paid to or on behalf of the policyholder in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for a policyholder.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Declination rate" for an insurer means the percentage of the total number of applicants for individual health benefit plans received by that insurer in the aggregate in the applicable year which are not accepted for enrollment by that insurer based on the results of the standard health questionnaire administered pursuant to RCW 48.43.018(2)(a).

(d) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

~~((f))~~ (e) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

~~((e))~~ (f) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

~~((f))~~ (g) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) ~~((An insurer shall file, for informational purposes only, a notice of its schedule of rates for its individual health benefit plans with the commissioner prior to use.~~

~~(3)) An insurer ((shall)) must file ((with the notice required under subsection (2) of this section)) supporting documentation of its method of determining the rates charged((. The commissioner may request only)) for its individual health benefit plans. At a minimum, the insurer must provide the following supporting documentation:~~

(a) A description of the insurer's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the insurer's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard ~~((established in subsection (7) of this section)) of seventy-four percent, minus the premium tax rate applicable to~~

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

the insurer's individual health benefit plans under RCW 48.14.020.

~~((4)) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.~~

~~(5)) (3) By the last day of May each year any insurer issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio and its actual declination rate for its individual health benefit plans offered or renewed in the state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.~~

(a) At the expiration of a thirty-day period beginning with the date the filing is received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the insurer.

(c) Any dispute regarding the calculation of the actual loss ratio shall, upon written demand of either the commissioner or the insurer, be submitted to hearing under chapters 48.04 and 34.05 RCW.

~~((6)) (4) If the actual loss ratio for the preceding calendar year is less than the loss ratio established in subsection ((7)) (5) of this section, a remittance is due and the following shall apply:~~

(a) The insurer shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection ((7)) (5) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection ((5)) (3)(a) of this section or the determination by an administrative law judge under subsection ((5)) (3)(c) of this section.

~~((7)) (5) The loss ratio applicable to this section shall be ((seventy-four percent)) the percentage set forth in the following schedule that correlates to the insurer's actual declination rate in the preceding year, minus the premium tax rate applicable to the insurer's individual health benefit plans under RCW 48.14.020.~~

<u>Actual Declination Rate</u>	<u>Loss Ratio</u>
<u>Under Six Percent (6%)</u>	<u>Seventy-Four Percent (74%)</u>
<u>Six Percent (6%) or more (but less than Seven Percent)</u>	<u>Seventy-Five Percent (75%)</u>
<u>Seven Percent (7%) or more (but less than Eight Percent)</u>	<u>Seventy-Six Percent (76%)</u>
<u>Eight Percent (8%) or more</u>	<u>Seventy-Seven Percent (77%)</u>

Sec. 5 RCW 48.44.017 and 2001 c 196 s 11 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the health care service contractor of health care services, as defined in RCW 48.43.005, provided to a contract holder or paid to or on behalf of a contract holder in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for an enrollee.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Declination rate" for a health care service contractor means the percentage of the total number of applicants for individual health benefit plans received by that health care service contractor in the aggregate in the applicable year which are not accepted for enrollment by that health care service contractor based on the results of the standard health questionnaire administered pursuant to RCW 48.43.018(2)(a).

(d) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

~~((8)) (e) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.~~

~~((9)) (f) "Loss ratio" means incurred claims expense as a percentage of earned premiums.~~

~~((10)) (g) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.~~

~~(2) ((A health care service contractor shall file, for informational purposes only, a notice of its schedule of rates for its individual contracts with the commissioner prior to use.~~

~~(3)) A health care service contractor ((shall) must file ((with the notice required under subsection (2) of this section)) supporting documentation of its method of determining the rates charged((The commissioner may request only)) for its individual contracts. At a minimum, the health care service contractor must provide the following supporting documentation:~~

(a) A description of the health care service contractor's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the health care service contractor's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard ~~((established in subsection (7) of this section)) of seventy-four percent, minus the premium tax rate applicable to the carrier's individual health benefit plans under RCW 48.14.0201.~~

~~((4)) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.~~

~~(5)) (3) By the last day of May each year any health care service contractor issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio and its actual declination rate for its individual health benefit plans offered or renewed in this state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual~~

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health care service contractor.

(c) Any dispute regarding the calculation of the actual loss ratio shall upon written demand of either the commissioner or the health care service contractor be submitted to hearing under chapters 48.04 and 34.05 RCW.

~~((6))~~ (4) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection ~~((7))~~ (5) of this section, a remittance is due and the following shall apply:

(a) The health care service contractor shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection ~~((7))~~ (5) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection ~~((5))~~ (3)(a) of this section or the determination by an administrative law judge under subsection ~~((5))~~ (3)(c) of this section.

~~((7))~~ (5) The loss ratio applicable to this section shall be ~~(seventy-four percent)~~ the percentage set forth in the following schedule that correlates to the health care service contractor's actual declination rate in the preceding year, minus the premium tax rate applicable to the health care service contractor's individual health benefit plans under RCW 48.14.0201.

<u>Actual Declination Rate</u>	<u>Loss Ratio</u>
<u>Under Six Percent (6%)</u>	<u>Seventy-Four Percent (74%)</u>
<u>Six Percent (6%) or more (but less than Seven Percent)</u>	<u>Seventy-Five Percent (75%)</u>
<u>Seven Percent (7%) or more (but less than Eight Percent)</u>	<u>Seventy-Six Percent (76%)</u>
<u>Eight Percent (8%) or more</u>	<u>Seventy-Seven Percent (77%)</u>

Sec. 6 RCW 48.46.062 and 2001 c 196 s 12 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the health maintenance organization of health care services, as defined in RCW 48.43.005, provided to an enrollee or paid to or on behalf of the enrollee in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for an enrollee.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably

be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Declination rate" for a health maintenance organization means the percentage of the total number of applicants for individual health benefit plans received by that health maintenance organization in the aggregate in the applicable year which are not accepted for enrollment by that health maintenance organization based on the results of the standard health questionnaire administered pursuant to RCW 48.43.018(2)(a).

(d) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

~~((d))~~ (e) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

~~((e))~~ (f) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

~~((f))~~ (g) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) ~~(A health maintenance organization shall file, for informational purposes only, a notice of its schedule of rates for its individual agreements with the commissioner prior to use.~~

~~(3))~~ A health maintenance organization ~~(shall)~~ must file ~~(with the notice required under subsection (2) of this section))~~ supporting documentation of its method of determining the rates charged~~(The commissioner may request only)~~ for its individual agreements. At a minimum, the health maintenance organization must provide the following supporting documentation:

(a) A description of the health maintenance organization's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the health maintenance organization's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard ~~(established in subsection (7) of this section))~~ of seventy-four percent, minus the premium tax rate applicable to the carrier's individual health benefit plans under RCW 48.14.0201.

~~((4))~~ The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

~~(5))~~ (3) By the last day of May each year any health maintenance organization issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio and its actual declination rate for its individual health benefit plans offered or renewed in the state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health maintenance organization.

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

MOTION

(c) Any dispute regarding the calculation of the actual loss ratio shall, upon written demand of either the commissioner or the health maintenance organization, be submitted to hearing under chapters 48.04 and 34.05 RCW.

~~((6))~~ (4) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection ~~((7))~~ (5) of this section, a remittance is due and the following shall apply:

(a) The health maintenance organization shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection ~~((7))~~ (5) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection ~~((5))~~ (3)(a) of this section or the determination by an administrative law judge under subsection ~~((5))~~ (3)(c) of this section.

~~((7))~~ (5) The loss ratio applicable to this section shall be ~~(seventy-four percent)~~ the percentage set forth in the following schedule that correlates to the health maintenance organization's actual declination rate in the preceding year, minus the premium tax rate applicable to the health maintenance organization's individual health benefit plans under RCW 48.14.0201.

<u>Actual Declination Rate</u>	<u>Loss Ratio</u>
<u>Under Six Percent (6%)</u>	<u>Seventy-Four Percent (74%)</u>
<u>Six Percent (6%) or more (but less than Seven Percent)</u>	<u>Seventy-Five Percent (75%)</u>
<u>Seven Percent (7%) or more (but less than Eight Percent)</u>	<u>Seventy-Six Percent (76%)</u>
<u>Eight Percent (8%) or more</u>	<u>Seventy-Seven Percent (77%)</u>

NEW SECTION. Sec. 7 The insurance commissioner's authority to review and disapprove rates for individual products, as established in sections 1 through 6 of this act, expires January 1, 2012.

NEW SECTION. Sec. 8 (1) The office of the insurance commissioner shall explore the feasibility of entering into a multistate health insurance plan compact for the purpose of providing affordable health insurance coverage for persons purchasing individual health coverage. The office of the insurance commissioner shall propose model state legislation that each participating state would enact prior to entering into the multistate health insurance plan compact. If federal legislation is necessary to permit the operation of the multistate health insurance plan, the office of the insurance commissioner shall identify needed changes in federal statutes and rules.

(2) The office of the insurance commissioner shall report the findings and recommendations of the feasibility study to the appropriate committees of the senate and house of representatives by December 1, 2008."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5261.

Senator Keiser spoke in favor of the motion.

Senator Pflug spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5261.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5261 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5261 as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5261, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 1; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Prentice, Rasmussen, Regala, Rockefeller, Shin, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Absent: Senator McDermott - 1

Excused: Senators Pridemore and Spanel - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5261, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5642, with the following amendment: 5642-S2 AMH APPG H5918.1

On page 12, after line 19, insert the following:

"NEW SECTION. Sec. 15. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5642.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be

FIFTY-FIFTH DAY, MARCH 8, 2008

the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5642.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5642 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5642 as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5642, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Holmquist - 1

Excused: Senators Pridemore and Spanel - 2

SECOND SUBSTITUTE SENATE BILL NO. 5642, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6111, with the following amendment: 6111--S2.E AMH MCO H6002.2

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** (1) The legislature finds that the global energy economy is undergoing significant changes creating a situation where energy prices are increasingly more expensive and the sources of energy increasingly less secure. Additionally, the legislature finds that there is growing concern about the consequences associated with greenhouse gas emissions from conventional sources of energy and the need for action to address the threats of climate change. The legislature finds ocean and tidal resources, as well as other forms of hydrokinetic energy, will play an important role in providing clean, carbon-free, reliable, and affordable energy to the citizens of Washington. The legislature finds that the development of wave and tidal energy technologies in Washington will create more highly valued green jobs in the state.

(2) It is the intent of the legislature to facilitate the development of clean, carbon-free, reliable, and affordable power sources for the energy needs of Washington's growing economy. Also, it is the intent of the legislature to help catalyze the emergence of a new water-power industry that is able to export technology and expertise to the rest of the country and the world. In addition, the legislature finds that hydrokinetic energy technologies are in their infancy and care must be taken to properly design and site these facilities in order to avoid impacts on the marine environment. To achieve these goals, the legislature intends to establish a public-private organization that will support a sustainable approach to hydrokinetic energy

2008 REGULAR SESSION

development aimed at economic development, environmental protection, and community stability.

(3)(a) It is the intent of the legislature for state agencies to explore a streamlined approach to environmental permit decision making for wave and tidal power projects.

(b) To optimize the development and siting process for wave and tidal power systems and to provide environmental protection, the legislature finds that state regulatory and natural resource agencies, public and private sector interests, tribes, local and regional governments, and applicable federal agencies must work cooperatively to establish common goals, minimize project siting delays, develop consistency in the application of environmental standards, and eliminate duplicative processes through assigned responsibilities of selected permit drafting and compliance activities between state agencies.

**NEW SECTION. Sec. 2** The definitions in this section apply throughout this act unless the context clearly requires otherwise.

(1) "Center" means the Washington state center for excellence in hydrokinetic energy.

(2) "Council" means the energy facility site evaluation council.

(3) "Department" means the department of community, trade, and economic development.

(4) "Hydrokinetic energy" means hydroelectric generation from ocean waves, tides, and currents, from free-flowing rivers and streams, and from water discharges.

(5) "Water discharges" means water discharges from agricultural, industrial, and commercial operations, wastewater treatment plants, or residential properties.

**NEW SECTION. Sec. 3** The department and the council shall convene and cochair a work group to develop the Washington state center for excellence in hydrokinetic energy and to explore mechanisms to streamline and make more efficient current permitting processes for wave and tidal power projects.

**NEW SECTION. Sec. 4** (1) The work group created under section 3 of this act consists of, but is not limited to, representatives from:

- (a) The department of natural resources;
- (b) The department of ecology;
- (c) The department of fish and wildlife;
- (d) The utilities and transportation commission;
- (e) A wave energy company or tidal energy company, or both;
- (f) A wave energy industry association or tidal energy industry association, or both;
- (g) Either a state or private university researching wave energy or a state or private university researching tidal energy, or both;
- (h) The Northwest Indian fisheries commission;
- (i) An electrical utility;
- (j) A local government;
- (k) A commercial fishing association;
- (l) A conservation group with expertise in energy-related issues;
- (m) A conservation group with expertise in marine ecology; and
- (n) A marine recreation group.

(2) State agencies under subsection (1) of this section that are members of the council under RCW 80.50.030 shall provide their existing designee members to serve on the work group in carrying out the responsibilities of this act.

**NEW SECTION. Sec. 5** (1) In developing the center, the work group created in section 3 of this act shall ensure that the center is a public-private entity and that the center supports a sustainable approach to hydrokinetic energy development aimed at economic development, environmental protection, and community stability.

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

(2) The work group created in section 3 of this act shall make recommendations to the legislature to include, but not be limited to, the following:

(a) How the center will conduct and support research and demonstrations of wave and tidal energy technologies in order to facilitate the deployment and commercialization of these technologies in Washington;

(b) How the center will establish and operate wave and tidal energy test ranges that allow developers to demonstrate their wave and tidal energy technologies;

(c) How the center will maintain processes to assist developers in permitting their wave and tidal energy technologies;

(d) How the center will collect, manage, and disseminate data necessary to assess statewide wave and tidal resources;

(e) How the center will promote Washington as the optimal location for the development of and deployment of wave and tidal energy technologies;

(f) What the public-private governance structure of the center will be, considering the life sciences discovery fund as a model;

(g) How the center will coordinate with other governmental wave and tidal institutions and initiatives in the Pacific Northwest economic region;

(h) How the center will be funded through either state, federal, or private sources of funding, or a combination of these funding sources;

(i) How the center will assist the state and various other entities in reducing greenhouse gas emissions;

(j) How the center will assist other forms of hydrokinetic energy technologies in addition to wave and tidal energy;

(k) How the center will identify and develop protocols to manage issues involving competing uses of water space; and

(l) What types of review and data are necessary to ensure that hydrokinetic energy will be designed and sited so as to avoid negative impacts on marine ecosystems.

**NEW SECTION. Sec. 6** The work group created in section 3 of this act shall provide a report to the appropriate committees of the legislature containing its recommendations under section 5 of this act, as well as draft legislation implementing its recommendations, by December 1, 2008.

**NEW SECTION. Sec. 7** (1)(a) The work group created in section 3 of this act shall explore mechanisms to streamline and make more efficient permitting processes for wave and tidal power projects. The work group may recommend development of a permit process which allows for concurrent public review, consolidated appeals, and other mechanisms which result in permit process efficiency. In making these recommendations, the work group will ensure that there is adequate environmental review of the full range of potential impacts from this technology and that meaningful public involvement opportunities are preserved. The work group shall also identify and make recommendations of any potential barriers to the streamlining.

(b) The work group shall consider and make recommendations regarding research relating to the marine environment. In making the recommendations, the work group shall consider how future marine research would add value to the existing understanding of the overall marine environment and provide guidance on future research with the goal of eliminating redundant research activities.

(2) The work group created in section 3 of this act, in developing recommendations for permit streamlining, shall consider additional issues that may be associated with permitting a wave or tidal energy project, which include, but are not limited to:

(a) Disturbance or destruction of marine life, including acoustic impacts;

(b) Toxic releases from leaks or accidental spills of liquids used in those systems with working hydraulic fluids;

(c) Possible threat to navigation from collisions;

(d) Interference of mooring and anchorage lines with commercial and sport fishing;

(e) Tidal power plants that dam estuaries that can impede sea life migration and build up silt behind such facilities, impacting local ecosystems; and

(f) Potential impacts of tidal power on tides, currents, and flushing.

(3) By June 30, 2009, the work group created in section 3 of this act shall develop a work plan that details critical issues that need to be resolved to develop efficient, streamlined permitting processes for wave and tidal power projects. The work group shall provide the work plan to the legislature for review every six months. If the work group determines that additional time is required to develop recommendations for the permitting process for wave power projects, the work group shall report to the legislature on the need for additional time and update the work plan accordingly.

(4) By June 30, 2010, the work group created in section 3 of this act shall provide a final report to the legislature on its findings and recommendations.

**NEW SECTION. Sec. 8** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of machinery and equipment used directly in generating tidal or wave energy, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating at least two hundred kilowatts of electricity and provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(2) For purposes of this section and section 9 of this act:

(a) "Machinery and equipment" has the same meaning as provided in RCW 82.08.02567.

(b) Machinery and equipment is "used directly" in generating electricity with tidal or wave energy if it provides any part of the process that captures the energy of the tidal or wave energy.

(3) This section expires June 30, 2018.

**NEW SECTION. Sec. 9** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to machinery and equipment used directly in generating at least two hundred kilowatts of electricity using tidal or wave energy as the principal source of power, or to the use of labor and services rendered in respect to installing such machinery and equipment.

(2) The definitions in section 8 of this act apply to this section.

(3) This section expires June 30, 2018.

**NEW SECTION. Sec. 10** Sections 1 through 7 of this act expire January 1, 2011.

**NEW SECTION. Sec. 11** If specific funding for the purposes of sections 1 through 7 of this act, referencing sections 1 through 7 of this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, sections 1 through 7 of this act are null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6111.

Senator Hobbs spoke in favor of the motion.

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6111.

## MOTION

On motion of Senator Regala, Senator Brown was excused.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6111 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6111 as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6111, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Pridemore and Spanel - 3

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6111, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6187, with the following amendment:

6187 AMH APPE H5864.1

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1** The legislature finds that there is a critical shortage of food animal veterinarians particularly in rural areas of the state. The legislature finds that among the factors contributing to this shortage is the need to repay student loans that are taken out to pay for an extensive and high-cost education. To pay these student loans, licensed graduates currently find it necessary to take higher paying positions that provide service to companion and small animals.

The legislature finds that the livestock industry provides a critical component of the food supply. Providing adequate animal health and disease diagnostic services is of high importance not only to protect animal health, but also for the protection of our food supply, the protection of public health from potential effects of contagious diseases, and to provide an essential disease detection and response capability.

The legislature intends to increase the supply of food animal veterinarians by providing incentives to graduates of Washington State University college of veterinary medicine to

focus on food animal health services to address this critical shortage.

**NEW SECTION. Sec. 2** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "College" means the Washington State University college of veterinary medicine.

(2) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a food animal veterinarian in this state.

(3) "Eligible student" means a student who is registered for at least six credit hours or the equivalent, is making satisfactory academic progress as defined by the college, has declared veterinary medicine for his or her major, and has a declared intention to practice veterinary medicine with an emphasis in food animal medicine in the state of Washington.

(4) "Food animal" means any species commonly recognized as livestock including, but not limited to, poultry, cattle, swine, and sheep.

(5) "Food animal veterinarian" means a veterinarian licensed and registered under chapter 18.92 RCW and engaged in general and food animal practice as a primary specialty, who has at least fifty percent of his or her practice time devoted to large production animal veterinary practice.

(6) "Forgiven" or "to forgive" or "forgiveness" means to practice veterinary medicine with an emphasis in food animal medicine in the state of Washington in lieu of monetary repayment.

(7) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

(8) "Satisfied" means paid-in-full.

(9) "University" means Washington State University.

**NEW SECTION. Sec. 3** The food animal veterinarian conditional scholarship program is established. The program shall be administered by the university. In administering the program, the university has the following powers and duties:

(1) To select, in consultation with the college, up to two students each year to receive conditional scholarships;

(2) To adopt necessary rules and guidelines;

(3) To publicize the program;

(4) To collect and manage repayments from students who do not meet their obligations under this chapter; and

(5) To solicit and accept grants and donations from public and private sources for the program.

**NEW SECTION. Sec. 4** (1) The university shall select participants based on an application process conducted by the university.

(2) The university shall establish a selection committee for screening and selecting recipients of the conditional scholarships. The selection committee shall include at least two representatives from the college, at least one of whom is a faculty member teaching in food animal veterinary medicine, and at least one representative from the beef, dairy, or sheep industry.

(3) The selection criteria shall emphasize factors demonstrating a sustained interest in food animals and serving the needs of Washington's agricultural communities. The criteria shall also take into account the need for food animal veterinarians in diverse areas of the state and allocate funds in a manner designed to represent a cross-section of geographic locations.

**NEW SECTION. Sec. 5** To remain an eligible student and receive continuing disbursements under the program, a participant must be considered by the college to be making satisfactory academic progress.

**NEW SECTION. Sec. 6** The university may award conditional scholarships to eligible students from the funds appropriated to the university for this purpose, or from any private donations, or any other funds given to the university for this program. The amount of the conditional scholarship awarded an individual may not exceed the amount of resident tuition and fees at the college, as well as the cost of room, board,

FIFTY-FIFTH DAY, MARCH 8, 2008

laboratory fees and supplies, and books, incurred by an eligible student and approved by a financial aid administrator at the university. Participants are eligible to receive conditional scholarships for a maximum of five years.

**NEW SECTION. Sec. 7** (1) A participant in the conditional scholarship program incurs an obligation to repay the conditional scholarship, with interest, unless he or she is employed as a food animal veterinarian in Washington state for each year of scholarship received, under rules adopted by the university.

(2) The interest rate shall be determined annually by the university.

(3) The minimum payment shall be set by the university. The maximum period for repayment is ten years, with payments of principal and interest accruing quarterly commencing six months from the date the participant completes or discontinues the course of study, including any internship or residency in food animal medicine and surgery. Provisions for deferral of payment shall be determined by the university.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant is employed as a food animal veterinarian in this state until the entire repayment obligation is satisfied. Should the participant cease to be employed as a food animal veterinarian in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The university is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary. The university is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the university as administrator is entitled, that are paid by or on behalf of participants under this section, shall be deposited in the food animal veterinarian conditional scholarship account and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The university shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

(7) The university shall adopt rules to define the terms of repayment, including applicable interest rates, fees, and deferments.

**NEW SECTION. Sec. 8** (1) The food animal veterinarian conditional scholarship account is created in the custody of the state treasurer. No appropriation is required for expenditures of funds from the account. The account is not subject to allotment procedures under chapter 43.88 RCW except for moneys used for program administration.

(2) The university shall deposit into the account all moneys received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the food animal veterinarian conditional scholarship program, private contributions to the program, and receipts from participant repayments.

(3) Expenditures from the account may be used solely for conditional scholarships to participants in the program established by this chapter and costs associated with program administration by the university.

(4) Disbursements from the account may be made only on the authorization of the university.

2008 REGULAR SESSION

**Sec. 9** RCW 43.79A.040 and 2007 c 523 s 5, 2007 c 357 s 21, and 2007 c 214 s 14 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated

FIFTY-FIFTH DAY, MARCH 8, 2008

earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 10** Sections 1 through 8 of this act constitute a new chapter in Title 28B RCW.

**NEW SECTION. Sec. 11** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Senate Bill No. 6187.

Senator Shin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Senate Bill No. 6187.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6187 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6187, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6187, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Pridemore and Spanel - 3

SENATE BILL NO. 6187, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6215, with the following amendment: 6215 AMH JUDI H5682.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 64.34 RCW under the subchapter heading "Article 3" to read as follows:

(1) An association is encouraged to establish a reserve account to fund major maintenance, repair, and replacement of common elements, including limited common elements that will require major maintenance, repair, or replacement within thirty years. A reserve account shall be established in the name of the

2008 REGULAR SESSION

association. The board of directors is responsible for administering the reserve account.

(2) Unless doing so would impose an unreasonable hardship, an association shall prepare and update a reserve study, in accordance with the association's governing documents and RCW 64.34.224(1). The initial reserve study must be based upon a visual site inspection conducted by a reserve study professional.

(3) Unless doing so would impose an unreasonable hardship, the association shall update the reserve study annually. At least every three years, an updated reserve study must be prepared and based upon a visual site inspection conducted by a reserve study professional.

(4) This section and sections 2 through 6 of this act apply to condominiums governed by chapter 64.32 RCW or this chapter and intended in whole or in part for residential purposes. These sections do not apply to condominiums consisting solely of units that are restricted in the declaration to nonresidential use. An association's governing documents may contain stricter requirements.

**NEW SECTION. Sec. 2** A new section is added to chapter 64.34 RCW under the subchapter heading "Article 3" to read as follows:

(1) A reserve study as described in section 1 of this act is supplemental to the association's operating and maintenance budget. In preparing a reserve study, the association shall estimate the anticipated major maintenance, repair, and replacement costs, whose infrequent and significant nature make them impractical to be included in an annual budget.

(2) A reserve study shall include:

(a) A reserve component list, including quantities and estimates for useful life of each reserve component, remaining useful life of each reserve component, and current repair and replacement cost for each component;

(b) The date of the study and a statement that the study meets the requirements of this section;

(c) The level of reserve study performed:

(i) Level I: Full reserve study funding analysis and plan;

(ii) Level II: Update with visual site inspection;

(iii) Level III: Update with no visual site inspection;

(d) The association's reserve account balance;

(e) The percentage of the fully funded balance that the reserve account is funded;

(f) Special assessments already implemented or planned;

(g) Interest and inflation assumptions;

(h) Current reserve account contribution rate;

(i) Recommended reserve account contribution rate;

(j) Projected reserve account balance for thirty years and a funding plan to pay for projected costs from those reserves without reliance on future unplanned special assessments; and

(k) Whether the reserve study was prepared with the assistance of a reserve study professional.

(3) A reserve study shall include the following disclosure:

"This reserve study should be reviewed carefully. It may not include all common and limited common element components that will require major maintenance, repair, or replacement in future years, and may not include regular contributions to a reserve account for the cost of such maintenance, repair, or replacement. The failure to include a component in a reserve study, or to provide contributions to a reserve account for a component, may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a reserve component."

**NEW SECTION. Sec. 3** A new section is added to chapter 64.34 RCW under the subchapter heading "Article 3" to read as follows:

An association may withdraw funds from its reserve account to pay for unforeseen or unbudgeted costs. The board of directors shall record any such withdrawal in the minute books of the association, cause notice of any such withdrawal to be

FIFTY-FIFTH DAY, MARCH 8, 2008

hand delivered or sent prepaid by first-class United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit owner, and adopt a repayment schedule not to exceed twenty-four months unless it determines that repayment within twenty-four months would impose an unreasonable burden on the unit owners.

**NEW SECTION. Sec. 4** A new section is added to chapter 64.34 RCW under the subchapter heading "Article 3" to read as follows:

(1) Where more than three years have passed since the date of the last reserve study prepared by a reserve study professional, the owners of the units to which at least twenty percent of the votes are allocated may demand, in writing, to the association that the cost of a reserve study be included in the next budget and that the study be obtained by the end of that budget year. The written demand must refer to this section. The board of directors shall, upon receipt of the written demand, provide unit owners making the demand reasonable assurance that the board of directors will include a reserve study in the next budget and, if the budget is not rejected by the owners, will arrange for the completion of a reserve study.

(2) In the event a written demand is made and a reserve study is not timely prepared, a court may order specific performance and award reasonable attorneys' fees to the prevailing party in any legal action brought to enforce this section. An association may assert unreasonable hardship as an affirmative defense in any action brought against it under this section. Without limiting this affirmative defense, an unreasonable hardship exists where the cost of preparing a reserve study would exceed ten percent of the association's annual budget.

(3) A unit owner's duty to pay for common expenses shall not be excused because of the association's failure to comply with this section or sections 2 through 6 of this act. A budget ratified by the unit owners under RCW 64.34.308(3) may not be invalidated because of the association's failure to comply with this section or sections 2 through 6 of this act.

**NEW SECTION. Sec. 5** A new section is added to chapter 64.34 RCW under the subchapter heading "Article 3" to read as follows:

Subject to section 4 of this act, the decisions relating to the preparation and updating of a reserve study must be made by the board of directors of the association in the exercise of the reasonable discretion of the board. Such decisions must include whether a reserve study will be prepared or updated, and whether the assistance of a reserve study professional will be utilized.

**NEW SECTION. Sec. 6** A new section is added to chapter 64.34 RCW under the subchapter heading "Article 3" to read as follows:

Monetary damages or any other liability may not be awarded against or imposed upon the association, the officers or board of directors of the association, or those persons who may have provided advice or assistance to the association or its officers or directors, for failure to: Establish a reserve account; have a current reserve study prepared or updated in accordance with sections 1 through 5 of this act; or make the reserve disclosures in accordance with section 2 of this act and RCW 64.34.410(1)(oo) and 64.34.425(1)(s).

**Sec. 7** RCW 64.34.010 and 1993 c 429 s 12 are each amended to read as follows:

(1) This chapter applies to all condominiums created within this state after July 1, 1990. RCW 64.34.040 (separate titles and taxation), RCW 64.34.050 (applicability of local ordinances, regulations, and building codes), RCW 64.34.060 (condemnation), RCW 64.34.208 (construction and validity of declaration and bylaws), RCW 64.34.212 (description of units), RCW 64.34.304(1) (a) through (f) and (k) through (r) (powers of unit owners' association), RCW 64.34.308(1) (board of directors and officers), RCW 64.34.340 (voting-proxies), RCW 64.34.344 (tort and contract liability), RCW 64.34.354

2008 REGULAR SESSION

(notification on sale of unit), RCW 64.34.360(3) (common expenses-assessments), RCW 64.34.364 (lien for assessments), RCW 64.34.372 (association records), RCW 64.34.425 (resales of units), RCW 64.34.455 (effect of violation on rights of action; attorney's fees), sections 1 through 6 of this act (reserve studies and accounts), and RCW 64.34.020 (definitions) to the extent necessary in construing any of those sections, apply to all condominiums created in this state before July 1, 1990; but those sections apply only with respect to events and circumstances occurring after July 1, 1990, and do not invalidate or supersede existing, inconsistent provisions of the declaration, bylaws, or survey maps or plans of those condominiums.

(2) The provisions of chapter 64.32 RCW do not apply to condominiums created after July 1, 1990, and do not invalidate any amendment to the declaration, bylaws, and survey maps and plans of any condominium created before July 1, 1990, if the amendment would be permitted by this chapter. The amendment must be adopted in conformity with the procedures and requirements specified by those instruments and by chapter 64.32 RCW. If the amendment grants to any person any rights, powers, or privileges permitted by this chapter which are not otherwise provided for in the declaration or chapter 64.32 RCW, all correlative obligations, liabilities, and restrictions in this chapter also apply to that person.

(3) This chapter does not apply to condominiums or units located outside this state.

(4) RCW 64.34.400 (applicability-waiver), RCW 64.34.405 (liability for public offering statement requirements), RCW 64.34.410 (public offering statement-general provisions), RCW 64.34.415 (public offering statement-conversion condominiums), RCW 64.34.420 (purchaser's right to cancel), RCW 64.34.430 (escrow of deposits), RCW 64.34.440 (conversion condominiums-notice-tenants), and RCW 64.34.455 (effect of violations on rights of action-attorney's fees) apply with respect to all sales of units pursuant to purchase agreements entered into after July 1, 1990, in condominiums created before July 1, 1990, in which as of July 1, 1990, the declarant or an affiliate of the declarant owns or had the right to create at least ten units constituting at least twenty percent of the units in the condominium.

**Sec. 8** RCW 64.34.020 and 2004 c 201 s 9 are each amended to read as follows:

In the declaration and bylaws, unless specifically provided otherwise or the context requires otherwise, and in this chapter:

(1) "Affiliate" means any person who controls, is controlled by, or is under common control with the referenced person. A person "controls" another person if the person: (a) Is a general partner, officer, director, or employer of the referenced person; (b) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the referenced person; (c) controls in any manner the election of a majority of the directors of the referenced person; or (d) has contributed more than twenty percent of the capital of the referenced person. A person "is controlled by" another person if the other person: (i) Is a general partner, officer, director, or employer of the person; (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the person; (iii) controls in any manner the election of a majority of the directors of the person; or (iv) has contributed more than twenty percent of the capital of the person. Control does not exist if the powers described in this subsection are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the undivided interest in the common elements, the common expense liability, and votes in the association allocated to each unit.

(3) "Assessment" means all sums chargeable by the association against a unit including, without limitation: (a)

FIFTY-FIFTH DAY, MARCH 8, 2008

Regular and special assessments for common expenses, charges, and fines imposed by the association; (b) interest and late charges on any delinquent account; and (c) costs of collection, including reasonable attorneys' fees, incurred by the association in connection with the collection of a delinquent owner's account.

(4) "Association" or "unit owners' association" means the unit owners' association organized under RCW 64.34.300.

(5) "Board of directors" means the body, regardless of name, with primary authority to manage the affairs of the association.

(6) "Common elements" means all portions of a condominium other than the units.

(7) "Common expenses" means expenditures made by or financial liabilities of the association, together with any allocations to reserves.

(8) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to RCW 64.34.224.

(9) "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to this chapter.

(10) "Contribution rate" means, in a reserve study as described in section 1 of this act, the amount contributed to the reserve account so that the association will have cash reserves to pay major maintenance, repair, or replacement costs without the need of a special assessment.

(11) "Conversion condominium" means a condominium (a) that at any time before creation of the condominium was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, for which the tenant or subtenant had not received the notice described in (b) of this subsection; or (b) that, at any time within twelve months before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied wholly or partially by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before July 1, 1990, any unit therein had been conveyed or been made subject to an agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

((+)) (12) "Conveyance" means any transfer of the ownership of a unit, including a transfer by deed or by real estate contract and, with respect to a unit in a leasehold condominium, a transfer by lease or assignment thereof, but shall not include a transfer solely for security.

((+)) (13) "Dealer" means a person who, together with such person's affiliates, owns or has a right to acquire either six or more units in a condominium or fifty percent or more of the units in a condominium containing more than two units.

((+)) (14) "Declarant" means:

(a) Any person who executes as declarant a declaration as defined in subsection ((+)) (16) of this section; or

(b) Any person who reserves any special declarant right in the declaration; or

(c) Any person who exercises special declarant rights or to whom special declarant rights are transferred; or

(d) Any person who is the owner of a fee interest in the real property which is subjected to the declaration at the time of the recording of an instrument pursuant to RCW 64.34.316 and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the condominium created by the recording of the instrument.

2008 REGULAR SESSION

((+)) (15) "Declarant control" means the right of the declarant or persons designated by the declarant to appoint and remove officers and members of the board of directors, or to veto or approve a proposed action of the board or association, pursuant to RCW 64.34.308 (4) or (5).

((+)) (16) "Declaration" means the document, however denominated, that creates a condominium by setting forth the information required by RCW 64.34.216 and any amendments to that document.

((+)) (17) "Development rights" means any right or combination of rights reserved by a declarant in the declaration to: (a) Add real property or improvements to a condominium; (b) create units, common elements, or limited common elements within real property included or added to a condominium; (c) subdivide units or convert units into common elements; (d) withdraw real property from a condominium; or (e) reallocate limited common elements with respect to units that have not been conveyed by the declarant.

((+)) (18) "Dispose" or "disposition" means a voluntary transfer or conveyance to a purchaser or lessee of any legal or equitable interest in a unit, but does not include the transfer or release of a security interest.

((+)) (19) "Effective age" means the difference between useful life and remaining useful life.

(20) "Eligible mortgagee" means the holder of a mortgage on a unit that has filed with the secretary of the association a written request that it be given copies of notices of any action by the association that requires the consent of mortgagees.

((+)) (21) "Foreclosure" means a forfeiture or judicial or nonjudicial foreclosure of a mortgage or a deed in lieu thereof.

((+)) (22) "Fully funded balance" means the value of the deteriorated portion of all the reserve components. The fully funded balance for each reserve component is calculated by multiplying the current replacement cost of that reserve component by its effective age, then dividing the result by that reserve component's useful life. The sum total of all reserve components' fully funded balances is the association's fully funded balance.

(23) "Identifying number" means the designation of each unit in a condominium.

((+)) (24) "Leasehold condominium" means a condominium in which all or a portion of the real property is subject to a lease, the expiration or termination of which will terminate the condominium or reduce its size.

((+)) (25) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of RCW 64.34.204 (2) or (4) for the exclusive use of one or more but fewer than all of the units.

((+)) (26) "Master association" means an organization described in RCW 64.34.276, whether or not it is also an association described in RCW 64.34.300.

((+)) (27) "Mortgage" means a mortgage, deed of trust or real estate contract.

((+)) (28) "Person" means a natural person, corporation, partnership, limited partnership, trust, governmental subdivision or agency, or other legal entity.

((+)) (29) "Purchaser" means any person, other than a declarant or a dealer, who by means of a disposition acquires a legal or equitable interest in a unit other than (a) a leasehold interest, including renewal options, of less than twenty years at the time of creation of the unit, or (b) as security for an obligation.

((+)) (30) "Real property" means any fee, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements thereon and easements, rights and interests appurtenant thereto which by custom, usage, or law pass with a conveyance of land although not described in the contract of sale or instrument of conveyance. "Real property" includes parcels, with or without upper or lower boundaries, and spaces that may be filled with air or water.

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

~~((28))~~ (31) "Remaining useful life" means the estimated time, in years, that a reserve component can be expected to continue to serve its intended function.

(32) "Replacement cost" means the current cost of replacing, repairing, or restoring a reserve component to its original functional condition.

(33) "Residential purposes" means use for dwelling or recreational purposes, or both.

~~((29))~~ (34) "Reserve components" means common elements whose cost of maintenance, repair, or replacement is infrequent, significant, and impractical to include in an annual budget.

(35) "Reserve study professional" means an independent person suitably qualified by knowledge, skill, experience, training, or education to prepare a reserve study in accordance with sections 1 and 2 of this act.

(36) "Special declarant rights" means rights reserved for the benefit of a declarant to: (a) Complete improvements indicated on survey maps and plans filed with the declaration under RCW 64.34.232; (b) exercise any development right under RCW 64.34.236; (c) maintain sales offices, management offices, signs advertising the condominium, and models under RCW 64.34.256; (d) use easements through the common elements for the purpose of making improvements within the condominium or within real property which may be added to the condominium under RCW 64.34.260; (e) make the condominium part of a larger condominium or a development under RCW 64.34.280; (f) make the condominium subject to a master association under RCW 64.34.276; or (g) appoint or remove any officer of the association or any master association or any member of the board of directors, or to veto or approve a proposed action of the board or association, during any period of declarant control under RCW 64.34.308(4).

~~((30))~~ (37) "Timeshare" shall have the meaning specified in the timeshare act, RCW 64.36.010(11).

~~((31))~~ (38) "Unit" means a physical portion of the condominium designated for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d). "Separate ownership" includes leasing a unit in a leasehold condominium under a lease that expires contemporaneously with any lease, the expiration or termination of which will remove the unit from the condominium.

~~((32))~~ (39) "Unit owner" means a declarant or other person who owns a unit or leases a unit in a leasehold condominium under a lease that expires simultaneously with any lease, the expiration or termination of which will remove the unit from the condominium, but does not include a person who has an interest in a unit solely as security for an obligation. "Unit owner" means the vendee, not the vendor, of a unit under a real estate contract.

(40) "Useful life" means the estimated time, in years, that a reserve component can be expected to serve its intended function.

**Sec. 9** RCW 64.34.304 and 1993 c 429 s 11 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, and subject to the provisions of the declaration, the association may:

- (a) Adopt and amend bylaws, rules, and regulations;
- (b) Adopt and amend budgets for revenues, expenditures, and reserves, and impose and collect assessments for common expenses from unit owners;
- (c) Hire and discharge or contract with managing agents and other employees, agents, and independent contractors;
- (d) Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more unit owners on matters affecting the condominium;
- (e) Make contracts and incur liabilities;
- (f) Regulate the use, maintenance, repair, replacement, and modification of common elements;
- (g) Cause additional improvements to be made as a part of the common elements;

(h) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property, but common elements may be conveyed or subjected to a security interest only pursuant to RCW 64.34.348;

(i) Grant easements, leases, licenses, and concessions through or over the common elements and petition for or consent to the vacation of streets and alleys;

(j) Impose and collect any payments, fees, or charges for the use, rental, or operation of the common elements, other than limited common elements described in RCW 64.34.204 (2) and (4), and for services provided to unit owners;

(k) Impose and collect charges for late payment of assessments pursuant to RCW 64.34.364(13) and, after notice and an opportunity to be heard by the board of directors or by such representative designated by the board of directors and in accordance with such procedures as provided in the declaration or bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established schedule thereof adopted by the board of directors and furnished to the owners for violations of the declaration, bylaws, and rules and regulations of the association;

(l) Impose and collect reasonable charges for the preparation and recording of amendments to the declaration, resale certificates required by RCW 64.34.425, and statements of unpaid assessments;

(m) Provide for the indemnification of its officers and board of directors and maintain directors' and officers' liability insurance;

(n) Assign its right to future income, including the right to receive common expense assessments, but only to the extent the declaration provides;

(o) Join in a petition for the establishment of a parking and business improvement area, participate in the rate payers' board or other advisory body set up by the legislative authority for operation of a parking and business improvement area, and pay special assessments levied by the legislative authority on a parking and business improvement area encompassing the condominium property for activities and projects which benefit the condominium directly or indirectly;

(p) Establish and administer a reserve account as described in section 1 of this act;

(q) Prepare a reserve study as described in section 1 of this act;

(r) Exercise any other powers conferred by the declaration or bylaws;

~~((33))~~ (s) Exercise all other powers that may be exercised in this state by the same type of corporation as the association; and  
~~((34))~~ (t) Exercise any other powers necessary and proper for the governance and operation of the association.

(2) The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

**Sec. 10** RCW 64.34.410 and 2005 c 456 s 19 are each amended to read as follows:

(1) A public offering statement shall contain the following information:

- (a) The name and address of the condominium;
- (b) The name and address of the declarant;
- (c) The name and address of the management company, if any;
- (d) The relationship of the management company to the declarant, if any;
- (e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold;
- (f) The nature of the interest being offered for sale;

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

(g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements;

(h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units;

(i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium;

(j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium;

(k) A list of the limited common elements assigned to the units being offered for sale;

(l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access;

(m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access;

(n) The status of construction of the units and common elements, including estimated dates of completion if not completed;

(o) The estimated current common expense liability for the units being offered;

(p) An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing;

(q) The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements;

(r) Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency;

(s) The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining;

(t) If the condominium involves a conversion condominium, the information required by RCW 64.34.415;

(u) Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions;

(v) A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right;

(w) A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered;

(x) Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b);

(y) A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser;

(z) A brief description of any construction warranties to be provided to the purchaser;

(aa) Any building code violation citations received by the declarant in connection with the condominium which have not been corrected;

(bb) A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has

been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known;

(cc) Any rights of first refusal to lease or purchase any unit or any of the common elements;

(dd) The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit;

(ee) A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures;

(ff) Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(~~((+0))~~) (11);

(gg) A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences;

(hh) A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent;

(ii) A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel;

(jj) Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant;

(kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995;

(ll) A notice that is substantially in the form required by RCW 64.50.050;

(mm) A statement, as required by RCW 64.35.210, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty; (~~and~~)

(nn) A statement that the building enclosure has been designed and inspected as required by RCW 64.55.010 through 64.55.090, and, if required, repaired in accordance with the requirements of RCW 64.55.090; and

(oo) If the association does not have a reserve study that has been prepared in accordance with sections 1 and 2 of this act or its governing documents, the following disclosure:

"This association does not have a current reserve study. The lack of a current reserve study poses certain risks to you, the purchaser. Insufficient reserves may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a common element."

(2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more, the association's current reserve study, if any, and the inspection and repair report or reports prepared in accordance with the requirements of RCW 64.55.090.

If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted,

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents.

(3) The disclosures required by subsection (1)(g), (k), (s), (u), (v), and (cc) of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed.

(4) The disclosures required by subsection (1)(ee), (hh), (ii), and (ll) of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten-point bold face type size.

(5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section.

**Sec. 11** RCW 64.34.425 and 2004 c 201 s 4 are each amended to read as follows:

(1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within forty-five days, of any common expenses or special assessments against any unit in the condominium that are past due over thirty days;

(d) A statement, which shall be current to within forty-five days, of any obligation of the association which is past due over thirty days;

(e) A statement of any other fees payable by unit owners;

(f) A statement of any anticipated repair or replacement cost in excess of five percent of the annual budget of the association that has been approved by the board of directors;

(g) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year;

(i) A balance sheet and a revenue and expense statement of the association prepared on an accrual basis, which shall be current to within one hundred twenty days;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(l) A statement describing any insurance coverage provided for the benefit of unit owners;

(m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium;

(p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof;

(q) A copy of the declaration, the bylaws, the rules or regulations of the association, the association's current reserve study, if any, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association; ~~((and))~~

(r) A statement, as required by RCW 64.35.210, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty; and

(s) If the association does not have a reserve study that has been prepared in accordance with sections 1 and 2 of this act or its governing documents, the following disclosure:

"This association does not have a current reserve study. The lack of a current reserve study poses certain risks to you, the purchaser. Insufficient reserves may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a common element."

(2) The association, within ten days after a request by a unit owner, and subject to payment of any fee imposed pursuant to RCW 64.34.304(1)(l), shall furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed one hundred fifty dollars. The association may charge a unit owner a nominal fee for updating a resale certificate within six months of the unit owner's request. The unit owner shall also sign the certificate but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Tom moved that the Senate concur in the House amendment(s) to Senate Bill No. 6215.

Senator Tom spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Tom that the Senate concur in the House amendment(s) to Senate Bill No. 6215.

The motion by Senator Tom carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6215 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6215 as amended by the House.

FIFTY-FIFTH DAY, MARCH 8, 2008  
ROLL CALL

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 6215, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Holmquist, Honeyford and Swecker - 3

Excused: Senators Brown, Pridemore and Spanel - 3

SENATE BILL NO. 6215, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6261, with the following amendment: 6261 AMH ENGR H5811.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that there is a persistent and unacceptable high rate of unemployment among young people in Washington. The unemployment rate among those between eighteen and twenty-four years of age is seventeen percent, about four times the unemployment rate among the general population. It is the legislature's intent that the workforce training and education coordinating board examine programs to help young people be more successful in the workforce and make recommendations to improve policies and programs in Washington.

**Sec. 2** RCW 28C.18.060 and 2007 c 149 s 1 are each amended to read as follows:

The board, in cooperation with the operating agencies of the state training system and private career schools and colleges, shall:

(1) Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system((-));

(2) Advocate for the state training system and for meeting the needs of employers and the workforce for workforce education and training((-));

(3) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs((-));

(4) Develop and maintain a state comprehensive plan for workforce training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for workforce training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management

forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community((-));

(5) In consultation with the higher education coordinating board, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for workforce training and education((-));

(6) Provide for coordination among the different operating agencies and components of the state training system at the state level and at the regional level((-));

(7) Develop a consistent and reliable database on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state((-);

(8)(a) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system(~~(-~~  
~~—The board shall);~~

(b) Develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system((-);

(9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation((-);

(10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system((-);

(11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations((-);

(12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system((-);

(13) Provide for effectiveness and efficiency reviews of the state training system((-);

(14) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary workforce education and two years of postsecondary workforce education((-);

(15) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system((-);

(16) Develop policy objectives for the workforce investment act, P.L. 105-220, or its successor; develop coordination criteria for activities under the act with related programs and services

FIFTY-FIFTH DAY, MARCH 8, 2008

2008 REGULAR SESSION

provided by state and local education and training agencies; and ensure that entrepreneurial training opportunities are available through programs of each local workforce investment board in the state((-));

(17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education((-));

(18) Establish and administer programs for marketing and outreach to businesses and potential program participants((-));

(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system((-));

(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling((-));

(21) Facilitate the development of programs for school-to-work transition that combine classroom education and on-the-job training, including entrepreneurial education and training, in industries and occupations without a significant number of apprenticeship programs((-));

(22) Include in the planning requirements for local workforce investment boards a requirement that the local workforce investment boards specify how entrepreneurial training is to be offered through the one-stop system required under the workforce investment act, P.L. 105-220, or its successor((-));

(23) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities((-));

(24) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended((-));

(25) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence((-));

(26) Allocate funding from the state job training trust fund((-));

(27) Work with the director of community, trade, and economic development to ensure coordination between workforce training priorities and that department's economic development and entrepreneurial development efforts((-));

(28) Conduct research into workforce development programs designed to reduce the high unemployment rate among young people between approximately eighteen and twenty-four years of age. In consultation with the operating agencies, the board shall advise the governor and legislature on policies and programs to alleviate the high unemployment rate among young people. The research shall include disaggregated demographic information and, to the extent possible, income data for adult youth. The research shall also include a comparison of the effectiveness of programs examined as a part of the research conducted in this subsection in relation to the public investment made in these programs in reducing unemployment of young adults. The board shall report to the appropriate committees of the legislature by November 15, 2008, and every two years

thereafter. Where possible, the data reported to the legislative committees should be reported in numbers and in percentages;

(29) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section.

NEW SECTION. Sec. 3 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Senate Bill No. 6261.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Senate Bill No. 6261.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6261 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6261 as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6261, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Pridemore and Spanel - 2

SENATE BILL NO. 6261, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6289, with the following amendment:

6289 AMH AGNR H5817.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 77.32.070 and 2005 c 418 s 1 are each amended to read as follows:

(1) Applicants for a license, permit, tag, or stamp shall furnish the information required by the director. However, the director may not require the purchaser of a razor clam license under RCW 77.32.520 to provide any personal information except for proof of residency. The commission may adopt rules

FIFTY-FIFTH DAY, MARCH 8, 2008

requiring licensees or permittees to keep records and make reports concerning the taking of or effort to harvest fish, shellfish, and wildlife. The reporting requirement may be waived where, for any reason, the department is not able to receive the report. The department must provide reasonable options for a licensee to submit information to a live operator prior to the reporting deadline.

(2) The commission may, by rule, set an administrative penalty for failure to comply with rules requiring the reporting of taking or effort to harvest wildlife. The commission may also adopt rules requiring hunters who have not reported for the previous license year to complete a report and pay the assessed administrative penalty before a new hunting license is issued.

(a) The total administrative penalty per hunter set by the commission must not exceed ten dollars.

(b) By December 31st of each year, the department shall report the rate of hunter compliance with the harvest reporting requirement, the administrative penalty imposed for failing to report, and the amount of administrative penalties collected during that year to the appropriate fiscal and policy committees of the senate and house of representatives.

(3) The commission may, by rule, set an administrative penalty for failure to comply with rules requiring the reporting of data from catch record cards officially endorsed for Puget Sound Dungeness crab. The commission may also adopt rules requiring fishers who possessed a catch record card officially endorsed for Puget Sound Dungeness crab and who have not reported for the previous license year to complete a report and pay the assessed administrative penalty before a new catch record card officially endorsed for Puget Sound Dungeness crab is issued.

(a) The total administrative penalty per fisher set by the commission must not exceed ten dollars.

(b) By December 31st of each year, the department shall report the rate of fisher compliance with the Puget Sound Dungeness crab catch record card reporting requirement, the administrative penalty imposed for failing to report, and the amount of administrative penalties collected during that year to the appropriate fiscal and policy committees of the senate and house of representatives.

**Sec. 2** RCW 77.15.280 and 2005 c 418 s 2 are each amended to read as follows:

(1) A person is guilty of violating rules requiring reporting of fish or wildlife harvest if the person:

(a) Fails to make a harvest log report of a commercial fish or shellfish catch in violation of any rule of the commission or the director;

(b) Fails to maintain a trapper's report or taxidermist ledger in violation of any rule of the commission or the director;

(c) Fails to submit any portion of a big game animal for a required inspection required by rule of the commission or the director; or

(d) Fails to return a catch record card to the department as required by rule of the commission or director, except for catch record cards officially endorsed for Puget Sound Dungeness crab.

(2) Violating rules requiring reporting of fish or wildlife harvest is a misdemeanor."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Senate Bill No. 6289.

Senators Jacobsen and Morton spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Senate Bill No. 6289.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6289 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6289 as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6289, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Pridemore and Spanel - 2

SENATE BILL NO. 6289, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:05 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Monday, March 10, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

**FIFTY-SEVENTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Monday, March 10, 2008

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Hargrove, McAuliffe, McDermott, Pflug, Rasmussen and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Brian Freshley and Zach Rasmussen, presented the Colors. Pastor Dennis Magnuson of the Redmond United Methodist Church offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Eide, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

March 5, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6328, with the following amendment: 6328-S AMH ENGR H5879.E

Strike everything after the enacting clause and insert the following:

"**Sec. 3** RCW 28B.10.569 and 1990 c 288 s 7 are each amended to read as follows:

(1) Each institution of higher education with a commissioned police force shall report to the Washington association of sheriffs and police chiefs or its successor agency, on a monthly basis, crime statistics for the Washington state uniform crime report, in the format required by the Washington association of sheriffs and police chiefs, or its successor agency. Institutions of higher education which do not have commissioned police forces shall report crime statistics through appropriate local law enforcement agencies.

(2) Each institution of higher education shall publish and distribute a report which shall be updated annually and which shall include the crime statistics as reported under subsection (1) of this section for the most recent three-year period. Upon request, the institution shall provide the report to every person who submits an application for admission to either a main or branch campus, and to each new employee at the time of employment. In its acknowledgment of receipt of the formal application for admission, the institution shall notify the applicant of the availability of such information. The information also shall be provided on an annual basis to all students and employees. Institutions with more than one campus shall provide the required information on a campus-by-campus basis.

(3)(a) Within existing resources, each institution of higher education shall ((provide to every new student and new employee)) make available to all students, faculty, and staff, and upon request to other interested persons, ((information which follows the general categories for safety policies and procedures outlined in this section. Such categories shall, at a minimum,

include)) a campus safety plan that includes, at a minimum, the following:

(i) Data regarding:

(A) Campus enrollments((:));

(B) Campus nonstudent workforce profile((:)); and

(C) The number ((and duties)) of campus security personnel((:));

(ii) Policies, procedures, and programs related to:

(A) Preventing and responding to violence and other campus emergencies;

(B) Setting the weapons policy on campus;

(C) Controlled substances as defined in RCW 64.44.010; and

(D) Governing student privacy;

(iii) Information about:

(A) Sexual assault, domestic violence, and stalking, including contact information for campus and community victim advocates, information on where to view or receive campus policies on complaints, and the name and contact information of the individual or office to whom students and employees may direct complaints of sexual assault, stalking, or domestic violence; and

(B) Sexual harassment, including contact information for campus and community victim advocates, information on where to view or receive campus policies on complaints, and the name and contact information of the individual or office to whom students and employees may direct complaints of sexual harassment;

(iv) Descriptions of:

(A) Mutual assistance arrangements with state and local police((; sexual assault and domestic violence and policies on controlled substances));

(B) Methods and options that persons with disabilities or special needs have to access services and programs;

(C) Escort and transportation services that provide for individual security;

(D) Mental health and counseling services available to students, faculty, and staff;

(E) Procedures for communicating with students, faculty, staff, the public, and the media, during and following natural and nonnatural emergencies.

((Information)) (b) The campus safety plan shall include, for the most recent academic year ((also shall include));

(i) A description of ((any)) programs and services offered by ((an institution's student affairs or services department, and by student government organizations regarding)) the institution and student-sponsored organizations that provide for crime prevention and counseling((; including a directory)). The description must include a listing of the available services ((and appropriate telephone numbers and physical locations of these services. In addition)), the service locations, and how the services may be contacted; and

(ii) For institutions maintaining student housing facilities ((shall include)), information detailing security policies and programs for those facilities.

(c)(i) Institutions with a main campus and one or more branch campuses shall provide the information on a campus-by-campus basis.

((In the case of)) (ii) Community and technical colleges((; colleges)) shall provide such information ((to)) for the main campuses only, and shall provide reasonable alternative information ((at)) for any off-campus centers and ((other)) affiliated college sites enrolling ((less)) fewer than one hundred students.

(4)(a) Each institution shall enter into memoranda of understanding that set forth responsibilities for the various local jurisdictions in the event of a campus emergency.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(b) Each institution shall enter into mutual aid agreements with local jurisdictions regarding the shared use of equipment and technology in the event of a campus emergency.

(c) Memoranda of understanding and mutual aid agreements shall be updated and included in campus safety plans.

(5)(a) Each institution shall establish a task force ((which shall annually)) that examines campus security and safety issues at least annually. ((The task force shall review the report published and distributed pursuant to this section in order to ensure the accuracy and effectiveness of the report, and make any suggestions for improvement. This)) Each task force shall include representation from the institution's administration, faculty, staff, recognized student organizations, and police or security organization.

(b) Each task force shall review the campus safety plan published and distributed under this section for its respective institution, in order to ensure its accuracy and effectiveness and to make any suggestions for improvement.

(6) The president of each institution shall designate a specific individual responsible for monitoring and coordinating the institution's compliance with this section and shall ensure that contact information for this individual is made available to all students, faculty, and staff.

NEW SECTION. Sec. 4 A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education shall take the following actions:

(a) By October 30, 2008, submit a self-study assessing its ability to facilitate the safety of students, faculty, staff, administration, and visitors on each campus, including an evaluation of the effectiveness of these measures, an assessment of the institution's ability to disseminate information in a timely and efficient manner to students, faculty, and staff, an evaluation of the institution's ability to provide an appropriate level of mental health services, and an action plan and timelines describing plans to maximize program effectiveness for the next two biennia. Four-year institutions shall submit their studies to the higher education coordinating board. Community and technical colleges shall submit their studies to the state board for community and technical colleges.

(b) By October 30th of each even-numbered year, beginning in 2010, each institution shall submit an update to its plan, including an assessment of the results of activities undertaken under any previous plan to address unmet safety issues, and additional activities, or modifications of current activities, to be undertaken to address remaining safety issues at the institution.

(2) The higher education coordinating board and the state board for community and technical colleges shall report biennially, beginning December 31, 2010, to the governor and the higher education committees of the house of representatives and the senate on:

(a) The efforts of each institution and the extent to which it has complied with RCW 28B.10.569 and subsection (1)(b) of this section; and

(b) Recommendations on measures to assist institutions to ensure and enhance campus safety.

NEW SECTION. Sec. 5 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6328.

Senator Shin spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Benton, Holmquist and Pflug were excused.

MOTION

On motion of Senator Regala, Senators Kauffman, McAuliffe, McDermott and Sheldon were excused.

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6328.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6328 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6328, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6328, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 41

Absent: Senators Brown, Hargrove and Rasmussen - 3

Excused: Senators Benton, McAuliffe, McDermott, Pflug and Sheldon - 5

SUBSTITUTE SENATE BILL NO. 6328, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6381, with the following amendment: 6381 AMH IFCP H5840.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 19.146 RCW to read as follows:

(1) A mortgage broker has a fiduciary relationship with the borrower. For the purposes of this section, the fiduciary duty means that the mortgage broker has the following duties:

(a) A mortgage broker must act in the borrower's best interest and in the utmost good faith toward the borrower, and shall disclose any and all interests to the borrower including, but not limited to, interests that may lie with the lender that are used to facilitate a borrower's request. A mortgage broker shall not accept, provide, or charge any undisclosed compensation or realize any undisclosed remuneration that inures to the benefit of the mortgage broker on an expenditure made for the borrower;

(b) A mortgage broker must carry out all lawful instructions provided by the borrower;

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

REPLY BY THE PRESIDENT

(c) A mortgage broker must disclose to the borrower all material facts of which the mortgage broker has knowledge that might reasonably affect the borrower's rights, interests, or ability to receive the borrower's intended benefit from the residential mortgage loan;

(d) A mortgage broker must use reasonable care in performing duties; and

(e) A mortgage broker must provide an accounting to the borrower for all money and property received from the borrower.

(2) A mortgage broker may contract for or collect a fee for services rendered if the fee is disclosed to the borrower in advance of the provision of those services.

(3) The fiduciary duty in this section does not require a mortgage broker to offer or obtain access to loan products and services other than those that are available to the mortgage broker at the time of the transaction.

(4) The director must adopt rules to implement this section." Correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Weinstein moved that the Senate concur in the House amendment(s) to Senate Bill No. 6381.

Senator Weinstein spoke in favor of the motion.

#### MOTION

On motion of Senator Regala, Senators Brown, Hargrove and Rasmussen were excused.

The President declared the question before the Senate to be the motion by Senator Weinstein that the Senate concur in the House amendment(s) to Senate Bill No. 6381.

The motion by Senator Weinstein carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6381 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6381, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6381, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 9; Absent, 0; Excused, 5.

Voting yea: Senators Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 35

Voting nay: Senators Benton, Hewitt, Holmquist, Honeyford, Parlette, Roach, Schoesler, Stevens and Zarelli - 9

Excused: Senators Brown, McAuliffe, McDermott, Pflug and Rasmussen - 5

SENATE BILL NO. 6381, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator Benton: "Are we working out of both books, the book left over from Saturday and the book from this morning or does fifty-seventh day book replace all previous versions?"

President Owen: "You have new books today and they're working off the green and it is noted on the calendar."

Senator Benton: "That replaces all previous....."

President Owen: "Yes, all previous books are replaced."

Senator Benton: "We've had some difficulty finding these bills this morning in these books so, thank you."

#### MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6297, with the following amendment: 6297-S AMH APP H5850.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that an elected county prosecuting attorney functions as both a state officer in pursuing criminal cases on behalf of the state of Washington, and as a county officer who acts as civil counsel for the county, and provides services to school districts and lesser taxing districts by statute.

The elected prosecuting attorney's dual role as a state officer and a county officer is reflected in various provisions of the state Constitution and within state statute.

The legislature finds that the responsibilities and decisions required of the elected prosecuting attorney are essentially the same in every county within Washington state, from a decision to seek the death penalty in an aggravated murder case, to the decision not to prosecute but refer an offender to drug court; from a decision to pursue child rape charges based solely upon the testimony of the child, to a decision to divert juvenile offenders out of the justice system. Therefore, the legislature finds that elected prosecuting attorneys need to exercise the same level of skill and expertise in the least populous county as in the most populous county.

The legislature finds that the salary of the elected county prosecuting attorney should be tied to that of a superior court judge. This furthers the state's interests and responsibilities under the state Constitution, and is consistent with the current practice of several counties in Washington state, the practices of several other states, and the national district attorneys' association national standards.

**Sec. 2** RCW 36.17.020 and 2001 c 73 s 3 are each amended to read as follows:

The county legislative authority of each county or a county commissioner or councilmember salary commission which conforms with RCW 36.17.024 is authorized to establish the salaries of the elected officials of the county. ~~((One-half of the salary of each prosecuting attorney shall be paid by the state.))~~ The state and county shall contribute to the costs of the salary of the elected prosecuting attorney as set forth in subsection (1) of this section. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of the county legislative authority, and coroner, eighteen thousand dollars; and assessor, nineteen thousand dollars ~~(; and prosecuting attorney, thirty thousand three hundred dollars);~~

(2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; ~~((prosecuting attorney, twenty-four thousand eight hundred dollars;))~~ members

FIFTY-SEVENTH DAY, MARCH 10, 2008

of the county legislative authority, nineteen thousand five hundred dollars; and coroner, seventeen thousand six hundred dollars;

(3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; ~~((prosecuting attorney, twenty-four thousand eight hundred dollars;))~~ members of the county legislative authority, seventeen thousand six hundred dollars; and coroner, sixteen thousand dollars;

(4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; ~~((prosecuting attorney, twenty-three thousand seven hundred dollars;))~~ members of the county legislative authority, fourteen thousand nine hundred dollars; and coroner, fourteen thousand nine hundred dollars;

(5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; ~~((prosecuting attorney, twenty-three thousand seven hundred dollars;))~~ members of the county legislative authority, thirteen thousand eight hundred dollars; and coroner, thirteen thousand eight hundred dollars;

(6) In each county with a population of from eighteen thousand to less than forty thousand: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; ~~((prosecuting attorney in such a county in which there is no state university or college, fourteen thousand three hundred dollars; in such a county in which there is a state university or college, sixteen thousand five hundred dollars;))~~ and members of the county legislative authority, eleven thousand dollars;

(7) In each county with a population of from twelve thousand to less than eighteen thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; ~~((prosecuting attorney, thirteen thousand two hundred dollars;))~~ and members of the county legislative authority, nine thousand four hundred dollars;

(8) In each county with a population of from eight thousand to less than twelve thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; ~~((prosecuting attorney, nine thousand nine hundred dollars;))~~ and members of the county legislative authority, seven thousand dollars;

(9) In each county with a population of from five thousand to less than eight thousand: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; ~~((prosecuting attorney, nine thousand nine hundred dollars;))~~ and members of the county legislative authority, six thousand five hundred dollars;

(10) In each other county: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; ~~((prosecuting attorney, nine thousand nine hundred dollars;))~~ and members of the county legislative authority, six thousand five hundred dollars;

(11) The state of Washington shall contribute an amount equal to one-half the salary of a superior court judge towards the

2008 REGULAR SESSION

salary of the elected prosecuting attorney. Upon receipt of the state contribution, a county shall continue to contribute towards the salary of the elected prosecuting attorney in an amount that equals or exceeds that contributed by the county in 2008.

NEW SECTION. Sec. 3 This act takes effect July 1, 2008.

NEW SECTION. Sec. 4 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6297.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Weinstein was excused.

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6297.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6297 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6297, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6297, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 44

Excused: Senators Brown, McAuliffe, McDermott, Pflug and Weinstein - 5

SUBSTITUTE SENATE BILL NO. 6297, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6310, with the following amendment: 6310 AMH DICK MERE 026

On page 1, beginning on line 1, strike all of section 1  
Renumber remaining sections consecutively and correct any internal references accordingly.

On page 21, beginning on line 14, strike all of section 15 and insert the following:

"NEW SECTION. **Sec. 15.** RCW 10.77.800 (Evaluation of chapter 297, Laws of 1998--Recidivism, competency

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

restoration, information sharing) and 1998 c 297 s 54 are each repealed."

Renumber remaining sections consecutively and correct any internal references accordingly, and correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Senate Bill No. 6310.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Senate Bill No. 6310.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6310 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6310, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6310, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 43

Absent: Senator Brandland - 1

Excused: Senators Brown, McAuliffe, McDermott, Pflug and Weinstein - 5

SENATE BILL NO. 6310, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6400, with the following amendment: 6400-S AMH HS MORI 093

On page 1, beginning on line 6, after "have" strike all material through "believing" on line 14 and insert "the need to develop pro-social behaviors" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Carrell moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6400.

Senator Carrell spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Carrell that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6400.

The motion by Senator Carrell carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6400 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6400, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6400, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 44

Excused: Senators Brown, McAuliffe, McDermott, Pflug and Weinstein - 5

SUBSTITUTE SENATE BILL NO. 6400, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6442, with the following amendment: 6442-S.E AMH JUDI TANG 096

On page 3, line 37, after "counties," insert "and"

On page 4, beginning on line 1, after "cities" strike all material through "experience" on line 8 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6442.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6442.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6442 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6442, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6442, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller,

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, McAuliffe and Pflug - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6442, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6447, with the following amendment: 6447 AMH ENGR H5865.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** In order to support the families of military personnel serving in military conflicts, and to assure that these families are able to spend time together after being notified of an impending call or order to active duty and before deployment and during a military member's leave from deployment, the legislature hereby creates the military family leave act.

**NEW SECTION. Sec. 2** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" and "spouse" have the same meanings as in RCW 49.78.020.

(2) "Employee" means a person who performs service for hire for an employer, for an average of twenty or more hours per week, and includes all individuals employed at any site owned or operated by an employer, but does not include an independent contractor.

(3) "Employer" means: (a) Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state; (b) the state, state institutions, and state agencies; and (c) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

(4) "Period of military conflict" means a period of war declared by the United States Congress, declared by executive order of the president, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code.

**NEW SECTION. Sec. 3** (1) During a period of military conflict, an employee who is the spouse of a member of the armed forces of the United States, national guard, or reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to a total of fifteen days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment.

(2) An employee who takes leave under this chapter is entitled: (a) To be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment, as specified in RCW 49.78.280; and (b) to continue benefits in the same manner as an employee entitled to leave under chapter 49.78 RCW continues benefits, as specified in RCW 49.78.290.

(3) An employee who seeks to take leave under this chapter must provide the employer with notice, within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of the employee's intention to take leave under this chapter.

(4) An employer from which an employee seeks to take leave or takes leave under this chapter shall not engage in prohibited acts as specified in RCW 49.78.300.

(5) An employee who takes leave under this chapter may elect to substitute any of the accrued leave to which the employee may be entitled for any part of the leave provided under this chapter.

(6) The department shall administer the provisions of this chapter, and may adopt rules as necessary to implement this chapter.

(7) This chapter shall be enforced as provided in chapter 49.78 RCW.

**NEW SECTION. Sec. 4** Sections 1 through 3 of this act constitute a new chapter in Title 49 RCW.

**Sec. 5** RCW 38.40.060 and 2001 c 71 s 1 are each amended to read as follows:

Every officer and employee of the state or of any county, city, or other political subdivision thereof who is a member of the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave of absence from such employment for a period not exceeding (~~fifteen~~) twenty-one days during each year beginning October 1st and ending the following September 30th. Such leave shall be granted in order that the person may report for active duty, when called, or take part in active training duty in such manner and at such time as he or she may be ordered to active duty or active training duty. Such military leave of absence shall be in addition to any vacation or sick leave to which the officer or employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay. During the period of military leave, the officer or employee shall receive from the state, or the county, city, or other political subdivision, his or her normal pay."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Senate Bill No. 6447.

Senator Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Senate Bill No. 6447.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6447 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6447, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6447, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators McAuliffe and Pflug - 2

SENATE BILL NO. 6447, as amended by the House, having received the constitutional majority, was declared

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6560, with the following amendment: 6560-S.E AMH SGTA TAYT 217

On page 3, line 18, after "dollars" insert "per calendar month"

On page 3, line 19, after "dollars" insert "per calendar month" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6560.

Senator Rockefeller spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6560.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6560 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6560, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6560, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators McAuliffe and Pflug - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6560, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6580, with the following amendment: 6580-S.E AMH ENGR H5948.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 (1) The legislature recognizes that the implications of a changed climate will affect the people,

institutions, and economies of Washington. The legislature also recognizes that it is in the public interest to reduce the state's dependence upon foreign sources of carbon fuels that do not promote energy independence or the economic strength of the state. The legislature finds that the state, including its counties, cities, and residents, must engage in activities that reduce greenhouse gas emissions and dependence upon foreign oil.

(2) The legislature further recognizes that: (a) Patterns of land use development influence transportation-related greenhouse gas emissions and the need for foreign oil; (b) fossil fuel-based transportation is the largest source of greenhouse gas emissions in Washington; and (c) the state and its residents will not achieve emission reductions established in RCW 80.80.020 without a significant decrease in transportation emissions.

(3) The legislature, therefore, finds that it is in the public interest of the state to provide appropriate legal authority, where required, and to aid in the development of policies, practices, and methodologies that may assist counties and cities in addressing challenges associated with greenhouse gas emissions and our state's dependence upon foreign oil.

NEW SECTION. Sec. 2 A new section is added to chapter 36.70A RCW to read as follows:

(1) The department must develop and provide to counties and cities a range of advisory climate change response methodologies, a computer modeling program, and estimates of greenhouse gas emission reductions resulting from specific measures. The advisory methodologies, computer modeling program, and estimates must reflect regional and local variations and the diversity of counties and cities planning under RCW 36.70A.040. Advisory methodologies, the computer modeling program, estimates, and guidance developed under this section must be consistent with recommendations developed by the advisory policy committee established in section 4 of this act.

(2) The department, in complying with this section, must work with the department of transportation on reductions of vehicle miles traveled through efforts associated with, and independent of, the process directed by RCW 47.01.--- (section 8, chapter . . . (E2SHB 2815)), Laws of 2008.

(3) The department must complete and make available the advisory climate change response methodologies, computer program, and estimates required by this section by December 1, 2009. The advisory climate change response methodologies, computer program, and estimates must be updated two years before each completion date established in RCW 36.70A.130(4)(a).

(4) This section expires January 1, 2011.

NEW SECTION. Sec. 3 (1) A local government global warming mitigation and adaptation program is established. The program must be administered by the department of community, trade, and economic development and must conclude by June 30, 2010. The department must, through a competitive process, select three or fewer counties and six or fewer cities for the program. Counties selected must reflect a range of opportunities to address climate change in urbanizing, resource, or agricultural areas. Cities selected must reflect a range of sizes, geographic locations, and variations between those that are highly urbanized and those that are less so that have more residential dwellings than employment positions.

(2) The program is established to assist the selected counties and cities that: (a) Are addressing climate change through their land use and transportation planning processes; and (b) aspire to address climate change through their land use and transportation planning processes, but lack necessary resources to do so. The department of community, trade, and economic development may fund proposals to inventory and mitigate global warming emissions, or adapt to the adverse impacts of global warming, using criteria it develops to accomplish the objectives of this section and sections 2 and 4 of this act.

(3) The department of community, trade, and economic development must provide grants and technical assistance to aid the selected counties and cities in their efforts to anticipate, mitigate, and adapt to global warming and its associated problems. The department, in providing grants and technical assistance, must ensure that grants and assistance are awarded to

FIFTY-SEVENTH DAY, MARCH 10, 2008

counties and cities meeting the criteria established in subsection (2)(a) and (b) of this section.

(4) The department of community, trade, and economic development must provide a report of program findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by January 1, 2011. The report must also consider the positive and negative impacts to affordable housing, employment, transportation costs, and economic development that result from addressing the impacts of climate change at the local level.

(5) This section expires January 1, 2011.

**NEW SECTION. Sec. 4** (1)(a) With the use of funds provided by specific appropriation, the department must prepare a report that includes:

(i) Descriptions of actions counties and cities are taking to address climate change issues. The department must use readily available information when completing the requirements of this subsection (1)(a)(i);

(ii) Recommendations of changes, if any, to chapter 36.70A RCW and other relevant statutes that would enable state and local governments to address climate change issues and the need to reduce dependence upon foreign oil through land use and transportation planning processes;

(iii) Descriptions of existing and potential computer modeling and other analytic and assessment tools that could be used by counties and cities in addressing their proprietary and regulatory activities to reduce greenhouse gas emissions and/or dependence upon foreign oil;

(iv) Considerations of positive and negative impacts to affordable housing, employment, transportation costs, and economic development that result from addressing the impacts of climate change at the local level;

(v) Assessments of state and local resources, financial and otherwise, needed to fully implement recommendations resulting from and associated with (a)(ii) and (iii) of this subsection; and

(vi) Recommendations for additional funding to implement the recommendations resulting from (a)(ii) of this subsection.

(b) The department must submit the report required by this section to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2008.

(2)(a) In preparing the report required by this section, the department must convene an advisory policy committee, with members as provided in this subsection.

(i) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives.

(ii) The president of the senate must appoint one member from each of the two largest caucuses of the senate.

(iii) Three elected official members representing counties and five elected official members representing cities. Members appointed under this subsection (2)(a)(iii) must represent each of the jurisdictional areas of growth management hearings boards and must be appointed by state associations representing counties and cities.

(iv) One member representing tribal governments, appointed by the governor.

(b) Recommendations produced by the department under this section must be approved by a majority of the voting members of the advisory policy committee.

(c) The advisory policy committee must have the following nonvoting ex officio members:

(i) One member representing the office of the governor;

(ii) One member representing an association of builders;

(iii) One member representing an association of real estate professionals;

(iv) One member representing an association of local government planners;

(v) One member representing an association of agricultural interests;

(vi) One member representing a nonprofit entity with experience in growth management and land use planning issues;

(vii) One member representing a statewide business association;

(viii) One member representing a nonprofit entity with experience in climate change issues;

(ix) One member representing a nonprofit entity with experience in mobility and transportation issues;

(x) One member representing an association of office and industrial properties;

(xi) One member representing an association of architects; and

(xii) One member representing an association of commercial forestry interests.

(d)(i) The department, in preparing the report and presenting information and recommendations to the advisory policy committee, must convene a technical support team, with members as provided in this subsection.

(A) The department of ecology must appoint one member representing the department of ecology.

(B) The department must appoint one member representing the department.

(C) The department of transportation must appoint one member representing the department of transportation.

(ii) The department, in complying with this subsection (2)(d), must consult with the professional staffs of counties and cities or their state associations, and regional transportation planning organizations and must solicit assistance from these staffs in developing materials and options for consideration by the advisory policy committee.

(3) Nominations for organizations represented in subsection (2) of this section must be submitted to the department by April 15, 2008.

(4) For purposes of this section, "department" means the department of community, trade, and economic development.

(5) This section expires December 31, 2008.

**Sec. 5** RCW 36.70A.280 and 2003 c 332 s 2 are each amended to read as follows:

(1) A growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes a board to hear petitions alleging noncompliance with section 3 of this act; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within sixty days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population

FIFTY-SEVENTH DAY, MARCH 10, 2008

forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**NEW SECTION. Sec. 6** This act is not intended to amend or affect chapter 353, Laws of 2007.

**NEW SECTION. Sec. 7** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 8** If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, section 2 of this act is null and void.

**NEW SECTION. Sec. 9** If specific funding for the purposes of section 3 of this act, referencing section 3 of this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, section 3 of this act is null and void.

**NEW SECTION. Sec. 10** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Marr moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6580.

Senator Marr spoke in favor of the motion.

Senator Honeyford spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Marr that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6580.

The motion by Senator Marr carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6580 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6580, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6580, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 30

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli - 18

Excused: Senator Pflug - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6580, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

2008 REGULAR SESSION

The House has passed SUBSTITUTE SENATE BILL NO. 6596, with the following amendment: 6596-S AMH CHAB MACB 043

On page 4, after line 28, insert the following:

"(3) The board shall report annually starting December 1, 2008 to the governor and the legislature with findings on (i) current research and best practices related to risk assessment, treatment, and supervision of sex offenders; (ii) community education regarding sex offenses and offenders; (iii) prevention of sex offenses; (iv) sex offender management; (v) the performance of sex offender prevention and response systems; and (vii) any other activities performed by the board in the prior 12 months in the furtherance of the purposes of this act." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6596.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6596.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6596 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6596, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6596, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator Pflug - 1

SUBSTITUTE SENATE BILL NO. 6596, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6439, with the following amendment: 6439-S AMH HCW H5786.1.

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 18.84.010 and 1991 c 222 s 1 are each amended to read as follows:

It is the intent and purpose of this chapter to protect the public by the certification and registration of practitioners of radiological technology. By promoting high standards of

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

professional performance, by requiring professional accountability, and by credentialing those persons who seek to provide radiological technology under the title of ~~((radiological))~~ radiologic technologists, and by regulating all persons utilizing ionizing radiation on human beings this chapter identifies those practitioners who have achieved a particular level of competency. Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person certified under this chapter.

The legislature finds and declares that this chapter conforms to the guidelines, terms, and definitions for the credentialing of health or health-related professions specified under chapter 18.120 RCW.

**Sec. 2** RCW 18.84.020 and 2000 c 93 s 42 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of health.

(3) "Licensed practitioner" means any licensed health care practitioner performing services within the person's authorized scope of practice.

(4) "Radiologic technologist" means an individual certified under this chapter, other than a licensed practitioner, who practices radiologic technology as a:

(a) Diagnostic radiologic technologist, who is a person who actually handles X-ray equipment in the process of applying radiation on a human being for diagnostic purposes at the direction of a licensed practitioner, this includes parenteral procedures related to radiologic technology when performed under the direct supervision of a physician licensed under chapter 18.71 or 18.57 RCW; ~~((or))~~

(b) Therapeutic radiologic technologist, who is a person who uses radiation-generating equipment for therapeutic purposes on human subjects at the direction of a licensed practitioner, this includes parenteral procedures related to radiologic technology when performed under the direct supervision of a physician licensed under chapter 18.71 or 18.57 RCW; ~~((or))~~

(c) Nuclear medicine technologist, who is a person who prepares radiopharmaceuticals and administers them to human beings for diagnostic and therapeutic purposes and who performs in vivo and in vitro detection and measurement of radioactivity for medical purposes at the direction of a licensed practitioner; or

(d) Radiologist assistant, who is an advanced-level certified diagnostic radiologic technologist who assists radiologists by performing advanced diagnostic imaging procedures as determined by rule under levels of supervision defined by the secretary, this includes but is not limited to enteral and parenteral procedures when performed under the direction of the supervising radiologist, and that these procedures may include injecting diagnostic agents to sites other than intravenous, performing diagnostic aspirations and localizations, and assisting radiologists with other invasive procedures.

(5) "Approved school of radiologic technology" means a school of radiologic technology or radiologist assistant program approved by the ~~((council on medical education of the American medical association))~~ secretary or a school found to maintain the equivalent of such a course of study as determined by the department. Such school may be operated by a medical or educational institution, and for the purpose of providing the requisite clinical experience, shall be affiliated with one or more general hospitals.

(6) "Approved radiologist assistant program" means a school approved by the secretary. The secretary may recognize other organizations that establish standards for radiologist assistant programs and designate schools that meet the organization's standards as approved.

~~((7))~~ (7) "Radiologic technology" means the use of ionizing radiation upon a human being for diagnostic or therapeutic purposes.

~~((8))~~ (8) "Radiologist" means a physician certified by the American board of radiology or the American osteopathic board of radiology.

~~((9))~~ (9) "Registered X-ray technician" means a person who is registered with the department, and who applies ionizing radiation at the direction of a licensed practitioner and who does not perform parenteral procedures.

**Sec. 3** RCW 18.84.030 and 1991 c 222 s 3 are each amended to read as follows:

No person may practice radiologic technology without being registered or certified under this chapter, unless that person is a licensed practitioner as defined in RCW 18.84.020(3). A person represents himself or herself to the public as a certified ~~((radiological))~~ radiologic technologist when that person adopts or uses a title or description of services that incorporates one or more of the following items or designations:

(1) Certified radiologic technologist or CRT, for persons so certified under this chapter;

(2) Certified radiologic therapy technologist, CRTT, or CRT, for persons certified in the therapeutic field;

(3) Certified radiologic diagnostic technologist, CRDT, or CRT, for persons certified in the diagnostic field; ~~((or))~~

(4) Certified nuclear medicine technologist, CNMT, or CRT, for persons certified as nuclear medicine technologists; or

(5) Certified radiologist assistant or CRA for persons certified as radiologist assistants.

**Sec. 4** RCW 18.84.040 and 1994 sp.s. c 9 s 506 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all registration, certification, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

(e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;

(f) Issue a certificate to any applicant who has met the education, training, examination, and conduct requirements for certification; and

(g) Issue a registration to an applicant who meets the requirement for a registration.

(2) The secretary may hire clerical, administrative, and investigative staff as needed to implement this chapter.

(3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications, unregistered and uncertified practice, and the discipline of registrants and certificants under this chapter. The secretary is the disciplining authority under this chapter.

(4) The secretary may appoint ad hoc members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.

**Sec. 5** RCW 18.84.080 and 1991 c 3 s 209 are each amended to read as follows:

(1) The secretary shall issue a certificate to any applicant who demonstrates to the secretary's satisfaction, that the following requirements have been met to practice as:

(a) A diagnostic radiologic technologist, therapeutic radiologic technologist, or nuclear medicine technologist;

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

March 7, 2008

(i) Graduation from an approved school or successful completion of alternate training that meets the criteria established by the secretary; ~~(and~~

~~(b)) (ii) Satisfactory completion of a radiologic technologist examination approved by the secretary; and~~

(iii) Good moral character; or

(b) A radiologist assistant;

(i) Satisfactory completion of an approved radiologist assistant program;

(ii) Satisfactory completion of a radiologist assistant examination approved by the secretary; and

(iii) Good moral character.

(2) Applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

(3) The secretary shall establish by rule what constitutes adequate proof of meeting the requirements for certification and for designation of certification in a particular field of radiologic technology.

**NEW SECTION. Sec. 6** A new section is added to chapter 18.84 RCW to read as follows:

It is unprofessional conduct under chapter 18.130 RCW for any person registered or certified under this chapter to interpret images, make diagnoses, prescribe medications or therapies, or perform other procedures that may be prohibited by rule."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Spanel moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6439.

Senator Spanel spoke in favor of the motion.

#### MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the motion by Senator Spanel that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6439.

The motion by Senator Spanel carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6439 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6439, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6439, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Benton, Holmquist, Honeyford, Roach and Stevens - 5

Excused: Senators Brown and Pflug - 2

SUBSTITUTE SENATE BILL NO. 6439, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6570, with the following amendment: 6570-S.E AMH SGTA REIL 032

On page 2, line 13, after "(5)" strike all material through "42.52.160" on line 15 and insert the following: "A state employee is presumed not to be in violation of RCW 42.52.070 or 42.52.160 if the employee or the employee's spouse or child complies with this section" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6570.

Senator Fairley spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6570.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6570 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6570, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6570, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Hargrove - 1

Excused: Senators Brown and Pflug - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6570, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6606, with the following amendment: 6606-S.E AMH ENGR H5949.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the home inspector advisory licensing board.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(2) "Department" means the department of licensing.

(3) "Director" means the director of the department of licensing.

(4) "Entity" or "entities" means educational groups or organizations, national organizations or associations, or a national test organization.

(5) "Home inspection" means a professional examination of the current condition of a house.

(6) "Home inspector" means a person who carries out a noninvasive examination of the condition of a home, often in connection with the sale of that home, using special training and education to carry out the inspection.

(7) "Report" means a written report prepared and issued after a home inspection.

(8) "Wood destroying organism" means insects or fungi that consume, excavate, develop in, or otherwise modify the integrity of wood or wood products. "Wood destroying organism" includes but is not limited to carpenter ants, moisture ants, subterranean termites, dampwood termites, beetles in the family Anobiidae, and wood decay fungi, known as wood rot.

**NEW SECTION. Sec. 2 LICENSURE REQUIRED.** (1) Beginning September 1, 2009, a person shall not engage in or conduct, or advertise or hold himself or herself out as engaging in or conducting, the business of or acting in the capacity of a home inspector within this state without first obtaining a license as provided in this chapter.

(2) Any person performing the duties of a home inspector on the effective date of this act has until July 1, 2010, to meet the licensing requirements of this chapter. However, if a person performing the duties of a home inspector on the effective date of this act has proof that he or she has worked as a home inspector for at least two years and has conducted at least one hundred home inspections, he or she may apply to the board before September 1, 2009, for licensure without meeting the instruction and training requirements of this chapter.

(3) The director may begin issuing licenses under this section beginning on July 1, 2009.

**NEW SECTION. Sec. 3 DUTIES OF A LICENSED HOME INSPECTOR.** A person licensed under this chapter is responsible for performing a visual and noninvasive inspection of the following readily accessible systems and components of a home and reporting on the general condition of those systems and components at the time of the inspection in his or her written report: The roof, foundation, exterior, heating system, air-conditioning system, structure, plumbing and electrical systems, and other aspects of the home as may be identified by the board. The inspection must include looking for certain fire and safety hazards as defined by the board. The standards of practice to be developed by the board will be used as the minimum standards for an inspection. The duties of the home inspector with regard to wood destroying organisms are provided in section 19 of this act.**NEW SECTION. Sec. 4 HOME INSPECTOR ADVISORY LICENSING BOARD.** (1) The state home inspector advisory licensing board is created. The board consists of seven members appointed by the governor, who shall advise the director concerning the administration of this chapter. Of the appointments to this board, six must be actively engaged as home inspectors immediately prior to their appointment to the board, and one must be currently teaching in a home inspector education program. Insofar as possible, the composition of the appointed home inspector members of the board must be generally representative of the geographic distribution of home inspectors licensed under this chapter. No more than two board members may be members of a particular national home inspector association or organization.

(2) A home inspector must have the following qualifications to be appointed to the board:

(a) Actively engaged as a home inspector in the state of Washington for five years;

(b) Licensed as a home inspector under this chapter, except for initial appointments; and

(c) Performed a minimum of five hundred home inspections in the state of Washington.

(3) Members of the board are appointed for three-year terms. Terms must be staggered so that not more than two appointments are scheduled to be made in any calendar year. Members hold office until the expiration of the terms for which they were appointed. The governor may remove a board member for just cause. The governor may appoint a new member to fill a vacancy on the board for the remainder of the unexpired term. All board members are limited to two consecutive terms.

(4) Each board member is entitled to compensation for each day spent conducting official business and to reimbursement for travel expenses in accordance with RCW 43.03.240, 43.03.050, and 43.03.060.

**NEW SECTION. Sec. 5 DIRECTOR'S AUTHORITY.** The director has the following authority in administering this chapter:

(1) To adopt, amend, and rescind rules approved by the board as deemed necessary to carry out this chapter;

(2) To administer licensing examinations approved by the board and to adopt or recognize examinations prepared by other entities as approved by the board;

(3) To adopt standards of professional conduct, practice, and ethics as approved by the board; and

(4) To adopt fees as provided in RCW 43.24.086.

**NEW SECTION. Sec. 6 BOARD'S AUTHORITY.** The board has the following authority in administering this chapter:

(1) To establish rules, including board organization and assignment of terms, and meeting frequency and timing, for adoption by the director;

(2) To establish the minimum qualifications for licensing applicants as provided in this chapter;

(3) To approve the method of administration of examinations required by this chapter or by rule as established by the director;

(4) To approve the content of or recognition of examinations prepared by other entities for adoption by the director;

(5) To set the time and place of examinations with the approval of the director; and

(6) To establish and review standards of professional conduct, practice, and ethics for adoption by the director. These standards must address what constitutes certain fire and safety hazards as used in section 3 of this act.

**NEW SECTION. Sec. 7 QUALIFICATIONS FOR LICENSURE.** In order to become licensed as a home inspector, an applicant must submit the following to the department:

(1) An application on a form developed by the department;

(2) Proof of a minimum of one hundred twenty hours of classroom instruction approved by the board;

(3) Proof of up to forty hours of field training supervised by a licensed home inspector;

(4) Evidence of successful passage of the written exam as required in section 8 of this act; and

(5) The fee in the amount set by the department.

**NEW SECTION. Sec. 8 WRITTEN EXAMS.** Applicants for licensure must pass an exam that is psychometrically valid, reliable, and legally defensible by the state. The exam is to be developed, maintained, and administered by the department. The board shall recommend to the director whether to use an exam that is prepared by a national entity. If an exam prepared by a national entity is used, a section specific to Washington shall be developed by the director and included as part of the entire exam.**NEW SECTION. Sec. 9 LICENSE LENGTH AND RENEWAL.** Licenses are issued for a term of two years and expire on the applicant's second birthday following issuance of the license.**NEW SECTION. Sec. 10 ADVERTISING.** The term "licensed home inspector" and the license number of the inspector must appear on all advertising, correspondence, and documents incidental to a home inspection. However, businesses and organizations that conduct national or interstate general marketing and advertising campaigns may omit the license number of the inspector in advertising so long as it is included on all documents incident to a home inspection.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

**NEW SECTION. Sec. 11 CONTINUING EDUCATION REQUIREMENTS.** (1) As a condition of renewing a license under this chapter, a licensed home inspector shall present satisfactory evidence to the board of having completed the continuing education requirements provided for in this section.

(2) Each applicant for license renewal shall complete at least twenty-four hours of instruction in courses approved by the board every two years.

**NEW SECTION. Sec. 12 WRITTEN REPORTS.** (1) A licensed home inspector shall provide a written report of the home inspection to each person for whom the inspector performs a home inspection within a time period set by the board in rule. The issues to be addressed in the report shall be set by the board in rule.

(2) A licensed home inspector, or other licensed home inspectors or employees who work for the same company or for any company in which the home inspector has a financial interest, shall not, from the time of the inspection until one year from the date of the report, perform any work other than home inspection-related consultation on the home upon which he or she has performed a home inspection.

**NEW SECTION. Sec. 13 SUSPENSION OF LICENSE.** (1) The director shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for a license under this chapter during the suspension, reissuance of the license is automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the child support order. The procedure in RCW 74.20A.320 is the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order, and suspension of a license under this subsection, and satisfies the requirements of RCW 34.05.422.

(2) The director, with the assistance of the board, shall establish by rule under what circumstances a home inspector license may be suspended or revoked. These circumstances shall be based upon accepted industry standards and the board's cumulative experience.

(3) Any person aggrieved by a decision of the director under this section may appeal the decision as provided in chapter 34.05 RCW. The adjudicative proceeding shall be conducted under chapter 34.05 RCW by an administrative law judge appointed pursuant to RCW 34.12.030.

**NEW SECTION. Sec. 14 CIVIL INFRACTIONS.** The department has the authority to issue civil infractions under chapter 7.80 RCW in the following instances:

(1) Conducting or offering to conduct a home inspection without being licensed in accordance with this chapter;

(2) Presenting or attempting to use as his or her own the home inspector license of another;

(3) Giving any false or forged evidence of any kind to the director or his or her authorized representative in obtaining a license;

(4) Falsely impersonating any other licensee; or

(5) Attempting to use an expired or revoked license.

All fines and penalties collected or assessed by a court because of a violation of this section must be remitted to the department to be deposited into the business and professions account created in RCW 43.24.150.

**NEW SECTION. Sec. 15** The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

**NEW SECTION. Sec. 16 RELIEF BY INJUNCTION.** The director is authorized to apply for relief by injunction without bond, to restrain a person from the commission of any act that is prohibited under section 14 of this act. In such a proceeding, it is not necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from continued violation. The director, individuals acting on the director's behalf, and members of the board are immune from suit in any action, civil or criminal, based on disciplinary proceedings or other official

acts performed in the course of their duties in the administration and enforcement of this chapter.

**NEW SECTION. Sec. 17 EXEMPTION FROM LICENSING.** The following persons are exempt from the licensing requirements of this chapter when acting within the scope of their license or profession:

(1) Engineers;

(2) Architects;

(3) Electricians licensed under chapter 19.28 RCW;

(4) Plumbers licensed under chapter 18.106 RCW;

(5) Pesticide operators licensed under chapter 17.21 RCW;

(6) Structural pest inspectors licensed under chapter 15.58 RCW; or

(7) Certified real estate appraisers licensed under chapter 18.140 RCW.

**NEW SECTION. Sec. 18 RECIPROCITY.** Persons licensed as home inspectors in other states may become licensed as home inspectors under this chapter as long as the other state has licensing requirements that meet or exceed those required under this chapter and the person seeking a license under this chapter passes the Washington portion of the exam under section 8 of this act.

**NEW SECTION. Sec. 19 STRUCTURAL PEST INSPECTOR.** Any person licensed under this chapter who is not also licensed as a pest inspector under chapter 15.58 RCW shall only refer in his or her report to rot or conducive conditions for wood destroying organisms and shall refer the identification of or damage by wood destroying insects to a structural pest inspector licensed under chapter 15.58 RCW.

**NEW SECTION. Sec. 20** Captions used in this chapter are not any part of the law.

**Sec. 21** RCW 18.235.020 and 2007 c 256 s 12 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW; ~~(and)~~

(xix) Whitewater river outfitters under chapter 79A.60 RCW; and

(xx) Home inspectors under chapter 18.-- RCW (the new chapter created in section 25 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(i) The state board of registration for architects established in chapter 18.08 RCW;

(ii) The cemetery board established in chapter 68.05 RCW;

(iii) The Washington state collection agency board established in chapter 19.16 RCW;

(iv) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(v) The state board of funeral directors and embalmers established in chapter 18.39 RCW;

(vi) The state board of registration for landscape architects established in chapter 18.96 RCW; and

(vii) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

**Sec. 22** RCW 43.24.150 and 2005 c 25 s 1 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

(a) Chapter 18.11 RCW, auctioneers;

(b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;

(c) Chapter 18.96 RCW, landscape architects;

(d) Chapter 18.145 RCW, court reporters;

(e) Chapter 18.165 RCW, private investigators;

(f) Chapter 18.170 RCW, security guards;

(g) Chapter 18.185 RCW, bail bond agents;

(h) Chapter 18.-- RCW, home inspectors (the new chapter created in section 25 of this act);

(i) Chapter 19.16 RCW, collection agencies;

~~((+))~~ (j) Chapter 19.31 RCW, employment agencies;

~~((+))~~ (k) Chapter 19.105 RCW, camping resorts;

~~((+))~~ (l) Chapter 19.138 RCW, sellers of travel;

~~((+))~~ (m) Chapter 42.44 RCW, notaries public; and

~~((+))~~ (n) Chapter 64.36 RCW, timeshares.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(2) The director shall biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which shall include the estimated income from these business and professions fees.

**NEW SECTION. Sec. 23** A new section is added to chapter 15.58 RCW to read as follows:

A person licensed as a home inspector under chapter 18.-- RCW (the new chapter created in section 25 of this act) is exempt from licensing as a structural pest inspector except when reporting on the identification of or damage by wood destroying insects.

**NEW SECTION. Sec. 24** A new section is added to chapter 18.85 RCW to read as follows:

The commission must establish procedures, to be adopted in rule by the director, for real estate agents to follow when providing potential home buyers with home inspector referrals.

**NEW SECTION. Sec. 25** Sections 1 through 20 of this act constitute a new chapter in Title 18 RCW.

**NEW SECTION. Sec. 26** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Spanel moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6606.

Senators Spanel and Holmquist spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Spanel that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6606.

The motion by Senator Spanel carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6606 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6606, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6606, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 39

Voting nay: Senators Benton, Carrell, Hewitt, Holmquist, Morton, Roach, Stevens and Zarelli - 8

Excused: Senators Brown and Pflug - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6606, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6607, with the following amendment: 6607-S AMH AGNR H5819.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 90.72.030 and 2007 c 150 s 1 are each amended to read as follows:

The legislative authority of each county having shellfish tidelands within its boundaries is authorized to establish a shellfish protection district to include areas in which nonpoint pollution threatens the water quality upon which the continuation or restoration of shellfish farming or harvesting is dependent. The legislative authority shall constitute the governing body of the district and shall adopt a shellfish protection program with elements and activities to be effective within the district. The legislative authority may appoint a local advisory council to advise the legislative authority in preparation and implementation of shellfish protection programs. This program shall include any elements deemed appropriate to deal with the nonpoint pollution threatening water quality over shellfish tidelands, including, but not limited to, requiring the elimination or decrease of contaminants in storm water runoff, establishing monitoring, inspection, and

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

repair elements to ensure that on-site sewage systems are adequately maintained and working properly, assuring that animal grazing and manure management practices are consistent with best management practices, and establishing educational and public involvement programs to inform citizens on the causes of the threatening nonpoint pollution and what they can do to decrease the amount of such pollution. The county legislative authority shall consult with the department of health, the department of ecology, the department of agriculture, or the conservation commission as appropriate as to the elements of the program. An element may be omitted where another program is effectively addressing those sources of nonpoint water pollution. Within the limits of RCW 90.72.040 and 90.72.070, the county legislative authority shall have full jurisdiction and authority to manage, regulate, and control its programs and to fix, alter, regulate, and control the fees for services provided and charges or rates as provided under those programs. Programs established under this chapter, may, but are not required to, be part of a system of sewerage as defined in RCW 36.94.010.

**Sec. 2** RCW 90.72.045 and 2007 c 150 s 2 are each amended to read as follows:

The county legislative authority shall create a shellfish protection district and establish a shellfish protection program developed under RCW 90.72.030 or an equivalent program to address the causes or suspected causes of pollution within one hundred eighty days after the department of health, because of water quality degradation due to ongoing nonpoint sources of pollution has closed or downgraded the classification of a recreational or commercial shellfish growing area within the boundaries of the county. The county legislative authority shall initiate implementation of the shellfish protection program within sixty days after it is established.

A copy of the program must be provided to the departments of health, ecology, and agriculture. An agency that has regulatory authority for any of the sources of nonpoint pollution covered by the program shall cooperate with the county in its implementation. The county legislative authority shall submit a written report to the department of health annually that describes the status and progress of the program. If rates or fees are collected under RCW 90.72.070 for implementation of the shellfish protection district program, the annual report shall provide sufficient detail of the expenditure of the revenue collected to ensure compliance with RCW 90.72.070.

**Sec. 3** RCW 90.72.070 and 1992 c 100 s 6 are each amended to read as follows:

The county legislative authority establishing a shellfish protection district may finance the protection program through (1) county tax revenues, (2) reasonable inspection fees and similar fees for services provided, (3) reasonable charges or rates specified in its protection program, or (4) federal, state, or private grants. ~~((Confined animal feeding operations subject to the national pollutant discharge elimination system and implementing regulations shall not be subject to fees, rates, or charges by a shellfish protection district.))~~ A dairy animal feeding operation with a certified dairy nutrient management plan as required in chapter 90.64 RCW and any other commercial agricultural operation on agricultural lands as defined in RCW 36.70A.030 shall be subject to fees, rates, or charges by a shellfish protection district of no more than five hundred dollars in a calendar year. Facilities permitted and assessed fees for wastewater discharge under the national pollutant discharge elimination system shall not be subject to fees, rates, or charges for wastewater discharge by a shellfish protection district. Lands classified as forest land under chapter 84.33 RCW and timber land under chapter 84.34 RCW shall not be subject to fees, rates, or charges by a shellfish protection district. Counties may collect charges or rates in the manner determined by the county legislative authority."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Spanel moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6607.

Senator Spanel spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Spanel that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6607.

The motion by Senator Spanel carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6607 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6607, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6607, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Pflug - 2

SUBSTITUTE SENATE BILL NO. 6607, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6626, with the following amendment: 6626-S2 AMH FIN H5933.1

On page 2, after line 35, insert the following:

"(8) "Operationally complete" means a date no later than one year from the date the project is issued an occupancy permit by the local permit issuing authority."

Renumber the remaining subsections consecutively and correct any internal references accordingly. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6626.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6626.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6626 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6626, as amended by the House.

ROLL CALL

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6626, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Pflug - 2

SECOND SUBSTITUTE SENATE BILL NO. 6626, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6711, with the following amendment: 6711-S AMH APP H5891.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 43.320 RCW to read as follows:

(1) The smart homeownership choices program is created in the department to assist low-income and moderate-income households, as defined in RCW 84.14.010, facing foreclosure.

(2) The department shall enter into an interagency agreement with the Washington state housing finance commission to implement and administer this program with moneys from the account created in section 2 of this act. The Washington state housing finance commission will request funds from the department as needed to implement and operate the program.

(3) The commission shall, under terms and conditions to be determined by the commission, assist homeowners who are delinquent on their mortgage payments to bring their mortgage payments current in order to refinance into a different loan product. Financial assistance received by homeowners under this chapter shall be repaid at the time of refinancing into a different loan product. Homeowners receiving financial assistance shall also agree to partake in a residential mortgage counseling program. Moneys may also be used for outreach activities to raise awareness of this program. Not more than four percent of the total appropriation for this program may be used for administrative expenses of the department and the commission.

(4) The commission must provide an annual report to the legislature at the end of each fiscal year of program operation. The report must include information including the total number of households seeking help to resolve mortgage delinquency, the number of program participants that successfully avoided foreclosure, and the number of program participants who refinanced a home, including information on the terms of both the new loan product and the product out of which the homeowner refinanced. The commission shall establish and report upon performance measures, including measures to gauge program efficiency and effectiveness and customer satisfaction.

**NEW SECTION. Sec. 2** A new section is added to chapter 43.320 RCW to read as follows:

The smart homeownership choices program account is created in the custody of the state treasurer. All receipts from the appropriation in section 4 of this act as well as receipts from private contributions and all other sources that are specifically designated for the smart homeownership choices program must

be deposited into the account. Expenditures from the account may be used solely for the purpose of preventing foreclosures through the smart homeownership choices program as described in section 1 of this act. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 3** A new section is added to chapter 43.320 RCW to read as follows:

The Washington state housing finance commission shall only serve low-income households, as defined in RCW 84.14.010, through the smart homeownership choices program described in section 1 of this act using state appropriated general funds in the smart homeownership choices program account created in section 2 of this act. Contributions from private and other sources to the account may be used to serve both low-income and moderate-income households, as defined in RCW 84.14.010, through the smart homeownership choices program.

**NEW SECTION. Sec. 4** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Kauffman moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6711.

Senator Kauffman spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kauffman that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6711.

The motion by Senator Kauffman carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6711 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6711, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6711, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Hargrove - 1

Excused: Senator Pflug - 1

SUBSTITUTE SENATE BILL NO. 6711, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6732, with the following amendment: 6732-S2 AMH APP H5896.1

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 18.27.030 and 2007 c 436 s 3 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(a) Employer social security number.

(b) Unified business identifier number(~~(, if required by the department of revenue)~~).

(c) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law.

(d) Employment security department number.

(e) ~~((State excise tax registration number.~~

~~((f))~~ Unified business identifier (UBI) account number may be substituted for the information required by (c) and (d) of this subsection if the applicant will not employ employees in Washington(~~(, and by (d) and (e) of this subsection)~~).

~~((g))~~ (f) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

~~((h))~~ (g) The name and address of each partner if the applicant is a firm or partnership, or the name and address of the owner if the applicant is an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant is a corporation or the name and address of all members of other business entities. The information contained in such application is a matter of public record and open to public inspection.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(c) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3)(a) The department shall deny an application for registration if: (i) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on work performed subject to this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (ii) the applicant was an owner, principal, or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; ~~((or))~~ (iii) the applicant does not have a valid unified business identifier number(~~(, if required by the department of revenue)~~); (iv) the department determines that the applicant has falsified information on the application, unless the error was inadvertent; or (v) the applicant does not have an active and valid certificate of registration with the department of revenue.

(b) The department shall suspend an active registration if (i) the department has determined that the registrant has an unsatisfied final judgment against it for work within the scope of this chapter; (ii) the department has determined that the

registrant is a sole proprietor or an owner, principal, or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter; ~~((or))~~ (iii) the registrant does not maintain a valid unified business identifier number(~~(, if required by the department of revenue)~~); (iv) the department has determined that the registrant falsified information on the application, unless the error was inadvertent; or (v) the registrant does not have an active and valid certificate of registration with the department of revenue.

(c) The department may suspend an active registration if the department has determined that an owner, principal, partner, or officer of the registrant was an owner, principal, or officer of a previous partnership, corporation, or other entity that has an unsatisfied final judgment against it.

(4) The department shall not deny an application or suspend a registration because of an unsatisfied final judgment if the applicant's or registrant's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party.

Sec. 2 RCW 18.27.100 and 2001 c 159 s 8 are each amended to read as follows:

(1) Except as provided in RCW 18.27.065 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity, of a contractor under any other name unless such name also is registered under this chapter.

(2) All advertising and all contracts, correspondence, cards, signs, posters, papers, and documents which show a contractor's name or address shall show the contractor's name or address as registered under this chapter.

(3)(a) All advertising that shows the contractor's name or address shall show the contractor's current registration number. The registration number may be omitted in an alphabetized listing of registered contractors stating only the name, address, and telephone number: PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on-premise signs shall not constitute advertising as provided in this section. All materials used to directly solicit business from retail customers who are not businesses shall show the contractor's current registration number. A contractor shall not use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required. Advertising by airwave transmission shall not be subject to this subsection (3)(a).

(b) The director may issue a subpoena to any person or entity selling any advertising subject to this section for the name, address, and telephone number provided to the seller of the advertising by the purchaser of the advertising. The subpoena must have enclosed a stamped, self-addressed envelope and blank form to be filled out by the seller of the advertising. If the seller of the advertising has the information on file, the seller shall, within a reasonable time, return the completed form to the department. The subpoena must be issued no more than two days after the expiration of the issue or publication containing the advertising or after the broadcast of the advertising. The good-faith compliance by a seller of advertising with a written request of the department for information concerning the purchaser of advertising shall constitute a complete defense to any civil or criminal action brought against the seller of advertising arising from such compliance. Advertising by airwave or electronic transmission is subject to this subsection (3)(b).

(4) No contractor shall advertise that he or she is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter.

(5) A contractor shall not falsify a registration number and use it, or use an expired registration number, in connection with any solicitation or identification as a contractor. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers, and employees of contractors shall use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto.

(6) Any advertising by a person, firm, or corporation soliciting work as a contractor when that person, firm, or

FIFTY-SEVENTH DAY, MARCH 10, 2008

corporation is not registered pursuant to this chapter is a violation of this chapter.

(7) An applicant or registrant who falsifies information on an application for registration commits a violation under this section.

(8)(a) The finding of a violation of this section by the director at a hearing held in accordance with the Administrative Procedure Act, chapter 34.05 RCW, shall subject the person committing the violation to a penalty of not more than ten thousand dollars as determined by the director.

(b) Penalties under this section shall not apply to a violation determined to be an inadvertent error.

**NEW SECTION. Sec. 3** A new section is added to chapter 39.12 RCW to read as follows:

A contractor shall not be allowed to bid on any public works contract for one year from the date of a final determination that the contractor has committed any combination of two of the following violations or infractions within a five-year period:

(1) Violated RCW 51.48.020(1) or 51.48.103; or

(2) Committed an infraction or violation under chapter 18.27 RCW for performing work as an unregistered contractor.

**NEW SECTION. Sec. 4** A new section is added to chapter 18.27 RCW to read as follows:

A contractor found to have committed an infraction or violation under this chapter for performing work as an unregistered contractor shall, in addition to any penalties under this chapter, be subject to the penalties in section 3 of this act.

**Sec. 5** RCW 51.16.070 and 1997 c 54 s 3 are each amended to read as follows:

(1)(a) Every employer shall keep at his or her place of business a record of his or her employment from which the information needed by the department may be obtained and such record shall at all times be open to the inspection of the director, supervisor of industrial insurance, or the traveling auditors, agents, or assistants of the department, as provided in RCW 51.48.040.

(b) An employer who contracts with another person or entity for work subject to chapter 18.27 or 19.28 RCW shall obtain and preserve a record of the unified business identifier account number for and the compensation paid to the person or entity performing the work. Failure to obtain or maintain the record is subject to RCW 39.06.010 and to a penalty under RCW 51.48.030.

(2) Information obtained from employing unit records under the provisions of this title shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but any interested party shall be supplied with information from such records to the extent necessary for the proper presentation of the case in question: PROVIDED, That any employing unit may authorize inspection of its records by written consent.

**Sec. 6** RCW 50.13.060 and 2005 c 274 s 322 are each amended to read as follows:

(1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or

employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and (9) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws or to the release of employing unit names, addresses, number of employees, and aggregate employer wage data for the purpose of state governmental agencies preparing small business economic impact statements under chapter 19.85 RCW or preparing cost-benefit analyses under RCW 34.05.328(1) (c) and (d). Information provided by the department and held to be private and confidential under state or federal laws must not be misused or released to unauthorized parties. A person who misuses such information or releases such information to unauthorized parties is subject to the sanctions in RCW 50.13.080.

(5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied.

(6) Governmental agencies may have access to certain records and information, limited to employer information possessed by the department for purposes authorized in chapter 50.38 RCW. Access to these records and information is limited to only those individuals conducting authorized statistical analysis, research, and evaluation studies. Only in cases consistent with the purposes of chapter 50.38 RCW are government agencies not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied. Information provided by the department and held to be private and confidential under state or federal laws shall not be misused or released to unauthorized parties subject to the sanctions in RCW 50.13.080.

(7) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(8) The department may provide information for purposes of statistical analysis and evaluation of the WorkFirst program or any successor state welfare program to the department of social and health services, the office of financial management, and other governmental entities with oversight or evaluation responsibilities for the program in accordance with RCW 43.20A.080. The confidential information provided by the department shall remain the property of the department and may be used by the authorized requesting agencies only for statistical analysis, research, and evaluation purposes as provided in RCW 74.08A.410 and 74.08A.420. The department of social and health services, the office of financial management, or other governmental entities with oversight or evaluation responsibilities for the program are not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section and applicable federal laws and regulations must be satisfied. The confidential information used for evaluation and analysis of welfare reform supplied to the authorized requesting entities with regard to the WorkFirst program or any successor state welfare program are exempt from public inspection and copying under chapter 42.56 RCW.

(9) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is (a) directly connected to the official purpose for which the records or information were obtained or (b) to another governmental agency which would be permitted to obtain the records or information under subsection (4) or (5) of this section.

(10) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply.

(11)(a) To promote the reemployment of job seekers, the commissioner may enter into data-sharing contracts with partners of the one-stop career development system. The contracts shall provide for the transfer of data only to the extent that the transfer is necessary for the efficient provisions of workforce programs, including but not limited to public labor exchange, unemployment insurance, worker training and retraining, vocational rehabilitation, vocational education, adult education, transition from public assistance, and support services. The transfer of information under contracts with one-stop partners is exempt from subsection (1)(c) of this section.

(b) An individual who applies for services from the department and whose information will be shared under (a) of this subsection (11) must be notified that his or her private and confidential information in the department's records will be shared among the one-stop partners to facilitate the delivery of one-stop services to the individual. The notice must advise the individual that he or she may request that private and confidential information not be shared among the one-stop partners and the department must honor the request. In addition, the notice must:

(i) Advise the individual that if he or she requests that private and confidential information not be shared among one-stop partners, the request will in no way affect eligibility for services;

(ii) Describe the nature of the information to be shared, the general use of the information by one-stop partner representatives, and among whom the information will be shared;

(iii) Inform the individual that shared information will be used only for the purpose of delivering one-stop services and that further disclosure of the information is prohibited under contract and is not subject to disclosure under chapter 42.56 RCW; and

(iv) Be provided in English and an alternative language selected by the one-stop center or job service center as appropriate for the community where the center is located.

If the notice is provided in-person, the individual who does not want private and confidential information shared among the one-stop partners must immediately advise the one-stop partner

representative of that decision. The notice must be provided to an individual who applies for services telephonically, electronically, or by mail, in a suitable format and within a reasonable time after applying for services, which shall be no later than ten working days from the department's receipt of the application for services. A one-stop representative must be available to answer specific questions regarding the nature, extent, and purpose for which the information may be shared.

(12) To facilitate improved operation and evaluation of state programs, the commissioner may enter into data-sharing contracts with other state agencies only to the extent that such transfer is necessary for the efficient operation or evaluation of outcomes for those programs. The transfer of information by contract under this subsection is exempt from subsection (1)(c) of this section.

(13) The misuse or unauthorized release of records or information by any person or organization to which access is permitted by this chapter subjects the person or organization to a civil penalty of five thousand dollars and other applicable sanctions under state and federal law. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

**Sec. 7** RCW 50.12.070 and 2007 c 146 s 1 are each amended to read as follows:

(1)(a) Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his or her authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he or she deems necessary for the effective administration of this title.

(b) An employer who contracts with another person or entity for work subject to chapter 18.27 or 19.28 RCW shall obtain and preserve a record of the unified business identifier account number for and compensation paid to the person or entity performing the work. Failure to obtain or maintain the record is subject to RCW 39.06.010 and to a penalty determined by the commissioner, but not to exceed two hundred fifty dollars, to be collected as provided in RCW 50.24.120.

(2)(a) Each employer shall register with the department and obtain an employment security account number. Registration must include the names and social security numbers of the owners, partners, members, or corporate officers of the business, as well as their mailing addresses and telephone numbers and other information the commissioner may by rule prescribe. Registration of corporations must also include the percentage of stock ownership for each corporate officer, delineated by zero percent, less than ten percent, or ten percent or more. Any changes in the owners, partners, members, or corporate officers of the business, and changes in percentage of ownership of the outstanding shares of stock of the corporation, must be reported to the department at intervals prescribed by the commissioner under (b) of this subsection.

(b) Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the full names and social security numbers of all such workers, and the total hours worked by each worker and such other information as the commissioner may by regulation prescribe.

(c) If the employing unit fails or has failed to report the number of hours in a reporting period for which a worker worked, such number will be computed by the commissioner and given the same force and effect as if it had been reported by the employing unit. In computing the number of such hours worked, the total wages for the reporting period, as reported by the employing unit, shall be divided by the dollar amount of the state's minimum wage in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: PROVIDED, That although the computation so made

FIFTY-SEVENTH DAY, MARCH 10, 2008

will not be subject to appeal by the employing unit, monetary entitlement may be redetermined upon request if the department is provided with credible evidence of the actual hours worked. Benefits paid using computed hours are not considered an overpayment and are not subject to collections when the correction of computed hours results in an invalid or reduced claim; however:

(i) A contribution paying employer who fails to report the number of hours worked will have its experience rating account charged for all benefits paid that are based on hours computed under this subsection; and

(ii) An employer who reimburses the trust fund for benefits paid to workers and fails to report the number of hours worked shall reimburse the trust fund for all benefits paid that are based on hours computed under this subsection.

**Sec. 8** RCW 51.48.103 and 2003 c 53 s 283 are each amended to read as follows:

(1) It is a gross misdemeanor:

(a) For any employer to engage in business subject to this title without having obtained a certificate of coverage as provided for in this title;

(b) For the president, vice president, secretary, treasurer, or other officer of any company to cause or permit the company to engage in business subject to this title without having obtained a certificate of coverage as provided for in this title.

(2) It is a class C felony punishable according to chapter 9A.20 RCW:

(a) For any employer to engage in business subject to this title after the employer's certificate of coverage has been revoked by order of the department;

(b) For the president, vice president, secretary, treasurer, or other officer of any company to cause or permit the company to engage in business subject to this title after revocation of a certificate of coverage.

(3) An employer found to have violated this section shall, in addition to any other penalties, be subject to the penalties in section 3 of this act.

**Sec. 9** RCW 51.48.020 and 1997 c 324 s 1 are each amended to read as follows:

(1)(a) Any employer, who knowingly misrepresents to the department the amount of his or her payroll or employee hours upon which the premium under this title is based, shall be liable to the state for up to ten times the amount of the difference in premiums paid and the amount the employer should have paid and for the reasonable expenses of auditing his or her books and collecting such sums. Such liability may be enforced in the name of the department.

(b) An employer is guilty of a class C felony, if:

(i) The employer, with intent to evade determination and payment of the correct amount of the premiums, knowingly makes misrepresentations regarding payroll or employee hours; or

(ii) The employer engages in employment covered under this title and, with intent to evade determination and payment of the correct amount of the premiums, knowingly fails to secure payment of compensation under this title or knowingly fails to report the payroll or employee hours related to that employment.

(c) Upon conviction under (b) of this subsection, the employer shall be ordered by the court to pay the premium due and owing, a penalty in the amount of one hundred percent of the premium due and owing, and interest on the premium and penalty from the time the premium was due until the date of payment. The court shall:

(i) Collect the premium and interest and transmit it to the department of labor and industries; and

(ii) Collect the penalty and disburse it pro rata as follows: One-third to the investigative agencies involved; one-third to the prosecuting authority; and one-third to the general fund of the county in which the matter was prosecuted.

Payments collected under this subsection must be applied until satisfaction of the obligation in the following order: Premium payments; penalty; and interest.

(d) An employer found to have violated this subsection shall, in addition to any other penalties, be subject to the penalties in section 3 of this act.

(2) Any person claiming benefits under this title, who knowingly gives false information required in any claim or application under this title shall be guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW.

**Sec. 10** 2007 c 288 s 2 (uncodified) is amended to read as follows:

(1) The joint legislative task force on the underground economy in the Washington state construction industry is established. For purposes of this section, "underground economy" means contracting and construction activities in which payroll is unreported or underreported with consequent nonpayment of payroll taxes to federal and state agencies including nonpayment of workers' compensation and unemployment compensation taxes.

(2) The purpose of the task force is to formulate a state policy to establish cohesion and transparency between state agencies so as to increase the oversight and regulation of the underground economy practices in the construction industry in this state. To assist the task force in achieving this goal and to determine the extent of and projected costs to the state and workers of the underground economy in the construction industry, the task force shall contract with the institute for public policy, or, if the institute is unavailable, another entity with expertise capable of providing such assistance.

(3)(a) The task force shall consist of the following members:

(i) The chair and ranking minority member of the senate labor, commerce, research and development committee;

(ii) The chair and ranking minority member of the house of representatives commerce and labor committee;

(iii) Four members representing the construction business, selected from nominations submitted by statewide construction business organizations and appointed jointly by the president of the senate and the speaker of the house of representatives;

(iv) Four members representing construction laborers, selected from nominations submitted by statewide labor organizations and appointed jointly by the president of the senate and the speaker of the house of representatives.

(b) In addition, the employment security department, the department of labor and industries, and the department of revenue shall cooperate with the task force and shall each maintain a liaison representative, who is a nonvoting member of the task force. The departments shall cooperate with the task force and the institute for public policy, or other entity as appropriate, and shall provide information and data as the task force or the institute, or other entity as appropriate, may reasonably request.

(c) The task force shall choose its chair or co-chairs from among its legislative membership. The chairs of the senate labor, commerce, research and development committee and the house of representatives commerce and labor committee shall convene the initial meeting of the task force.

(4)(a) The task force shall use legislative facilities and staff support shall be provided by senate committee services and the house of representatives office of program research. Within available funding, the task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study.

(b) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The expenses of the task force will be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(5) The task force shall report its preliminary findings and recommendations to the legislature by January 1, 2008, and submit a final report to the legislature by December 31, 2008.

(6) This section expires July 1, ~~((2008))~~ 2009.

**NEW SECTION. Sec. 11** (1)(a) Three staff members, one being a working supervisor, must be added to the department of

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

labor and industries' fraud audit infraction and revenue contractor fraud team.

(b) The department of labor and industries and the employment security department shall hire more auditors to assist with their enforcement activities relating to the underground economy in the construction industry. At a minimum, the department of labor and industries shall hire three more auditors.

(2) If funds are made available in the 2008 supplemental budget, money must be dedicated to the attorney general's office to be used in the enforcement of contractor compliance cases.

**NEW SECTION. Sec. 12** A new section is added to chapter 18.27 RCW to read as follows:

The department shall create an expanded social marketing campaign using currently available materials and newly created materials as needed. This campaign should be aimed at consumers and warn them of the risks and potential consequences of hiring unregistered contractors or otherwise assisting in the furtherance of the underground economy. The campaign may include: Providing public service announcements and other similar materials, made available in English as well as other languages, to the media and to community groups; providing information on violations and penalties; and encouraging legitimate contractors and the public to report fraud.

**NEW SECTION. Sec. 13** A new section is added to chapter 43.22 RCW to read as follows:

(1) A pilot project must be established between the department and certain local jurisdictions to explore ways to improve the collection and sharing of building permit information. Participation must be voluntary for the local jurisdictions who participate, but one large city, some smaller cities, and at least one county are encouraged to participate.

(2) The department must report back to the appropriate committees of the legislature on the progress of the pilot project by November 15, 2013.

(3) The department may adopt rules to undertake the pilot project under this section.

(4) This section expires December 1, 2014.

**NEW SECTION. Sec. 14** An advisory committee must be organized by the Washington state institute for public policy with the assistance of the department of revenue, the department of labor and industries, and the employment security department, with a goal of establishing benchmarks for future monitoring of activities recommended by the task force on the underground economy in the construction industry. Benchmarks should measure the effect of task force recommendations to determine their efficiency and effectiveness and to determine if additional approaches should be explored. Establishment of these benchmarks along with a more concerted effort to develop data that answer the baseline question of the magnitude of the problem could be discussed in a legislative extension of the task force. The institute must provide a preliminary report to the senate labor, commerce, research and development committee and the house of representatives commerce and labor committee by December 31, 2008.

**NEW SECTION. Sec. 15** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 16** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 17** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6732.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6732.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6732 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6732, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6732, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator Pflug - 1

SECOND SUBSTITUTE SENATE BILL NO. 6732, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

At the request of the President, "Bumble Bee Rock" by the Ventures was played in the chamber in honor of the Ventures.

#### REMARKS BY THE PRESIDENT

President Owen: "Well, ladies and gentlemen of the Senate, the President took a little of his discretionary authority here to play a little classic rock music because, about three years ago, this August body chose to send a resolution to the Rock and Roll Hall of Fame asking that our own Ventures from Tacoma, Washington be inducted into the Rock and Roll Hall of Fame after selling over one-hundred and ten million albums and being ignored year after year, after year. Well, today's the day that they will be inducted into the Rock and Roll Hall of Fame, finally.

The President did pass around the Governor's proclamation that declares today 'Ventures Day' today and encourage you to get your 45s, your LPs, our eight-track cassettes, your cassettes, your CDs, your iPods and whatever else you have and play some Ventures music today. We just thought we'd start your day off with that. All right. Oh, and by the way, the President will that Senator McAuliffe did not get the right memo today. She thought we were honoring KISS today. If you notice those...The Ventures. I don't know where you find them but you do a...She's really only four foot, eleven."

#### PERSONAL PRIVILEGE

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

Senator Eide: "Mr. President, it's interesting that you would mention Senator McAuliffe because I had written it down. I was going to mention something about those wonderful boots too. Can't miss 'em."

## PERSONAL PRIVILEGE

Senator Marr: "I just wonder if, on your and my behalf, we could ask Senator McAuliffe where she got those shoes."

## REPLY BY THE PRESIDENT

President Owen: Laughs. "I don't get it."

## MOTION

There being no objection, on motion of Senator Eide, the following measures on the second and third reading calendar were referred to the Committee on Rules and placed in the "X" file.

Engrossed Second Substitute House Bill No. 1115  
 Engrossed Second Substitute House Bill No. 1332  
 House Bill No. 1345  
 Substitute House Bill No. 1346  
 House Bill No. 1403  
 Engrossed Substitute House Bill No. 1453  
 Substitute House Bill No. 1534  
 Substitute House Bill No. 1625  
 Substitute House Bill No. 1675  
 Engrossed Substitute House Bill No. 1727  
 Second Substitute House Bill No. 1734  
 House Bill No. 1775  
 Engrossed Fourth Substitute House Bill No. 1806  
 House Bill No. 2203  
 Substitute House Bill No. 2337  
 Substitute House Bill No. 2439  
 Substitute House Bill No. 2444  
 Substitute House Bill No. 2452  
 House Bill No. 2470  
 House Bill No. 2473  
 House Bill No. 2485  
 House Bill No. 2489  
 Substitute House Bill No. 2501  
 Second Substitute House Bill No. 2530  
 House Bill No. 2565  
 Substitute House Bill No. 2567  
 Substitute House Bill No. 2595  
 Engrossed Second Substitute House Bill No. 2631  
 House Bill No. 2651  
 House Bill No. 2655  
 Substitute House Bill No. 2670  
 House Bill No. 2728  
 House Bill No. 2740  
 House Bill No. 2761  
 House Bill No. 2764  
 Substitute House Bill No. 2811  
 Engrossed Substitute House Bill No. 2818  
 Substitute House Bill No. 2836  
 Engrossed Substitute House Bill No. 2864  
 House Bill No. 2894  
 House Bill No. 2909  
 Substitute House Bill No. 2925  
 Substitute House Bill No. 2986  
 House Bill No. 3006  
 Substitute House Bill No. 3059  
 Substitute House Bill No. 3069  
 Substitute House Bill No. 3103  
 Second Engrossed Substitute House Bill No. 3133  
 Engrossed Substitute House Bill No. 3148  
 Engrossed Substitute House Bill No. 3160  
 House Bill No. 3161  
 Engrossed Second Substitute House Bill No. 3180  
 Engrossed House Bill No. 3181

Substitute House Bill No. 3183  
 House Bill No. 3220  
 House Bill No. 3249  
 Substitute House Bill No. 3255  
 Engrossed House Bill No. 3276  
 Engrossed House Bill No. 3317  
 Second Substitute House Bill No. 3349  
 House Joint Memorial No. 4029  
 House Joint Memorial No. 4030  
 House Joint Memorial No. 4031  
 Substitute Senate Bill No. 5780  
 Substitute Senate Bill No. 6866

## MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

## MOTION

Senator Delvin moved adoption of the following resolution:

SENATE RESOLUTION  
8710

By Senators Delvin, Franklin, Haugen, Rockefeller, Rasmussen, Prentice, Benton, McCaslin, Brandland, Carrell, Holmquist, Roach, Shin, Morton, Pridemore, Tom, Hobbs, Marr, King, Hatfield, and Eide

WHEREAS, Freemasons, whose long lineage extends to before Washington achieved statehood, have set an example of high moral standards and charity for all people; and

WHEREAS, The founding fathers of this great State of Washington, many of whom were Freemasons, provided a well-rounded basis for developing themselves and others into valuable citizens of Washington; and

WHEREAS, Members of the Masonic Fraternity, both individually and as an organization, continue to make invaluable charitable contributions of service to the State of Washington; and

WHEREAS, The Masonic Fraternity continues to provide for the charitable relief and education of the citizens of Washington; and

WHEREAS, The Masonic Fraternity is deserving of formal recognition of their long history of caregiving for the citizenry and their example of high moral standards;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the thousands of Freemasons of Washington and honor them for their many contributions to our state throughout its history; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Freemasons of Washington.

Senators Delvin, Haugen and Benton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8710.

The motion by Senator Delvin carried and the resolution was adopted by voice vote.

## INTRODUCTION OF SPECIAL GUESTS

The President recognized former Representative Brian Thomas, Grand Master of the Freemasons of Washington; the Most Worshipful Wayne I. Smith, Grand Master; and other Freemasons of Washington who were present in the gallery.

## MOTION

At 11:03 a.m., on motion of Senator Eide, the Senate the Senate recessed until 1:00 p.m.

FIFTY-SEVENTH DAY, MARCH 10, 2008  
AFTERNOON SESSION

2008 REGULAR SESSION

The Senate was called to order at 1:00 a.m. by President Owen.

At the request of the President, "Walk Don't Run" by the Ventures was played in the chamber in honor of the Ventures who were to be inducted into the Rock and Roll Hall of Fame and Museum in Cleveland, Ohio later in the day.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 2008

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,
  - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1621,
  - SECOND SUBSTITUTE HOUSE BILL NO. 2557,
  - SUBSTITUTE HOUSE BILL NO. 2602,
  - SUBSTITUTE HOUSE BILL NO. 2779,
  - HOUSE BILL NO. 2781,
  - HOUSE BILL NO. 2887,
  - SUBSTITUTE HOUSE BILL NO. 2963,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 3166,
  - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3186,
  - SUBSTITUTE HOUSE BILL NO. 3283,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

- ENGROSSED SENATE BILL NO. 5927,
- SENATE BILL NO. 6204,
- SUBSTITUTE SENATE BILL NO. 6306,
- SUBSTITUTE SENATE BILL NO. 6317,
- SUBSTITUTE SENATE BILL NO. 6340,
- SUBSTITUTE SENATE BILL NO. 6423,
- SUBSTITUTE SENATE BILL NO. 6602,
- SUBSTITUTE SENATE BILL NO. 6678,
- SUBSTITUTE SENATE BILL NO. 6726,

MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6739, with the following amendment: 6739 AMH HCW H5784.2

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 71.05.020 and 2007 c 375 s 6 and 2007 c 191 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapters 70.96A and 70.96B RCW;

(10) "Designated crisis responder" means a mental health professional appointed by the county or the regional support network to perform the duties specified in this chapter;

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(12) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(13) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(14) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

(15) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests

FIFTY-SEVENTH DAY, MARCH 10, 2008

severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(18) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(19) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(20) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(22) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(23) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(24) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(25) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(26) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(27) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, which is conducted for, or includes a

2008 REGULAR SESSION

department or ward conducted for, the care and treatment of persons who are mentally ill;

(28) "Professional person" means a mental health professional and shall also mean a physician, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(29) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing.

(30) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

~~((30))~~ (31) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((31))~~ (32) "Public agency" means any evaluation and treatment facility or institution, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

~~((32))~~ (33) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

~~((33))~~ (34) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((34))~~ (35) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((35))~~ (36) "Secretary" means the secretary of the department of social and health services, or his or her designee;

~~((36))~~ (37) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

~~((37))~~ (38) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others;

~~((38))~~ (39) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 2 RCW 71.05.215 and 1997 c 112 s 16 are each amended to read as follows:

(1) A person found to be gravely disabled or presents a likelihood of serious harm as a result of a mental disorder has a right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication in the best interest of that person.

(2) The department shall adopt rules to carry out the purposes of this chapter. These rules shall include:

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(a) An attempt to obtain the informed consent of the person prior to administration of antipsychotic medication.

(b) For short-term treatment up to thirty days, the right to refuse antipsychotic medications unless there is an additional concurring medical opinion approving medication by a psychiatrist, psychiatric advanced registered nurse practitioner, or physician in consultation with a mental health professional with prescriptive authority.

(c) For continued treatment beyond thirty days through the hearing on any petition filed under RCW (~~71.05.370(7)~~) 71.05.217, the right to periodic review of the decision to medicate by the medical director or designee.

(d) Administration of antipsychotic medication in an emergency and review of this decision within twenty-four hours. An emergency exists if the person presents an imminent likelihood of serious harm, and medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and in the opinion of the physician or psychiatric advanced registered nurse practitioner, the person's condition constitutes an emergency requiring the treatment be instituted prior to obtaining a second medical opinion.

(e) Documentation in the medical record of the ~~(physician's)~~ attempt by the physician or psychiatric advanced registered nurse practitioner to obtain informed consent and the reasons why antipsychotic medication is being administered over the person's objection or lack of consent.

**Sec. 3** RCW 71.05.217 and 1997 c 112 s 31 are each amended to read as follows:

Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(1) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(2) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(3) To have access to individual storage space for his or her private use;

(4) To have visitors at reasonable times;

(5) To have reasonable access to a telephone, both to make and receive confidential calls;

(6) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(7) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.320(~~(2)~~) (3) or the performance of electroconvulsant therapy or surgery, except emergency life-saving surgery, unless ordered by a court of competent jurisdiction pursuant to the following standards and procedures:

(a) The administration of antipsychotic medication or electroconvulsant therapy shall not be ordered unless the petitioning party proves by clear, cogent, and convincing evidence that there exists a compelling state interest that justifies overriding the patient's lack of consent to the administration of antipsychotic medications or electroconvulsant therapy, that the proposed treatment is necessary and effective, and that medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective.

(b) The court shall make specific findings of fact concerning: (i) The existence of one or more compelling state interests; (ii) the necessity and effectiveness of the treatment; and (iii) the person's desires regarding the proposed treatment. If the patient is unable to make a rational and informed decision

about consenting to or refusing the proposed treatment, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

(c) The person shall be present at any hearing on a request to administer antipsychotic medication or electroconvulsant therapy filed pursuant to this subsection. The person has the right: (i) To be represented by an attorney; (ii) to present evidence; (iii) to cross-examine witnesses; (iv) to have the rules of evidence enforced; (v) to remain silent; (vi) to view and copy all petitions and reports in the court file; and (vii) to be given reasonable notice and an opportunity to prepare for the hearing. The court may appoint a psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for electroconvulsant therapy is sought.

(d) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

(e) Any person detained pursuant to RCW 71.05.320(~~(2)~~) (3), who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in ~~(RCW 71.05.217(7))~~ this subsection.

(f) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order pursuant to RCW 71.05.215(2) or under the following circumstances:

(i) A person presents an imminent likelihood of serious harm;

(ii) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

(iii) In the opinion of the physician or psychiatric advanced registered nurse practitioner with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician or psychiatric advanced registered nurse practitioner with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

(8) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

(9) Not to have psychosurgery performed on him or her under any circumstances."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Senate Bill No. 6739.

Senator Franklin spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

#### MOTION

On motion of Senator Regala, Senators Brown and Prentice were excused.

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Senate Bill No. 6739.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6739 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6739, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6739, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 44

Absent: Senators Hargrove and Kline - 2

Excused: Senators Brown, Prentice and Zarelli - 3

SENATE BILL NO. 6739, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6743, with the following amendment: 6743-S AMH ENGR H5987.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 28A.155 RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, by September 1, 2008, the office of the superintendent of public instruction shall print and distribute the autism guidebook as developed by the caring for Washington individuals with autism task force and make it and other relevant materials available through the department of health, department of social and health services, and the office of the superintendent of public instruction web sites and other methods as appropriate. The office of the superintendent of public instruction shall provide copies of the autism guidebook to educational service districts, school districts, and appropriate school level employees, as well as to those parent advocacy groups and other educational staff who request copies. The autism guidebook shall include, but

not be limited to, the following guidelines to address the unique needs of students with autism:

(a) Extended educational programming, including extended day and extended school year services, that consider the duration of programs and settings based on an assessment of behavior, social skills, communication, academics, and self-help skills;

(b) Daily schedules reflecting minimal unstructured time and active engagement in learning activities, including lunch, snack, and recess, and providing flexibility within routines that are adaptable to individual skill levels and assist with schedule changes, such as field trips, substitute teachers, and pep rallies;

(c) In-home and community-based training or a viable alternative that assists the student with acquisition of social and behavioral skills, including strategies that facilitate maintenance and generalization of those skills from home to school, school to home, home to community, and school to community;

(d) Positive behavior support strategies based on information, such as:

(i) Antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and

(ii) A behavior intervention plan developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings;

(e) Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;

(f) Parent and family training and support, provided by qualified personnel with experience in autism spectrum disorder, that:

(i) Provides a family with skills necessary for a child to succeed in the home and community setting;

(ii) Includes information regarding resources such as parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching and management techniques related to the child's curriculum; and

(iii) Facilitates parental carryover of in-home training and includes strategies for behavior management and developing structured home environments and communication training so that parents are active participants in promoting the continuity of interventions across all settings;

(g) A suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social and behavioral progress based on the child's developmental and learning level, including acquisition, fluency, maintenance, and generalization, that encourages work towards individual independence as determined by:

(i) Adaptive behavior evaluation results;

(ii) Behavioral accommodation needs across settings; and

(iii) Transitions within the school day;

(h) Communication interventions, including language forms and functions that enhance effective communication across settings, such as augmentative, incidental, and naturalistic teaching;

(i) Social skills supports and strategies based on social skills assessment and curriculum and provided across settings, for example trained peer facilitators such as a circle of friends, video modeling, social stories, and role playing;

(j) Professional educator and staff support, such as training provided to personnel who work with students to assure the correct implementation of techniques and strategies described in the individualized education programs; and

(k) Teaching strategies based on peer reviewed and research-based practices for students with autism spectrum disorder, such as those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training.

(2) By December 1, 2008, the professional educator standards board and the office of the superintendent of public

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

instruction shall, in collaboration with the educational service districts, local school districts, and the autism center at the University of Washington as appropriate, develop recommendations for autism awareness instruction and methods of teaching students with autism for all educator preparation and professional development programs. It is the intent of the legislature that the recommendations shall be designed with the goal of ensuring that educators and classified staff who work with children with autism are well prepared and up-to-date on the most effective methods of teaching children with autism. The recommendations shall be submitted to the governor and the education committees of the legislature and shall be made available to school districts on the office of the superintendent of public instruction's web site. The professional educator standards board and the office of the superintendent of public instruction may each submit its recommendations separately or the recommendations may be submitted jointly. The recommendations shall at a minimum:

(a) Establish a date by which all candidates for a Washington instructional certificate shall be required to satisfactorily complete instruction in autism awareness and methods of teaching students with autism at an accredited institution of higher education; and

(b) Establish appropriate professional development requirements for existing teachers that incorporate methods for teaching students with autism.

(3) If the legislature formally approves the recommendations through the omnibus appropriations act or by statute or concurrent resolution, by July 1, 2009, each school district shall use the recommendations developed under subsection (2) of this section to develop and adopt a school district policy regarding recommended and required professional development for teachers and appropriate classified staff.

**NEW SECTION. Sec. 2** A new section is added to chapter 28A.155 RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, by September 1, 2008, the office of the superintendent of public instruction, in collaboration with the department of health, the department of social and health services, educational service districts, local school districts, the autism center at the University of Washington, and the autism society of Washington, shall distribute information on child find responsibilities under Part B and Part C of the federal individuals with disabilities education act, as amended, to agencies, districts, and schools that participate in the location, evaluation, and identification of children who may be eligible for early intervention services or special education services.

(2) To the extent funds are made available, by September 1, 2008, the office of the superintendent of public instruction, in collaboration with the department of health and the department of social and health services, shall develop posters to be distributed to medical offices and clinics, grocery stores, and other public places with information on autism and how parents can gain access to the diagnosis and identification of autism and contact information for services and support. These must be made available on the internet for ease of distribution."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6743.  
Senator Rasmussen spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Hargrove and Kline were excused.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6743.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6743 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6743, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6743, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Excused: Senators Brown, Kline and Zarelli - 3

SUBSTITUTE SENATE BILL NO. 6743, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6751, with the following amendment: 6751-S AMH CL H5743.1

On page 5, line 20, after "council" insert "Benefits are payable beginning Sunday of the week prior to the week in which the individual begins active participation in the apprenticeship program" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6751.

Senator Kohl-Welles spoke in favor of the motion.  
Senator Holmquist spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6751.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6751 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6751, as amended by the House.

FIFTY-SEVENTH DAY, MARCH 10, 2008  
ROLL CALL

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6751, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 16

Excused: Senator Brown - 1

SUBSTITUTE SENATE BILL NO. 6751, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6761, with the following amendment: 6761-S AMH ENGR H5845.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 90.84.030 and 1998 c 248 s 4 are each amended to read as follows:

(1) Subject to the requirements of this chapter, the department, through a collaborative process, shall adopt rules for:

((+)) (a) Certification, operation, and monitoring of wetlands mitigation banks. The rules shall include procedures to assure that:

((+)) (i) Priority is given to banks providing for the restoration of degraded or former wetlands;

((+)) (ii) Banks involving the creation and enhancement of wetlands are certified only where there are adequate assurances of success and that the bank will result in an overall environmental benefit; and

((+)) (iii) Banks involving the preservation of wetlands or associated uplands are certified only when the preservation is in conjunction with the restoration, enhancement, or creation of a wetland, or in other exceptional circumstances as determined by the department consistent with this chapter;

((+)) (b) Determination and release of credits from banks. Procedures regarding credits shall authorize the use and sale of credits to offset adverse impacts and the phased release of credits as different levels of the performance standards are met;

((+)) (c) Public involvement in the certification of banks, using existing statutory authority;

((+)) (d) Coordination of governmental agencies, including early notification of the local government where the bank is located;

((+)) (e) Establishment of criteria for determining service areas for each bank in accordance with subsection (2) of this section;

((+)) (f) Performance standards; and

((+)) (g) Long-term management, financial assurances, and remediation for certified banks.

(2) The criteria for determining service areas under subsection (1)(e) of this section shall include a requirement that restricts the maximum extent of the service area of a wetlands

mitigation bank to the water resource inventory area (WRIA) as established under chapter 173-500 WAC in which the bank is located except where a service area may include parts of other WRIAs if it is ecologically defensible and appropriate.

(3) Before adopting rules under this chapter, the department shall submit the proposed rules to the appropriate standing committees of the legislature. By January 30, 1999, the department shall submit a report to the appropriate standing committees of the legislature on its progress in developing rules under this chapter.

**Sec. 2** RCW 90.84.040 and 1998 c 248 s 5 are each amended to read as follows:

(1) The department may certify only those banks that meet the requirements of this chapter. Certification shall be accomplished through a banking instrument. The local jurisdiction in which the bank is located shall be signatory to the banking instrument.

(2) For a bank for which an application for a banking instrument was filed January 1, 2008, or thereafter, the department may not certify a bank without local approval of the bank. The local jurisdiction in which the bank is located has final approval over the certification of the mitigation bank. If the local government approves the bank, it shall be a signatory to the banking instrument.

(3) State agencies and local governments may approve use of credits from a bank for any mitigation required under a permit issued or approved by that state agency or local government to compensate for the proposed impacts of a specific public or private project."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6761.

Senator Murray spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6761.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6761 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6761, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6761, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Tom - 46

Voting nay: Senator Zarelli - 1

Absent: Senator Weinstein - 1

Excused: Senator Brown - 1

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

SUBSTITUTE SENATE BILL NO. 6761, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6804.  
Senator Kilmer spoke in favor of the motion.

MESSAGE FROM THE HOUSE

MOTION

March 6, 2008

On motion of Senator Regala, Senator Weinstein was excused.

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6804, with the following amendment: 6804-S AMH CB H5881.1

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6804.

Strike everything after the enacting clause and insert the following:

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6804 by voice vote.

**"NEW SECTION. Sec. 1** A new section is added to chapter 28B.50 RCW to read as follows:

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6804, as amended by the House.

(1) Subject to funding provided specifically for the purposes of this section, the state board for community and technical colleges, in consultation with the exclusive bargaining representative of individual providers under RCW 74.39A.270, shall allocate capital grants on a competitive basis to up to four community college pilot sites for the delivery of training and workforce development services for long-term care workers required under chapter 74.39A RCW. Moneys must be used to renovate or expand existing community college facilities, or to acquire land and facilities in close proximity to a community college campus, to accommodate programs that provide home and community-like long-term care settings, including the installation of durable medical equipment such as assistive devices, lifts, and remote technologies. Community colleges eligible to participate in the pilot program must be located in a county with a population of two hundred thousand or more. Priority consideration must be given to community college applicants: (a) With existing allied health care programs; and (b) that can demonstrate tangible commitments to the project by business or other community partners.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6804, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

(2) This section expires July 1, 2015.

**NEW SECTION. Sec. 2** A new section is added to chapter 28B.50 RCW to read as follows:

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 47

Excused: Senators Brown and Weinstein - 2

By December 1, 2014, the state board for community and technical colleges shall file a report with the capital budget and higher education committees of the legislature regarding the pilot program created in section 1 of this act. With respect to each community college pilot site, the report shall include the following:

SUBSTITUTE SENATE BILL NO. 6804, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2008

(1) The number of long-term care workers trained prior to the college's participation in the pilot program and duration or extent of such training;

MR. PRESIDENT:

(2) The number of long-term care workers trained subsequent to the college's participation in the pilot program and duration or extent of such training;

The House has passed SUBSTITUTE SENATE BILL NO. 6805, with the following amendment: 6805-S AMH APP H5893.1

(3) The identity of community and business partners providing tangible commitments to each pilot site, together with a detailed description of those tangible commitments; and

Strike everything after the enacting clause and insert the following:

(4) The amount of the grant moneys received, dates of receipt, and a detailed description, including costs, of the renovation, expansion, and acquisitions associated with the grant moneys.

**"NEW SECTION. Sec. 1** (1) The legislature finds that:

**NEW SECTION. Sec. 3** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act or the omnibus capital appropriations act, this act is null and void."

(a) Farmers and small forest landowners should be encouraged through the use of incentives to conserve and restore natural areas on their farms and small tree farming operations in ways that improve the long-term viability of these operations by providing ongoing revenue to these operations without taking whole farms or significant amounts of farmland or small tree farming operations out of production;

Correct the title.

and the same are herewith transmitted.

(b) Farmers and small forest landowners have the ability to produce restoration products as well as implement conservation practices on their productive agricultural lands and small tree farms in a way that is likely to be useful to fulfill the mitigation, compliance, and other environmental needs of public agencies such as the Washington state department of transportation, and to meet other market demands such as the availability of feed or

BARBARA BAKER, Chief Clerk

FIFTY-SEVENTH DAY, MARCH 10, 2008

conditions for overwintering of migratory waterfowl or for conserving and enhancing fish and wildlife habitat;

(c) Family farmers and family-owned small tree farming operations currently produce environmental benefits that would cost millions of dollars to replace with man-made infrastructure. Among these benefits are water filtration, floodwater dispersal, fish and wildlife habitat, open spaces, and scenic views;

(d) Other communities in the United States have established conservation markets in which landowners are paid to produce such restoration products; and

(e) The use of such markets could provide much needed income to sustain the viability of Washington farmers and small forest landowners, meet mitigation and compliance needs, accelerate permitting of public infrastructure, and provide environmental benefits.

(2) Therefore, the legislature finds that it is good public policy to evaluate the feasibility and potential effectiveness of conservation markets in Washington state that provide dual benefits of improving the viability of agriculture and providing environmental or fish and wildlife benefits.

**NEW SECTION. Sec. 2** (1) Subject to the availability of amounts appropriated for this purpose, the commission shall conduct a study to evaluate the feasibility and desirability of establishing farm-based or forest-based conservation markets in Washington. The commission may enter into a contract with an entity that has the knowledge and experience of agriculture and of conservation markets for this effort. The commission, entity, or both shall:

(a) Evaluate other conservation markets in operation in the United States that provide ongoing revenue to improve the long-term viability of family farms and small forestry operations, including those focused on water quality trading, endangered species conservation banking, rental of environmental benefits, and wetland banking, to determine relevant lessons for Washington conservation markets;

(b) Collaborate with Washington farm organizations, small forestry landowner organizations, key farm community leaders, agricultural special purpose districts, local governments, and relevant natural resource agencies to:

(i) Determine interests, needs, and concerns about participating in a conservation market;

(ii) Assess the market-ready environmental maintenance, restoration, and enhancement products that could profitably and dependably be produced on farms and small forestry operations, including endangered species habitat, wetlands, water quality treatment, carbon sequestration, biodiversity, and other fish and wildlife habitat; and

(iii) Identify opportunities for conservation markets that could provide ongoing revenue to improve the long-term viability of family farming and small forestry operations and could supplement existing conservation programs currently used by landowners, such as the conservation reserve enhancement program, and increased use of the public benefit rating system;

(c) Work with the Washington state department of transportation, utility districts, local road departments, and other public agencies to determine potential demand for restoration products produced on farms and small forestry operations to fulfill upcoming mitigation and compliance needs. The underlying analysis shall emphasize demand associated with construction of roads, utilities, and other public structures, as well as periodic repermitting of wastewater and other public utilities;

(d) Forecast market activity, including the potential supply of restoration products, including those produced through existing restoration programs, and the potential demand for such products to address mitigation, compliance, and other environmental needs and other market demands. This analysis shall also identify services, materials, technical assistance, financing, and other support that would facilitate the use of conservation markets;

(e) Consult with the Washington departments of ecology and fish and wildlife, the United States army corps of engineers, and local government permitting agencies to determine their willingness to use farm-produced restoration products to fulfill mitigation and compliance needs and also evaluate changes in rules and policy that would facilitate permitting of conservation market activities;

(f) Consult with the Northwest Indian fisheries commission and individual Indian tribes to determine their interest in and potential support of conservation markets;

(g) Coordinate with the department of agriculture regarding the "Future of Farming" project, the William D. Ruckelshaus Center on its activities relating to chapter 353, Laws of 2007, the office of farmland preservation and the office's efforts to retain farmland in agricultural production, the Washington biodiversity project, the department of ecology regarding its "Mitigation that Works" project, and the office of regulatory assistance on its integrated project review and mitigation project to ensure consistency with these efforts; and

(h) Develop findings and recommendations on the feasibility and desirability of creating farm-based and forest-based conservation markets in Washington state.

(2) If the study determines that farm-based conservation markets are feasible and desirable, the commission, contracting entity, or both, shall conduct two demonstration projects in Washington farm communities. The commission, entity, or both shall:

(a) Select demonstration project areas that have a combination of enthusiastic farmers, a substantial supply of potential restoration products from farms, potential for public and private cost-sharing of project costs, and upcoming development or permitting activity that is likely to trigger significant mitigation and compliance demands;

(b) Identify and map areas of highly productive agricultural activity and work with the departments of ecology and fish and wildlife to identify locations of high-priority wetland and habitat restoration or water quality improvement to ensure that conservation market-driven restoration does not infringe on highly productive farmland;

(c) Identify up to three potential credit transactions in each demonstration project area and work with relevant farmers, permittees, and permitting agencies to facilitate transactions in mitigation and compliance credits;

(d) Work with the department of ecology and other relevant permitting agencies to develop standards for approval of conservation market transactions to fulfill mitigation and compliance requirements and to identify priority areas for focusing conservation market sites based on the highest ecological benefits for the watershed and the restoration of ecosystem processes that minimize impacts to high quality agricultural lands;

(e) Work with conservation districts to determine district interest in participation in a conservation markets program, including a determination of district capacity and resources to participate in such a program;

(f) Evaluate options for facilitating conservation market transactions, including the use of farmer cooperatives, brokerage services, and banks; and

(g) Develop findings on the results of the demonstration projects and the implications for broader use of farm-based conservation markets in Washington state.

(3) As used in this act:

(a) "Commission" means the Washington state conservation commission.

(b) "Conservation market" means a farm or forest-based market for selling credits for wetland or habitat restoration or water quality cleanup to agencies in need of such credits to fulfill environmental mitigation, compliance requirements, and other environmental needs. The term shall also be broadly interpreted to include any program that provides ongoing revenue to sustain the long-term viability of farms and small

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

forestry operations as a result of maintaining or enhancing environmental benefits such as open space, fish and wildlife habitat, floodwater dispersal, water filtration, buffers from more intense development, or any other environmental benefit resulting from the ongoing operation of the farm.

(c) "Small forest landowner" has the same meaning as in RCW 76.09.450.

(4) The commission shall present findings and recommendations from the conservation markets study to the governor and appropriate committees of the legislature by December 1, 2008. The findings and recommendations shall include:

(a) Findings regarding the match between the availability of farm-produced and forestry-produced restoration products and the demand for such products associated with mitigation and compliance for public agency projects and activities in the demonstration project area;

(b) Findings regarding the interests and capabilities of farmers, small forest landowners, public development agencies, and permitting agencies to participate in the demonstration conservation market;

(c) Findings regarding the likelihood that farm-based and forest-based conservation markets could provide a successful mechanism for addressing mitigation, compliance, and other environmental needs for public construction projects and permitting of public utilities; and

(d) Recommendations on whether to proceed to the initiation of demonstration projects.

(5) If the project proceeds into the demonstration project phase, the commission shall present findings and recommendations regarding the conservation markets' demonstration projects to the governor and appropriate committees of the legislature by December 1, 2009. The findings and recommendations shall include:

(a) Findings on the ability to produce conservation market-ready restoration and clean-up projects without infringing on high-quality farmland;

(b) Findings on standards for review and approval of conservation market transactions in permitting processes;

(c) Findings on potential conservation market transactions in the demonstration project areas;

(d) Recommendations on measures that the Washington state department of transportation and other state agencies can take to facilitate their use of conservation markets to fulfill mitigation and compliance needs and waterfowl or wildlife habitat enhancement goals;

(e) Recommendations on support services that could be provided by state agencies to facilitate conservation markets throughout Washington, including but not limited to financing, permit assistance, technical assistance, materials, and other services.

(6) This section expires December 31, 2009.

**NEW SECTION. Sec. 3** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6805.  
Senator Rasmussen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6805.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6805 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6805, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6805, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Absent: Senator Tom - 1

Excused: Senator Brown - 1

SUBSTITUTE SENATE BILL NO. 6805, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6807, with the following amendment: 6807-S AMH .... KNUT 091

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.20 RCW to read as follows:

(1) If a boarding home voluntarily withdraws from participation in a state medicaid program for residential care and services under Chapter 74.39A, but continues to provide services of the type provided by boarding homes the facility's voluntary withdrawal from participation is not an acceptable basis for the transfer or discharge of residents of the facility (a) who were receiving medicaid on the day before the effective date of the withdrawal; or (b) who have been paying the facility privately for at least two years and who become eligible for medicaid within one hundred eighty days of the date of withdrawal.

(2) A boarding home that has withdrawn from the state medicaid program for residential care and services under Chapter 74.39A, must provide the following oral and written notices to prospective residents. The written notice must be prominent and must be written on a page that is separate from the other admission documents. The notice shall provide that:

(a) The facility will not participate in the medicaid program with respect to that resident; and

(b) The facility may transfer or discharge the resident from the facility for nonpayment, even if the resident becomes eligible for medicaid.

(3) Notwithstanding any other provision of this section, the medicaid contract under Chapter 74.39A RCW that exists on the day the facility withdraws from Medicaid participation is deemed to continue in effect as to the persons described in subsection (1) for the purposes of:

FIFTY-SEVENTH DAY, MARCH 10, 2008

(a) Department payments for the residential care and services provided to such persons;

(b) Maintaining compliance with all requirements of the medicaid contract between the department and the facility; and

(c) Ongoing inspection, contracting, and enforcement authority under the medicaid contract, regulations, and law.

(4) Except as provided in subsections (1) of this section, this section shall not apply to a person who begins residence in a facility on or after the effective date of the facility's withdrawal from participation in the medicaid program for residential care and services.

(5) A boarding home that is providing residential care and services under Chapter 74.39A shall give the department and its residents sixty days advance notice of the facility's intent to withdraw from participation in the medicaid program.

(6) (a) Prior to admission to the facility, a boarding home participating in the state medicaid program for residential care and services under Chapter 74.39A must provide the following oral and written notices to prospective residents. The written notice must be prominent and must be written on a page that is separate from the other admission documents, and must provide that:

(i) In the future, the facility may choose to withdraw from participating in the medicaid program;

(ii) If the facility withdraws from the medicaid program, it will continue to provide services to residents (A) who were receiving medicaid on the day before the effective date of the withdrawal; or (B) who have been paying the facility privately for at least two years and who will become eligible for medicaid within one hundred eighty days of the date of withdrawal;

(iii) After a facility withdraws from the medicaid program, it may transfer or discharge residents who do not meet the criteria described in this subsection (a) for nonpayment, even if the resident becomes eligible for medicaid.

**Sec. 2.** RCW 70.129.110 and 1997 c 392 s 205 are each amended to read as follows:

(1) The facility must permit each resident to remain in the facility, and not transfer or discharge the resident from the facility unless:

(a) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(b) The safety of individuals in the facility is endangered;

(c) The health of individuals in the facility would otherwise be endangered;

(d) The resident has failed to make the required payment for his or her stay; or

(e) The facility ceases to operate.

(2) All long-term care facilities shall fully disclose to potential residents or their legal representative the service capabilities of the facility prior to admission to the facility. If the care needs of the applicant who is medicaid eligible are in excess of the facility's service capabilities, the department shall identify other care settings or residential care options consistent with federal law.

(3) All long-term care facilities shall fully disclose in writing to residents and potential residents or their legal representative the facility policy on accepting medicaid as a payment source. The policy shall clearly and plainly state the circumstances under which the facility will care for persons who are eligible for medicaid upon admission or who may later become eligible for medicaid. Disclosure must be provided prior to admission, and the facility must retain a copy of the disclosure signed by the resident or their legal representative. The facility policy on medicaid as a payment source as of the date of the resident's admission to the facility shall be considered a legally binding contract between the resident and the facility.

((3))(4) Before a long-term care facility transfers or discharges a resident, the facility must:

(a) First attempt through reasonable accommodations to avoid the transfer or discharge, unless agreed to by the resident;

(b) Notify the resident and representative and make a

2008 REGULAR SESSION

reasonable effort to notify, if known, an interested family member of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand;

(c) Record the reasons in the resident's record; and

(d) Include in the notice the items described in subsection ((5))(6) of this section.

((4))(5)(a) Except when specified in this subsection, the notice of transfer or discharge required under subsection ((3))(4) of this section must be made by the facility at least thirty days before the resident is transferred or discharged.

(b) Notice may be made as soon as practicable before transfer or discharge when:

(i) The safety of individuals in the facility would be endangered;

(ii) The health of individuals in the facility would be endangered;

(iii) An immediate transfer or discharge is required by the resident's urgent medical needs; or

(iv) A resident has not resided in the facility for thirty days.

((5))(6) The written notice specified in subsection ((3))(4) of this section must include the following:

(a) The reason for transfer or discharge;

(b) The effective date of transfer or discharge;

(c) The location to which the resident is transferred or discharged;

(d) The name, address, and telephone number of the state long-term care ombudsman;

(e) For residents with developmental disabilities, the mailing address and telephone number of the agency responsible for the protection and advocacy of developmentally disabled individuals established under part C of the developmental disabilities assistance and bill of rights act; and

(f) For residents who are mentally ill, the mailing address and telephone number of the agency responsible for the protection and advocacy of mentally ill individuals established under the protection and advocacy for mentally ill individuals act.

((6))(7) A facility must provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility.

((7))(8) A resident discharged in violation of this section has the right to be readmitted immediately upon the first availability of a gender-appropriate bed in the facility.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 2 which applies retroactively to September 1, 2007." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6807.

Senators Kastama and Pflug spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6807.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6807 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6807, as amended by the House.

ROLL CALL

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6807, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators McCaslin and Morton - 2

Excused: Senator Brown - 1

SUBSTITUTE SENATE BILL NO. 6807, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6874, with the following amendment: 6874-S2.E AMH ENGR H5875.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 90.90 RCW to read as follows:

(1) In 2006, the legislature enacted chapter 6, Laws of 2006, an act relating to water resource management in the Columbia river basin. In its enactment, the legislature established that a key priority of water resource management in the Columbia river basin is the development of new water supplies to meet economic and community development needs concurrent with instream flow needs.

(2) Consistent with this intent, the governor and the legislature are in agreement with the Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians to support additional releases of water from Lake Roosevelt. Because the sovereign and proprietary interests of these tribal governments are directly affected by water levels in Lake Roosevelt, the state intends to share a portion of the benefits derived from Lake Roosevelt water releases and to mitigate for any impacts such releases may have upon the tribes.

(3) These new releases of Lake Roosevelt water of approximately eighty-two thousand five hundred acre feet of water, increasing to no more than one hundred thirty-two thousand five hundred acre feet of water in drought years, will bolster the state economy and will meet the following critical needs: New surface water supplies for farmers to replace the use of diminishing groundwater in the Odessa aquifer; new water supplies for municipalities with pending water right applications; enhanced certainty for agricultural water users with water rights that are interruptible during times of drought; and water to increase flows in the river when salmon need it most.

(4) Nothing in chapter . . . , Laws of 2008 (this act) expands, impairs, or otherwise affects the existing status and sovereignty of the tribal governments involved in Lake Roosevelt water releases pursuant to this section and section 2 of this act.

**NEW SECTION. Sec. 2** A new section is added to chapter 90.90 RCW to read as follows:

(1) The Columbia river water delivery account is created in the state treasury. Moneys in the account may be spent only after appropriation. The account consists of all moneys

transferred or appropriated to the account by law. The legislature may appropriate moneys in the account:

(a) For distributions for purposes of section 1 of this act as provided in this section; and

(b) To the department of ecology for other purposes relating to implementation of sections 1 and 3 of this act.

(2) On July 1, 2008, and each July 1st thereafter for the duration of the agreements described in section 1 of this act, the state treasurer shall transfer moneys from the general fund into the Columbia river water delivery account in the amounts described in subsection (3) of this section.

(3) Subject to appropriations, on July 1, 2008, and each July 1st thereafter, the state treasurer shall distribute moneys from the Columbia river water delivery account as follows:

(a) To the Confederated Tribes of the Colville Reservation, on July 1, 2008, the sum of three million seven hundred seventy-five thousand dollars; and on July 1, 2009, the sum of three million six hundred twenty-five thousand dollars. Each July 1st thereafter for the duration of the agreement, the treasurer shall distribute an amount equal to the previous year's distribution adjusted for inflation. The inflation adjustment shall be computed using the percentage change on the implicit price deflator for personal consumption expenditures for the United States for the previous calendar year, as compiled by the bureau of economic analysis of the United States department of commerce and reported in the most recent quarterly publication of the economic and revenue forecast council or successor agency.

(b) To the Spokane Tribe of Indians, on July 1, 2008, the sum of two million two hundred fifty thousand dollars. Each July 1st thereafter for the duration of the agreement, the treasurer shall distribute an amount equal to the previous year's distribution adjusted for inflation. The inflation adjustment shall be computed using the percentage change in the consumer price index for the Washington state Seattle-Tacoma-Bremerton consolidated metropolitan statistical area for the previous calendar year as compiled by the bureau of labor statistics, United States department of labor, and reported in the most recent quarterly publication of the economic and revenue forecast council or successor agency.

(4) The state treasurer may not distribute moneys from the Columbia river water delivery account to a tribe pursuant to this section unless the director of ecology has certified in writing to the state treasurer and the legislature that the agreement with the tribes is still in effect.

**NEW SECTION. Sec. 3** A new section is added to chapter 90.90 RCW to read as follows:

(1) Because the potential impacts of water releases under agreements reached under this chapter on affected counties are unknown, the department of ecology shall, by November 15, 2009:

(a) Conduct an assessment of the potential impacts, including recommendations for mitigation, and report to appropriate committees of the legislature; and

(b) Establish a process for identifying and reporting on future impacts on the affected counties, and for making recommendations for mitigation.

(2) Within the framework of Columbia river basin water resources management under this chapter, the department of ecology shall:

(a) Provide technical assistance to help affected counties identify and develop competitive project applications to benefit both instream and out-of-stream uses;

(b) Assist affected counties in exploring options to ensure water resources are available for their current and future needs. Such options include pursuing a memorandum of understanding with the affected counties that is consistent with RCW 90.90.005 to effectuate the purposes of this section. The memorandum of understanding shall be available for public comment for a period of thirty days before being signed by the department; and

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(c) Consider regional equity when making funding decisions on water supply applications.

(3) As used in this section, "affected counties" means those counties east of the crest of the Cascade mountains with an international border, or those counties east of the crest of the Cascade mountains that border both a county with an international border and a county with four hundred thousand or more residents.

NEW SECTION. Sec. 4 This act takes effect July 1, 2008.

NEW SECTION. Sec. 5 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6874.

Senator Prentice spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6874.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6874 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6874, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6874, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6874, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

#### REPORTS OF STANDING COMMITTEES

March 10, 2008

SB 6657 Prime Sponsor, Senator Murray: Including salary bonuses for individuals certified by the national board for

professional teaching standards as earnable compensation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Zarelli.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette; Roach and Schoesler.

Passed to Committee on Rules for second reading.

March 10, 2008

SHB 2585 Prime Sponsor, Committee on Finance: Concerning the business and occupation taxation of newspaper-labeled supplements. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Roach; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 10, 2008

EHB 3360 Prime Sponsor, Representative Hasegawa: Increasing the availability of funds for the time certificate of deposit investment program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Zarelli; Hatfield; Hobbs; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 10, 2008

SHB 3374 Prime Sponsor, Committee on Capital Budget: Concerning state general obligation bonds for flood mitigation and facilities for career and technical education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Rasmussen; Regala; Roach and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette; Schoesler and Tom.

Passed to Committee on Rules for second reading.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

March 10, 2008

HB 3375 Prime Sponsor, Representative Alexander: Appropriating funds for catastrophic flood relief. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 10, 2008

ESHCR 4408 Prime Sponsor, Committee on Higher Education: Requesting approval of the statewide strategic master plan for higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Zarelli; Brandland; Carrell; Hatfield; Hewitt; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6932, with the following amendment: 6932-S AMH ROLF BERN 057 & 6932-S AMH SMIN BERN 058

On page 4, after line 29, insert the following:

"NEW SECTION. Sec.6. RCW 47.60.385 and 2007 c 512 s 14 are each amended to read as follows:

(1) Terminal improvement project funding requests must adhere to the capital plan.

(2) Requests for terminal improvement design and construction funding must be submitted with a predesign study that:

(a) Includes all elements required by the office of financial management;

(b) Separately identifies basic terminal elements essential for operation and their costs;

(c) Separately identifies additional elements to provide ancillary revenue and customer comfort and their costs;

(d) Includes construction phasing options that are consistent with forecasted ridership increases;

(e) Separately identifies additional elements requested by local governments and the cost and proposed funding source of those elements;

(f) Separately identifies multimodal elements and the cost and proposed funding source of those elements; and

(g) Identifies all contingency amounts.

(h) When planning for new vessel acquisitions, the department must evaluate the long-term vessel operating costs related to fuel efficiency and staffing."

Correct the title.

On page 4, after line 29, insert the following:

"NEW SECTION. Sec. 6. RCW 47.60.335 and 2007 c 512 s 9 are each amended to read as follows:

(1) Appropriations made for the Washington state ferries capital program may not be used for maintenance costs.

(2) Appropriations made for preservation projects shall be spent only on preservation and only when warranted by asset condition, and shall not be spent on master plans, right-of-way acquisition, or other nonpreservation items.

(3) Systemwide and administrative capital program costs shall be allocated to specific capital projects using a cost allocation plan developed by the department. Systemwide and administrative capital program costs shall be identifiable.

(4) The vessel emergency repair budget may not be used for planned maintenance and inspections of inactive vessels."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6932.

Senator Murray spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6932.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6932 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6932, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6932, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Hargrove - 1

SUBSTITUTE SENATE BILL NO. 6932, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6933 with the following amendment:  
6933-S AMH JUDI ZARO 019 and 6933-S AMH JUDI ZARO 021.

On page 2, line 33, after "conviction;" strike "and"

On page 2, line 34, after "(g)" insert "Whether the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence; and

(h)"

On page 2, beginning on line 35, after "Sec. 3." strike all material through "(2)" on page 3, line 1 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Marr moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6933.  
Senator Marr spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Marr that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6933.

The motion by Senator Marr carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6933 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6933, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6933, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 47

Absent: Senators Brown and Weinstein - 2

SUBSTITUTE SENATE BILL NO. 6933, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, Senator Brown was excused.

## MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6941, with the following amendment: 6941 AMH ENVH H5761.1

On page 1, line 18, after "awards" strike "shall" and insert "~~((shall))~~ may"

Beginning on page 1, line 19, after "be" strike all material through "nor" on page 2, line 1, and insert "~~((a sum of not less than two thousand dollars nor))~~ no"

On page 2, line 4, after "dollars" strike "shall" and insert "~~((shall))~~ may"

On page 2, line 7, after "dollars" strike "shall" and insert "~~((shall))~~ may"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Senate Bill No. 6941.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Senate Bill No. 6941.

The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6941 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6941, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6941, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SENATE BILL NO. 6941, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Delvin, Senator McCaslin was excused.

## MOTION

At 1:55 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:12 p.m. by President Owen.

## MESSAGE FROM THE HOUSE

March 10, 2008

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

MR. PRESIDENT:

The Speaker has signed the following bills:  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5179,  
 SUBSTITUTE SENATE BILL NO. 5256,  
 SUBSTITUTE SENATE BILL NO. 6060,  
 SUBSTITUTE SENATE BILL NO. 6181,  
 SENATE BILL NO. 6196,  
 SENATE BILL NO. 6216,  
 SUBSTITUTE SENATE BILL NO. 6224,  
 SENATE BILL NO. 6237,  
 SUBSTITUTE SENATE BILL NO. 6246,  
 SENATE BILL NO. 6267,  
 SUBSTITUTE SENATE BILL NO. 6273,  
 SENATE BILL NO. 6275,  
 SUBSTITUTE SENATE BILL NO. 6343,  
 SENATE BILL NO. 6369,  
 SENATE BILL NO. 6398,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6437,  
 SENATE BILL NO. 6471,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6532,  
 SUBSTITUTE SENATE BILL NO. 6572,  
 SENATE BILL NO. 6588,  
 ENGROSSED SENATE BILL NO. 6641,  
 ENGROSSED SENATE BILL NO. 6663,  
 SENATE BILL NO. 6677,  
 SUBSTITUTE SENATE BILL NO. 6710,  
 SENATE BILL NO. 6717,  
 SENATE BILL NO. 6740,  
 SUBSTITUTE SENATE BILL NO. 6791,  
 SENATE BILL NO. 6799,  
 SUBSTITUTE SENATE BILL NO. 6847,  
 SUBSTITUTE SENATE BILL NO. 6857,  
 SUBSTITUTE SENATE BILL NO. 6879,  
 SENATE BILL NO. 6885,  
 SENATE JOINT MEMORIAL NO. 8024,  
 SENATE JOINT MEMORIAL NO. 8028,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
 ENGROSSED HOUSE BILL NO. 1283,  
 HOUSE BILL NO. 1391,  
 HOUSE BILL NO. 1493,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1623,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865,  
 HOUSE BILL NO. 2137,  
 HOUSE BILL NO. 2283,  
 SUBSTITUTE HOUSE BILL NO. 2431,  
 HOUSE BILL NO. 2448,  
 ENGROSSED HOUSE BILL NO. 2459,  
 SUBSTITUTE HOUSE BILL NO. 2475,  
 HOUSE BILL NO. 2499,  
 HOUSE BILL NO. 2540,  
 SUBSTITUTE HOUSE BILL NO. 2560,  
 HOUSE BILL NO. 2564,  
 SUBSTITUTE HOUSE BILL NO. 2575,  
 SUBSTITUTE HOUSE BILL NO. 2580,  
 HOUSE BILL NO. 2594,  
 HOUSE BILL NO. 2650,  
 SUBSTITUTE HOUSE BILL NO. 2661,  
 HOUSE BILL NO. 2699,  
 HOUSE BILL NO. 2700,

SUBSTITUTE HOUSE BILL NO. 2727,  
 HOUSE BILL NO. 2762,  
 SUBSTITUTE HOUSE BILL NO. 2770,  
 SUBSTITUTE HOUSE BILL NO. 2823,  
 HOUSE BILL NO. 2825,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2870,  
 SUBSTITUTE HOUSE BILL NO. 2879,  
 SUBSTITUTE HOUSE BILL NO. 2885,  
 SUBSTITUTE HOUSE BILL NO. 2893,  
 SUBSTITUTE HOUSE BILL NO. 2902,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2903,  
 HOUSE BILL NO. 2949,  
 HOUSE BILL NO. 2955,  
 SUBSTITUTE HOUSE BILL NO. 2959,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2996,  
 HOUSE BILL NO. 2999,  
 SUBSTITUTE HOUSE BILL NO. 3002,  
 HOUSE BILL NO. 3011,  
 HOUSE BILL NO. 3019,  
 HOUSE BILL NO. 3024,  
 SUBSTITUTE HOUSE BILL NO. 3071,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3122,  
 SUBSTITUTE HOUSE BILL NO. 3126,  
 HOUSE BILL NO. 3200,  
 SUBSTITUTE HOUSE BILL NO. 3224,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5905, with the following amendment: 5905-S.E2 AMH MORE MATC 049

On page 2, line 7, after "(b)" strike all material through "(c)" on line 28.

On page 2, line 37, insert the following:

"(c)In processing and approving certificates of capital authorization filed with the department in accordance with subsection (2)(b) of this section, the department shall give priority approval in the following order:

(i)First priority shall be given to applications for renovation or replacement on existing facilities that incorporate innovative building designs, such as the green house model or other models that create more home-like settings. Of these applications, preference shall be given to the greatest length of time since the last major renovation or construction.

(ii)Second priority shall be given to renovations of existing facilities with the greatest length of time since their last major renovation or construction.

(iii) Third priority shall be given to replacements of existing facilities with the greatest length of time since their last major renovation or construction.

(iv) Last priority shall be given to new facilities and shall be processed on a first-come, first served basis.

(d) Within the priorities established by this section, applications for certificates of capital authorization that do not receive approval in one state fiscal year because that year's authorization limit has been reached shall have priority the following fiscal year if the applications are resubmitted." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Franklin moved that the Senate refuse to concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5905 and ask the House to recede therefrom.

Senators Franklin spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Franklin that the Senate refuse to concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5905 and ask the House to recede therefrom.

The motion by Senator Franklin carried and the Senate refused to concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5905 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6332, with the following amendment: 6332 AMH ORMS H5988.5

On page 1, after line 3, insert the following:

"**NEW SECTION. Sec. 1** The legislature finds that nonprofit entities have difficulty accessing and competing for tax exempt multifamily bonds issued by the Washington state housing finance commission. In order to facilitate the use of the bonds by nonprofit entities, which will increase the availability and inventory of low-income housing, the legislature intends to provide more opportunities to increase the financial capacity of nonprofit low-income housing developers that have less ability to access the tax-exempt bond program than for-profit housing developers. The legislature finds that to meet these goals, the bond debt capacity of the Washington state housing finance commission should be increased, contingent upon the prioritization of nonprofit housing developers in accessing the program, broader objectives to promote housing density and long-term affordability, and assistance to nonprofit low-income housing developers to increase financial capacity, and therefore ability, to access the program."

Re-number the remaining section consecutively, correct any internal references accordingly, and correct the title.

On page 1, at the beginning of line 6, insert "(1)"

On page 1, after line 15, insert the following:

"(2) The debt limit established in subsection (1) of this section is increased to six billion five hundred million dollars only if sections 2 through 6 of this act take effect by June 30, 2008.

**Sec. 2** RCW 43.180.050 and 1986 c 264 s 1 are each amended to read as follows:

(1) In addition to other powers and duties prescribed in this chapter, and in furtherance of the purposes of this chapter to provide decent, safe, sanitary, and affordable housing for eligible persons, the commission is empowered to:

(a) Issue bonds in accordance with this chapter;

(b) Invest in, purchase, or make commitments to purchase or take assignments from mortgage lenders of mortgages or mortgage loans;

(c) Make loans to or deposits with mortgage lenders for the purpose of making mortgage loans; and

(d) Participate fully in federal and other governmental programs and to take such actions as are necessary and consistent with this chapter to secure to itself and the people of the state the benefits of those programs and to meet their requirements, including such actions as the commission considers appropriate in order to have the interest payments on its bonds and other obligations treated as tax exempt under the code.

(2) The commission shall establish eligibility standards for eligible persons, considering at least the following factors:

(a) Income;

(b) Family size;

(c) Cost, condition and energy efficiency of available residential housing;

(d) Availability of decent, safe, and sanitary housing;

(e) Age or infirmity; and

(f) Applicable federal, state, and local requirements.

The state auditor shall audit the books, records, and affairs of the commission annually to determine, among other things, if the use of bond proceeds complies with the general plan of housing finance objectives including compliance with the objective for the use of financing assistance ~~((for implementation of cost-effective energy efficiency measures in dwellings))~~ to increase the supply of affordable and decent housing throughout the state.

**Sec. 3** RCW 43.180.070 and 1999 c 372 s 11 and 1999 c 131 s 1 are each reenacted and amended to read as follows:

The commission shall adopt a general plan of housing finance objectives to be implemented by the commission during the period of the plan. The commission may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the commission shall consider and set objectives for:

(1) The use of funds for single-family and multifamily housing;

(2) The use of funds to promote increased housing density;

(3) The use of funds to promote the provision of affordable housing for the longest period of time possible;

(4) The use of funds for new construction, rehabilitation, including refinancing of existing debt, and home purchases;

~~((3))~~ (5) The housing needs of low-income and moderate-income persons and families, and of elderly persons or ~~((mentally or physically handicapped))~~ persons with disabilities or mental illness;

~~((4))~~ (6) The use of funds in coordination with federal, state, and local housing programs for low-income persons;

~~((5))~~ (7) The use of funds in urban, rural, suburban, and special areas of the state;

~~((6))~~ (8) The use of financing assistance to stabilize and upgrade declining urban neighborhoods;

~~((7))~~ (9) The use of financing assistance for economically depressed areas, areas of minority concentration, reservations, and in mortgage-deficient areas;

~~((8))~~ (10) The geographical distribution of bond proceeds so that the benefits of the housing programs provided under this chapter will be available to address demand on a fair basis throughout the state;

~~((9))~~ (11) The use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings.

The plan shall include an estimate of the amount of bonds the commission will issue during the term of the plan and how bond proceeds will be expended.

The plan shall be adopted by resolution of the commission following at least one public hearing thereon, notice of which shall be made by mailing to the clerk of the governing body of each county and by publication in the Washington State Register no more than forty and no less than twenty days prior to the hearing. A draft of the plan shall be made available not less than thirty days prior to any such public hearing. ~~((At least every two years;))~~ The commission shall report to the legislature annually regarding implementation of the plan. The commission shall update the plan every two years.

~~((The commission may periodically update the plan;))~~

The commission shall adopt rules designed to result in the use of bond proceeds in a manner consistent with the plan. The commission may periodically update its rules.

This section is designed to deal only with the use of bond proceeds and nothing in this section shall be construed as a limitation on the commission's authority to issue bonds.

**NEW SECTION. Sec. 4** A new section is added to chapter 43.180 RCW to read as follows:

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

The commission must adopt program guidelines to ensure that qualified applications submitted by nonprofit entities are given priority for the use of tax exempt bonds issued under this chapter for multifamily affordable housing developments.

**NEW SECTION. Sec. 5** A new section is added to chapter 43.185 RCW to read as follows:

The equity program is created in the department to facilitate nonprofit entity use of tax-exempt multifamily bonds issued by the Washington state housing finance commission. The department shall contract with the Washington state housing finance commission to administer the equity program. By December 31, 2008, and annually thereafter, the Washington state housing finance commission must report to the appropriate committees of the legislature, using performance measures, on the activities and accomplishments of the program.

**Sec. 6** RCW 84.36.560 and 2007 c 301 s 1 are each amended to read as follows:

(1) The real and personal property owned or used by a nonprofit entity in providing rental housing for very low-income households or used to provide space for the placement of a mobile home for a very low-income household within a mobile home park is exempt from taxation if:

(a) The benefit of the exemption inures to the nonprofit entity;

(b) At least seventy-five percent of the occupied dwelling units in the rental housing or lots in a mobile home park are occupied by a very low-income household; and

(c) The rental housing or lots in a mobile home park were insured, financed, or assisted in whole or in part through one or more of the following sources:

(i) A federal or state housing program administered by the department of community, trade, and economic development;

(ii) A federal housing program administered by a city or county government;

(iii) An affordable housing levy authorized under RCW 84.52.105; or

(iv) The surcharges authorized by RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW.

(2) If less than seventy-five percent of the occupied dwelling units within the rental housing or lots in the mobile home park are occupied by very low-income households, the rental housing or mobile home park is eligible for a partial exemption on the real property and a total exemption of the housing's or park's personal property as follows:

(a) A partial exemption shall be allowed for each dwelling unit in the rental housing or for each lot in a mobile home park occupied by a very low-income household.

(b) The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary to provide the rental housing or to operate the mobile home park by a fraction. The numerator of the fraction is the number of dwelling units or lots occupied by very low-income households as of December 31st of the first assessment year in which the rental housing or mobile home park becomes operational or on January 1st of each subsequent assessment year for which the exemption is claimed. The denominator of the fraction is the total number of dwelling units or lots occupied as of December 31st of the first assessment year the rental housing or mobile home park becomes operational and January 1st of each subsequent assessment year for which exemption is claimed.

(3) If a currently exempt rental housing unit in a facility with ten units or fewer or mobile home lot in a mobile home park with ten lots or fewer was occupied by a very low-income household at the time the exemption was granted and the income of the household subsequently rises above ~~((fifty percent))~~ the very low-income household threshold of the median income but remains at or below eighty percent of the median income, the exemption will continue as long as the housing continues to meet the certification requirements of a very low-income

housing program listed in subsection (1) of this section. For purposes of this section, median income, as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located, shall be adjusted for family size. However, if a dwelling unit or a lot becomes vacant and is subsequently rerented, the income of the new household must be at or below ~~((fifty percent))~~ the very low-income household threshold of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located to remain exempt from property tax.

(4) If at the time of initial application the property is unoccupied, or subsequent to the initial application the property is unoccupied because of renovations, and the property is not currently being used for the exempt purpose authorized by this section but will be used for the exempt purpose within two assessment years, the property shall be eligible for a property tax exemption for the assessment year in which the claim for exemption is submitted under the following conditions:

(a) A commitment for financing to acquire, construct, renovate, or otherwise convert the property to provide housing for very low-income households has been obtained, in whole or in part, by the nonprofit entity claiming the exemption from one or more of the sources listed in subsection (1)(c) of this section;

(b) The nonprofit entity has manifested its intent in writing to construct, remodel, or otherwise convert the property to housing for very low-income households; and

(c) Only the portion of property that will be used to provide housing or lots for very low-income households shall be exempt under this section.

(5) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(6) The nonprofit entity qualifying for a property tax exemption under this section may agree to make payments to the city, county, or other political subdivision for improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the rental housing. However, these payments shall not exceed the amount last levied as the annual tax of the city, county, or political subdivision upon the property prior to exemption.

(7) As used in this section:

(a) "Group home" means a single-family dwelling financed, in whole or in part, by one or more of the sources listed in subsection (1)(c) of this section. The residents of a group home shall not be considered to jointly constitute a household, but each resident shall be considered to be a separate household occupying a separate dwelling unit. The individual incomes of the residents shall not be aggregated for purposes of this exemption;

(b) "Mobile home lot" or "mobile home park" means the same as these terms are defined in RCW 59.20.030;

(c) "Occupied dwelling unit" means a living unit that is occupied by an individual or household as of December 31st of the first assessment year the rental housing becomes operational or is occupied by an individual or household on January 1st of each subsequent assessment year in which the claim for exemption is submitted. If the housing facility is comprised of three or fewer dwelling units and there are any unoccupied units on January 1st, the department shall base the amount of the exemption upon the number of occupied dwelling units as of December 31st of the first assessment year the rental housing becomes operational and on May 1st of each subsequent assessment year in which the claim for exemption is submitted;

(d) "Rental housing" means a residential housing facility or group home that is occupied but not owned by very low-income households;

(e) "Very low-income household" means: (i) A single person, family, or unrelated persons living together whose

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

income is at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home space is located and in effect as of January 1st of the year the application for exemption is submitted; or (ii) for properties that have received assistance from the equity program created in section 5 of this act, a single person, family, or unrelated persons living together whose income is at or below sixty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home space is located and in effect as of January 1st of the year the application for exemption is submitted; and

(f) "Nonprofit entity" means a:

(i) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(ii) Limited partnership where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a general partner; or

(iii) Limited liability company where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a managing member."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Weinstein moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 6332 and ask the House to recede therefrom.

#### POINT OF ORDER

Senator Honeyford: "Mr. President, I believe the House amendment is outside the scope and object of the underlying bill and I have some arguments to offer on this Mr. President. Thank you Mr. President. The underlying bill did one thing and one thing only. It increased Housing Finance Commission debt up to 4.5 billion to 6.5 billion. This is reflected in the title; 'An Act relating to an increase of debt from housing finance commission.' The House amendment goes far beyond the underline bill. Amongst the new items are; additional objectives for the housing finance commission plan to increasing housing density; directing non profits for priority for the use of tax bonds; creating new equity loan program; changing the statutory income threshold for a non-profit tax exemption. Mr. President, these items were in Engrossed Second Substitute House Bill No. 3180 which was not passed off the Senate floor before cut off. The House in a floor amendment yesterday, adds those provisions to Senate Bill No. 6332. Because this amendment is beyond the scope and object of the underlying bill, Mr. President, I ask that you rule the amendment is out of order."

Senator Weinstein spoke in favor of the point of order.

#### MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 6332 was deferred and the bill held its place on the concurrence calendar.

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6404, with the following amendment: 6404-S AMH HCW H5787.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 71.24 RCW to read as follows:

In the event that an existing regional support network will no longer be contracting to provide services, it is the intent of the legislature to provide flexibility to the department to facilitate a stable transition which avoids disruption of services to consumers and families, maximizes efficiency and public safety, and maintains the integrity of the public mental health system. By granting this authority and flexibility, the legislature finds that the department will be able to maximize purchasing power within allocated resources and attract high quality organizations with optimal infrastructure to perform regional support network functions through competitive procurement processes. The legislature intends for the department of social and health services to partner with political subdivisions and other entities to provide quality, coordinated, and integrated services to address the needs of individuals with behavioral health needs.

Sec. 2 RCW 71.24.025 and 2007 c 414 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(6) "Community mental health program" means all mental health services, activities, or programs using available resources.

(7) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(8) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(9) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(10) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(11) "Department" means the department of social and health services.

(12) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(13) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(14) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(15) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(16) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving

less restrictive alternative treatment on the grounds of the state hospital.

(17) "Mental health services" means all services provided by regional support networks and other services provided by the state for persons who are mentally ill.

(18) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (4), (27), and (28) of this section.

(19) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(20) "Regional support network" means a county authority or group of county authorities or other (~~nonprofit~~) entity recognized by the secretary in contract in a defined region.

(21) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(22) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, boarding homes, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

(26) "Secretary" means the secretary of social and health services.

(27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(30) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

**Sec. 3** RCW 71.24.035 and 2007 c 414 s 2, 2007 c 410 s 8, and 2007 c 375 s 12 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045, until such time as a new regional support network is designated under RCW 71.24.320.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for adults and children with mental illness. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents, including parents who are defendants in dependency cases, in the following order of priority: (i) Persons with acute mental illness; (ii) adults with chronic mental illness and children who are severely emotionally disturbed; and (iii) persons who are seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for persons with mental illness which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in persons with mental illness becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(C) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of persons who are minorities, elderly, disabled, children, low-income, and parents who are defendants in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards (~~and~~), RCW 71.24.320(~~(?)~~) and 71.24.330(~~(- and 71.24.320+)~~), which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter;

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services;

(o) Certify crisis stabilization units that meet state minimum standards; and

(p) Certify clubhouses that meet state minimum standards.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain

or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The standards for certification of crisis stabilization units shall include standards that:

(a) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;

(b) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and

(c) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.

(14) The standards for certification of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(15) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(16) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(17) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking

FIFTY-SEVENTH DAY, MARCH 10, 2008

responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

(18) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

**Sec. 4** RCW 71.24.300 and 2006 c 333 s 106 are each amended to read as follows:

(1) Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network.

(2) The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served.

(3) The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(4) If a regional support network is a private (~~nonprofit~~) entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network.

(5) The roles and responsibilities of the private (~~nonprofit~~) entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

(6) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) Provide within the boundaries of each regional support network evaluation and treatment services for at least ninety percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks may contract to purchase evaluation and treatment services from other networks if they are unable to provide for appropriate resources within their boundaries. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide

evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to:

(i) Contracts with neighboring or contiguous regions; or

(ii) Individuals detained or committed for periods up to seventeen days at the state hospitals at the discretion of the secretary.

(d) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children.

(e) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(7) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the (~~mentally ill~~) persons with mental illness and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(8) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the regional support network, and work with the regional support network to resolve significant concerns regarding service delivery and outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding regional support network performance. The composition of the board shall be broadly representative of the demographic character of the region and shall include, but not be limited to, representatives of consumers and families, law enforcement, and where the county is not the regional support network, county elected officials. Composition and length of terms of board members may differ between regional support networks but shall be included in each regional support network's contract and approved by the secretary.

(9) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(10) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection (6) of this section.

**Sec. 5** RCW 71.24.320 and 2006 c 333 s 202 are each amended to read as follows:

(1) (~~The secretary shall initiate a procurement process for regional support networks in 2005. In the first step of the procurement process, existing regional support networks may respond to a request for qualifications developed by the department. The secretary shall issue the request for qualifications not later than October 1, 2005. The request for qualifications shall be based on cost-effectiveness, adequate residential and service capabilities, effective collaboration with criminal justice agencies and the chemical dependency treatment system, and the ability to provide the full array of services as stated in the mental health state plan, and shall meet all applicable federal and state regulations and standards. An existing regional support network shall be awarded the contract with the department if it substantially meets the requirements of the request for qualifications developed by the department.~~)

(2)(a)) If an existing regional support network chooses not to respond to (~~the~~) a request for qualifications, or is unable to substantially meet the requirements of (~~the~~) a request for

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

qualifications, or notifies the department of social and health services it will no longer serve as a regional support network, the department shall utilize a procurement process in which other entities recognized by the secretary may bid to serve as the regional support network ~~((in that region. The procurement process shall begin with a request for proposals issued March 1, 2006)).~~

~~((f))~~ (a) The request for proposal shall include a scoring factor for proposals that include additional financial resources beyond that provided by state appropriation or allocation.

~~((f))~~ Regional support networks that substantially met the requirements of the request for qualifications may bid to serve as the regional support network for other regions of the state that are subject to the request for proposal process. The proposal shall be evaluated on whether the bid meets the threshold requirement for the new region and shall not subject the regional support networks' original region to the request for proposal.

~~(b) Prior to final evaluation and scoring of the proposals all respondents will be provided with an opportunity for a detailed briefing by the department regarding the deficiencies in the proposal and shall be provided an opportunity to clarify information previously submitted.)~~

(b) The department shall provide detailed briefings to all bidders in accordance with department and state procurement policies.

(c) The request for proposal shall also include a scoring factor for proposals submitted by nonprofit entities that include a component to maximize the utilization of state provided resources and the leverage of other funds for the support of mental health services to persons with mental illness.

(2) A regional support network that voluntarily terminates, refuses to renew, or refuses to sign a mandatory amendment to its contract to act as a regional support network is prohibited from responding to a procurement under this section or serving as a regional support network for five years from the date that the department signs a contract with the entity that will serve as the regional support network.

**Sec. 6** RCW 71.24.330 and 2006 c 333 s 203 are each amended to read as follows:

(1) Contracts between a regional support network and the department shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial penalties, termination of the contract, and reprourement of the contract.

(2) The regional support network procurement processes shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. However, a regional support network selected through the procurement process is not required to contract for services with any county-owned or operated facility. The regional support network procurement process shall provide that public funds appropriated by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the regional support network does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

(c) Require substantial implementation of department adopted integrated screening and assessment process and matrix of best practices;

(d) Maintain the decision-making independence of designated mental health professionals;

(e) Except at the discretion of the secretary or as specified in the biennial budget, require regional support networks to pay the state for the costs associated with individuals who are being served on the grounds of the state hospitals and who are not receiving long-term inpatient care as defined in RCW 71.24.025; ~~((and))~~

(f) Include a negotiated alternative dispute resolution clause; and

(g) Include a provision requiring either party to provide the one hundred eighty days' advance notice of its intent to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to act as a regional support network.

**NEW SECTION. Sec. 7** Section 5 of this act applies retroactively to July 1, 2007."

Correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6404 and ask the House to recede therefrom.

Senators Regala spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Regala that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6404 and ask the House to recede therefrom.

The motion by Senator Regala carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6404 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6665, with the following amendment: 6665-S.E AMH APP H5902.1

Strike everything after the enacting clause and insert the following:

**"Sec. 1** RCW 70.96A.800 and 2005 c 504 s 220 are each amended to read as follows:

(1) The secretary shall select and contract with counties to provide intensive case management for chemically dependent persons with histories of high utilization of crisis services at two sites. In selecting the two sites, the secretary shall endeavor to site one in an urban county, and one in a rural county; and to site them in counties other than those selected pursuant to RCW 70.96B.020, to the extent necessary to facilitate evaluation of pilot project results. Within funds provided for this specific purpose, the secretary may contract with additional counties to provide intensive case management.

(2) The contracted sites shall implement the pilot programs by providing intensive case management to persons with a primary chemical dependency diagnosis or dual primary chemical dependency and mental health diagnoses, through the employment of chemical dependency case managers. The chemical dependency case managers shall:

(a) Be trained in and use the integrated, comprehensive screening and assessment process adopted under RCW 70.96C.010;

(b) Reduce the use of crisis medical, chemical dependency and mental health services, including but not limited to, emergency room admissions, hospitalizations, detoxification programs, inpatient psychiatric admissions, involuntary

FIFTY-SEVENTH DAY, MARCH 10, 2008

treatment petitions, emergency medical services, and ambulance services;

(c) Reduce the use of emergency first responder services including police, fire, emergency medical, and ambulance services;

(d) Reduce the number of criminal justice interventions including arrests, violations of conditions of supervision, bookings, jail days, prison sanction day for violations, court appearances, and prosecutor and defense costs;

(e) Where appropriate and available, work with therapeutic courts including drug courts and mental health courts to maximize the outcomes for the individual and reduce the likelihood of reoffense;

(f) Coordinate with local offices of the economic services administration to assist the person in accessing and remaining enrolled in those programs to which the person may be entitled;

(g) Where appropriate and available, coordinate with primary care and other programs operated through the federal government including federally qualified health centers, Indian health programs, and veterans' health programs for which the person is eligible to reduce duplication of services and conflicts in case approach;

(h) Where appropriate, advocate for the client's needs to assist the person in achieving and maintaining stability and progress toward recovery;

(i) Document the numbers of persons with co-occurring mental and substance abuse disorders and the point of determination of the co-occurring disorder by quadrant of intensity of need; and

(j) Where a program participant is under supervision by the department of corrections, collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

(4) This section expires (~~June 30~~) December 31, 2008.

**Sec. 2** RCW 70.96B.800 and 2005 c 504 s 217 are each amended to read as follows:

(1) The Washington state institute for public policy shall evaluate the pilot programs and make ((\*) preliminary reports to appropriate committees of the legislature by December 1, 2007, and June 30, 2008, and a final report by (~~September 30, 2008~~) June 30, 2010.

(2) The evaluation of the pilot programs shall include:

(a) Whether the designated crisis responder pilot program:

(i) Has increased efficiency of evaluation and treatment of persons involuntarily detained for seventy-two hours;

(ii) Is cost-effective;

(iii) Results in better outcomes for persons involuntarily detained;

(iv) Increased the effectiveness of the crisis response system in the pilot catchment areas;

(b) The effectiveness of providing a single chapter in the Revised Code of Washington to address initial detention of persons with mental disorders or chemical dependency, in crisis response situations and the likelihood of effectiveness of providing a single, comprehensive involuntary treatment act.

(3) The reports shall consider the impact of the pilot programs on the existing mental health system and on the persons served by the system.

**Sec. 3** RCW 70.96B.010 and 2005 c 504 s 202 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital, an evaluation and treatment facility, or other inpatient facility, or a decision by a professional person in charge or his or her designee that a person should be detained as a patient for evaluation and treatment in a secure detoxification facility or other certified chemical dependency provider.

2008 REGULAR SESSION

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department as meeting standards adopted under chapter 70.96A RCW.

(4) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(5) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(6) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(7) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(8) "Conditional release" means a revocable modification of a commitment that may be revoked upon violation of any of its terms.

(9) "Custody" means involuntary detention under either chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(10) "Department" means the department of social and health services.

(11) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and this chapter, and qualified to do so by meeting standards adopted by the department.

(12) "Designated crisis responder" means a person designated by the county or regional support network to perform the duties specified in this chapter.

(13) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(14) "Detention" or "detain" means the lawful confinement of a person under this chapter, or chapter 70.96A or 71.05 RCW.

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with individuals with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(16) "Developmental disability" means that condition defined in RCW 71A.10.020.

(17) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(18) "Evaluation and treatment facility" means any facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and that is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility that is part of, or operated by, the department or any federal agency does not require certification. No correctional institution or facility, or jail, may be an evaluation and treatment facility within the meaning of this chapter.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(19) "Facility" means either an evaluation and treatment facility or a secure detoxification facility.

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(21) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(22) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

(23) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(24) "Judicial commitment" means a commitment by a court under this chapter.

(25) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(26) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts.

(27) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive or volitional functions.

(28) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(30) "Person in charge" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

(31) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved treatment program, that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent.

(32) "Professional person" means a mental health professional or chemical dependency professional and shall also mean a physician, registered nurse, and such others as may be

defined by rules adopted by the secretary pursuant to the provisions of this chapter.

(33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(34) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(35) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(36) "Registration records" means all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(37) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW or this chapter.

(38) "Secretary" means the secretary of the department or the secretary's designee.

(39) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that serves the purpose of providing evaluation and assessment, and acute and/or subacute detoxification services for intoxicated persons and includes security measures sufficient to protect the patients, staff, and community.

(40) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(41) "Treatment records" means registration records and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(42) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 4 RCW 70.96B.020 and 2005 c 504 s 203 are each amended to read as follows:

(1) The secretary, after consulting with the Washington state association of counties, shall select and contract with regional support networks or counties to provide two integrated crisis response and involuntary treatment pilot programs for adults and shall allocate resources for both integrated services and secure detoxification services in the pilot areas. In selecting the two regional support networks or counties, the secretary shall endeavor to site one in an urban and one in a rural regional support network or county; and to site them in counties other than those selected pursuant to RCW 70.96A.800, to the extent necessary to facilitate evaluation of pilot project results. Within funds provided for this specific purpose, the secretary may contract with additional regional support networks or counties to provide integrated crisis response and involuntary treatment pilot programs to adults.

(2) The regional support networks or counties shall implement the pilot programs by providing integrated crisis response and involuntary treatment to persons with a chemical

FIFTY-SEVENTH DAY, MARCH 10, 2008

dependency, a mental disorder, or both, consistent with this chapter. The pilot programs shall:

(a) Combine the crisis responder functions of a designated mental health professional under chapter 71.05 RCW and a designated chemical dependency specialist under chapter 70.96A RCW by establishing a new designated crisis responder who is authorized to conduct investigations and detain persons up to seventy-two hours to the proper facility;

(b) Provide training to the crisis responders as required by the department;

(c) Provide sufficient staff and resources to ensure availability of an adequate number of crisis responders twenty-four hours a day, seven days a week;

(d) Provide the administrative and court-related staff, resources, and processes necessary to facilitate the legal requirements of the initial detention and the commitment hearings for persons with a chemical dependency;

(e) Participate in the evaluation and report to assess the outcomes of the pilot programs including providing data and information as requested;

(f) Provide the other services necessary to the implementation of the pilot programs, consistent with this chapter as determined by the secretary in contract; and

(g) Collaborate with the department of corrections where persons detained or committed are also subject to supervision by the department of corrections.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

**Sec. 5** RCW 70.96B.050 and 2007 c 120 s 1 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at either an evaluation and treatment facility, a detoxification facility, or other certified chemical dependency provider.

(2)(a) An order to detain to an evaluation and treatment facility, a detoxification facility, or other certified chemical dependency provider for not more than a seventy-two hour evaluation and treatment period may be issued by a judge upon request of a designated crisis responder: (i) Whenever it appears to the satisfaction of a judge of the superior court, district court, or other court permitted by court rule, that there is probable cause to support the petition, and (ii) that the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury or sworn telephonic testimony, may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order to appear, together with a notice of rights and a petition for initial detention. After service on the person, the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility or secure detoxification facility and the designated attorney. The

designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider. If requested by the detained person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may be continued subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours. The person may be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other person accompanying the person may be present during the admission evaluation. The facility may exclude the person if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take the person or cause the person to be taken into custody and placed in an evaluation and treatment facility, a secure detoxification facility, or other certified chemical dependency provider. At the time the person is taken into custody there shall commence to be served on the person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of detention, a notice of rights, and a petition for initial detention.

**Sec. 6** RCW 70.96B.100 and 2005 c 504 s 211 are each amended to read as follows:

~~(If a person is detained for additional treatment beyond fourteen days under RCW 70.96B.090, the professional staff of the agency or facility may petition for additional treatment under RCW 70.96A.140.)~~ (1) A person detained for fourteen days of involuntary chemical dependency treatment under RCW 70.96B.090 or subsection (6) of this section shall be released from involuntary treatment at the expiration of the period of commitment unless the professional staff of the agency or facility files a petition for an additional period of involuntary treatment under RCW 70.96A.140, or files a petition for sixty days less restrictive treatment under this section naming the detained person as a respondent. Costs associated with the obtaining or revocation of an order for less restrictive treatment and subsequent involuntary commitment shall be provided for within current funding.

(2) A petition for less restrictive treatment must be filed at least three days before expiration of the fourteen-day period of intensive treatment, and comport with the rules contained in RCW 70.96B.090(2). The petition shall state facts that support the finding that the respondent, as a result of a chemical dependency, presents a likelihood of serious harm or is gravely disabled, and that continued treatment pursuant to a less restrictive order is in the best interest of the respondent or others. At the time of filing such a petition, the clerk shall set a time for the respondent to come before the court on the next judicial day after the day of filing unless such appearance is waived by the respondent's attorney.

(3) At the time set for appearance the respondent must be brought before the court, unless such appearance has been waived and the court shall advise the respondent of his or her right to be represented by an attorney. If the respondent is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent the respondent. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the respondent to examine and testify on behalf of the respondent.

(4) The court shall conduct a hearing on the petition for sixty days less restrictive treatment on or before the last day of the confinement period. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the

FIFTY-SEVENTH DAY, MARCH 10, 2008

petitioner. The respondent shall be present at such proceeding. The rules of evidence shall apply, and the respondent shall have the right to present evidence on his or her behalf, to cross-examine witnesses who testify against him or her, to remain silent, and to view and copy all petitions and reports in the court file. The physician-patient privilege or the psychologist-client privilege shall be deemed waived in accordance with the provisions under RCW 71.05.360(9). Involuntary treatment shall continue while a petition for less restrictive treatment is pending under this section.

(5) The court may impose a sixty-day less restrictive order if the evidence shows that the respondent, as a result of a chemical dependency, presents a likelihood of serious harm or is gravely disabled, and that continued treatment pursuant to a less restrictive order is in the best interest of the respondent or others. The less restrictive order may impose treatment conditions and other conditions which are in the best interest of the respondent and others. A copy of the less restrictive order shall be given to the respondent, the designated crisis responder, and any program designated to provide less restrictive treatment. A program designated to provide less restrictive treatment and willing to supervise the conditions of the less restrictive order may modify the conditions for continued release when the modification is in the best interests of the respondent, but must notify the designated crisis responder and the court of such modification.

(6) If a program approved by the court and willing to supervise the conditions of the less restrictive order or the designated crisis responder determines that the respondent is failing to adhere to the terms of the less restrictive order or that substantial deterioration in the respondent's functioning has occurred, then the designated crisis responder shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the respondent should be returned to more restrictive care. The designated crisis responder may cause the respondent to be immediately taken into custody of the secure detoxification facility pending the hearing if the alleged noncompliance causes an imminent risk to the safety of the respondent. The designated crisis responder shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The respondent shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released respondent did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the respondent's functioning has occurred and whether the condition of release should be modified or the respondent should be returned to a more restrictive setting. The hearing may be waived by the respondent and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. If court finds in favor of the petitioner, or the respondent waives a hearing, the court may order the respondent to be committed to a secure detoxification facility for fourteen days of involuntary chemical dependency treatment, or may order the respondent to be returned to less restrictive treatment on the same or modified conditions.

Sec. 7 RCW 70.96B.900 and 2005 c 504 s 219 are each amended to read as follows:

Sections 202 through 216 ((of this act)), chapter 504, Laws of 2005 expire ((July 1)) December 31, 2008.

NEW SECTION. Sec. 8 Sections 3 through 6 of this act expire December 31, 2008.

Sec. 9 2007 c 120 s 4 (uncodified) is amended to read as follows:

Sections 1 and 2 ((of this act)), chapter 120, Laws of 2007 expire ((July 1)) December 31, 2008.

2008 REGULAR SESSION

NEW SECTION. Sec. 10 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Regala moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6665 and ask the House to recede therefrom.

Senators Regala spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Regala that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6665 and ask the House to recede therefrom.

The motion by Senator Regala carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6665 and asked the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6760, with the following amendment: 6760-S.E AMH ENGR H5880.E

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 71A.20.170 and 2005 c 353 s 1 are each amended to read as follows:

(1) The developmental disabilities community trust account is created in the state treasury. All net proceeds from the use of excess property identified in the 2002 joint legislative audit and review committee capital study or other studies of the division of developmental disabilities residential habilitation centers at Lakeland Village, Yakima Valley school, Francis Haddon Morgan Center, and Rainier school that would not impact current residential habilitation center operations must be deposited into the account. ((income))

(2) Proceeds may come from the lease of the land, conservation easements, sale of timber, or other activities short of sale of the property.

(3) "Excess property" includes that portion of the property at Rainier school previously under the cognizance and control of Washington State University for use as a dairy/forage research facility. ((("Proceeds" include the net receipts from the use of all or a portion of the properties.))

(4) Only investment income from the principal of the proceeds deposited into the trust account may be spent from the account. For purposes of this section, "investment income" includes lease payments, rent payments, or other periodic payments deposited into the trust account. For purposes of this section, "principal" is the actual excess land from which proceeds are assigned to the trust account.

(5) Moneys in the account may be spent only after appropriation. Expenditures from the account shall be used exclusively to provide family support and/or employment/day services to eligible persons with developmental disabilities who can be served by community-based developmental disability services. It is the intent of the legislature that the account should not be used to replace, supplant, or reduce existing appropriations.

((2) The department shall report on its efforts and strategies to provide income to the developmental disabilities community

FIFTY-SEVENTH DAY, MARCH 10, 2008

~~trust account from the excess property identified in subsection (1) of this section from the lease of the property, sale of timber, or other activity short of sale of the property. The department shall report by June 30, 2006.~~

~~(3)) (6) The account shall be known as the Dan Thompson memorial developmental disabilities community trust account."~~

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6760 and ask the House to recede therefrom.

Senators Regala spoke in favor of the motion.

MOTION

On motion of Senator Rockefeller, Senator Kline was excused.

The President declared the question before the Senate to be motion by Senator Regala that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6760 and ask the House to recede therefrom.

The motion by Senator Regala carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6760 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6776, with the following amendment: 6776-S.E AMH APP H5898.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds and declares that government exists to conduct the people's business, and the people remaining informed about the actions of government contributes to the oversight of how the people's business is conducted. The legislature further finds that many public servants who expose actions of their government that are contrary to the law or public interest face the potential loss of their careers and livelihoods.

It is the policy of the legislature that employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions, and it is the intent of the legislature to protect the rights of state employees making these disclosures. It is also the policy of the legislature that employees should be encouraged to identify rules warranting review or provide information to the rules review committee, and it is the intent of the legislature to protect the rights of these employees.

This act shall be broadly construed in order to effectuate the purpose of this act.

**Sec. 2** RCW 42.40.020 and 1999 c 361 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

2008 REGULAR SESSION

(3) "Good faith" means the individual providing the information or report of improper governmental activity has a reasonable basis in fact for reporting or providing the ~~((communication))~~ information. ~~((("Good faith" is lacking when the employee knows or reasonably ought to know that the report is malicious, false, or frivolous.))~~ An individual who knowingly, or reasonably ought to know, provides or reports malicious, false, or frivolous information, or information that is provided with reckless disregard for the truth, or who knowingly omits relevant information is not acting in good faith.

(4) "Gross mismanagement" means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(5) "Gross waste of funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

~~((5)) (6)~~(a) "Improper governmental action" means any action by an employee undertaken in the performance of the employee's official duties:

(i) Which is ~~((a))~~ a gross waste of public funds or resources as defined in this section;

(ii) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature; ~~((or))~~

(iii) Which is of substantial and specific danger to the public health or safety;

~~((iv))~~ Which is gross mismanagement; or

~~((v))~~ Which prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless state law or a common law privilege prohibits disclosure. This provision is not meant to preclude the discretion of agency management to adopt a particular scientific opinion or technical finding from among differing opinions or technical findings to the exclusion of other scientific opinions or technical findings. Nothing in this subsection prevents or impairs a state agency's or public official's ability to manage its public resources or its employees in the performance of their official job duties. This subsection does not apply to de minimis, technical disagreements that are not relevant for otherwise improper governmental activity. Nothing in this provision requires the auditor to contract or consult with external experts regarding the scientific validity, invalidity, or justification of a finding or opinion.

(b) "Improper governmental action" does not include personnel actions, for which other remedies exist, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under chapter 41.06 RCW, or other disciplinary action except as provided in RCW 42.40.030.

~~((6)) (7)~~ "Public official" means the attorney general's designee or designees; an appropriate number of individuals designated to receive whistleblower reports by the head of each agency; or the executive ethics board.

(8) "Substantial and specific danger" means a risk of serious injury, illness, peril, or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

~~((7)) (9)~~ "Use of official authority or influence" includes threatening, taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment including but not limited to duties and office location, reassignment, reinstatement, restoration, reemployment, performance evaluation, determining any material changes in pay, provision of training or benefits, tolerance of a hostile work environment,

FIFTY-SEVENTH DAY, MARCH 10, 2008

or any adverse action under chapter 41.06 RCW, or other disciplinary action.

~~((8))~~ (10)(a) "Whistleblower" means:

(i) An employee who in good faith reports alleged improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, initiating an investigation by the auditor under RCW 42.40.040; or

(ii) An employee who is perceived by the employer as reporting, whether they did or not, alleged improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, initiating an investigation by the auditor under RCW 42.40.040.

(b) For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means:

~~((8))~~ (i) An employee who in good faith provides information to the auditor or other public official, as defined in subsection (7) of this section, in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported asserted improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, or to have provided information to the auditor or other public official, as defined in subsection (7) of this section, in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or

~~((8))~~ (ii) An employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

Sec. 3 RCW 42.40.030 and 1995 c 403 s 510 are each amended to read as follows:

(1) An employee shall not directly or indirectly use or attempt to use the employee's official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence any individual for the purpose of interfering with the right of the individual to: (a) Disclose to the auditor (or representative thereof) or other public official, as defined in RCW 42.40.020, information concerning improper governmental action; or (b) identify rules warranting review or provide information to the rules review committee.

(2) Nothing in this section authorizes an individual to disclose information otherwise prohibited by law, except to the extent that information is necessary to substantiate the whistleblower complaint, in which case information may be disclosed to the auditor or public official, as defined in RCW 42.40.020, by the whistleblower for the limited purpose of providing information related to the complaint. Any information provided to the auditor or public official under the authority of this subsection may not be further disclosed.

Sec. 4 RCW 42.40.040 and 1999 c 361 s 3 are each amended to read as follows:

(1)(a) In order to be investigated, an assertion of improper governmental action must be provided to the auditor or other public official within one year after the occurrence of the asserted improper governmental action. The public official, as defined in RCW 42.40.020, receiving an assertion of improper governmental action must report the assertion to the auditor within fifteen calendar days of receipt of the assertion. The auditor retains sole authority to investigate an assertion of improper governmental action including those made to a public official. A failure of the public official to report the assertion to the auditor within fifteen days does not impair the rights of the whistleblower.

(b) Except as provided under RCW 42.40.910 for legislative and judicial branches of government, the auditor has the authority to determine whether to investigate any assertions received. In determining whether to conduct either a preliminary or further investigation, the auditor shall consider

2008 REGULAR SESSION

factors including, but not limited to: The nature and quality of evidence and the existence of relevant laws and rules; whether the action was isolated or systematic; the history of previous assertions regarding the same subject or subjects or subject matter; whether other avenues are available for addressing the matter; whether the matter has already been investigated or is in litigation; the seriousness or significance of the asserted improper governmental action; and the cost and benefit of the investigation. The auditor has the sole discretion to determine the priority and weight given to these and other relevant factors and to decide whether a matter is to be investigated. The auditor shall document the factors considered and the analysis applied.

(c) The auditor also has the authority to investigate assertions of improper governmental actions as part of an audit conducted under chapter 43.09 RCW. The auditor shall document the reasons for handling the matter as part of such an audit.

(2) Subject to subsection (5)(c) of this section, the identity or identifying characteristics of a whistleblower is confidential at all times unless the whistleblower consents to disclosure by written waiver or by acknowledging his or her identity in a claim against the state for retaliation. In addition, the identity or identifying characteristics of any person who in good faith provides information in an investigation under this section is confidential at all times, unless the person consents to disclosure by written waiver or by acknowledging his or her identity as a witness who provides information in an investigation.

(3) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, within ~~((five))~~ fifteen working days of receipt of the information, mail written acknowledgement to the whistleblower at the address provided stating whether a preliminary investigation will be conducted. For a period not to exceed ~~((thirty))~~ sixty working days from receipt of the assertion, the auditor shall conduct such preliminary investigation of the matter as the auditor deems appropriate.

(4) In addition to the authority under subsection (3) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

(5)(a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower summarizing where the allegations are deficient, and provide a reasonable opportunity to reply. Such notification may be by electronic means.

(b) The written notification shall contain a summary of the information received and of the results of the preliminary investigation with regard to each assertion of improper governmental action.

(c) In any case to which this section applies, the identity or identifying characteristics of the whistleblower shall be kept confidential unless the auditor determines that the information has been provided other than in good faith. If the auditor makes such a determination, the auditor shall provide reasonable advance notice to the employee.

(d) With the agency's consent, the auditor may forward the assertions to an appropriate agency to investigate and report back to the auditor no later than sixty working days after the assertions are received from the auditor. The auditor is entitled to all investigative records resulting from such a referral. All procedural and confidentiality provisions of this chapter apply to investigations conducted under this subsection. The auditor shall document the reasons the assertions were referred.

(6) During the preliminary investigation, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts and laws known at the time and the procedure for the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation. This

FIFTY-SEVENTH DAY, MARCH 10, 2008

notification does not limit the auditor from considering additional facts or laws which become known during further investigation.

~~((7))~~(a) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower, the subject or subjects of the investigation, and the agency head and either conduct a further investigation or issue a report under subsection ~~((10))~~ (9) of this section.

(b) If the preliminary investigation resulted from an anonymous assertion, a decision to conduct further investigation shall be subject to review by a three-person panel convened as necessary by the auditor prior to the commencement of any additional investigation. The panel shall include a state auditor representative knowledgeable of the subject agency operations, a citizen volunteer, and a representative of the attorney general's office. This group shall be briefed on the preliminary investigation and shall recommend whether the auditor should proceed with further investigation.

(c) If further investigation is to occur, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts known at the time and the procedure to be used by the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation.

~~((8))~~ (7) Within sixty working days after the preliminary investigation period in subsection (3) of this section, the auditor shall complete the investigation and report its findings to the whistleblower unless written justification for the delay is furnished to the whistleblower, agency head, and subject or subjects of the investigation. In all such cases, the report of the auditor's investigation and findings shall be sent to the whistleblower within one year after the information was filed under subsection (3) of this section.

~~((9))~~ (8)(a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

(c) Agencies shall cooperate fully in the investigation and shall take appropriate action to preclude the destruction of any evidence during the course of the investigation.

(d) During the investigation the auditor shall interview each subject of the investigation. If it is determined there is reasonable cause to believe improper governmental action has occurred, the subject or subjects and the agency head shall be given fifteen working days to respond to the assertions prior to the issuance of the final report.

~~((10))~~ (9)(a) If the auditor determines there is reasonable cause to believe an employee has engaged in improper governmental action, the auditor shall report, to the extent allowable under existing public disclosure laws, the nature and details of the activity to:

(i) The subject or subjects of the investigation and the head of the employing agency; ~~((and))~~

(ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate;

(iii) Electronically to the governor, secretary of the senate, and chief clerk of the house of representatives; and

(iv) Except for information whose release is specifically prohibited by statute or executive order, the public through the public file of whistleblower reports maintained by the auditor.

(b) The auditor has no enforcement power except that in any case in which the auditor submits an investigative report containing reasonable cause determinations to the agency, the agency shall send its plan for resolution to the auditor within fifteen working days of having received the report. The agency is encouraged to consult with the subject or subjects of the investigation in establishing the resolution plan. The auditor may require periodic reports of agency action until all resolution has occurred. If the auditor determines that appropriate action has not been taken, the auditor shall report the determination to the governor and to the legislature and may include this determination in the agency audit under chapter 43.09 RCW.

~~((11))~~ (10) Once the auditor concludes that appropriate action has been taken to resolve the matter, the auditor shall so notify the whistleblower, the agency head, and the subject or subjects of the investigation. If the resolution takes more than one year, the auditor shall provide annual notification of its status to the whistleblower, agency head, and subject or subjects of the investigation.

~~((12))~~ (11) Failure to cooperate with such audit or investigation, or retaliation against anyone who assists the auditor by engaging in activity protected by this chapter shall be reported as a separate finding with recommendations for corrective action in the associated report whenever it occurs.

(12) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

**Sec. 5** RCW 42.40.070 and 1989 c 284 s 5 are each amended to read as follows:

A written summary of this chapter and procedures for reporting improper governmental actions established by the auditor's office shall be made available by each department or agency of state government to each employee upon entering public employment. Such notices may be in agency internal newsletters, included with paychecks or stubs, sent via electronic mail to all employees, or sent by other means that are cost-effective and reach all employees of the government level, division, or subdivision. Employees shall be notified by each department or agency of state government each year of the procedures and protections under this chapter. The annual notices shall include a list of public officials, as defined in RCW 42.40.020, authorized to receive whistleblower reports. The list of public officials authorized to receive whistleblower reports shall also be prominently displayed in all agency offices.

**Sec. 6** RCW 42.40.050 and 1999 c 283 s 1 are each amended to read as follows:

(1)(a) Any person who is a whistleblower, as defined in RCW 42.40.020, and who has been subjected to workplace reprisal or retaliatory action is presumed to have established a cause of action for the remedies provided under chapter 49.60 RCW.

(b) For the purpose of this section, "reprisal or retaliatory action" means, but is not limited to, any of the following:

~~((a))~~ (i) Denial of adequate staff to perform duties;

~~((b))~~ (ii) Frequent staff changes;

~~((c))~~ (iii) Frequent and undesirable office changes;

~~((d))~~ (iv) Refusal to assign meaningful work;

~~((e))~~ (v) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;

~~((f))~~ (vi) Demotion;

~~((g))~~ (vii) Reduction in pay;

~~((h))~~ (viii) Denial of promotion;

~~((i))~~ (ix) Suspension;

~~((j))~~ (x) Dismissal;

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

~~((#))~~ (xi) Denial of employment;  
~~((#))~~ (xii) A supervisor or superior behaving in or encouraging coworkers to behave in a hostile manner toward the whistleblower; ~~(and~~  
~~(m))~~ (xiii) A change in the physical location of the employee's workplace or a change in the basic nature of the employee's job, if either are in opposition to the employee's expressed wish;  
 (xiv) Issuance of or attempt to enforce any nondisclosure policy or agreement in a manner inconsistent with prior practice;  
or  
 (xv) Any other action that is inconsistent compared to actions taken before the employee engaged in conduct protected by this chapter, or compared to other employees who have not engaged in conduct protected by this chapter.

(2) The agency presumed to have taken retaliatory action under subsection (1) of this section may rebut that presumption by proving by a preponderance of the evidence that there have been a series of documented personnel problems or a single, egregious event, or that the agency action or actions were justified by reasons unrelated to the employee's status as a whistleblower and that improper motive was not a substantial factor.

(3) Nothing in this section prohibits an agency from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. However, the agency also shall implement any order under chapter 49.60 RCW (other than an order of suspension if the agency has terminated the retaliator).

**Sec. 7** RCW 49.60.230 and 1993 c 510 s 21 and 1993 c 69 s 11 are each reenacted and amended to read as follows:

(1) Who may file a complaint:

(a) Any person claiming to be aggrieved by an alleged unfair practice may, personally or by his or her attorney, make, sign, and file with the commission a complaint in writing under oath or by declaration. The complaint shall state the name of the person alleged to have committed the unfair practice and the particulars thereof, and contain such other information as may be required by the commission.

(b) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice, the commission may issue a complaint.

(c) Any employer or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the commission a written complaint under oath or by declaration asking for assistance by conciliation or other remedial action.

(2) Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination except that complaints alleging an unfair practice in a real estate transaction pursuant to RCW 49.60.222 through 49.60.225 must be so filed within one year after the alleged unfair practice in a real estate transaction has occurred or terminated and a complaint alleging whistleblower retaliation must be filed within two years.

**Sec. 8** RCW 49.60.250 and 1993 c 510 s 23 and 1993 c 69 s 14 are each reenacted and amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the chairperson of the commission. The chairperson of the commission shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the commission who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed ~~(ten)~~ twenty thousand dollars, and including a requirement for report of the matter on compliance. Relief available for violations of RCW 49.60.222 through 49.60.224 shall be limited to the relief specified in RCW 49.60.225.

(6) If a determination is made that retaliatory action, as defined in RCW 42.40.050, has been taken against a whistleblower, as defined in RCW 42.40.020, the administrative law judge may, in addition to any other remedy, require restoration of benefits, back pay, and any increases in compensation that would have occurred, with interest; impose a civil penalty upon the retaliator of up to ~~(three)~~ five thousand dollars; and issue an order to the state employer to suspend the retaliator for up to thirty days without pay. At a minimum, the administrative law judge shall require that a letter of reprimand be placed in the retaliator's personnel file. No agency shall issue any nondisclosure order or policy, execute any nondisclosure agreement, or spend any funds requiring information that is public under the public records act, chapter 42.56 RCW, be kept confidential; except that nothing in this section shall affect any state or federal law requiring information be kept confidential. All penalties recovered shall be paid into the state treasury and credited to the general fund.

(7) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.510 through 34.05.598, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

(8) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(9) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous, unreasonable, or groundless.

(10) The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(11) Instead of filing with the commission, a complainant may pursue arbitration conducted by the American arbitration association or another arbitrator mutually agreed by the parties, with the cost of arbitration shared equally by the complainant and the respondent.

Sec. 9 RCW 42.40.910 and 1999 c 361 s 7 are each amended to read as follows:

This act and chapter 361, Laws of 1999 ~~((does))~~ do not affect the jurisdiction of the legislative ethics board, the executive ethics board, or the commission on judicial conduct, as set forth in chapter 42.52 RCW. The senate, the house of representatives, and the supreme court shall adopt policies regarding the applicability of chapter 42.40 RCW to the senate, house of representatives, and judicial branch.

NEW SECTION. Sec. 10 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Eide moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6776 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Eide that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6776 and ask the House to recede therefrom.

The motion by Senator Eide carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6776 and asked the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6792, with the following amendment: 6792-S.E AMH ENGR H5951.E

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 13.34.215 and 2007 c 413 s 1 are each amended to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) The child has not achieved his or her permanency plan within three years of a final order of termination ~~((, or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights))~~; and

(d) ~~((Absent good cause,))~~ The child must be at least twelve years old at the time the petition is filed. Upon the child's motion for good cause shown, or on its own motion, the court may hear a petition filed by a child younger than twelve years old.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, ~~((it appears))~~ the court finds by a preponderance of the evidence that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the parent has been successful, the court shall enter a final order of reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

~~((+0))~~ (11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW or

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

costs of other services provided to a child for the time period from the date of termination of parental rights to the date parental rights are reinstated.

~~((11))~~ (12) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

~~((12))~~ (13) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(14) The state, the department, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, or its employees concerning the original termination.

Sec. 2 RCW 13.34.065 and 2007 c 413 s 5 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive ~~(parent)~~ household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. ~~((However))~~ The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service, except that if the court determines there is reasonable cause to believe the abuse of alcohol or controlled substances or unmet mental health needs are contributing factors to the alleged abuse or neglect or inability to properly provide care for the child, the court may order the parent to participate in a comprehensive chemical dependency or mental health evaluation as arranged by the department;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

FIFTY-SEVENTH DAY, MARCH 10, 2008

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, ~~((and the child was initially placed with a relative pursuant to RCW 13.34.060(1);))~~ the court shall order ~~((continued))~~ placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with

2008 REGULAR SESSION

notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

**Sec. 3** RCW 13.34.136 and 2007 c 413 s 7 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130~~((+4))~~ (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130((4)) (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date (~~(-preferably before)~~). If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the department to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

**Sec. 4** RCW 13.34.145 and 2007 c 413 s 9 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the

welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

FIFTY-SEVENTH DAY, MARCH 10, 2008

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 (~~and 13.34.138~~), 13.34.215(5), and 13.34.096.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation

2008 REGULAR SESSION

of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

**Sec. 5** RCW 26.44.063 and 2000 c 119 s 12 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home or the care of a parent, guardian, or legal custodian often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged (~~offender~~) abuser, rather than the child, shall be removed or restrained from the (~~home~~) child's residence and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, (~~13.34.130~~) chapter 13.34 RCW, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

(a) Molesting or disturbing the peace of the alleged victim;

(b) Entering the family home of the alleged victim except as specifically authorized by the court;

(c) Having any contact with the alleged victim, except as specifically authorized by the court;

(d) Knowingly coming within, or knowingly remaining within, a specified distance of a specified location.

(3) If the caretaker is willing, and does comply with the duties prescribed in subsection (8) of this section, uncertainty by the caretaker that the alleged abuser has in fact abused the alleged victim shall not, alone, be a basis to remove the alleged victim from the caretaker, nor shall it be considered neglect.

(4) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

child from further abuse or emotional trauma pending final resolution of the abuse allegations.

~~((4))~~ (5) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

~~((5))~~ (6) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

~~((6))~~ (7) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

~~((7))~~ (8) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

~~((8))~~ (9) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44 RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

~~((9))~~ (10) If a restraining order issued under this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

**Sec. 6** RCW 71.24.035 and 2007 c 414 s 2, 2007 c 410 s 8, and 2007 c 375 s 12 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for adults and children with mental illness. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents, including parents who are ~~((defendants))~~ respondents in dependency cases, in the following order of priority: (i) Persons with acute mental illness; (ii) adults with chronic mental

illness and children who are severely emotionally disturbed; and (iii) persons who are seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for persons with mental illness which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in persons with mental illness becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of persons who are minorities, elderly, disabled, children, low-income, and parents who are ~~((defendants))~~ respondents in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320~~((c))~~ and 71.24.330~~((c) and 71.24.3201))~~, which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the

FIFTY-SEVENTH DAY, MARCH 10, 2008

regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter;

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services;

(o) Certify crisis stabilization units that meet state minimum standards; and

(p) Certify clubhouses that meet state minimum standards.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The standards for certification of crisis stabilization units shall include standards that:

(a) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;

(b) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and

(c) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.

(14) The standards for certification of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(15) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(16) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(17) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

(18) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

**Sec. 7** RCW 74.13.031 and 2007 c 413 s 10 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency(~~(= PROVIDED, That)~~). An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

~~(5) ((Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature))~~ Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or

necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen

FIFTY-SEVENTH DAY, MARCH 10, 2008

years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

**NEW SECTION. Sec. 8** A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

(a) A written signed statement prepared on department letterhead, verifying the following:

(i) The youth is a minor who resides in Washington;

(ii) Pursuant to a court order, the youth is dependent and the department or other supervising agency is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;

(iii) The youth's full name and date of birth;

(iv) The youth's social security number, if available;

(v) A brief physical description of the youth;

(vi) The appropriate address to be listed on the youth's identicard; and

(vii) Contact information for the appropriate person at the department.

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

(a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or

(b) Hand-delivered to a local office of the department of licensing by a department case worker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department shall include the additional information with the submission of information required under subsection (1) of this section.

**Sec. 9** RCW 46.20.035 and 2004 c 249 s 2 are each amended to read as follows:

The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;

(e) A United States passport; or

(f) An Immigration and Naturalization Service form.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant. Notwithstanding the requirements in subsection (2) of this section, the department shall issue an identicard to an applicant for whom it receives documentation pursuant to section 8 of this act.

(4) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3) of this section at the time of previous issuance.

(5) The form of an applicant's name, as established under this section, is the person's name of record for the purposes of this chapter.

(6) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."

**Sec. 10** RCW 41.06.142 and 2002 c 354 s 208 are each amended to read as follows:

(1) Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

(b) Employees in the classified service whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (4) of this section;

(c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

(3) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1) ~~((and)),~~ (4) ~~((through (6))),~~ and (5) of this section.

(4) Competitive contracting shall be implemented as follows:

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(a) At least ninety days prior to the date the contracting agency requests bids from private entities for a contract for services provided by classified employees, the contracting agency shall notify the classified employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The director of personnel, with the advice and assistance of the department of general administration, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of general administration, with the advice and assistance of the department of personnel, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of general administration to conduct the bidding process.

(5) As used in this section:

(a) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection (4) of this section.

(b) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(c) "Competitive contracting" means the process by which classified employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

(6) ~~(The joint legislative audit and review committee shall conduct a performance audit of the implementation of this section, including the adequacy of the appeals process in subsection (4)(d) of this section, and report to the legislature by January 1, 2007, on the results of the audit.) The requirements of this section do not apply to RCW 74.13.031(5).~~

**NEW SECTION. Sec. 11** A new section is added to chapter 74.15 RCW to read as follows:

To be eligible for placement in a HOPE center, a minor must be either a street youth, as that term is defined in this chapter, or a youth who, without placement in a HOPE center, will continue to participate in increasingly risky behavior. Youth may also

self-refer to a HOPE center. Payment for a HOPE center bed is not contingent upon prior approval by the department.

**Sec. 12** RCW 74.15.240 and 1999 c 267 s 14 are each amended to read as follows:

To be eligible for placement in a responsible living skills program, the minor must be dependent under chapter 13.34 RCW and must have lived in a HOPE center or in a secure crisis residential center. However, if the minor's caseworker determines that placement in a responsible living skills program would be the most appropriate placement given the minor's current circumstances, prior residence in a HOPE center or secure crisis residential center before placement in a responsible living program is not required. Responsible living skills centers are intended as a placement alternative for dependent youth that the department chooses for the youth because no other services or alternative placements have been successful. Responsible living skills centers are not for dependent youth whose permanency plan includes return to home or family reunification.

**NEW SECTION. Sec. 13** A new section is added to chapter 13.34 RCW to read as follows:

(1) A child who is age twelve years or older and who is the subject of a dependency under this chapter has the following rights with respect to all hearings conducted on his or her behalf under this chapter:

(a) The right to receive notice of the proceedings and hearings;

(b) The right to be present at hearings; and

(c) The right to be heard personally.

(2) At the request of the child, the child's guardian ad litem or attorney, or upon the court's own motion, the court may conduct an interview with the child in chambers to determine the child's wishes as to the issues pending before the court. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case.

(3) A child's right to attend a hearing conducted on his or her behalf and to be heard by the court cannot be denied or limited by the court absent a specific written finding by the court that such denial or limitation is in the best interests of the child and necessary for the health, safety, and welfare of the child.

(4) Prior to each hearing, the child's guardian ad litem or attorney shall determine if the child wishes to be present and to be heard at the hearing. If the child wishes to attend the hearing, the guardian ad litem or attorney shall coordinate with the child's caregiver and the department or supervising agency to make arrangements for the child to attend the hearing. Nothing in this subsection shall be construed to create a duty on the department or supervising agency to transport the child.

**Sec. 14** RCW 13.34.096 and 2007 c 409 s 1 are each amended to read as follows:

(1) Prior to each proceeding held with respect to a child in juvenile court under this chapter, the department of social and health services or other supervising agency shall provide notice of the right to be present and to be heard:

(a) To the child's foster parents, preadoptive parents, or other caregivers ((with notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter)); and

(b) To the child if the child is age twelve years or older.

(2) The rights to notice and to be heard apply only to the child and persons with whom ((a)) the child has been placed by the department or other supervising agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

**Sec. 15** RCW 13.34.105 and 2000 c 124 s 4 are each amended to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem for a child subject to a proceeding under this chapter, including an attorney specifically appointed by the

FIFTY-SEVENTH DAY, MARCH 10, 2008

court to serve as a guardian ad litem, include but are not limited to the following:

(a) To investigate, collect relevant information about the child's situation, and report to the court factual information regarding the best interests of the child;

(b) To meet with, interview, or observe the child, depending on the child's age and developmental status, and report to the court any views or positions expressed by the child on issues pending before the court;

(c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order;

~~((e))~~ (d) To report to the court information on the legal status of a child's membership in any Indian tribe or band;

~~((d))~~ (e) Court-appointed special advocates and guardians ad litem may make recommendations based upon an independent investigation regarding the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties; and

~~((e))~~ (f) To represent and be an advocate for the best interests of the child.

(2) A guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

(3) Except for information or records specified in RCW 13.50.100~~((5))~~ (7), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

(4) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

(5) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100.

NEW SECTION. Sec. 16 Section 7 of this act takes effect December 31, 2008.

NEW SECTION. Sec. 17 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6792 and ask the House to recede therefrom.

Senators Regala spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Regala that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6792 and ask the House to recede therefrom.

The motion by Senator Regala carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6792 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 10, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2878 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives: Clibborn, Jarrett & Ericksen and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 2878 and the Senate amendment(s) thereto.

Senator Swecker spoke in favor of the motion.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2878 and the House amendment(s) thereto: Senators Haugen, Marr and Swecker.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

March 8, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2525 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate recede from its position on Substitute House Bill No. 2525 and pass the bill without the Senate amendment(s).

The President declared the question before the Senate to be motion by Senator Jacobsen that the Senate recede from its position on Substitute House Bill No. 2525 and pass the bill without Senate amendment(s).

The motion by Senator Jacobsen carried and the Senate receded from its position on Substitute House Bill No. 2525 and pass the bill without Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2525, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama,

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senators Fairley and Fraser - 2

SUBSTITUTE HOUSE BILL NO. 2525, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Honeyford, the President finds on Senate Bill No. 6332: the underlying bill did, one thing and one thing only. It increased the Housing Finance Commission's debt limit from 4.5 billion to 6.5 billion. The house amendment goes far beyond the underlying bill adding a number of responsibilities. Therefore the President finds the amendments are outside the scope and object of the bill and Senator Honeyford's point of order is well taken."

MOTION

Senator Weinstein moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 6332 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Weinstein that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 6332 and ask the House to recede therefrom.

The motion by Senator Weinstein carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 6332 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6855, with the following amendment: 6855-S2 AMH ORMS H5981.1

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 43.160.010 and 1999 c 164 s 101 and 1999 c 94 s 5 are each reenacted and amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. ~~((Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality.))~~ Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic

revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways, county roads, or city streets for industries considering locating or expanding in this state.

~~((a))~~ (3) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

~~((b)) All transportation improvements on state highways must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280.~~

~~(3))~~ (4) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in ~~((rural natural resources impact areas and rural counties of))~~ the state.

~~((4))~~ (5) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

~~((5))~~ (6) The legislature finds that sharing economic growth statewide is important to the welfare of the state. ~~((Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region.))~~ The ability of ~~((these))~~ communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure are critical ingredients for economic development. ~~((Rural counties and rural natural resources impact areas generally lack these necessary tools and resources to diversify and revitalize their economies.))~~ It is, therefore, the intent of the legislature to increase the amount of funding available through the community economic revitalization board ~~((for rural counties and rural natural resources impact areas,))~~ and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

Sec. 2 RCW 43.160.020 and 2004 c 252 s 1 are each amended to read as follows:

FIFTY-SEVENTH DAY, MARCH 10, 2008

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) ("~~Bond~~" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

~~(3))~~ "Department" means the department of community, trade, and economic development.

~~((4))~~ "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

~~(5)~~ "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

~~(6)~~ "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

~~(7))~~ (3) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

~~((8))~~ "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

~~(9)~~ "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

~~(10)~~ "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

~~(11))~~ (4) "Public facilities" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

~~((12))~~ (5) "Rural county" means a county with a population density of fewer than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

~~((13))~~ "Rural natural resources impact area" means:

~~(a)~~ A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (14) of this section;

~~(b)~~ A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (14) of this section; or

~~(c)~~ A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (14) of this section.

~~(14)~~ For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

~~(a)~~ A lumber and wood products employment location quotient at or above the state average;

~~(b)~~ A commercial salmon fishing employment location quotient at or above the state average;

~~(c)~~ Projected or actual direct lumber and wood products job losses of one hundred positions or more;

~~(d)~~ Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

~~(e)~~ An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.)

Sec. 3 RCW 43.160.030 and 2004 c 252 s 2 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of one member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The board shall also consist of the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of a federally recognized Indian tribe; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor. The members of the board shall elect one of their members to serve as vice-chair. The director of community, trade, and economic development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter (~~and the allocation of private activity bonds~~).

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(6) A member appointed by the governor may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the governor.

(7) A majority of members currently appointed constitutes a quorum.

Sec. 4 RCW 43.160.050 and 1996 c 51 s 4 are each amended to read as follows:

The board may:

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business.

(2) Adopt an official seal and alter the seal at its pleasure.

(3) Utilize the services of other governmental agencies.

(4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants.

(5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers.

(6) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter.

~~(7) ((Exercise all the powers of a public corporation under chapter 39.84 RCW.~~

~~(8) Invest any funds received in connection with industrial development revenue bond financing not required for immediate use, as the board considers appropriate, subject to any agreements with owners of bonds.~~

~~(9) Arrange for lines of credit for industrial development revenue bonds from and enter into participation agreements with any financial institution.~~

~~(10) Issue industrial development revenue bonds in one or more series for the purpose of defraying the cost of acquiring or improving any industrial development facility or facilities and securing the payment of the bonds as provided in this chapter.~~

~~(11)) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.~~

~~((12) Sell, purchase, or insure loans to finance the costs of industrial development facilities.~~

~~(13) Service, contract, and pay for the servicing of loans for industrial development facilities.~~

~~(14) Provide financial analysis and technical assistance for industrial development facilities when the board reasonably considers it appropriate.~~

~~(15) Collect, with respect to industrial development revenue bonds, reasonable interest, fees, and charges for making and servicing its lease agreements, loan agreements, mortgage loans, notes, bonds, commitments, and other evidences of indebtedness. Interest, fees, and charges are limited to the amounts required to pay the costs of the board, including operating and administrative expenses and reasonable allowances for losses that may be incurred.~~

~~(16) Procure insurance or guarantees from any party as allowable under law, including a governmental agency, against any loss in connection with its lease agreements, loan agreements, mortgage loans, and other assets or property.~~

~~(17)) (8) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.~~

~~((18)) (9) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.~~

**Sec. 5** RCW 43.160.060 and 2007 c 231 s 3 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require

grant assistance to enable the project to move forward. However, ~~((at least ten)) no more than twenty-five percent~~ of all financial assistance ~~((provided)) approved~~ by the board in any biennium ~~((shall)) may~~ consist of grants to political subdivisions and federally recognized Indian tribes.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

~~(c) ((For the acquisition of real property, including buildings and other fixtures which are a part of real property.~~

~~(d)) For a project the primary purpose of which is to facilitate or promote gambling.~~

~~(d) For a project located outside the jurisdiction of the applicant political subdivision or federally recognized Indian tribe.~~

(2) The board shall only provide financial assistance:

(a) For ~~((those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, deinking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.~~

~~(b) For projects which it finds) a project demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:~~

~~(i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted; and~~

~~(ii) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities(;~~

~~(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made);~~

~~(b) For a project that cannot meet the requirement of (a) of this subsection but is a project that:~~

~~(i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted;~~

~~(ii) Is part of a local economic development plan consistent with applicable state planning requirements;~~

~~(iii) Can demonstrate project feasibility using standard economic principles; and~~

~~(iv) Is located in a rural community as defined by the board, or a rural county;~~

~~(c) For site-specific plans, studies, and analyses that address environmental impacts, capital facilities, land use, permitting, feasibility, marketing, project engineering, design, site planning,~~

FIFTY-SEVENTH DAY, MARCH 10, 2008

and project debt and revenue impacts, as grants not to exceed fifty thousand dollars.

(3) The board shall develop guidelines for local participation and allowable match and activities.

(4) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.

(5) An application must be approved by the political subdivision and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

(6) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

(7) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.

(8) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed ~~((and according))~~, but also giving consideration to the unemployment rate in the area in which the jobs would be located;

(b) The rate of return of the state's investment, ~~((that includes the))~~ including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project; ~~((and))~~

(c) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;

(d) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements; and

(e) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.

~~((+))~~ (9) A responsible official of the political subdivision or the federally recognized Indian tribe shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

**Sec. 6** RCW 43.160.070 and 1999 c 164 s 104 are each amended to read as follows:

Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account ~~((and the distressed county public facilities construction loan account))~~ shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter ~~((or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature))~~. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the account~~((s))~~. ~~((The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board under~~

2008 REGULAR SESSION

~~this chapter without reference to financial assistance provided under RCW 43.160.220-))~~

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural communities as defined by the board, or rural counties ~~((or rural natural resources impact areas, as the board determines))~~. The loans shall not exceed twenty years in duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. ~~((Repayments of loans made from the distressed county public facilities construction loan account under the contracts for public facilities construction loans shall be paid into the distressed county public facilities construction loan account.))~~ Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

**Sec. 7** RCW 43.160.074 and 1985 c 433 s 5 are each amended to read as follows:

(1) An application to the board from a political subdivision may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the department of transportation ~~((commission))~~.

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving approval, as submitted or amended or disapproval from the department of transportation ~~((commission))~~ as specified in RCW 47.01.280. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or highways without the approval as submitted or amended of the department of transportation ~~((commission))~~ as specified in RCW 47.01.280.

(4) The board shall notify the department of transportation ~~((commission))~~ of its decision regarding any application made under this section.

**Sec. 8** RCW 43.160.076 and 1999 c 164 s 105 are each reenacted and amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter ~~((without reference to financial assistance provided under RCW 43.160.220))~~, the board shall ~~((spend))~~ approve at least seventy-five percent of the first twenty million dollars of funds available and at least fifty percent of any additional funds for financial assistance for projects in rural counties ~~((or rural natural resources impact areas))~~.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in rural counties ~~((or rural natural resources impact areas))~~ are clearly insufficient to use up the ~~((seventy-five percent))~~ allocations under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of

FIFTY-SEVENTH DAY, MARCH 10, 2008

the allocation for financial assistance to projects not located in rural counties ~~((or rural natural resources impact areas)).~~

**Sec. 9** RCW 43.160.900 and 1993 c 320 s 8 are each amended to read as follows:

(1) The community economic revitalization board shall ~~((report to the appropriate standing committees of the legislature biennially on the implementation of))~~ conduct biennial outcome-based evaluations of the financial assistance provided under this chapter. The ((report)) evaluations shall include information on the number of applications for community economic revitalization board assistance((:)); the number and types of projects approved((:)); the grant or loan amount awarded each project((:)); the projected number of jobs created or retained by each project((:)); the actual number and cost of jobs created or retained by each project((:)); the wages and health benefits associated with the jobs; the amount of state funds and total capital invested in projects; the number and types of businesses assisted by funded projects; the location of funded projects; the transportation infrastructure available for completed projects; the local match and local participation obtained; the number of delinquent loans((:)); and the number of project terminations. The ((report)) evaluations may also include additional performance measures and recommendations for programmatic changes. ((The first report shall be submitted by December 1, 1994.))

(2)(a) By September 1st of each even-numbered year, the board shall forward its draft evaluation to the Washington state economic development commission for review and comment, as required in section 10 of this act. The board shall provide any additional information as may be requested by the commission for the purpose of its review.

(b) Any written comments or recommendations provided by the commission as a result of its review shall be included in the board's completed evaluation. The evaluation must be presented to the governor and appropriate committees of the legislature by December 31st of each even-numbered year. The initial evaluation must be submitted by December 31, 2010.

**NEW SECTION. Sec. 10** A new section is added to chapter 43.162 RCW to read as follows:

The Washington state economic development commission shall review and provide written comments and recommendations for inclusion in the biennial evaluation conducted by the community economic revitalization board under RCW 43.160.900.

**Sec. 11** RCW 43.160.080 and 1998 c 321 s 30 are each amended to read as follows:

There shall be a fund in the state treasury known as the public facilities construction loan revolving account, which shall consist of all moneys collected under this chapter ~~((except moneys of the board collected in connection with the issuance of industrial development revenue bonds and moneys deposited in the distressed county public facilities construction loan account under RCW 43.160.220;))~~ and any moneys appropriated to it by law ~~((: PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the account under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184)).~~ Disbursements from the revolving account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account shall be subject in all respects to chapter 43.88 RCW.

**NEW SECTION. Sec. 12** (1) The legislature recognizes that although many regions of the state are thriving, there are still distressed communities throughout rural and urban Washington where capital investments in community services initiatives could create vibrant local business districts and prosperous neighborhoods.

(2) The legislature also recognizes that nonprofit organizations provide a variety of community services that serve

2008 REGULAR SESSION

the needs of the citizens of Washington, including many services implemented under contract with state agencies. The legislature also finds that the efficiency and quality of these services may be enhanced by the provision of safe, reliable, and sound facilities, and that, in certain cases, it may be appropriate for the state to assist in the development of these facilities.

(3) The legislature finds that providing these capital investments is critical for the economic health of local distressed communities, helps build strong relationships with the state, and expands life opportunities for underserved, low-income populations.

**NEW SECTION. Sec. 13** A new section is added to chapter 43.63A RCW to read as follows:

The definitions in this section apply throughout RCW 43.63A.125, this section, and sections 14 and 16 of this act unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Distressed community" means: (a) A county that has an unemployment rate that is twenty percent above the state average for the immediately previous three years; (b) an area within a county that the department determines to be a low-income community, using as guidance the low-income community designations under the community development financial institutions fund's new markets tax credit program of the United States department of the treasury; or (c) a school district in which at least fifty percent of local elementary students receive free and reduced-price meals.

(3) "Nonprofit organization" means an organization that is tax exempt, or not required to apply for an exemption, under section 501(c)(3) or 501(c)(6) of the federal internal revenue code of 1986, as amended.

(4) "Technical assistance" means professional services provided under contract to nonprofit organizations for feasibility studies, planning, and project management related to acquiring, constructing, or rehabilitating nonresidential community services facilities.

**NEW SECTION. Sec. 14** A new section is added to chapter 43.63A RCW to read as follows:

The building communities fund account is created in the state treasury. The account shall consist of legislative appropriations and gifts, grants, or endowments from other sources as permitted by law. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for capital and technical assistance grants as provided in RCW 43.63A.125.

**Sec. 15** RCW 43.63A.125 and 2006 c 371 s 233 are each amended to read as follows:

(1) The department shall establish ~~((a competitive process to solicit proposals for and prioritize projects that assist nonprofit organizations in))~~ the building communities fund program. Under the program, capital and technical assistance grants may be made to nonprofit organizations for acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential ((social)) community services, including social service centers and multipurpose community centers, including those serving a distinct or ethnic population. Such facilities must be located in a distressed community or serve a substantial number of low-income or disadvantaged persons.

(2) The department shall establish a competitive process to solicit, evaluate, and prioritize applications for the ((assistance)) building communities fund program as follows:

(a) The department shall conduct a statewide solicitation of project applications from ~~((local governments;))~~ nonprofit organizations((; and other entities, as determined by the department)).

(b) The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. ~~((At a minimum;))~~ Applicants must demonstrate that the ((requested assistance)) proposed project:

FIFTY-SEVENTH DAY, MARCH 10, 2008

~~(i) Will increase the range, efficiency, or quality of the ((social)) services ((it provides)) provided to citizens;~~

~~(ii) Will be located in a distressed community or will serve a substantial number of low-income or disadvantaged persons;~~

~~(iii) Will offer a diverse set of activities that meet multiple community service objectives, including but not limited to: Providing social services; expanding employment opportunities for or increasing the employability of community residents; or offering educational or recreational opportunities separate from the public school system or private schools, as long as recreation is not the sole purpose of the facility;~~

~~(iv) Reflects a long-term vision for the development of the community, shared by residents, businesses, leaders, and partners;~~

~~(v) Requires state funding to accomplish a discrete, usable phase of the project;~~

~~(vi) Is ready to proceed and will make timely use of the funds;~~

~~(vii) Is sponsored by one or more entities that have the organizational and financial capacity to fulfill the terms of the grant agreement and to maintain the project into the future;~~

~~(viii) Fills an unmet need for community services;~~

~~(ix) Will achieve its stated objectives; and~~

~~(x) Is a community priority as shown through tangible commitments of existing or future assets made to the project by community residents, leaders, businesses, and government partners.~~

~~(c) The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. ((Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project.)) The department shall require a nonstate match for grant assistance under this section. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. Grant assistance may not exceed fifty percent of the total cost of the project.~~

~~((b)) (d) The department may not:~~

~~(i) Set a monetary limit to funding requests; or~~

~~(ii) Require that state funds be the last to be spent on a project.~~

~~(3)(a) The department shall submit a ((prioritized)) ranked list of recommended projects annually to the governor and the legislature in the department's ((biennial)) capital budget requests beginning with the ((2001-2003)) 2009-2011 biennium and thereafter. ((For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget.)) The list shall include a description of each project, its total cost, the amount of requested state funding, and the amount of recommended state funding(, and documentation of nonstate funds to be used for the project)).~~

~~(b) The total amount of recommended state capital funding for projects on ((a biennial)) the annual ranked project list shall be determined by the capital budget beginning with the 2009-2011 biennium and thereafter, and shall not exceed ((ten million dollars)) forty percent of the total amount appropriated for the building communities fund program. In addition, if cash funds have been appropriated, up to three million dollars may be used for technical assistance grants. ((Except for the 1999-2001 biennium,)) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.~~

~~((e)) (4) The department shall also submit to the legislature an unranked list of the remaining eligible projects for which applications were received. The list must include a description of each project, its total cost, and the amount of state funding requested. The appropriate fiscal committees of the legislature shall use this list to determine, in the legislature's sole discretion, any additional building communities fund projects~~

2008 REGULAR SESSION

~~that may receive funding in the capital budget. The total amount of state capital funding available for all projects on the annual unranked list shall be determined by the capital budget beginning with the 2009-2011 biennium and thereafter, and shall not exceed sixty percent of the total amount appropriated for the building communities fund program.~~

~~(5) In addition to the ranked and the unranked lists, the department shall submit to the appropriate fiscal committees of the legislature:~~

~~(a) All application materials it received and all working papers it developed during its evaluation process; and~~

~~(b) A summary report that describes the solicitation, evaluation and prioritization processes, including but not limited to the number of applications received, the total amount of funding requested, issues encountered, if any, and any recommendations for process improvements for future competitive rounds.~~

~~(6) After the legislature has approved a specific list of projects in law, the department shall develop and manage appropriate contracts with the selected applicants; monitor project expenditures and grantee performance; report project and contract information; and exercise due diligence and other contract management responsibilities as required.~~

~~(7) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.~~

~~NEW SECTION. Sec. 16 A new section is added to chapter 43.63A RCW to read as follows:~~

~~(1) The department shall develop accountability and reporting standards for grant recipients. At a minimum, the department shall use the criteria listed in RCW 43.63A.125(2)(b) to evaluate the progress of each grant recipient.~~

~~(2) Beginning January 1, 2011, the department shall submit an annual report to the appropriate committees of the legislature, including:~~

~~(a) A list of projects currently under contract with the department under the building communities fund program; a description of each project, its total cost, the amount of state funding awarded and expended to date, the project status, the number of low-income people served, and the extent to which the project has met the criteria in RCW 43.63A.125(2)(b); and~~

~~(b) Recommendations, if any, for policy and programmatic changes to the building communities fund program to better achieve program objectives.~~

~~NEW SECTION. Sec. 17 The legislature finds that communities surrounding Washington's military bases should reflect our state's appreciation of the armed forces and the value of the sacrifice of military personnel stationed in our region. Declining resources for new infrastructure has increased pressure on cities and counties and, as urban areas have grown near Washington's military bases, these areas have often developed in a pattern that has not supported the needs of the military for housing and services.~~

~~The legislature finds that local governments can implement funding options to encourage high-quality redevelopment of the neighborhoods nearest the state's military bases, and infrastructure consistent with the highest public health, safety, and welfare standards in a manner supportive to the military's esprit de corps.~~

~~NEW SECTION. Sec. 18 A new section is added to chapter 43.330 RCW to read as follows:~~

~~(1) The department must conduct a military improvement zone pilot program. The principal purpose of the pilot program~~

FIFTY-SEVENTH DAY, MARCH 10, 2008

is to encourage the development of high-quality infrastructure and affordable housing in the areas nearest to federal military bases. The pilot program must also determine the effectiveness of the program in increasing the development of high-quality infrastructure and additional affordable housing in improvement zones. The pilot program must be administered by the department.

(2)(a) The department, for purposes of the pilot program authorized by this section, must designate qualifying areas as military improvement zones.

(b) Applications to designate qualifying areas as improvement zones may be submitted by counties or cities. To be eligible for designation as an improvement zone in the pilot program, an area must:

(i) Be a defined geographic area consisting of a neighborhood or contiguous neighborhoods;

(ii) Be within two miles of not more than two federal military bases, which base or bases have over thirty thousand personnel combined, that are wholly contained within either tract 720 or 806 as designated by the United States census bureau; and

(iii) Demonstrate a need for infrastructure improvements that result from population growth, a limited property tax base, a low-income population, a lack of affordable housing, or a designation of a majority of the area as qualified census tracts by the United States department of housing and urban development.

(3) The department must:

(a) Develop operational guidelines and criteria for the pilot program; and

(b) Provide technical assistance to counties and cities participating in the pilot program.

(4) Subject to the availability of amounts appropriated for this specific purpose, the department must provide grants to counties and cities participating in the pilot program authorized under this section. The grants must only be for public infrastructure projects related to affordable housing projects for the improvement zone. Authorized uses include, but are not limited to:

(a) Street and road construction necessary to serve the improvement zone;

(b) Water and sewer system construction; and

(c) Construction of storm water and drainage management systems.

(5)(a) The department must provide a comprehensive pilot program status report to the governor and appropriate committees of the house of representatives and the senate by September 30, 2010.

(b) The department must report its pilot program findings and recommendations to the governor and appropriate committees of the house of representatives and the senate by September 30, 2012.

(6) As used in this section, "affordable housing" has the same meaning as in RCW 43.185A.010.

(7) This section expires June 30, 2013.

**NEW SECTION. Sec. 19** A new section is added to chapter 82.32 RCW to read as follows:

(1) To be eligible for distributions under section 20 of this act, the county or city must:

(a) Submit an application to the department prior to the initiation of construction of the affordable housing project. The application must be in a form and manner required by the department and must include provisions verifying that:

(i) The project is in a military improvement zone designated by the department under section 18 of this act;

(ii) The expected completion date of the construction of the affordable housing project is consistent with the requirements of the department;

(iii) The proceeds distributed under section 20 of this act will be used for infrastructure that is required for the development to occur;

2008 REGULAR SESSION

(iv) At least twenty-five percent of the housing units in the project qualify as affordable housing; and

(v) A development agreement has been made between the developer and the applicable county or city providing for: (A) The number of affordable housing units to be developed; (B) site and building design specifications; and (C) the infrastructure necessary for the project to be constructed. The department must rule on the application within forty-five days of its receipt;

(b) Submit an expenditure plan to the department within one hundred twenty days of the date the application is submitted under (a) of this subsection (1). The plan must specify the intended use of proceeds distributed under section 20 of this act. The department must notify the county or city of any deficiencies in the expenditure plan within ninety days of its submittal.

(2) Proceeds distributed under section 20 of this act may only be used for public infrastructure projects related to a qualifying affordable housing project. Authorized uses include, but are not limited to:

(a) Street and road construction necessary to serve the improvement zone;

(b) Water and sewer system construction; and

(c) Construction of storm water and drainage management systems.

(3) As used in this section, "affordable housing" has the same meaning as in RCW 43.185A.010.

(4) As used in this section, "department" means the department of community, trade, and economic development.

(5) The department may not transfer money to the account established in section 20 of this act after July 1, 2013.

**NEW SECTION. Sec. 20** A new section is added to chapter 43.330 RCW to read as follows:

(1) The military improvement zone account is created in the custody of the state treasurer. Receipts from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source, specifically designated for purposes of sections 18 and 19 of this act, must be deposited into the account. Expenditures from the account may be used by a county or city only for public infrastructure projects authorized under sections 19(2) and 18(4) of this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department of revenue must distribute proceeds under this section annually at no cost to the receiving county or city. Proceeds must be distributed to a city or county by July 1st of each year, beginning in the state fiscal year following the fiscal year in which initiation of construction of the affordable housing project begins.

(3) The department of revenue may not distribute proceeds under this section for construction occurring after the date of completion specified in section 19(1)(a)(ii) of this act. However, the department of revenue, in consultation with the department, may extend the date of completion for good cause shown.

**NEW SECTION. Sec. 21** A new section is added to chapter 43.330 RCW to read as follows:

(1) The department must conduct an examination of land use tools and funding options that local governments can implement to encourage:

(a) High-quality development of the neighborhoods nearest the state's military bases;

(b) Affordable housing for military personnel; and

(c) Infrastructure for this housing that is consistent with the highest public health, safety, and welfare standards.

(2) As used in this section, "affordable housing" has the same meaning as in RCW 43.185A.010.

(3) The department must report its findings and recommendations to the governor and the appropriate

FIFTY-SEVENTH DAY, MARCH 10, 2008

committees of the house of representatives and the senate by January 30, 2009.

**NEW SECTION. Sec. 22** The following acts or parts of acts are each repealed:

- 1 RCW 43.160.100 (Status of board) and 1984 c 257 s 3;
- 2 RCW 43.160.120 (Commingling of funds prohibited) and 1984 c 257 s 5;
- 3 RCW 43.160.130 (Personal liability) and 1984 c 257 s 6;
- 4 RCW 43.160.140 (Accounts) and 1987 c 422 s 8 & 1984 c 257 s 7;
- 5 RCW 43.160.150 (Faith and credit not pledged) and 1984 c 257 s 8;
- 6 RCW 43.160.160 (Security) and 1984 c 257 s 9;
- 7 RCW 43.160.170 (Special reserve account) and 1984 c 257 s 10;
- 8 RCW 43.160.200 (Economic development account--Eligibility for assistance) and 2004 c 252 s 4, 1999 c 164 s 107, 1996 c 51 s 9, & 1995 c 226 s 16;
- 9 RCW 43.160.210 (Distressed counties--Twenty percent of financial assistance) and 1998 c 321 s 31 & 1998 c 55 s 5;
- 10 RCW 43.160.220 (Distressed county public facilities construction loan account) and 1998 c 321 s 9;
- 11 RCW 43.160.230 (Job development fund program) and 2007 c 231 s 4 & 2005 c 425 s 2;
- 12 RCW 43.160.240 (Job development fund program--Maximum grants) and 2005 c 425 s 3; and
- 13 RCW 44.28.801 (State public infrastructure programs and funds--Inventory--Report) and 2006 c 371 s 229 & 2005 c 425 s 5.

**NEW SECTION. Sec. 23** Sections 1, 2, 4 through 11, and 22 of this act take effect July 1, 2009.

**NEW SECTION. Sec. 24** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kilmer moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 6855 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Kilmer that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 6855 and ask the House to recede therefrom.

The motion by Senator Kilmer carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 6855 and asked the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5010, with the following amendment: 5010-S.E AMH APPG H5913.1

On page 4, after line 32, insert the following:

**"NEW SECTION. Sec. 2** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

2008 REGULAR SESSION  
BARBARA BAKER, Chief Clerk

#### MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5010.

Senator Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5010.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5010 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5010, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5010, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Brown - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5010, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6277, with the following amendment: 6277-S AMH TR H5939.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 47.04 RCW to read as follows:

(1) Any local transit agency that has received state funding for a park and ride lot shall make reasonable accommodation for use of that lot by auto transportation companies regulated under chapter 81.68 RCW and private, nonprofit transportation providers regulated under chapter 81.66 RCW, that intend to provide or already provide regularly scheduled service at that lot. The accommodation must be in the form of an agreement between the applicable local transit agency and private transit provider regulated under chapter 81.68 or 81.66 RCW. The transit agency may require that the agreement include provisions to recover costs and fair market value for the use of the lot and its related facilities and to provide adequate insurance and indemnification of the transit agency, and other reasonable provisions to ensure that the private transit provider's use does not unduly burden the transit agency. No accommodation is

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

required, and any agreement may be terminated, if the transit agency determines that the use or capacity of the lot for public transportation purposes is or becomes incompatible with the demands of the private transit provider.

(2) A local transit agency described under subsection (1) of this section may enter into a cooperative agreement with a taxicab company regulated under chapter 81.72 RCW in order to accommodate the taxicab company at the agency's park and ride lot, provided the taxicab company must agree to provide service with reasonable availability, subject to schedule coordination provisions as agreed to by the parties."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6277 and ask the House to recede therefrom.

Senator Haugen spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Brown and Pridemore were excused.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6277 and ask the House to recede therefrom.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6277 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5254, with the following amendment: 5254-S AMH H5863.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 (1) The legislature finds that a skilled work force is essential for employers and job seekers to compete in today's global economy. The engines of economic progress are fueled by education and training. The legislature further finds that industry skill panels are a critical and proven form of public-private partnership that harness the expertise of leaders in business, labor, and education to identify work force development strategies for industries that drive Washington's regional economies. Industry skill panels foster innovation and enable industry leaders and public partners to be proactive, addressing changing needs for businesses quickly and strategically. Industry skill panels leverage small state investments with private sector investments to ensure that public resources are better aligned with industry needs.

(2) The legislature further finds that industry skill panels support other valuable initiatives such as the department of community, trade, and economic development's cluster-based economic development grants; the community and technical college centers of excellence, high-demand funds, and the job skills program; and the employment security department's incumbent worker training funds. Industry skill panels provide a framework for coordinating these and other investments in line with economic and work force development strategies identified

by industry leaders. It is the intent of the legislature to support the development and maintenance of industry skill panels in key sectors of the economy as an efficient and effective way to support regional economic development.

**Sec. 2** RCW 28C.18.010 and 1996 c 99 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1) "Board" means the work force training and education coordinating board.

(2) "Director" means the director of the work force training and education coordinating board.

(3) "Training system" means programs and courses of secondary vocational education, technical college programs and courses, community college vocational programs and courses, private career school and college programs and courses, employer-sponsored training, adult basic education programs and courses, programs and courses funded by the ((job training partnership)) federal workforce investment act, programs and courses funded by the federal vocational act, programs and courses funded under the federal adult education act, publicly funded programs and courses for adult literacy education, and apprenticeships, and programs and courses offered by private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training or adult literacy services.

(4) "Work force skills" means skills developed through applied learning that strengthen and reinforce an individual's academic knowledge, critical thinking, problem solving, and work ethic and, thereby, develop the employability, occupational skills, and management of home and work responsibilities necessary for economic independence.

(5) "Vocational education" means organized educational programs offering a sequence of courses which are directly related to the preparation or retraining of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Such term also includes applied technology education.

(6) "Adult basic education" means instruction designed to achieve mastery of skills in reading, writing, oral communication, and computation at a level sufficient to allow the individual to function effectively as a parent, worker, and citizen in the United States, commensurate with that individual's actual ability level, and includes English as a second language and preparation and testing service for the general education development exam.

(7) "Industry skill panel" means a regional partnership of business, labor, and education leaders that identifies skill gaps in a key economic cluster and enables the industry and public partners to respond to and be proactive in addressing workforce skill needs.

NEW SECTION. Sec. 3 A new section is added to chapter 28C.18 RCW to read as follows:

(1) Subject to funding provided for the purposes of this section, the board, in consultation with the state board for community and technical colleges, the department of community, trade, and economic development, and the employment security department, shall allocate grants on a competitive basis to establish and support industry skill panels.

(2) Eligible applicants for the grants allocated under this section include, but are not limited to, work force development councils, community and technical colleges, economic development councils, private career schools, chambers of commerce, trade associations, and apprenticeship councils.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(3) Entities applying for a grant under this section shall provide an employer match of at least twenty-five percent to be eligible. The local match may include in-kind services.

(4) It shall be the role of industry skill panels funded under this chapter to enable businesses in the industry to address work force skill needs. Industry skill panels shall identify work force strategies to meet the needs in order to benefit employers and workers across the industry. Examples of strategies include, but are not limited to: Developing career guidance materials; producing or updating skill standards and curricula; designing training programs and courses; developing technical assessments and certifications; arranging employer mentoring, tutoring, and internships; identifying private sector assistance in providing faculty or equipment to training providers; and organizing industry conferences disseminating best practices. The products and services of particular skill panels shall depend upon the needs of the industry.

**NEW SECTION. Sec. 4** A new section is added to chapter 28C.18 RCW to read as follows:

The board shall establish industry skill panel standards that identify the expectations for industry skill panel products and services. The board shall establish the standards in consultation with labor, the state board for community and technical colleges, the employment security department, the institute of workforce development and economic sustainability, and the department of community, trade, and economic development. Continued funding of particular industry skill panels shall be based on meeting the standards established by the board under this section. Beginning December 1, 2008, the board shall report annually to the governor and the economic development and higher education committees of the legislature on the results of the industry skill panels funded under this chapter in meeting the standards.

**NEW SECTION. Sec. 5** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5254.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5254.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5254 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5254, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5254, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray,

Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Pridemore - 2

SUBSTITUTE SENATE BILL NO. 5254, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5596, with the following amendment: 5596-S2 AMH ENGR H5952.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 48.43 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, a health carrier may not develop and use a payment methodology that would result in a payment to a chiropractor under a physical medicine and rehabilitation payment or billing code or an evaluation and management payment or billing code in an amount less than a payment to a different provider licensed under Title 18 RCW who is being paid under the same physical medicine and rehabilitation payment or billing code or the same evaluation and management payment or billing code. For payment methodologies that are developed and used on or after January 1, 2009, it is presumed that payment or billing codes that apply only to health care services provided by chiropractors are not in compliance with this requirement unless the carrier shows to the commissioner's satisfaction that the payment or billing codes are used only to achieve the purposes permitted under (b) of this subsection.

(b) This section does not affect a health carrier's:

(i) Implementation of a health care quality improvement program to promote cost-effective and clinically efficacious health care services, including but not limited to pay-for-performance payment methodologies and other programs fairly applied to all health care providers licensed under Title 18 RCW that are designed to promote evidence-based and research-based practices; or

(ii) Health care provider contracting to comply with the network adequacy standards of RCW 48.43.515 and the rules adopted by the commissioner establishing network adequacy standards.

(c) This section does not, and may not be construed to:

(i) Require the payment of provider billings that do not meet the definition of a clean claim as set forth in rules adopted by the commissioner;

(ii) Require any health plan to include coverage of any condition; or

(iii) Expand the scope of practice for any health care provider.

(2) This section applies only to payment methodologies developed or used on or after January 1, 2009.

**Sec. 2** RCW 41.05.017 and 2007 c 502 s 2 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 43.70.235, 48.43.545, 48.43.550, 70.02.110, 70.02.900, section 1 of this act, and 48.43.083.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

**NEW SECTION. Sec. 3** A new section is added to chapter 48.43 RCW to read as follows:

(1) Beginning January 1, 2009, the commissioner shall require carriers to report such data as the commissioner may determine are necessary for an evaluation of the impact of section 1 of this act on the utilization and cost of health care services associated with physical medicine and rehabilitation payment or billing codes and evaluation and management payment or billing codes, and on the total cost of episodes of care for treatment associated with the use of these payment or billing codes.

(2) The data may include, but need not be limited to, the following:

(a) Data on the utilization of physical medicine and rehabilitation services and evaluation and management services associated with payment or billing codes for those services;

(b) Data related to changes in the distribution or mix of health care providers providing services under physical medicine and rehabilitation payment or billing codes and evaluation and management payment or billing codes;

(c) Data related to trends in carrier expenditures for services associated with physical medicine and rehabilitation payment or billing codes and evaluation and management payment or billing codes; and

(d) Data related to trends in carrier expenditures for the total cost of health plan enrollee care for treatment of the presenting health problems associated with the use of physical medicine and rehabilitation payment or billing codes and evaluation and management payment or billing codes.

(3) The commissioner may adopt rules necessary to implement this section, including but not limited to the format and timing of data reporting and defining the years for which data must be provided.

(4)(a) Data, information, and documents provided by the carrier pursuant to this section are exempt from public inspection and copying under chapter 42.56 RCW to the extent that they contain actuarial formulas, statistics, and assumptions submitted in support of setting rates for the carrier's health plans.

(b) The commissioner is authorized to use documents, materials, or other information obtained pursuant to this section in the furtherance of any regulatory activities, reports to the legislature, or legal actions brought as a part of the commissioner's official duties.

(5) The commissioner shall submit the evaluation required in subsection (1) of this section to the appropriate committees of the senate and house of representatives by January 1, 2012.

**NEW SECTION. Sec. 4** This act expires June 30, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5596.

Senator Franklin spoke in favor of the motion.

MOTION

On motion of Senator Eide, further consideration of Second Substitute Senate Bill No. 5596 was deferred and the bill held its place on the concurrence calendar.

MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5751, with the following amendment: 5751.E AMH CL H5815.2

On page 2, line 16, after "and" strike "obviously" and insert "apparently"

On page 2, after line 20, insert the following:

"(h) The board may prohibit tasting at a pilot project location that is within the boundaries of an alcohol impact area recognized by resolution of the board if the board finds that the tasting activities at the location are having an adverse effect on the reduction of chronic public inebriation in the area."

Reletter the remaining subsections consecutively and correct any internal references accordingly. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5751.

Senator Kohl-Welles spoke in favor of the motion.

Senator Roach spoke against the motion.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5751.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5751 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5751, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5751, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Pflug, Regala, Rockefeller, Schoesler, Stevens, Tom, Weinstein and Zarelli - 29

Voting nay: Senators Benton, Fairley, Fraser, Hargrove, Haugen, Kastama, Kauffman, Marr, McCaslin, Morton, Parlette, Rasmussen, Roach, Sheldon, Shin, Spanel and Swecker - 17

Excused: Senators Brown, Prentice and Pridemore - 3

ENGROSSED SENATE BILL NO. 5751, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

FIFTY-SEVENTH DAY, MARCH 10, 2008

The House has passed SENATE BILL NO. 5878, with the following amendment: 5878 AMH PSEP H5681.2.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature enacts sections 3 and 4 of this act to expressly reject the interpretation of *State v. Leyda*, 157 Wn.2d 335, 138 P.3d 610 (2006), which holds that the unit of prosecution in identity theft is any one act of either knowingly obtaining, possessing, using, or transferring a single piece of another's identification or financial information, including all subsequent proscribed conduct with that single piece of identification or financial information, when the acts are taken with the requisite intent. The legislature finds that proportionality of punishment requires the need for charging and punishing for obtaining, using, possessing, or transferring any individual person's identification or financial information, with the requisite intent. The legislature specifically intends that each individual who obtains, possesses, uses, or transfers any individual person's identification or financial information, with the requisite intent, be classified separately and punished separately as provided in chapter 9.94A RCW.

**NEW SECTION. Sec. 2** A new section is added to chapter 9.35 RCW to read as follows:

(1) A person who has learned or reasonably suspects that his or her financial information or means of identification has been unlawfully obtained, used by, or disclosed to another, as described in this chapter, may file an incident report with a law enforcement agency, by contacting the local law enforcement agency that has jurisdiction over his or her actual residence, place of business, or place where the crime occurred. The law enforcement agency shall create a police incident report of the matter and provide the complainant with a copy of that report, and may refer the incident report to another law enforcement agency.

(2) Nothing in this section shall be construed to require a law enforcement agency to investigate reports claiming identity theft. An incident report filed under this section is not required to be counted as an open case for purposes of compiling open case statistics.

**Sec. 3** RCW 9.35.001 and 1999 c 368 s 1 are each amended to read as follows:

The legislature finds that means of identification and financial information ((is)) are personal and sensitive information such that if unlawfully obtained, possessed, used, or transferred by others may ((do)) result in significant harm to a person's privacy, financial security, and other interests. The legislature finds that unscrupulous persons find ever more clever ways, including identity theft, to improperly obtain ((and)), possess, use, and transfer another person's means of identification or financial information. The legislature intends to penalize ((unscrupulous people)) for each unlawful act of improperly obtaining, possessing, using, or transferring means of identification or financial information of an individual person. The unit of prosecution for identity theft by use of a means of identification or financial information is each individual unlawful use of any one person's means of identification or financial information. Unlawfully obtaining, possessing, or transferring each means of identification or financial information of any individual person, with the requisite intent, is a separate unit of prosecution for each victim and for each act of obtaining, possessing, or transferring of the individual person's means of identification or financial information.

**Sec. 4** RCW 9.35.020 and 2004 c 273 s 2 are each amended to read as follows:

(1) No person may knowingly obtain, possess, use, or transfer a means of identification or financial information of another person, living or dead, with the intent to commit, or to aid or abet, any crime.

(2) Violation of this section when the accused or an accomplice ~~((uses the victim's means of identification or~~

2008 REGULAR SESSION

~~financial information)) violates subsection (1) of this section and obtains ((an aggregate total of)) credit, money, goods, services, or anything else of value in excess of one thousand five hundred dollars in value shall constitute identity theft in the first degree. Identity theft in the first degree is a class B felony punishable according to chapter 9A.20 RCW.~~

~~(3) ((Violation of this section when the accused or an accomplice uses the victim's means of identification or financial information and obtains an aggregate total of credit, money, goods, services, or anything else of value that is less than one thousand five hundred dollars in value, or when no credit, money, goods, services, or anything of value is obtained shall constitute identity theft in the second degree.)) A person is guilty of identity theft in the second degree when he or she violates subsection (1) of this section under circumstances not amounting to identity theft in the first degree. Identity theft in the second degree is a class C felony punishable according to chapter 9A.20 RCW.~~

~~(4) Each crime prosecuted under this section shall be punished separately under chapter 9.94A RCW, unless it is the same criminal conduct as any other crime, under RCW 9.94A.589.~~

~~(5) Whenever any series of transactions involving a single person's means of identification or financial information which constitute identity theft would, when considered separately, constitute identity theft in the second degree because of value, and the series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all of the transactions shall be the value considered in determining the degree of identity theft involved.~~

~~(6) Every person who, in the commission of identity theft, shall commit any other crime may be punished therefor as well as for the identity theft, and may be prosecuted for each crime separately.~~

~~(7) A person who violates this section is liable for civil damages of one thousand dollars or actual damages, whichever is greater, including costs to repair the victim's credit record, and reasonable attorneys' fees as determined by the court.~~

~~((5)) (8) In a proceeding under this section, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.~~

~~((6)) (9) The provisions of this section do not apply to any person who obtains another person's driver's license or other form of identification for the sole purpose of misrepresenting his or her age.~~

~~((7)) (10) In a proceeding under this section in which a person's means of identification or financial information was used without that person's authorization, and when there has been a conviction, the sentencing court may issue such orders as are necessary to correct a public record that contains false information resulting from a violation of this section."~~

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Senate Bill No. 5878.  
Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Senate Bill No. 5878.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5878 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5878, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5878, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Prentice and Pridemore - 3

SENATE BILL NO. 5878, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6195, with the following amendment(s): 6195-S AMH APPG H5911.1 & 6195-S AMH APPG H5912.1

On page 7, after line 17, insert the following:

"NEW SECTION. **Sec. 5** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

On page 7, after line 17, insert the following:

"NEW SECTION. **Sec. 5** This act takes effect July 1, 2009."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6195. Senator Haugen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6195.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6195 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6195, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6195, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Prentice and Pridemore - 3

SUBSTITUTE SENATE BILL NO. 6195, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6206, with the following amendment: 6206-S2 AMH ENGR H5899.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 74.13.640 and 2004 c 36 s 1 are each amended to read as follows:

(1) The department of social and health services shall conduct a child fatality review in the event of an unexpected death of a minor in the state who is in the care of or receiving services described in chapter 74.13 RCW from the department or who has been in the care of or received services described in chapter 74.13 RCW from the department within one year preceding the minor's death.

(2) Upon conclusion of a child fatality review required pursuant to subsection (1) of this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the review ((to the appropriate committees of the legislature and shall make copies of the report available to the public upon request)), unless an extension has been granted by the governor. Reports shall be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section shall be posted and maintained.

(3) The department shall develop and implement procedures to carry out the requirements of subsections (1) and (2) of this section.

(4) In the event a child fatality is the result of apparent abuse or neglect by the child's parent or caregiver, the department shall ensure that the fatality review team is comprised of individuals who had no previous involvement in the case and whose professional expertise is pertinent to the dynamics of the case.

(5) In the event of a near-fatality of a child who is in the care of or receiving services described in this chapter from the department or who has been in the care of or received services described in this chapter from the department within one year preceding the near-fatality, the department shall promptly notify the office of the family and children's ombudsman.

**NEW SECTION. Sec. 2** A new section is added to chapter 43.06A RCW to read as follows:

The office of the family and children's ombudsman shall issue an annual report to the legislature on the status of the implementation of child fatality review recommendations.

FIFTY-SEVENTH DAY, MARCH 10, 2008

**Sec. 3** RCW 43.06A.100 and 1999 c 390 s 5 are each amended to read as follows:

The department of social and health services shall:

(1) Allow the ombudsman or the ombudsman's designee to communicate privately with any child in the custody of the department for the purposes of carrying out its duties under this chapter;

(2) Permit the ombudsman or the ombudsman's designee physical access to state institutions serving children, and state licensed facilities or residences for the purpose of carrying out its duties under this chapter;

(3) Upon the ombudsman's request, grant the ombudsman or the ombudsman's designee the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombudsman considers necessary in an investigation; and

(4) Grant the office of the family and children's ombudsman unrestricted on-line access to the case and management information system (CAMIS) or any successor information system for the purpose of carrying out its duties under this chapter.

**Sec. 4** RCW 26.44.030 and 2007 c 387 s 3 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a

2008 REGULAR SESSION

child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((+4))~~ (15) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((+5))~~ (16) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview

the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((+6))~~ (17) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

Sec. 5 RCW 26.44.030 and 2007 c 387 s 3 and 2007 c 220 s 2 are each reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in

FIFTY-SEVENTH DAY, MARCH 10, 2008

the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report

under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

MOTION

department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

~~((+4))~~ (15) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((+5))~~ (16) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((+6))~~ (17) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

NEW SECTION. Sec. 6 A new section is added to chapter 43.06A RCW to read as follows:

The ombudsman shall analyze a random sampling of referrals made by mandated reporters during 2006 and 2007 and report to the appropriate committees of the legislature on the following: The number and types of referrals from mandated reporters; the disposition of the referrals by category of mandated reporters; how many referrals resulted in the filing of dependency actions; any patterns established by the department in how it dealt with such referrals; whether the history of fatalities in 2006 and 2007 showed referrals by mandated reporters; and any other information the ombudsman deems relevant. The ombudsman may contract for all or a portion of the tasks essential to completing the analysis and report required under this section. The report is due no later than June 30, 2009.

NEW SECTION. Sec. 7 Section 4 of this act expires October 1, 2008.

NEW SECTION. Sec. 8 Section 5 of this act takes effect October 1, 2008.

NEW SECTION. Sec. 9 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

Senator Zarelli moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6206.  
Senator Zarelli spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Zarelli that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6206.

The motion by Senator Zarelli carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6206 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6206, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6206, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Fraser - 1

Excused: Senator Brown - 1

SECOND SUBSTITUTE SENATE BILL NO. 6206, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6357, with the following amendment: 6357.E AMH LANT ZARO 018.

On page 1, line 4, after "**Sec. 1.**" insert "This act shall be known as the Rebecca Jane Griego act." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6357.  
Senator Kohl-Welles spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Fraser was excused.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6357.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6357 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6357, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6357, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Kastama - 1

Excused: Senators Brown and Fraser - 2

ENGROSSED SENATE BILL NO. 6357, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 1283,  
HOUSE BILL NO. 1391,  
HOUSE BILL NO. 1493,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1623  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865,  
HOUSE BILL NO. 2137,  
HOUSE BILL NO. 2283,  
SUBSTITUTE HOUSE BILL NO. 2431,  
HOUSE BILL NO. 2448,  
ENGROSSED HOUSE BILL NO. 2459,  
SUBSTITUTE HOUSE BILL NO. 2475,  
HOUSE BILL NO. 2499,  
HOUSE BILL NO. 2540,  
SUBSTITUTE HOUSE BILL NO. 2560,  
HOUSE BILL NO. 2564,  
SUBSTITUTE HOUSE BILL NO. 2575,  
SUBSTITUTE HOUSE BILL NO. 2580,  
HOUSE BILL NO. 2594,  
HOUSE BILL NO. 2650,  
SUBSTITUTE HOUSE BILL NO. 2661,  
HOUSE BILL NO. 2699,  
HOUSE BILL NO. 2700,  
SUBSTITUTE HOUSE BILL NO. 2727,  
HOUSE BILL NO. 2762,  
SUBSTITUTE HOUSE BILL NO. 2770,  
SUBSTITUTE HOUSE BILL NO. 2823,  
HOUSE BILL NO. 2825,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847,  
SECOND SUBSTITUTE HOUSE BILL NO. 2870,  
SUBSTITUTE HOUSE BILL NO. 2879,  
SUBSTITUTE HOUSE BILL NO. 2885,  
SUBSTITUTE HOUSE BILL NO. 2893,  
SUBSTITUTE HOUSE BILL NO. 2902,  
SECOND SUBSTITUTE HOUSE BILL NO. 2903,  
HOUSE BILL NO. 2949,  
HOUSE BILL NO. 2955,  
SUBSTITUTE HOUSE BILL NO. 2959,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2996,  
HOUSE BILL NO. 2999,  
SUBSTITUTE HOUSE BILL NO. 3002,  
HOUSE BILL NO. 3011  
HOUSE BILL NO. 3019,  
HOUSE BILL NO. 3024,  
SUBSTITUTE HOUSE BILL NO. 3071,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3122,  
SUBSTITUTE HOUSE BILL NO. 3126,  
HOUSE BILL NO. 3200,  
SUBSTITUTE HOUSE BILL NO. 3224,

## MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6313, with the following amendment: 6313 AMH ENGR H5862.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 This act may be known and cited as the disability history month act.

NEW SECTION. Sec. 2 The legislature finds that annually recognizing disability history throughout our entire public educational system, from kindergarten through grade twelve and at our colleges and universities, during the month of October will help to increase awareness and understanding of the contributions that people with disabilities in our state, nation, and the world have made to our society. The legislature further finds that recognizing disability history will increase respect and promote acceptance and inclusion of people with disabilities. The legislature further finds that recognizing disability history will inspire students with disabilities to feel a greater sense of pride, reduce harassment and bullying, and help keep students with disabilities in school.

NEW SECTION. Sec. 3 A new section is added to chapter 28A.230 RCW to read as follows:

Annually, during the month of October, each public school shall conduct or promote educational activities that provide instruction, awareness, and understanding of disability history and people with disabilities. The activities may include, but not be limited to, school assemblies or guest speaker presentations.

NEW SECTION. Sec. 4 A new section is added to chapter 28B.10 RCW to read as follows:

Annually, during the month of October, each of the public institutions of higher education shall conduct or promote educational activities that provide instruction, awareness, and understanding of disability history and people with disabilities. The activities may include, but not be limited to, guest speaker presentations."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Senate Bill No. 6313.

Senator McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Senate Bill No. 6313.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6313 by voice vote.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Senate Bill No. 6313, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6313, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Brown and Fraser - 2

Absent: Senators Hargrove and Tom - 2

SENATE BILL NO. 6313, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6527, with the following amendment: 6527-S AMH PSEP H5780.2

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 46.12.101 and 2007 c 96 s 1 are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1)(a) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. The owner shall notify the department or its agents or subagents, in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, the transferee's driver's license number if available, and such description of the vehicle, including the vehicle identification number, as may be required in the appropriate form provided or approved for that purpose by the department. The report of sale will be deemed properly filed if all information required in this section is provided on the form and includes a department-authorized notation that the document was received by the department, its agents, or subagents on or before the fifth day after the sale of the vehicle, excluding Saturdays, Sundays, and state and federal holidays. Agents and subagents shall immediately electronically transmit the seller's report of sale to the department. Reports of sale processed and recorded by the department's agents or subagents may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003, the department shall create a system enabling the seller of a vehicle to transmit the report of sale electronically. The system created by the department must

immediately indicate on the department's vehicle record that a seller's report of sale has been filed.

(b) By January 1, 2008, the department shall provide instructions on release of interest forms that allow the seller of a vehicle to release his or her interest in a vehicle at the same time a financial institution, as defined in RCW 30.22.040, releases ~~(their)~~ its lien on the vehicle.

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.70.122 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department accompanied by a fee of five dollars in addition to any other fees required.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

(a) The department requesting additional supporting documents;

(b) Extended hospitalization or illness of the purchaser;

(c) Failure of a legal owner to release his or her interest;

(d) Failure, negligence, or nonperformance of the department, auditor, or subagent;

(e) The transferee had no knowledge of the filing of the vehicle report of sale and signs an affidavit to the fact.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor and a continuing offense for each day during which the purchaser or transferee does not make application to transfer the certificate of ownership and license registration. Despite the continuing nature of this offense, it shall be considered a single offense, regardless of the number of days that have elapsed following the forty-five day time period.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer.

FIFTY-SEVENTH DAY, MARCH 10, 2008

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6527.

Senator Kastama spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Jacobsen was excused.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6527.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6527 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6527, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6527, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Carrell, Holmquist and McCaslin - 3

Excused: Senators Brown, Fraser and Jacobsen - 3

SUBSTITUTE SENATE BILL NO. 6527, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6333, with the following amendment: 6333-S.E AMH ENGR H5946.E

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** The legislature finds that:

(1) In the past two decades, Washington state has implemented legislative initiatives to improve access to quality, affordable health care in the state. These initiatives, which placed Washington in the forefront of states addressing their residents' health care needs, include:

2008 REGULAR SESSION

(a) The basic health plan providing affordable coverage to over one hundred thousand individuals and families below two hundred percent of the federal poverty level;

(b) The "cover all children" initiative, expanding publicly funded coverage to children in families under three hundred percent of the federal poverty level and promising to cover all children by 2010;

(c) The blue ribbon commission on health care costs and access resulting in the passage of Engrossed Second Substitute Senate Bill No. 5930, that, among other actions, directed state agencies to integrate prevention, chronic care management, and the medical home concept into state purchased health care programs;

(d) The movement toward evidence-based health care purchasing for state health care programs, including the prescription drug program and its preferred drug list, the health technology assessment program, the use of medical evidence to evaluate medical necessity under state medical assistance programs and the direction provided in Engrossed Second Substitute Senate Bill No. 5930 relating to aligning payment with evidence-based care; and

(e) The development of patient safety initiatives, including health care facility reporting of adverse medical events and hospital-acquired infection reporting.

(2) Despite these initiatives, the cost of health care has continued to increase at a disproportionately high rate.

(3) Affordability is key to accessing health care, as evidenced by the fact that more than half of the uninsured people in Washington state are in low-income families, and low-wage workers are far more likely to be uninsured than those with higher incomes. These increasing costs are placing quality care beyond the reach of a growing number of Washington citizens and contributing to health care expenditures that strain the resources of individuals, businesses, and public programs.

(4) Efforts by public and private purchasers to control expenditures, and the stress these efforts place on the stability of the health care workforce and viability of health care facilities, threaten to reduce access to quality care for all residents of the state.

(5) Prompt action is crucial to prevent further deterioration of the health and well-being of Washingtonians.

(6) Addressing an issue of this importance and magnitude demands the full engagement of concerned Washingtonians in a reasoned examination of options to improve access to quality, affordable health care.

**NEW SECTION. Sec. 2** The Washington citizens' work group on health care reform is established.

(1) After January 30, 2009, the governor shall appoint nine citizen members, who may include, but are not limited to, representatives from business, labor, health care providers and consumer groups, and persons with expertise in health care financing. The citizen members shall be selected from individuals recognized for their independent judgment. In addition, the majority and minority caucus in the house of representatives and the majority and minority caucus in the senate shall submit the names of two members of their caucus to the governor, who shall select one member from each caucus to participate in the work group.

(2) Staff support for the work group shall be provided by the office of financial management. Consistent with funds appropriated specifically for this purpose, two full-time staff shall be hired to enable the work group to complete its responsibilities in a timely and effective manner.

(3) The work group shall:

(a) Begin its deliberations by reviewing in detail the findings and recommendations of the 2006 blue ribbon commission on health care costs and access. The work group shall review all prior relevant studies related to health care reform efforts in Washington state and consider the recent health care reform experience of other states such as Massachusetts, Wisconsin, and California;

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(b) Engage Washingtonians in a public process on improving access to quality, affordable health care, as described in subsection (4) of this section;

(c) Review and develop recommendations to the governor and the legislature related to the health care reform proposals in section 3 of this act. In reviewing the proposals, the work group shall evaluate the extent to which each proposal:

(i) Provides a medical home for every family;

(ii) Provides health care that Washington families can afford;

(iii) Promotes improved health outcomes, in part through a more efficient delivery system;

(iv) Requires that individuals, employers, and government share in financing the proposal; and

(v) Enables Washington families to choose their provider and health network, and have the option of retaining their current provider.

(d) Through the activities outlined in this act, develop a careful understanding of the essential requirements for health care reform as seen by the many different primary stakeholders in Washington state.

(4) The work group shall design the public engagement process with a goal of having structured, in-depth discussions related to:

(a) Trends or issues that affect affordability, access, quality, and efficiency in our health care system; and

(b) The health care proposals described in section 3 of this act, the principles guiding evaluation of the proposals, and the economic analysis of the proposals.

The public engagement process may include, but is not limited to, public forums, invitational meetings with community leaders or other interested individuals and organizations, and web-based communication.

(5) By November 1, 2009, the work group shall submit a final report to the public, the governor, and the legislature that includes a summary of the information received during the public engagement process, and a summary of the work group's conclusions, and recommendations related to its review of the proposals, including suggestions for the adoption of any health care proposal by the legislature. The work group may develop its own recommended proposal or proposals.

(6) The work group may seek other funds including private contributions and in-kind donations for activities described under this section.

This section expires December 31, 2009.

**NEW SECTION. Sec. 3** (1) Consistent with funds appropriated specifically for this purpose, the legislature shall contract with an independent consultant with expertise in health economics and actuarial science to evaluate the following health care reform proposals:

(a) A proposal that modifies insurance regulations in Washington state to address specific groups that have lower rates of coverage, such as small employers and young adults. The proposal would authorize the offering of health plans that do not include mandated benefits, allow health plan premiums to be adjusted to reflect the health status and experience of the members of the group purchasing coverage, allow carriers to pool the health risk of young adults separately from other enrollees, and promote the use of high deductible health plans with accompanying health savings accounts;

(b) A proposal that includes the components of health care reform legislation enacted in Massachusetts in 2006 as Chapter 58 of the Acts of 2006 - "An Act Providing Access to Affordable, Quality, Accountable Health Care." The proposal assumes the inclusion of health plan design features that encourage the use of preventive, primary care and evidence-based services;

(c) A proposal to cover all Washingtonians with a comprehensive, standardized benefit package. An independent entity would be established to define the scope of the standardized benefit package, and to undertake a competitive

procurement process to offer the package through private health carriers or health care provider networks, with an additional fee-for-service option. The standardized benefit package would be designed to include features that encourage the use of preventive, primary care and evidence-based health services. Washingtonians would purchase the standardized benefit package through the independent entity by choosing a participating carrier, network, or the fee-for-service option; and

(d) A proposal to establish a single payer health care system, similar to the health care system in Canada in which a governmental entity contracts with and pays health care providers to deliver a defined package of health services to all Washingtonians.

(2) In addition to the evaluation of the four proposals described in subsection (1) of this section, the consultant shall conduct a review to validate the actuarial analysis of the insurance commissioner's proposed guaranteed benefit plan prepared in 2008 at the request of the insurance commissioner.

(3) Each evaluation shall address the impact of implementation of the proposal on:

(a) The number of Washingtonians covered and number remaining uninsured;

(b) The scope of coverage available to persons covered under the proposal;

(c) The impact on affordability of health care to individuals, businesses, and government;

(d) The redistribution of amounts currently spent by individuals, businesses, and government on health, as well as any savings;

(e) The cost of health care as experienced throughout the state by individuals and families, employees of small and large businesses, businesses of all sizes, associations, local governments, public health districts, and by the state;

(f) The impact on employment;

(g) The impact on consumer choice;

(h) Administrative efficiencies and resulting savings;

(i) The impact on hospital charity care; and

(j) The extent to which each proposal promotes:

(i) Improved health outcomes;

(ii) Prevention and early intervention;

(iii) Chronic care management;

(iv) Services based on empirical evidence;

(v) Incentives to use effective and necessary services;

(vi) Disincentives to discourage use of marginally effective or inappropriate services; and

(vii) A medical home.

(4) To the extent that any proposal has recent, detailed analysis available, the consultant shall review and may make use of the available analysis.

(5) The results of the evaluation under this section shall be submitted to the governor, the health policy committees of the legislature, and the work group on or before December 15, 2008.

**NEW SECTION. Sec. 4** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6333.

Senator Keiser spoke in favor of the motion.

Senator Pflug spoke against the motion.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6333.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6333 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6333, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6333, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 1; Excused, 2.

Voting yea: Senators Berkey, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 28

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

Absent: Senator Oemig - 1

Excused: Senators Brown and Fairley - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6333, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Second Substitute Senate Bill No. 5596 which had been deferred earlier in the day.

#### MOTION

On motion of Senator Franklin, the motion by Senator Franklin to concur in the House amendments to Second Substitute Senate Bill No. 5596 was withdrawn.

#### MOTION

Senator Franklin moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5596 and ask the House to recede therefrom.

Senator Franklin spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Franklin that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5596 and ask the House to recede therefrom.

The motion by Senator Franklin carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5596 and asked the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6339, with the following amendment: 6339-S AMH SGTA TAYT 216.

On page 2, beginning on line 15, after "under" strike all material through "7101" on line 16 and insert "22 U.S.C. Sec. 7102(8) as it existed on the effective date of this subsection, or such subsequent date as may be provided by the secretary of state by rule, consistent with the purposes of this subsection" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6339.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6339.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6339 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6339, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6339, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Fairley - 2

SUBSTITUTE SENATE BILL NO. 6339, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6377, with the following amendment: 6377-S2 AMH APP H5904.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** (1) The legislature finds that many secondary career and technical education programs have made progress in retooling for the twenty-first century by aligning with state and nationally certified programs that meet industry standards and by increasing the rigor of academic content in core skills such as reading, writing, mathematics, and science.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(2) However, the legislature also finds that increased expectations for students to meet the state's academic learning standards require students to take remedial courses. The state board of education is considering increasing credit requirements for high school graduation. Together these policies could restrict students from pursuing high quality career and technical education programs because students would not have adequate time in their schedules to enroll in a progressive sequence of career and technical courses.

(3) The legislature further finds that teachers, counselors, students, and parents are not well-informed about the opportunities presented by high quality career and technical education. Secondary career and technical education is not a stopping point but a beginning point for further education, including through a bachelor's degree. Secondary preapprenticeships and courses aligned to industry standards can lead directly to workforce entry as well as to additional education. Career and technical education is a proven strategy to engage and motivate students, including students at risk of dropping out of school entirely.

(4) Finally, the legislature finds that state policies have been piecemeal in support of career and technical education. Laws exist to require state approval of career and technical programs, but could be strengthened by requiring alignment with industry standards and focusing on high-demand fields. Tech prep consortia have developed articulation agreements for dual credit and smooth transitions between high schools and colleges, but agreements remain highly decentralized between individual faculty and individual schools. Laws require school districts to create equivalences between academic and career and technical courses, but more support and professional development is needed to expand these opportunities.

(5) Therefore it is the legislature's intent to identify the gaps in current laws and policies regarding secondary career and technical education and fill those gaps in a comprehensive fashion to create a coherent whole. This act seeks to increase the quality and rigor of secondary career and technical education, improve links to postsecondary education, encourage and facilitate academic instruction through career and technical courses, and expand access to and awareness of the opportunities offered by high quality career and technical education.

**PART I**

**QUALITY, RIGOR, AND LINKS TO POSTSECONDARY EDUCATION**

**Sec. 101** RCW 28C.04.100 and 2001 c 336 s 2 are each amended to read as follows:

(1) To ensure high quality career and technical programs, the office of the superintendent of public instruction shall periodically review and approve the plans of local districts for the delivery of career and technical education. Standards for career and technical programs shall be established by the office of the superintendent of public instruction. ~~((These standards should\*))~~ The office of the superintendent of public instruction shall develop a schedule for career and technical education plan reapproval under this section that includes an abbreviated review process for programs reapproved after 2005, but before the effective date of this section. All school district career and technical education programs must meet the requirements of this section by August 31, 2010.

(2) To receive approval, school district plans must:

(a) Demonstrate how career and technical education programs will ensure academic rigor; align with the state's education reform requirements; help address the skills gap of Washington's economy; and maintain strong relationships with local career and technical education advisory councils for the design and delivery of career and technical education; ~~((and))~~

(b) Demonstrate a strategy to align the five-year planning requirement under the federal Carl Perkins act with the state and

district ~~((vocational))~~ career and technical program planning requirements that include:

(i) An assessment of equipment and technology needs to support the skills training of technical students;

(ii) An assessment of industry internships required for teachers to ensure the ability to prepare students for industry-defined standards or certifications, or both;

(iii) An assessment of the costs of supporting job shadows, mentors, community service and industry internships, and other activities for student learning in the community; ~~((and))~~

(iv) A description of the leadership activities to be provided for technical education students; and

(v) Annual local school board approval;

(c) Demonstrate that all preparatory career and technical education courses offered by the district meet the requirements of RCW 28C.04.110 (as recodified by this act);

(d) Demonstrate progress toward meeting or exceeding the targets established under section 104 of this act of an increased number of career and technical programs in high-demand fields; and

(e) Demonstrate that approved career and technical programs maximize opportunities for students to earn dual credit for high school and college.

~~((2))~~ (3) To ensure high quality career education programs and services in secondary schools, the office of the superintendent of public instruction may provide technical assistance to local districts and develop state guidelines for the delivery of career guidance in secondary schools.

~~((3))~~ (4) To ensure leadership development, the staff of the office of the superintendent of public instruction may serve as the state advisors to Washington state FFA, Washington future business leaders of America, Washington DECA, Washington ~~((SkillsUSA-VICA))~~ SkillsUSA, Washington family, career and community leaders, and Washington technology students association, and any additional career or technical student organizations that are formed. Working with the directors or executive secretaries of these organizations, the office of the superintendent of public instruction may develop tools for the coordination of leadership activities with the curriculum of technical education programs.

~~((4))~~ (5) As used in this section, "career and technical education" means a planned program of courses and learning experiences that begins with exploration of career options; supports basic academic and life skills; and enables achievement of high academic standards, leadership, options for high skill, high wage employment preparation, and advanced and continuing education.

NEW SECTION.

**Sec. 102** (1) The office of the superintendent of public instruction, in consultation with the workforce training and education coordinating board, the Washington state apprenticeship and training council, and the state board for community and technical colleges, shall develop a list of statewide high-demand programs for secondary career and technical education. The list shall be developed using the high-demand list maintained by workforce development councils in consultation with the employment security department, the high employer demand programs of study identified by the workforce training and education coordinating board, and the high employer demand programs of study identified by the higher education coordinating board. Local school districts may recommend additional high-demand programs in consultation with local career and technical education advisory committees by submitting evidence of local high demand.

(2) As used in this section and in sections 104, 105, 107, and 307 of this act:

(a) "High-demand program" means a career and technical education program that prepares students for either a high employer demand program of study or a high-demand occupation, or both.

FIFTY-SEVENTH DAY, MARCH 10, 2008

(b) "High employer demand program of study" means an apprenticeship or an undergraduate or graduate certificate or degree program in which the number of students per year prepared for employment from in-state programs is substantially fewer than the number of projected job openings per year in that field, either statewide or in a substate region.

(c) "High-demand occupation" means an occupation with a substantial number of current or projected employment opportunities.

**Sec. 103** RCW 28C.04.110 and 2006 c 115 s 2 are each amended to read as follows:

~~(The superintendent of public instruction shall develop a list of approved career and technical education programs that qualify for the objective alternative assessment for career and technical students developed under RCW 28A.655.065. Programs on the list)~~ All approved preparatory secondary career and technical education programs must meet the following minimum criteria:

(1) Either:

(a) Lead to a certificate or credential that is state or nationally recognized by trades, industries, or other professional associations as necessary for employment or advancement in that field; or

(b) Allow students to earn dual credit for high school and college through tech prep, advanced placement, or other agreements or programs;

(2) ~~((Require))~~ Be comprised of a sequenced progression of multiple courses~~((, both exploratory and preparatory;))~~ that are~~((vocationally))~~ technically intensive and rigorous; and

(3) ~~((Have a high potential for providing the program complete with gainful employment or))~~ Lead to workforce entry~~((into a), state or nationally approved apprenticeships, or postsecondary ((workforce training program)) education in a related field.~~

**NEW SECTION. Sec. 104** (1) The office of the superintendent of public instruction shall establish performance measures and targets and monitor the performance of career and technical education programs in at least the following areas:

(a) Student participation in and completion of high-demand programs as identified under section 102 of this act;

(b) Students earning dual credit for high school and college; and

(c) Performance measures and targets established by the workforce training and education coordinating board, including but not limited to student academic and technical skill attainment, graduation rates, postgraduation employment or enrollment in postsecondary education, and other measures and targets as required by the federal Carl Perkins act, as amended.

(2) If a school district fails to meet the performance targets established under this section, the office of the superintendent of public instruction may require the district to submit an improvement plan. If a district fails to implement an improvement plan or continues to fail to meet the performance targets for three consecutive years, the office of the superintendent of public instruction may use this failure as the basis to deny the approval or reapproval of one or more of the district's career and technical education programs.

**NEW SECTION. Sec. 105** Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grants to middle schools, high schools, or skill centers, to develop or upgrade high-demand career and technical education programs as identified under section 102 of this act. Grant funds shall be allocated on a one-time basis and may be used to purchase or improve curriculum, create preapprenticeship programs, upgrade technology and equipment to meet industry standards, and for other purposes intended to initiate a new program or improve the rigor and quality of a high-demand program. Priority in allocating the funds shall be given to programs that are also considered high cost due to the types of technology and equipment necessary to maintain industry certification. Priority shall also be given to programs

considered in most high demand in the state or applicable region.

**Sec. 106** 2007 c 399 s 3 (uncodified) is amended to read as follows:

(1) The funding structure alternatives developed by the joint task force under section 2 of this act shall take into consideration the legislative priorities in this section, to the maximum extent possible and as appropriate to each formula.

(2) The funding structure should reflect the most effective instructional strategies and service delivery models and be based on research-proven education programs and activities with demonstrated cost benefits. In reviewing the possible strategies and models to include in the funding structure the task force shall, at a minimum, consider the following issues:

(a) Professional development for all staff;

(b) Whether the compensation system for instructional staff shall include pay for performance, knowledge, and skills elements; regional cost-of-living elements; elements to recognize assignments that are difficult; recognition for the professional teaching level certificate in the salary allocation model; and a plan to implement the pay structure;

(c) Voluntary all-day kindergarten;

(d) Optimum class size, including different class sizes based on grade level and ways to reduce class size;

(e) Focused instructional support for students and schools;

(f) Extended school day and school year options; ~~((and))~~

(g) Health and safety requirements; and

(h) Staffing ratios and other components needed to support career and technical education programs.

(3) The recommendations should provide maximum transparency of the state's educational funding system in order to better help parents, citizens, and school personnel in Washington understand how their school system is funded.

(4) The funding structure should be linked to accountability for student outcomes and performance.

**NEW SECTION. Sec. 107** (1) The office of the superintendent of public instruction, the workforce training and education coordinating board, the state board for community and technical colleges, the higher education coordinating board, and the council of presidents shall work with local school districts, workforce education programs in colleges, tech prep consortia, and four-year institutions of higher education to develop model career and technical education programs of study as described by this section.

(2) Career and technical education programs of study:

(a) Incorporate secondary and postsecondary education elements;

(b) Include coherent and rigorous academic content aligned with state learning standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that are aligned with postsecondary education in a related field;

(c) Include opportunities for students to earn dual high school and college credit; and

(d) Lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree.

(3) During the 2008-09 school year, model career and technical education programs of study shall be developed for the following high-demand programs: Construction, health care, and information technology. Each school year thereafter, the office of the superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the workforce training and education coordinating board shall select additional programs of study to develop, with a priority on high-demand programs as identified under section 102 of this act.

**NEW SECTION. Sec. 108** A new section is added to chapter 28B.50 RCW to read as follows:

(1) It is the legislature's intent to recognize and support the work of community and technical colleges, high schools, and skill centers in creating articulation and dual credit agreements

FIFTY-SEVENTH DAY, MARCH 10, 2008

for career and technical education students, in part by codifying current practice.

(2) Community and technical colleges shall create agreements with high schools and skill centers to offer dual high school and college credit for secondary career and technical courses. Agreements shall be subject to approval by the chief instructional officer of the college and the principal and the career and technical education director of the high school or the executive director of the skill center.

(3) Community and technical colleges may create dual credit agreements with high schools and skill centers that are located outside the college district boundary or service area.

(4) If a community or technical college has created an agreement with a high school or skill center to offer college credit for a secondary career and technical course, all community and technical colleges shall accept the course for an equal amount of college credit.

## PART II

### ACADEMIC INSTRUCTION THROUGH CAREER AND TECHNICAL EDUCATION

NEW SECTION. Sec. 201 (1) The office of the superintendent of public instruction shall support school district efforts under RCW 28A.230.097 to adopt course equivalencies for career and technical courses by:

(a) Recommending career and technical curriculum suitable for course equivalencies;

(b) Publicizing best practices for high schools and school districts in developing and adopting course equivalencies; and

(c) In consultation with the Washington association for career and technical education, providing professional development, technical assistance, and guidance for school districts seeking to expand their lists of equivalent courses.

(2) The office of the superintendent of public instruction shall provide professional development, technical assistance, and guidance for school districts to develop career and technical course equivalencies that also qualify as advanced placement courses.

(3) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grant funds to school districts to increase the integration and rigor of academic instruction in career and technical courses. Grant recipients are encouraged to use grant funds to support teams of academic and technical teachers using a research-based professional development model supported by the national research center for career and technical education. The office of the superintendent of public instruction may require that grant recipients provide matching resources using federal Carl Perkins funds or other fund sources.

**Sec. 202** RCW 28A.230.097 and 2006 c 114 s 2 are each amended to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students ~~(at the)~~ in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure.

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be either part of the student's high school and beyond plan or the student's culminating project, as determined

2008 REGULAR SESSION

by the student. The office of the superintendent of public instruction shall develop and make available electronic samples of certificates of course completion.

NEW SECTION. Sec. 203 A new section is added to chapter 28A.245 RCW to read as follows:

Skill centers may enter into agreements with one or more cooperating school districts to grant a high school diploma on behalf of the district so that students who are juniors and seniors have an opportunity to attend the skill center on a full-time basis without coenrollment at a district high school. To avoid competition with other high schools in the cooperating district, high school completion programs operated by skill centers shall be designed as dropout prevention and retrieval programs for at-risk and credit-deficient students or for fifth-year seniors. A skill center may use grant awards from the building bridges program under RCW 28A.175.025 to develop high school completion programs as provided in this section.

NEW SECTION. Sec. 204 (1) Subject to funds appropriated for this purpose, the secondary integrated basic education and skills training (I-BEST) pilot project is created to integrate career and technical instruction, core academic and basic skills, and English as a second language, for secondary school students. The objective of the pilot project is to determine whether and how a successful community and technical college instructional model can be adapted and implemented at a secondary school level.

(2) The goal of secondary I-BEST is to enable and motivate secondary students who are struggling with language and academic skills to earn a high school diploma and be prepared for workforce entry or further education and training in a career and technical field. Under the pilot project, academic, career and technical, and English-as-a second-language teachers shall provide instruction through team and coteaching. Course content shall be integrated across the three domains of career and technical, academic, and language.

(3) The office of the superintendent of public instruction shall allocate pilot project grants to high schools or skill centers on a competitive basis. Grants are for a three-year period. The office of the superintendent of public instruction shall work with the state board for community and technical colleges, grant recipients, and the Washington State University social and economic sciences research center to design and implement an evaluation of the pilot project that includes comparisons of gains in achievement for students in the project compared to other similar students. A report on the pilot project and results of the evaluation shall be submitted to the governor and the education and fiscal committees of the legislature by December 1, 2011.

(4) The state board for community and technical colleges shall provide technical assistance and advice to the office of the superintendent of public instruction and the pilot project regarding best practices for I-BEST, including program design, professional development, assessment, and evaluation. The state board shall also designate one or more community or technical colleges with exemplary postsecondary I-BEST programs to serve as mentors for the pilot project.

(5) This section expires June 30, 2012.

**Sec. 205** RCW 28A.655.065 and 2007 c 354 s 6 are each amended to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the Washington assessment of student learning. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through regular and consistent attendance at school and participation in extended learning and other assistance programs.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and this section and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection. A student is eligible to apply for the alternative assessment method under this subsection (4) if the student has a cumulative grade point average of at least 3.2 on a four point grading scale. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant (~~as provided in this subsection and, for career and technical applicants, the additional requirements of subsection (6) of this section~~).

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education.

Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators, the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) Will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic learning requirements; and (ii) is comparable to or exceeds the rigor of the skills and knowledge that a student must demonstrate on the Washington assessment of student learning in the applicable content area. The state board shall make an approval decision and determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required, include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they believe they may seek to use the collection once it is implemented as an alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under RCW 28C.04.110 (as recodified by this act), the superintendent of public instruction shall develop additional guidelines for (~~(a)~~) collections of work samples that (~~evidences that the collection:~~

~~(i) Is relevant to the student's particular career and technical program;~~

~~(ii) Focuses on the application of academic knowledge and skills within the program;~~

~~(iii) Includes completed activities or projects where demonstration of academic knowledge is inferred; and~~

~~(iv) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.~~

~~(b) To meet the state standard on the alternative assessment under this subsection (6), an applicant must also attain the state or nationally recognized certificate or credential associated with the approved career and technical program) are tailored to different career and technical programs. The additional guidelines shall:~~

~~(i) Provide multiple examples of work samples that are related to the particular career and technical program;~~

~~(ii) Permit work samples based on completed activities or projects where demonstration of academic knowledge is inferred; and~~

~~(iii) Provide multiple examples of work samples drawn from career and technical courses.~~

~~(b) The purpose of the additional guidelines is to provide a clear pathway toward a certificate of academic achievement for~~

FIFTY-SEVENTH DAY, MARCH 10, 2008

career and technical students by showing them applied and relevant opportunities to demonstrate their knowledge and skills, and to provide guidance to teachers in integrating academic and career and technical instruction and assessment and assisting career and technical students in compiling a collection. The superintendent of public instruction shall develop and disseminate additional guidelines for no fewer than ten career and technical education programs representing a variety of program offerings by no later than September 1, 2008. Guidelines for ten additional programs shall be developed and disseminated no later than June 1, 2009.

(c) The superintendent shall consult with community and technical colleges, employers, the workforce training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create ~~((am))~~ appropriate ~~((collection))~~ guidelines and examples of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The state board of education shall examine opportunities for additional alternative assessments, including the possible use of one or more standardized norm-referenced student achievement tests and the possible use of the reading, writing, or mathematics portions of the ACT ASSET and ACT COMPASS test instruments as objective alternative assessments for demonstrating that a student has met the state standards for the certificate of academic achievement. The state board shall submit its findings and recommendations to the education committees of the legislature by January 10, 2008.

(10) The superintendent of public instruction shall adopt rules to implement this section.

### PART III EXPANDING ACCESS AND AWARENESS

NEW SECTION. Sec. 301 (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall develop and conduct an ongoing campaign for career and technical education to increase awareness among teachers, counselors, students, parents, principals, school administrators, and the general public about the opportunities offered by rigorous career and technical education programs. Messages in the campaign shall emphasize career and technical education as a high quality educational pathway for students, including for students who seek advanced education that includes a bachelor's degree or beyond. In particular, the office shall provide information about the following:

(a) The model career and technical education programs of study developed under section 107 of this act;

(b) Career and technical education course equivalencies and dual credit for high school and college;

2008 REGULAR SESSION

(c) The career and technical education alternative assessment guidelines under RCW 28A.655.065;

(d) The availability of scholarships for postsecondary workforce education, including the Washington award for vocational excellence, and apprenticeships through the opportunity grant program under RCW 28B.50.271, grants under section 302 of this act, and other programs; and

(e) Education, apprenticeship, and career opportunities in emerging and high-demand programs.

(2) The office shall use multiple strategies in the campaign depending on available funds, including developing an interactive web site to encourage and facilitate career exploration; conducting training and orientation for guidance counselors and teachers; and developing and disseminating printed materials.

(3) The office shall seek advice, participation, and financial assistance from the workforce training and education coordinating board, higher education institutions, foundations, employers, apprenticeship and training councils, workforce development councils, and business and labor organizations for the campaign.

NEW SECTION. Sec. 302 (1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall provide grants to eligible students to offset the costs of required examination or testing fees associated with obtaining state or industry certification in the student's career and technical education program.

(2) The office shall establish maximum grant amounts and a process for students to apply for the grants.

(3) For the purposes of this section, "eligible student" means:

(a) A student enrolled in a secondary career and technical education program where state or industry certification can be obtained without additional postsecondary work or study; or

(b) A student who completed a secondary career and technical education program in a Washington public school and is seeking state or industry certification in a program requiring additional postsecondary work or study or where there are age limitations on certification.

(4) Eligible students must have a family income that is at or below two hundred percent of the federal poverty level using the most current guidelines available from the United States department of health and human services.

Sec. 303 RCW 28A.600.045 and 2006 c 117 s 2 are each amended to read as follows:

(1) The legislature encourages each middle school, junior high school, and high school to implement a comprehensive guidance and planning program for all students. The purpose of the program is to support students as they navigate their education and plan their future; encourage an ongoing and personal relationship between each student and an adult in the school; and involve parents in students' educational decisions and plans.

(2) A comprehensive guidance and planning program is a program that contains at least the following components:

(a) A curriculum intended to provide the skills and knowledge students need to select courses, explore options, plan for their future, and take steps to implement their plans. The curriculum may include such topics as analysis of students' test results; diagnostic assessments of students' academic strengths and weaknesses; use of assessment results in developing students' short-term and long-term plans; assessments of student interests and aptitude; goal-setting skills; planning for high school course selection; independent living skills; exploration of options and opportunities for career and technical education at the secondary and postsecondary level; exploration of career opportunities in emerging and high-demand programs including apprenticeships; and postsecondary options and how to access them;

FIFTY-SEVENTH DAY, MARCH 10, 2008

(b) Regular meetings between each student and a teacher who serves as an advisor throughout the student's enrollment at the school;

(c) Student-led conferences with the student's parents, guardians, or family members and the student's advisor for the purpose of demonstrating the student's accomplishments; identifying weaknesses; planning and selecting courses; and setting long-term goals; and

(d) Data collection that allows schools to monitor students' progress.

(3) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall provide support for comprehensive guidance and planning programs in public schools, including providing ongoing development and improvement of the curriculum described in subsection (2) of this section.

NEW SECTION. Sec. 304 A new section is added to chapter 28A.245 RCW to read as follows:

(1) Subject to the provisions of this section and section 305 of this act, a skill center may enter into an agreement with the community or technical college in which district the skill center is located to provide career and technical education courses necessary to complete an industry certificate or credential for students who have received a high school diploma.

(2) To qualify for enrollment under this section, a student must have been enrolled in the skill center before receiving the high school diploma and must remain continuously enrolled in the skill center. A student may enroll only in those courses necessary to complete the industry certificate or credential associated with the student's career and technical program.

(3) Students enrolled in a skill center under this section shall be considered community and technical college students for purposes of enrollment reporting, tuition, and financial aid. The skill center shall maintain enrollment data for students enrolled under this section separately from data on secondary school enrollment.

NEW SECTION. Sec. 305 A new section is added to chapter 28B.50 RCW to read as follows:

(1) A community or technical college may enter into an agreement with a skill center within the college district to allow students who have completed a high school diploma to remain enrolled in the skill center in courses necessary to complete an industry certificate or credential in the student's career and technical program as provided by section 304 of this act.

(2) Before entering an agreement, a community or technical college may require the skill center to provide evidence that:

(a) The skill center has adequate facilities and capacity to offer the necessary courses and the community or technical college does not have adequate facilities or capacity; or

(b) The community or technical college does not offer the particular industry certificate program or courses proposed by the skill center.

(3) Under the terms of the agreement, the community or technical college shall report the enrolled student as a state-supported student and may charge the student tuition and fees. The college shall transmit to the skill center an agreed-upon amount per enrolled full-time equivalent student to pay for the student's courses at the skill center.

**Sec. 306** RCW 28B.102.040 and 2005 c 518 s 918 are each amended to read as follows:

(1) The board may select participants based on an application process conducted by the board or the board may utilize selection processes for similar students in cooperation with the professional educator standards board or the office of the superintendent of public instruction.

(2) If the board selects participants for the program, it shall establish a selection committee for screening and selecting recipients of the conditional scholarships. The criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, bilingual ability, willingness to

commit to providing teaching service in shortage areas, and an ability to act as a role model for students. Priority will be given to individuals seeking certification or an additional endorsement in math, science, technology education, agricultural education, business and marketing education, family and consumer science education, or special education.

~~((For fiscal years 2006 and 2007, additional priority shall be given to such individuals who are also bilingual. It is the intent of the legislature to develop a pool of dual-language teachers in order to meet the challenge of educating students who are dominant in languages other than English.))~~

NEW SECTION. Sec. 307 (1) Subject to funds appropriated for this purpose, the in-demand scholars program is created. The purpose of the program is to replicate a successful pilot program to attract high school students into high-demand fields, as identified under section 102 of this act, that require one to three years of postsecondary education, including apprenticeships. The program shall be administered by the workforce training and education coordinating board.

(2) The workforce training and education coordinating board, in consultation with representatives from the statewide association of workforce development councils, the Washington state labor council, and a statewide business association, shall:

(a) Develop a model in-demand scholars program to be implemented by local workforce development councils. The model program shall be sufficiently flexible that councils may customize the design to meet the unique needs and available resources in each region. Under the model program, workforce development councils identify local industries in high-demand fields that are having difficulty filling employee positions that require one to three years of postsecondary education or apprenticeship. Representatives of such industries present the employment opportunities available in their industry to local high school students and inform students about possible job shadowing or internship opportunities in the industry. Students who participate in a job shadow or internship under a model program are eligible to receive an in-demand scholarship if the students enroll in a postsecondary education program or apprenticeship in one of the high-demand fields identified in the model program. Local workforce development councils award the scholarships. Scholarships shall not exceed an amount specified in the omnibus appropriations act and shall be used to offset tuition and related education and training expenses for a maximum of two years;

(b) Determine and make the initial allocation for the in-demand scholars program to each workforce development council, based on its projected outcomes and other criteria. Funding may be reallocated among workforce development councils if necessary based on actual results achieved; and

(c) Require that local workforce development councils submit quarterly reports on the in-demand scholars program, including but not limited to the industries participating and the projected and actual number of students served, students completing job shadows or internships, students entering and completing postsecondary education, students entering the targeted career, and students continuing on to four-year degrees or other additional education.

NEW SECTION. Sec. 308 (1) The office of the superintendent of public instruction shall conduct a feasibility study to create technical high schools in Washington state. In conducting the study, the office shall convene an advisory committee including, but not limited to, representatives from school districts, high schools, skill centers, community and technical colleges, workforce development councils, the workforce training and education coordinating board, the Washington association for career and technical education, the Washington state apprenticeship and training council, and the state board for community and technical colleges. Subject to available funds, the office shall contract with a third party to support the study, including examining technical high school models in other states.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(2) The feasibility study shall examine and make recommendations on the following issues:

(a) The definition of a technical high school and how a technical high school might differ from current comprehensive high schools, alternative high schools, or skill centers;

(b) The governance structure for technical high schools, which may be within a single district, a cooperative of multiple districts, or other new governance structures that may be considered;

(c) Funding models and estimated costs to support technical high schools, including both operating and capital funds;

(d) Whether technical high schools should focus on particular student populations or be structured as magnet schools or academies with a particular programmatic focus;

(e) Whether technical high schools should operate with a two-year or four-year program or with part-time or full-time attendance;

(f) The implications of accountability for student achievement with a technical high school, including adequate yearly progress; and

(g) Options, strategies, and estimated costs for possible transition of selected current high schools or skill centers to a technical high school model.

(3) The office of the superintendent of public instruction shall submit an interim progress report to the governor and the education and fiscal committees of the legislature by December 1, 2008, and a final report with recommendations by September 15, 2009.

**PART IV  
MISCELLANEOUS**

**Sec. 401** RCW 28A.505.220 and 2005 c 514 s 1103 are each amended to read as follows:

(1) Total distributions from the student achievement fund to each school district shall be based upon the average number of full-time equivalent students in the school district during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year. The superintendent of public instruction shall ensure that moneys generated by skill center students are returned to skill centers.

(2) The allocation rate per full-time equivalent student shall be three hundred dollars in the 2005-06 school year, three hundred seventy-five dollars in the 2006-07 school year, and four hundred fifty dollars in the 2007-08 school year. For each subsequent school year, the amount allocated per full-time equivalent student shall be adjusted for inflation as defined in RCW 43.135.025(8). These allocations per full-time equivalent student from the student achievement fund shall be supported from the following sources:

(a) Distributions from state property tax proceeds deposited into the student achievement fund under RCW 84.52.068; and

(b) Distributions from the education legacy trust account created in RCW 83.100.230.

(3) Any funds deposited in the student achievement fund under RCW 43.135.045 shall be allocated to school districts on a one-time basis using a rate per full-time equivalent student. These funds are provided in addition to any amounts allocated in subsection (2) of this section.

(4) The school district annual amounts as defined in subsection (2) of this section shall be distributed on the monthly apportionment schedule as defined in RCW 28A.510.250.

**Sec. 402** 2007 c 354 s 12 (uncodified) is amended to read as follows:

(1) The superintendent of public instruction and the workforce training and education coordinating board shall jointly convene and staff an advisory committee to identify career and technical education curricula that will assist in preparing students for the state assessment system and provide the opportunity to obtain a certificate of academic achievement.

(2) The advisory committee shall consist of the following nine members:

(a) Four members of the legislature, with two members each appointed by the respective caucuses of the house of representatives and the senate;

(b) One representative from the career and technical education section of the office of the superintendent of public instruction;

(c) One member appointed by the workforce training and education coordinating board; and

(d) Three members appointed by the superintendent of public instruction and the workforce training and education coordinating board based on recommendations from the career and technical education community.

(3) The advisory committee shall appoint a chair from among the nonlegislative members.

(4) Legislative members of the advisory committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) By January 15, 2008, the advisory committee shall provide an initial report to the governor and the legislature and, if necessary, a work plan with additional reporting deadlines(~~which shall not extend beyond December 15, 2008~~). By December 2009, the advisory committee shall report to the governor and appropriate committees of the legislature with an evaluation of the status of the recommendations made in the initial report and any additional recommendations the advisory committee finds necessary to accomplish the goals of the initial report.

NEW SECTION. **Sec. 403** RCW 28C.04.100 and 28C.04.110 are each recodified as sections in the new chapter created in section 408 of this act.

NEW SECTION. **Sec. 404** RCW 28C.22.020 is recodified as a section in chapter 28A.245 RCW.

NEW SECTION. **Sec. 405** The following acts or parts of acts are each repealed:

1 RCW 28C.22.005 (Findings) and 1993 c 380 s 1; and

2 RCW 28C.22.010 (Skill center program operation) and 1993 c 380 s 2.

NEW SECTION. **Sec. 406** This chapter may be known and cited as the career and technical education act.

NEW SECTION. **Sec. 407** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 408** Sections 102, 104, 105, 107, 201, 204, 301, 302, 307, and 406 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. **Sec. 409** Section 401 of this act takes effect September 1, 2008.

NEW SECTION. **Sec. 410** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6377.

Senator Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6377.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6377 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6377, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6377, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SECOND SUBSTITUTE SENATE BILL NO. 6377, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6389, with the following amendment: 6389-S AMH FIN H5847.1

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** A new section is added to chapter 84.36 RCW to read as follows:

(1) Military housing is exempt from taxation if the housing meets the following requirements:

(a) The military housing must be situated on land owned in fee by the United States;

(b) The military housing must be used for the housing of military personnel and their families; and

(c) The military housing must be a development project awarded under the military housing privatization initiative.

(2) To qualify property for the exemption under this section, the project owner must submit an application to the department in a form and manner prescribed by the department. Any change in the use of the property that affects the qualification of the property must be reported to the department.

(3) The definitions in this subsection apply to this section.

(a) "Ancillary supporting facilities" means facilities related to military housing units, including facilities to provide or support elementary or secondary education, child care centers, day care centers, child development centers, tot lots, community centers, housing offices, dining facilities, unit offices, and other similar facilities for the support of military housing.

(b) "Military housing" means military housing units and ancillary supporting facilities.

(c) "Military housing privatization initiative" means the military housing privatization initiative of 1996, 10 U.S.C. Secs. 2871 through 2885, as existing on the effective date of this act, or some later date as the department may provide.

**Sec. 2** RCW 82.29A.130 and 2007 c 90 s 1 are each amended to read as follows:

The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

FIFTY-SEVENTH DAY, MARCH 10, 2008

2008 REGULAR SESSION

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for persons with disabilities of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

(15) All leasehold interests in the public or entertainment areas of a stadium and exhibition center, as defined in RCW 36.102.010, that is constructed on or after January 1, 1998. For the purposes of this subsection, "public or entertainment areas" has the same meaning as in subsection (14) of this section, and includes exhibition areas.

(16) All leasehold interests in public facilities districts, as provided in chapter 36.100 or 35.57 RCW.

(17) All leasehold interests in property that is: (a) Owned by the United States government or a municipal corporation; (b) listed on any federal or state register of historical sites; and (c) wholly contained within a designated national historic reserve under 16 U.S.C. Sec. 461.

(18) All leasehold interests in the public or entertainment areas of an amphitheater if a private entity is responsible for one hundred percent of the cost of constructing the amphitheater which is not reimbursed by the public owner, both the public owner and the private lessee sponsor events at the facility on a regular basis, the lessee is responsible under the lease or agreement to operate and maintain the facility, and the amphitheater has a seating capacity of over seventeen thousand reserved and general admission seats and is in a county with a population of over three hundred fifty thousand, but less than four hundred twenty-five thousand. For the purposes of this subsection, "public or entertainment areas" include box offices or other ticket sales areas, entrance gates, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas including lawn seating areas and suites, stages, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include office areas used predominately by the lessee.

(19) All leasehold interests in real property used for the placement of military housing meeting the requirements of section 1 of this act."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Marr moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6389.  
Senator Marr spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Marr that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6389.

The motion by Senator Marr carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6389 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6389, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6389, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SUBSTITUTE SENATE BILL NO. 6389, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6421, with the following amendment: 6421 AMH APP H5897.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 74.09 RCW to read as follows:

The department shall provide coverage under this chapter for smoking cessation counseling services, as well as prescription and nonprescription agents when used to promote smoking cessation, so long as such agents otherwise meet the definition of "covered outpatient drug" in 42 U.S.C. Sec. 1396r-8(k). However, the department may initiate an individualized inquiry and determine and implement by rule appropriate coverage limitations as may be required to encourage the use of effective, evidence-based services and prescription and nonprescription agents. The department shall track per-capita expenditures for a cohort of clients that receive smoking

FIFTY-SEVENTH DAY, MARCH 10, 2008

cessation benefits, and submit a cost-benefit analysis to the legislature on or before January 1, 2012.

**NEW SECTION. Sec. 2** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Pridemore moved that the Senate concur in the House amendment(s) to Senate Bill No. 6421.

Senator Pridemore spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pridemore that the Senate concur in the House amendment(s) to Senate Bill No. 6421.

The motion by Senator Pridemore carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6421 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6421, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6421, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6421, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6468, with the following amendment: 6468-S2 AMH FIN H5932.1

Beginning on page 1, line 6, strike all of sections 1 through 3 and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that recent occurrences of colony collapse disorder and the resulting loss of bee hives will have an economic impact on the state's agricultural sector. The legislature intends to provide temporary business and occupation tax relief for Washington's apiarists.

**NEW SECTION. Sec. 2** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts derived from the wholesale sale of honey bee products by an eligible apiarist who

2008 REGULAR SESSION

owns or keeps bee colonies and who does not qualify for an exemption under RCW 82.04.330 in respect to such sales.

(2) The exemption provided in subsection (1) of this section does not apply to any person selling such products at retail or to any person selling manufactured substances or articles.

(3) The definitions in this subsection apply to this section.

(a) "Bee colony" means a natural group of honey bees containing seven thousand or more workers and one or more queens, housed in a man-made hive with movable frames, and operated as a beekeeping unit.

(b) "Eligible apiarist" means a person who owns or keeps one or more bee colonies and who grows, raises, or produces honey bee products for sale at wholesale and is registered under RCW 15.60.021.

(c) "Honey bee products" means queen honey bees, packaged honey bees, honey, pollen, bees wax, propolis, or other substances obtained from honey bees. "Honey bee products" does not include manufactured substances or articles."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 4, line 8, after "in" strike "RCW 82.08.865" and insert "section 2 of this act"

On page 4, line 15, after "in" strike "RCW 82.08.865" and insert "section 2 of this act"

On page 4, line 22, after "in" strike "RCW 82.08.865" and insert "section 2 of this act"

On page 4, after line 26, insert the following:

**"NEW SECTION. Sec. 8** This act expires July 1, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6468.

#### MOTION

On motion of Senator Hobbs, Senator Regala was excused.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6468.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6468 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6468, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6468, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 46

Voting nay: Senators Oemig and Weinstein - 2

Excused: Senator Regala - 1

FIFTY-SEVENTH DAY, MARCH 10, 2008

SECOND SUBSTITUTE SENATE BILL NO. 6468, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6510, with the following amendment: 6510-S AMH APP H5873.1

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1** The legislature finds that a viable manufacturing industry is critical to providing the state economy with family-wage jobs and improving the quality of life for workers and communities. To perform in the emerging global marketplace, Washington manufacturers must master new technologies, streamline production processes, improve quality assurance, expand environmental compliance, and enhance methods of work organization. Only through innovation and modernization techniques, reflecting the specific needs and capabilities of the individual firms, can Washington manufacturers both compete successfully in the market of the future and pay good living wages.

Most small and midsize manufacturers do not have the resources that will allow them to easily access innovation and modernization technical assistance and the skills training needed to make them globally competitive. Because of the statewide public benefit to be gained from increasing the availability of innovation and modernization services, it is the intent of the legislature to create a new mechanism in a manner that reduces the up-front costs of these services for small and midsize manufacturing firms. It is further the intent of the legislature that Washington state increase its support for the federal manufacturing extension partnership program, to expand the delivery of innovation and modernization services to small and midsize Washington manufacturers, and to leverage federal funding and private resources devoted to such efforts.

The successful implementation of innovation and modernization services will enable a manufacturing firm to reduce costs, increase sales, become more profitable, and ultimately expand job opportunities for Washington citizens. Such growth will result in increased revenue from the state business and occupation taxes paid by manufacturers who have engaged in innovation and modernization services.

**NEW SECTION. Sec. 2** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Costs of extension services" and "extension service costs" mean the direct costs experienced under a contract with a qualified manufacturing extension partnership affiliate for modernization extension services, including but not limited to amounts in the contract for costs of consulting, instruction, materials, equipment, rental of class space, marketing, and overhead.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "Innovation and modernization extension voucher" and "voucher" mean an instrument issued to a successful applicant from the department, verifying that funds from the manufacturing innovation and modernization account will be forwarded to the qualified manufacturing extension partnership affiliate selected by the participant and will cover identified costs of extension services.

2008 REGULAR SESSION

(5) "Innovation and modernization extension services" and "service" mean a service funded under this chapter and performed by a qualified manufacturing extension partnership affiliate. The services may include but are not limited to strategic planning, continuous improvement, business development, six sigma, quality improvement, environmental health and safety, lean processes, energy management, innovation and product development, human resources and training, supply chain management, and project management.

(6) "Outreach services" means those activities performed by an affiliate to either assess the technical assistance needs of Washington manufacturers or increase manufacturers' awareness of the opportunities and benefits of implementing cutting edge technology, techniques, and best practices. "Outreach services" includes but is not limited to salaries of outreach staff, needs assessments, client follow-up, public educational events, manufacturing orientated trade shows, electronic communications, newsletters, advertising, direct mail efforts, and contacting business organizations for names of manufacturers who might need assistance.

(7) "Program" means the Washington manufacturing innovation and modernization extension service program created in section 3 of this act.

(8) "Program participant" and "participant" mean an applicant for assistance under the program that has received a voucher or a small manufacturer receiving services through an industry association or cluster association that has received a voucher.

(9) "Qualified manufacturing extension partnership affiliate" and "affiliate" mean a private nonprofit organization established under RCW 24.50.010 or other organization that is eligible or certified to receive federal matching funds from the national institute of standards and technology manufacturing extension partnership program of the United States department of commerce.

(10) "Small manufacturer" means a private employer whose primary business is adding value to a product through a manufacturing process and employs one hundred or fewer employees within Washington state.

**NEW SECTION. Sec. 3** (1) The Washington manufacturing innovation and modernization extension service program is created to provide assistance to small manufacturers located in the state of Washington. The program shall be administered by the department.

(2)(a) Application to receive assistance under this program must be made to the department in a form and manner specified by the department. Successful applicants will receive an innovation and modernization extension voucher from the department to cover the costs of extension services performed by a qualified manufacturing extension partnership affiliate. An applicant may not receive a voucher or vouchers of over two hundred thousand dollars per calendar year. The department shall only allocate up to sixty percent of available funding during the first year of a biennium.

(b) Applicants must:

(i) Have a valid agreement with a qualified manufacturing extension partnership affiliate to engage in innovation and modernization extension services;

(ii) Agree to: (A) Make a contribution to the manufacturing innovation and modernization account created in section 5 of this act, in an amount equal to twenty-five percent of the amount of the innovation and modernization extension voucher, upon completion of the innovation and modernization extension service; and (B) make monthly or quarterly contributions over the subsequent eighteen months, as specified in their agreement with the affiliate, to the manufacturing innovation and modernization account created in section 5 of this act in an amount equal to eighty percent of the amount of the innovation and modernization extension voucher;

(iii) Be a small manufacturer or an industry association or cluster association at the time the applicant entered into an

FIFTY-SEVENTH DAY, MARCH 10, 2008

agreement with a qualified manufacturing extension partnership affiliate; and

(iv) If a small manufacturer, ensure that the number of employees the applicant has in the state during the calendar year following the completion of the program will be equal to or greater than the number of employees the applicant had in the state in the calendar year preceding the start of the program.

(3) The director may solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, federal, or other governmental entities, as well as private sources, for the purpose of providing funding for the innovation and modernization extension services and outreach services specified in this chapter. All revenue solicited and received by the department pursuant to this subsection must be deposited into the manufacturing innovation and modernization account created in section 5 of this act.

(4) The department may adopt rules to implement this section.

(5) Any qualified manufacturing extension partnership affiliate receiving funding under this program is required to submit a copy of its annual independent federal audit to the department within three months of its issuance.

**NEW SECTION. Sec. 4** This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purposes. Insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, or parts thereof, the provisions of this chapter shall be controlling.

**NEW SECTION. Sec. 5** (1) The manufacturing innovation and modernization account is created in the state treasury. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used only for funding activities of the Washington manufacturing innovation and modernization extension services program created in section 3 of this act.

(3) All payments by a program participant in the Washington manufacturing innovation and modernization extension services program created in section 3 of this act shall be deposited into the manufacturing innovation and modernization account. Of the total payments deposited into the account by program participants, the department may use up to three percent for administration of this program. The deposit of payments under this section from a program participant cease when the department specifies that the program participant has met the monetary contribution obligations of the program.

(4) All revenue solicited and received under the provisions of section 3(3) of this act shall be deposited into the manufacturing innovation and modernization account.

(5) The legislature intends that all payments from the manufacturing innovation and modernization account made to qualified manufacturing extension partnership affiliates will be eligible as the state match in an affiliate's application for federal matching funds under the manufacturing extension partnership program of the United States department of commerce's national institute of standards and technology.

**NEW SECTION. Sec. 6** Any qualified manufacturing extension partnership affiliate receiving funding under the program shall collect and submit to the department annually data on the number of clients served, the scope of services provided, and outcomes achieved during the previous calendar year. The department must evaluate the data submitted and use it in a biennial report on the program submitted to the appropriate committees of the legislature.

**NEW SECTION. Sec. 7** A new section is added to chapter 43.131 RCW to read as follows:

The Washington manufacturing innovation and modernization extension service program under chapter 43.---RCW (created in section 10 of this act) shall be terminated June 30, 2012, as provided in section 8 of this act.

**NEW SECTION. Sec. 8** A new section is added to chapter 43.131 RCW to read as follows:

2008 REGULAR SESSION

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2013:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act; and
- (6) Section 6 of this act.

**NEW SECTION. Sec. 9** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 10** Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 11** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6510.

Senator Kastama spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6510.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6510 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6510, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6510, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6510, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:59 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Tuesday, March 11, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

**FIFTY-EIGHTH DAY**

confirmed as a member of the Higher Education Coordinating Board.

**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, March 11, 2008

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Haugen Keiser, Kline, Pflug, Rasmussen, Regala and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Maranda McGinnis and David Newsom, presented the Colors. Senator Shin offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Eide, the Senate advanced to the sixth order of business.

**SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Marr moved that Gubernatorial Appointment No. 9356, Sasha Sleiman, as a member of the Higher Education Coordinating Board, be confirmed.

Senator Marr spoke in favor of the motion.

**MOTION**

On motion of Senator Hobbs, Senators Haugen, Keiser and Regala were excused.

**MOTION**

On motion of Senator Brandland, Senator Pflug was excused.

**APPOINTMENT OF SASHA SLEIMAN**

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9356, Sasha Sleiman as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9356, Sasha Sleiman as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 4

Absent: Senators Kline, Rasmussen and Sheldon - 3

Excused: Senators Haugen, Keiser, Pflug and Regala - 4

Gubernatorial Appointment No. 9356, Sasha Sleiman, having received the constitutional majority was declared

**SECOND READING****CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Jacobsen moved that Gubernatorial Appointment No. 9339, George Orr, as a member of the Fish and Wildlife Commission, be confirmed.

Senators Jacobsen, Morton, McCaslin, Prentice and Schoesler spoke in favor of passage of the motion.

**POINT OF INQUIRY**

Senator Roach: "Would Senator Jacobsen yield to a question? I think I saw in one of the bills that we had this year that there was a statement that you could only serve as Chair of the Fish & Wildlife Commission if you were a confirmed member of that Commission. I don't know what happened to that bill. I'm thinking it probably passed and that hardly anyone was confirmed. In other words, George Orr may be the only one with confirmation. In other words he would be, we would be saying 'yes' here to the new chairman of that Commission. Could you speak to that? How many are confirmed at this point?"

Senator Jacobsen: "At this point there's one confirmed and he will be leaving the Board at the end of the year. What's happened is, we get high centered on these. It's, I'll just put it real simple. The sports fishing don't want the people that like to commercial and the commercial supporters don't like the ones that like to sports fishing so you can't get anyone confirmed in this place. George is judicial and honest and everybody on the committee felt he was balanced and so he can pass here."

**MOTION**

On motion of Senator Marr, Senators Rasmussen, Regala and Sheldon were excused.

**APPOINTMENT OF GEORGE ORR**

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9339, George Orr as a member of the Fish and Wildlife Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9339, George Orr as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Haugen, Keiser, Pflug, Regala and Sheldon - 5

Gubernatorial Appointment No. 9339, George Orr, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

**MOTION**

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 4, 2008

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6483, with the following amendment: 6483-S2 AMH ENGR H5730.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 12 FINDINGS AND INTENT.** (1)

The legislature recognizes that the benefits of local food production include stewardship of working agricultural lands; direct and indirect jobs in agricultural production, food processing, tourism, and support industries; energy conservation and greenhouse gas reductions; and increased food security through access to locally grown foods.

(2) The legislature finds there is a direct correlation between adequate nutrition and a child's development and school performance. Children who are hungry or malnourished are at risk of lower achievement in school.

(3) The legislature further finds that adequate nutrition is also necessary for the physical health of adults, and that some communities have limited access to healthy fruits and vegetables and quality meat and dairy products, a lack of which may lead to high rates of diet-related diseases.

(4) The legislature believes that expanding market opportunities for Washington farmers will preserve and strengthen local food production and increase the already significant contribution that agriculture makes to the state and local economies.

(5) The legislature finds that the state's existing procurement requirements and practices may inhibit the purchase of locally produced food.

(6) The legislature intends that the local farms-healthy kids act strengthen the connections between the state's agricultural industry and the state's food procurement procedures in order to expand local agricultural markets, improve the nutrition of children and other at-risk consumers, and have a positive impact on the environment.

**NEW SECTION. Sec. 13** A new section is added to chapter 15.64 RCW to read as follows:

**FARM-TO-SCHOOL PROGRAM.** (1) A farm-to-school program is created within the department to facilitate increased procurement of Washington grown food by schools.

(2) The department, in consultation with the department of health, the office of the superintendent of public instruction, the department of general administration, and Washington State University, shall, in order of priority:

(a) Identify and develop policies and procedures to implement and evaluate the farm-to-school program, including coordinating with school procurement officials, buying cooperatives, and other appropriate organizations to develop uniform procurement procedures and materials, and practical recommendations to facilitate the purchase of Washington grown food by the common schools. These policies, procedures, and recommendations shall be made available to school districts to adopt at their discretion;

(b) Assist food producers, distributors, and food brokers to market Washington grown food to schools by informing them of food procurement opportunities, bid procedures, school purchasing criteria, and other requirements;

(c) Assist schools in connecting with local producers by informing them of the sources and availability of Washington grown food as well as the nutritional, environmental, and economic benefits of purchasing Washington grown food;

(d) Identify and recommend mechanisms that will increase the predictability of sales for producers and the adequacy of supply for purchasers;

(e) Identify and make available existing curricula, programs and publications that educate students on the nutritional, environmental, and economic benefits of preparing and consuming locally grown food;

(f) Support efforts to advance other farm-to-school connections such as school gardens or farms and farm visits; and

(g) As resources allow, seek additional funds to leverage state expenditures.

(3) The department in cooperation with the office of the superintendent of public instruction shall collect data on the activities conducted pursuant to this act and communicate such data biennially to the appropriate committees of the legislature beginning November 15, 2009. Data collected may include the numbers of schools and farms participating and any increases in the procurement of Washington grown food by the common schools.

(4) As used in this section, RCW 43.19.1905, 43.19.1906, 28A.335.190, and section 3 of this act, "Washington grown" means grown and packed or processed in Washington.

**NEW SECTION. Sec. 14** A new section is added to chapter 28A.235 RCW to read as follows:

**WASHINGTON GROWN FRESH FRUIT AND VEGETABLE GRANTS.** (1) The Washington grown fresh fruit and vegetable grant program is created in the office of the superintendent of public instruction. The purpose of the program is to facilitate consumption of Washington grown nutritious snacks in order to improve student health and expand the market for locally grown fresh produce.

(2) For purposes of this section, "fresh fruit and vegetables" includes perishable produce that is unprocessed, minimally processed, frozen, dried, or otherwise prepared, stored, and handled to maintain its fresh nature while providing convenience to the user. Producing minimally processed food involves cleaning, washing, cutting, or portioning.

(3) The program shall increase the number of school children with access to Washington grown fresh fruits and vegetables and shall be modeled after the United States department of agriculture fresh fruit and vegetable program, as described in 42 U.S.C. Sec. 1769(g). Schools receiving funds under the federal program are not eligible for grants under the Washington grown fresh fruit and vegetable grant program.

(4)(a) To the extent that state funds are appropriated specifically for this purpose, the office of the superintendent of public instruction shall solicit applications, conduct a competitive process, and make one or two-year grants to a mix of urban and rural schools to enable eligible schools to provide free Washington grown fresh fruits and vegetables throughout the school day.

(b) When evaluating applications and selecting grantees, the superintendent of public instruction shall consider and prioritize the following factors:

(i) The applicant's plan for ensuring the use of Washington grown fruits and vegetables within the program;

(ii) The applicant's plan for incorporating nutrition, agricultural stewardship education, and environmental education into the snack program;

(iii) The applicant's plan for establishing partnerships with state, local, and private entities to further the program's objectives, such as helping the school acquire, handle, store, and distribute Washington grown fresh fruits and vegetables.

(5)(a) The office of the superintendent of public instruction shall give funding priority to applicant schools with any of grades kindergarten through eight that: Participate in the national school lunch program and have fifty percent or more of their students eligible for free or reduced price meals under the federal national school lunch act, 42 U.S.C. Sec. 1751 et seq.

(b) If any funds remain after all eligible priority applicant schools have been awarded grants, the office of the superintendent of public instruction may award grants to applicant schools having less than fifty percent of the students eligible for free or reduced price meals.

(6) The office of the superintendent of public instruction may adopt rules to carry out the grant program.

(7) With assistance from the Washington department of agriculture, the office of the superintendent of public instruction

FIFTY-EIGHTH DAY, MARCH 11, 2008

shall develop and track specific, quantifiable outcome measures of the grant program such as the number of students served by the program, the dollar value of purchases of Washington grown fruits and vegetables resulting from the program, and development of state, local, and private partnerships that extend beyond the cafeteria.

(8) As used in this section, "Washington grown" has the definition in section 2 of this act.

**Sec. 15** RCW 43.19.1905 and 2002 c 299 s 5 and 2002 c 285 s 1 are each reenacted and amended to read as follows:

(1) The director of general administration shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

((+)) (a) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

((+)) (b) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

((+)) (c) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

((+)) (d) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

((+)) (e) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;

((+)) (f) Determination of what function data processing equipment, including remote terminals, shall perform in statewide purchasing and material control for improvement of service and promotion of economy;

((+)) (g) Standardization of records and forms used statewide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;

((+)) (h) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

((+)) (i) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

((+)) (j) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

((+)) (k) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

((+)) (l) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

((+)) (m) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

((+)) (n) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

((+)) (o) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

((+)) (p) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

2008 REGULAR SESSION

((+)) (q) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

((+)) (r) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

((+)) (s) Resolution of all other purchasing and material matters which require the establishment of overall statewide policy for effective and economical supply management;

((+)) (t) Development of guidelines and criteria for the purchase of vehicles, high gas mileage vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including investigations into all opportunities to aggregate the purchasing of clean technologies by state and local governments, and including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002);

((+)) (u) Development of goals for state use of recycled or environmentally preferable products through specifications for products and services, processes for requests for proposals and requests for qualifications, contractor selection, and contract negotiations;

(v) Development of food procurement procedures and materials that encourage and facilitate the purchase of Washington grown food by state agencies and institutions to the maximum extent practicable and consistent with international trade agreement commitments; and

(w) Development of policies requiring all food contracts to include a plan to maximize to the extent practicable and consistent with international trade agreement commitments the availability of Washington grown food purchased through the contract.

(2) As used in this section, "Washington grown" has the definition in section 2 of this act.

**Sec. 16** RCW 43.19.1906 and 2006 c 363 s 1 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed, electronic, or web-based bid procedure, subject to RCW 43.19.1911, shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed, electronic, or web-based competitive bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from three thousand dollars to thirty-five thousand dollars, or subsequent limits as calculated

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from three thousand dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to three thousand dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management division under RCW 43.41.310;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases for resale by institutions of higher education to other than public agencies when such purchases are for the express purpose of supporting instructional programs and may best be executed through direct negotiation with one or more suppliers in order to meet the special needs of the institution;

(8) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between three thousand dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between three thousand dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from three thousand to thirty-five thousand dollars shall be documented for audit purposes; ~~(and)~~

(9) Off-contract purchases of Washington grown food when such food is not available from Washington sources through an existing contract. However, Washington grown food purchased under this subsection must be of an equivalent or better quality than similar food available through the contract and be able to be paid from the agency's existing budget. This requirement also applies to purchases and contracts for purchases executed by state agencies, including institutions of higher education, under delegated authority granted in accordance with RCW 43.19.190 or under RCW 28B.10.029; and

(10) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties.

Beginning on July 1, 1995, and on July 1st of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars. However, the three thousand dollar figure in subsections (2) and (8) of this section may not be adjusted to exceed five thousand dollars.

As used in this section, "Washington grown" has the definition in section 2 of this act.

**Sec. 17** RCW 28A.335.190 and 2005 c 346 s 2 and 2005 c 286 s 1 are each reenacted and amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the sum of fifty thousand dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids and that specifications and other information may be examined at the office of the board or any other officially designated location: PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair does not exceed the sum of forty thousand dollars. The cost of any public work, improvement or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment or supplies, except books, the cost of which is estimated to be in excess of forty thousand dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from forty thousand dollars up to seventy-five thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of seventy-five thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Any school district may purchase goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections pursuant to RCW 72.09.100, including but not limited to furniture, equipment, or supplies. School districts are encouraged to set as a target to contract, beginning after June 30, 2006, to purchase up to one percent of the total goods required by the school districts each year, goods produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(4) Every building, improvement, repair or other public works project, the cost of which is estimated to be in excess of forty thousand dollars, shall be on a competitive bid process. Whenever the estimated cost of a public works project is one hundred thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed unless the contract is let using the small works roster process in RCW 39.04.155 or under any other procedure authorized for school districts. One or more school districts may authorize an educational service district to establish and operate a small works roster for the school district under the provisions of RCW 39.04.155.

(5) The contract for the work or purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911 but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

(6) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

(7) This section does not apply to the direct purchase of school buses by school districts and educational services in accordance with RCW 28A.160.195.

(8) This section does not apply to the purchase of Washington grown food.

(9) At the discretion of the board, a school district may develop and implement policies and procedures to facilitate and maximize to the extent practicable, purchases of Washington grown food including, but not limited to, policies that permit a percentage price preference for the purpose of procuring Washington grown food.

(10) As used in this section, "Washington grown" has the definition in section 2 of this act.

(11) As used in this section, "price percentage preference" means the percent by which a responsive bid from a responsible bidder whose product is a Washington grown food may exceed the lowest responsive bid submitted by a responsible bidder whose product is not a Washington grown food.

NEW SECTION. Sec. 18 A new section is added to chapter 28A.320 RCW to read as follows:

(1) School districts may operate school gardens or farms, as appropriate, for the purpose of growing fruits and vegetables to be used for educational purposes and, where appropriate, to be offered to students through the district nutrition services meal and snack programs. All such foods used in the district's meal and snack programs shall meet appropriate safety standards.

(2) If a school operates a school garden or farm, students representing various student organizations, including but not limited to vocational programs such as the FFA and 4-H, shall be given the opportunity to be involved in the operation of a school garden or farm.

(3) When school gardens or farms are used to educate students about agricultural practices, students shall be afforded the opportunity to learn about both organic and conventional growing methods.

NEW SECTION. Sec. 19 A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall adopt rules authorizing retail operation farms stores, owned and operated by a farmer and collocated with a site of agricultural production, to participate in the women, infant, and children farmers market nutrition program to provide locally grown, nutritious, unprepared fruits and vegetables to eligible program participants.

(2) Such rules must meet the provisions of 7 C.F.R. part 3016, uniform administrative requirements for grants and cooperative agreements to state and local governments, as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

NEW SECTION. Sec. 20 FARMERS MARKET TECHNOLOGY IMPROVEMENT PILOT PROGRAM. (1) If funds are provided for this specific purpose, the Washington state farmers market technology improvement pilot program is created in the department of social and health services to assist farmers markets develop the capability to accept wireless electronic payment cards, including electronic benefits transfers. The purpose of this program is to increase access to fresh fruits and vegetables and quality meat and dairy for all Washington residents and to increase the number of food stamp recipients using food stamp benefits through electronic benefits transfer at farmers markets.

(2) The department shall work with farmers markets and appropriate associations to ensure that the program serves a balance of rural and urban farmers markets.

(3) The department shall submit data on the electronic benefits transfer activities conducted pursuant to this section to the appropriate committees of the legislature each biennium beginning on November 15, 2009. Data collected may include information illustrating the demand for the technology and numbers of people using the technology for electronic benefits transfer.

(4) This section expires July 1, 2010.

NEW SECTION. Sec. 21 FARMERS TO FOOD BANKS PILOT PROGRAM. (1) If funds are provided for this specific purpose, the farmers to food banks pilot program is created. In implementing this program, the department of community, trade, and economic development shall conduct a request for proposals to select pilot site communities statewide. Any nonprofit entity qualified under section 501(c)(3) of the internal revenue code that is in the business of delivering social services may submit a proposal. No more than five pilot communities shall be selected based on the following:

(a) One pilot shall be designated in an urban area that has been negatively impacted by a mass transit infrastructure program, is ethnically diverse, and is located in a city with over five hundred thousand residents;

(b) At least one pilot must be located east of the crest of the Cascades; and

(c) At least one pilot must be in a rural county as defined in RCW 43.160.020.

(2) Funds shall be used in pilot communities for the food bank system to contract with local farmers to provide fruits, vegetables, dairy, and meat products for distribution to low-income people at local designated food banks.

(3) The department shall collect data on the activities conducted pursuant to this section and communicate biennially to the appropriate committees of the legislature beginning November 15, 2009. Data collected may include information illustrating the demand and numbers of people served.

(4) This section expires July 1, 2010.

NEW SECTION. Sec. 22 RCW 43.19.706 (Purchase of Washington agricultural products--Report to the legislature) and 2002 c 166 s 2 are each repealed.

NEW SECTION. Sec. 23 This act may be known and cited as the local farms-healthy kids act.

NEW SECTION. Sec. 24 Captions used in this act are not any part of the law.

NEW SECTION. Sec. 25 If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 26 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hatfield moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6483.

The President declared the question before the Senate to be the motion by Senator Hatfield that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6483.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

The motion by Senator Hatfield carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6483 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6483, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6483, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Haugen, Keiser, Pflug, Regala and Sheldon - 5

SECOND SUBSTITUTE SENATE BILL NO. 6483, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTION SENATE BILL NO. 6556, with the following amendment: 6556-S AMH HCW H5818.2

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 28A.210 RCW to read as follows:

(1) The office of the superintendent of public instruction, in consultation with the department of health, shall develop anaphylactic policy guidelines for schools to prevent anaphylaxis and deal with medical emergencies resulting from it. The policy guidelines shall be developed with input from pediatricians, school nurses, other health care providers, parents of children with life-threatening allergies, school administrators, teachers, and food service directors.

The policy guidelines shall include, but need not be limited to:

(a) A procedure for each school to follow to develop a treatment plan including the responsibilities for school nurses and other appropriate school personnel responsible for responding to a student who may be experiencing anaphylaxis;

(b) The content of a training course for appropriate school personnel for preventing and responding to a student who may be experiencing anaphylaxis;

(c) A procedure for the development of an individualized emergency health care plan for children with food or other allergies that could result in anaphylaxis;

(d) A communication plan for the school to follow to gather and disseminate information on students with food or other allergies who may experience anaphylaxis;

(e) Strategies for reduction of the risk of exposure to anaphylactic causative agents including food and other allergens.

(2) For the purpose of this section "anaphylaxis" means a severe allergic and life-threatening reaction that is a collection of symptoms, which may include breathing difficulties and a drop in blood pressure or shock.

(3)(a) By October 15, 2008, the superintendent of public instruction shall report to the select interim legislative task force

on comprehensive school health reform created in section 6, chapter 5, Laws of 2007, on the following:

(i) The implementation within school districts of the 2008 guidelines for care of students with life-threatening food allergies developed by the superintendent pursuant to section 501, chapter 522, Laws of 2007, including a review of policies developed by the school districts, the training provided to school personnel, and plans for follow-up monitoring of policy implementation; and

(ii) Recommendations on requirements for effectively implementing the school anaphylactic policy guidelines developed under this section.

(b) By March 31, 2009, the superintendent of public instruction shall report policy guidelines to the appropriate committees of the legislature and to school districts for the districts to use to develop and adopt their policies.

(4) By September 1, 2009, each school district shall use the guidelines developed under subsection (1) of this section to develop and adopt a school district policy for each school in the district to follow to assist schools to prevent anaphylaxis."

Correct the title and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6556. Senator Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6556.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6556 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6556, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6556, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Haugen, Keiser, Pflug, Regala and Sheldon - 5

SUBSTITUTION SENATE BILL NO. 6556, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTION SENATE BILL NO. 6583, with the following amendment: 6583-S AMH ENGR H5950.E

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 74.09.510 and 2007 c 315 s 1 are each amended to read as follows:

(1) Medical assistance may be provided in accordance with eligibility requirements established by the department, as defined in the social security Title XIX state plan for mandatory categorically needy persons and:

((+)) (a) Individuals who would be eligible for cash assistance except for their institutional status;

((+)) (b) Individuals who are under twenty-one years of age, who would be eligible for medicaid, but do not qualify as dependent children and who are in ((+)) (i) foster care, ((+)) (ii) subsidized adoption, ((+)) (iii) a nursing facility or an intermediate care facility for persons who are mentally retarded, or ((+)) (iv) inpatient psychiatric facilities;

((+)) (c) Individuals who:

((+)) (i) Are under twenty-one years of age;

((+)) (ii) On or after July 22, 2007, were in foster care under the legal responsibility of the department or a federally recognized tribe located within the state; and

((+)) (iii) On their eighteenth birthday, were in foster care under the legal responsibility of the department or a federally recognized tribe located within the state;

((+)) (d) Persons who are aged, blind, or disabled who:

((+)) (i) Receive only a state supplement, or ((+)) (ii) would not be eligible for cash assistance if they were not institutionalized;

((+)) (e) Categorically eligible individuals who meet the income and resource requirements of the cash assistance programs;

((+)) (f) Individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act;

((+)) (g) Children and pregnant women allowed by federal statute for whom funding is appropriated;

((+)) (h) Working individuals with disabilities authorized under section 1902(a)(10)(A)(ii) of the social security act for whom funding is appropriated;

((+)) (i) Other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act;

((+)) (j) Persons allowed by section 1931 of the social security act for whom funding is appropriated; and

((+)) (k) Women who: ((+)) (i) Are under sixty-five years of age; ((+)) (ii) have been screened for breast and cervical cancer under the national breast and cervical cancer early detection program administered by the department of health or tribal entity and have been identified as needing treatment for breast or cervical cancer; and ((+)) (iii) are not otherwise covered by health insurance. Medical assistance provided under this subsection (1)(k) is limited to the period during which the woman requires treatment for breast or cervical cancer, and is subject to any conditions or limitations specified in the omnibus appropriations act.

(2) To the extent permitted under federal law, the department shall set the categorically needy income level for adults who are sixty-five years of age or older, blind, or disabled, at eighty percent of the federal poverty level as adjusted annually beginning July 1, 2009. As used in this section, "federal poverty level" refers to the poverty guidelines updated periodically in the federal register by the United States department of health and human services under the authority of 42 U.S.C. Sec. 9902(2).

"**Sec. 2** RCW 74.09.530 and 2007 c 315 s 2 are each amended to read as follows:

(1) The amount and nature of medical assistance and the determination of eligibility of recipients for medical assistance shall be the responsibility of the department of social and health services. The department shall establish reasonable standards of assistance and resource and income exemptions which shall be

consistent with the provisions of the Social Security Act and with the regulations of the secretary of health, education and welfare for determining eligibility of individuals for medical assistance and the extent of such assistance to the extent that funds are available from the state and federal government. The department shall not consider resources in determining continuing eligibility for recipients eligible under section 1931 of the social security act.

(2) Individuals eligible for medical assistance under RCW 74.09.510((+)) (1)(c) shall be transitioned into coverage under that subsection immediately upon their termination from coverage under RCW 74.09.510((+)) (1)(b)(i). The department shall use income eligibility standards and eligibility determinations applicable to children placed in foster care. The department, in consultation with the health care authority, shall provide information regarding basic health plan enrollment and shall offer assistance with the application and enrollment process to individuals covered under RCW 74.09.510((+)) (1)(c) who are approaching their twenty-first birthday.

**NEW SECTION. Sec. 3** The department of social and health services shall prepare a fiscal analysis of the increases in the medicaid categorically needy income level to eighty percent of the federal poverty level as described in RCW 74.09.510. In developing the fiscal analysis, the department shall present both costs and cost offsets related to continuous access to health services including: Per capita cost reductions that resulted from current medically needy clients having access to continuous coverage through the categorically needy program; any reductions in the number of clients receiving long-term care services; the impact on department staffing needs, including savings associated with reduced medically needy caseloads; shifts in enrollment from the Washington basic health plan to medicaid coverage; and the impact on regional support networks, including additional medicaid revenues, reduced demand for nonmedicaid funded services, and changes in utilization of emergency room and hospital services. The department shall submit the analysis to the governor and the health policy and fiscal committees of the legislature by November 1, 2010.

"**Sec. 4** RCW 48.41.100 and 2007 c 259 s 30 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal

FIFTY-EIGHTH DAY, MARCH 11, 2008

health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out two million dollars in benefits;

(c) Inmates of public institutions, and those persons (~~whose benefits are duplicated under public programs~~) who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

**NEW SECTION. Sec. 5** This act takes effect July 1, 2009, if specific funding for purposes of this act, referencing this act by bill or chapter number, is provided by June 30, 2009, in the omnibus operating appropriations act. If funding is not so provided, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Brandland moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6583.

Senator Brandland spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Keiser was excused.

The President declared the question before the Senate to be the motion by Senator Brandland that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6583.

The motion by Senator Brandland carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6583 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6583, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6583, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Keiser, Pflug, Regala and Sheldon - 4

SUBSTITUTE SENATE BILL NO. 6583, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6722, with the following amendment: 6722 AMH APP H5849.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 70.105D RCW to read as follows:

(1) The cleanup settlement account is created in the state treasury. The account is not intended to replace the state toxics control account established under RCW 70.105D.070. All receipts from the sources identified in subsection (2) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as identified in subsection (4) of this section.

(2) The following receipts must be deposited into the cleanup settlement account:

(a) Receipts from settlements or court orders that direct payment to the account and resolve a person's liability or potential liability under this chapter for either or both of the following:

(i) Conducting future remedial action at a specific facility, if it is not feasible to require the person to conduct the remedial action based on the person's financial insolvency, limited ability to pay, or insignificant contribution under RCW 70.105D.040(4)(a);

(ii) Assessing or addressing the injury to natural resources caused by the release of a hazardous substance from a specific facility; and

(b) Receipts from investment of the moneys in the account.

(3) If a settlement or court order does not direct payment of receipts described in subsection (2)(a) of this section into the cleanup settlement account, then the receipts from any payment to the state must be deposited into the state toxics control account.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(4) Expenditures from the cleanup settlement account may only be used to conduct remedial actions at the specific facility or to assess or address the injury to natural resources caused by the release of hazardous substances from that facility for which the moneys were deposited in the account. Conducting remedial actions or assessing or addressing injury to natural resources includes direct expenditures and indirect expenditures such as department oversight costs.

(5) The department shall track moneys received, interest earned, and moneys expended separately for each facility.

(6) After the department determines that all remedial actions at a specific facility, and all actions assessing or addressing injury to natural resources caused by the release of hazardous substances from that facility, are completed, including payment of all related costs, any moneys remaining for the specific facility must be transferred to the state toxics control account established under RCW 70.105D.070.

(7) The department shall provide the office of financial management and the fiscal committees of the legislature with a report by October 31st of each year regarding the activity within the cleanup settlement account during the previous fiscal year.

**Sec. 2** RCW 43.84.092 and 2007 c 514 s 3 and 2007 c 356 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education

construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 3** RCW 43.84.092 and 2007 c 514 s 3, 2007 c 484 s 4, and 2007 c 356 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public

health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 4** RCW 43.84.092 and 2007 c 514 s 3, 2007 c 513 s 1, 2007 c 484 s 4, and 2007 c 356 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state

higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 5** (1) Section 2 of this act expires July 1, 2008.

(2) Section 3 of this act expires July 1, 2009.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION  
BARBARA BAKER, Chief Clerk

NEW SECTION. Sec. 6 (1) Section 3 of this act takes effect July 1, 2008.

(2) Section 4 of this act takes effect July 1, 2009."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Pridemore moved that the Senate concur in the House amendment(s) to Senate Bill No. 6722.

The President declared the question before the Senate to be the motion by Senator Pridemore that the Senate concur in the House amendment(s) to Senate Bill No. 6722.

The motion by Senator Pridemore carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6722 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6722, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6722, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Keiser, Regala and Sheldon - 3

SENATE BILL NO. 6722, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6809, with the following amendment: 6809-S.E AMH HUNT MITC 268

On page 2, beginning on line 25, after "period," strike all material through "act" on line 27 and insert "the working families' tax exemption authorized under this section shall be approved by the legislature in the state omnibus appropriations act before persons may claim the exemption during the fiscal period"

On page 3, after line 26, insert the following:

(8) The department shall limit its costs for the exemption program to the initial start-up costs to implement the program. The state omnibus appropriations act shall specify funding to be used for the ongoing administrative costs of the program. These ongoing administrative costs include, but are not limited to, costs for: the processing of internet and mail applications, verification of application claims, compliance and collections, additional full-time employees at the department's call center, processing warrants, updating printed materials and web information, media advertising, and support and maintenance of computer systems."

and the same are herewith transmitted.

#### MOTION

Senator Pridemore moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6809.

The President declared the question before the Senate to be the motion by Senator Pridemore that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6809.

The motion by Senator Pridemore carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6809 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6809, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6809, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 17

Excused: Senators Keiser, Regala and Sheldon - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6809, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6818, with the following amendment: 6818 AMH ENGR H5872.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 The intent of the legislature is to make state revenue and expenditure data as open, transparent, and publicly accessible as is feasible. Increasing the ease of public access to state budget data, particularly where the data are currently available from disparate internal government sources but are difficult for the public to collect and efficiently aggregate, significantly contributes to governmental accountability, public participation, agency efficiency, and open government.

NEW SECTION. Sec. 2 A new section is added to chapter 44.48 RCW to read as follows:

(1) By January 1, 2009, in collaboration with the office of financial management, using existing databases and structures currently shared, the office of the legislative evaluation and accountability program committee shall establish and make available to the public a searchable state expenditure information web site. The state expenditure information web site shall provide access to current budget data, access to current accounting data for budgeted expenditures and staff, and access to historical data. At a minimum, the web site will provide access or links to the following information as data are available:

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

- (a) State expenditures by fund or account;
- (b) State expenditures by agency, program, and subprogram;
- (c) State revenues by major source;
- (d) State expenditures by object and subobject;
- (e) State agency workloads, caseloads, and performance measures, and recent performance audits; and
- (f) State agency budget data by activity.

(2) "State agency," as used in this section, includes every state agency, office, board, commission, or institution of the executive, legislative, or judicial branches, including institutions of higher education.

(3) The state expenditure information web site shall be updated periodically as subsequent fiscal year data become available, and the prior year expenditure data shall be maintained by the legislative evaluation and accountability program committee as part of its ten-year historical budget data.

**NEW SECTION. Sec. 3** A new section is added to chapter 43.88 RCW to read as follows:

(1) The office of financial management shall make electronically available to the public a database of state agency contracts for personal services required to be filed with the office of financial management under chapter 39.29 RCW.

(2) The state expenditure information web site described in section 2 of this act shall include a link to the office of financial management database described in subsection (1) of this section.

**NEW SECTION. Sec. 4** A new section is added to chapter 28A.150 RCW to read as follows:

(1) Upon the release of each proposed omnibus appropriations act and final enacted budget, the legislative evaluation and accountability committee shall prepare and cause to be posted on a publicly accessible web site a presentation consisting of potential examples of the types and levels of educational programs and services supported by funding provided in the proposed or enacted omnibus appropriations act under specified allocations for the support of common schools.

(2) The purpose of the presentation created in subsection (1) of this section is to make transparent to the public, using categories and terms that are readily understood, examples of the type and level of educational programs and services supported by funding appropriated in the omnibus appropriations act under specified programs for support of the common schools. Such transparency promotes better public understanding of the state resources provided to support the common schools. The information in the presentation is for illustrative purposes only. It is not intended, nor is it to be construed, to represent how state allocations are actually used by individual school districts, nor how school districts are expected or required to expend state allocations.

(3) Each legislative evaluation and accountability program committee presentation prepared under this section shall provide estimates for the following items, based on the level of state funding appropriated in the budget bill for which the presentation is prepared and for the school year immediately following the legislative session in which the bill is considered:

- (a) For the general apportionment program:
  - (i) Estimated state-funded class size in elementary, middle, and high school grade spans;
  - (ii) Average state-funded teacher salary, total teacher compensation, administrator salary, and classified staff salary;
  - (iii) Estimated number of state-funded staff of various classifications in a hypothetical average-sized school; and
  - (iv) Estimated amount per pupil for nonemployee related costs, including a breakdown of the per pupil amount by selected major categories of expenditure;
- (b) For the learning assistance program, the transitional bilingual program, and the highly capable student program: Estimated hours of additional instruction per week in each program;
- (c) For the special education excess cost allocation: Estimated amount per eligible student;
- (d) For the promoting academic success program: Estimated hours of remediation for various types of students, hours of teacher planning time, and class size; and
- (e) For the student achievement fund: Estimated amount per pupil in each category of use of the funds under RCW

28A.505.210 and estimated staffing or additional instructional time supported by the funds in a hypothetical average-sized school.

(4) Each document shall also contain a brief narrative description of how the estimates provided under subsection (3) of this section were calculated and the major assumptions behind the calculations. Estimates may be developed using documented expenditure patterns of school districts, best practices, or other sources of information."

Correct the title and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Oemig moved that the Senate concur in the House amendment(s) to Senate Bill No. 6818.

MOTION

On motion of Senator Zarelli, Senator Hewitt was excused.

The President declared the question before the Senate to be the motion by Senator Oemig that the Senate concur in the House amendment(s) to Senate Bill No. 6818.

The motion by Senator Oemig carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6818 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6818, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6818, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Sheldon - 2

SENATE BILL NO. 6818, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6821, with the following amendment: 6821.E AMH AGNR H5832.1

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 42.56.430 and 2007 c 293 s 1 are each amended to read as follows:

The following information relating to fish and wildlife is exempt from disclosure under this chapter:

(1) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources;

(2) Sensitive fish and wildlife data. Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data may be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in RCW 77.12.885. Sensitive fish and wildlife data must meet at least one of the following criteria of this subsection as applied by the department of fish and wildlife:

(a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(b) Radio frequencies used in, or locational data generated by, telemetry studies; or

(c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(i) The species has a known commercial or black market value;

(ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable;

(iii) There is a known demand to visit, take, or disturb the species; or

(iv) The species has an extremely limited distribution and concentration; ~~(and)~~

(3) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:

(a) Government agencies concerned with the management of fish and wildlife resources;

(b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040; and

(4) Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and (i), and Sec. 1881a(b)).

**Sec. 2** RCW 77.80.020 and 1984 c 67 s 1 are each amended to read as follows:

(1)(a) The department may purchase commercial fishing vessels and appurtenant gear, and the current state commercial fishing licenses, delivery permits, and charter boat licenses if the license or permit holder was substantially restricted in fishing as a result of compliance with *United States of America et al. v. State of Washington et al.*, Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976).

(b) The department may also make such purchases if the license or permit holder was substantially restricted in fishing as a result of compliance with *United States of America et al. v. State of Washington et al.*, 873 F. Supp. 1422 (W.D. Wash. 1994) as affirmed in part, reversed in part, and remanded 157 F.3d 630 (9th Cir., 1998), if the federal government provides funding to the state for the purpose of initiating these purchases.

(2) The department shall not purchase a vessel under this section without also purchasing all current Washington commercial fishing licenses and delivery permits and charter boat licenses issued to the vessel or its owner. The department may purchase current licenses and delivery permits without purchasing the vessel.

**Sec. 3** RCW 77.80.050 and 1995 c 269 s 3201 are each amended to read as follows:

The director shall adopt rules for the administration of ~~((the program))~~ this chapter. To assist the department in the administration of ~~((the program))~~ this chapter, the director may contract with persons not employed by the state and may enlist the aid of other state agencies.

**Sec. 4** RCW 77.80.060 and 2000 c 107 s 91 are each amended to read as follows:

(1) The director is responsible for the administration and disbursement of all funds, goods, commodities, and services received by the state under ~~((the program))~~ this chapter.

(2) There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund". This fund shall be used for purchases under RCW 77.80.020 and for the administration of ~~((the program))~~ this chapter. This fund shall be credited with federal or other funds received to carry out the purposes of ~~((the program))~~ this chapter and the proceeds from the sale or other disposition of property purchased under RCW 77.80.020.

**NEW SECTION. Sec. 5** RCW 77.80.010 (Definitions) and 2000 c 107 s 88, 1985 c 7 s 150, 1983 1st ex.s. c 46 s 155, 1977 ex.s. c 230 s 3, & 1975 1st ex.s. c 183 s 3 are each repealed."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hatfield moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6821.

The President declared the question before the Senate to be the motion by Senator Hatfield that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6821.

The motion by Senator Hatfield carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6821 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6821, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6821, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Absent: Senator Tom - 1

Excused: Senators Hewitt and Sheldon - 2

ENGROSSED SENATE BILL NO. 6821, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

March 4, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6839, with the following amendment: 6839 AMH CL ELGE 062

On page 5, beginning on line 16, after "effect of" strike all material through "fund" on line 18 and insert "this act on the revenue and costs to the state fund" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Marr moved that the Senate concur in the House amendment(s) to Senate Bill No. 6839.

Senator Marr spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Marr that the Senate concur in the House amendment(s) to Senate Bill No. 6839.

The motion by Senator Marr carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6839 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6839, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6839, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Sheldon - 1

SENATE BILL NO. 6839, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5831, with the following amendment: 5831-S.E AMH ENGR H6024.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** (1)(a) A joint legislative task force on heating, ventilating, air conditioning, and refrigeration is established, with members as provided in this subsection.

(i) The chair and ranking minority member of the senate labor, commerce, research and development committee;

(ii) The chair and ranking minority member of the house commerce and labor committee;

(iii) Four members representing the heating, ventilating, air conditioning, and refrigeration industry, selected from nominations submitted by statewide business organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of

representatives. At least one industry representative shall be from a county that has a contiguous border with another state; and

(iv) Four members representing labor, selected from nominations submitted by statewide labor organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives. At least one labor representative shall be from a county that has a contiguous border with another state.

(b) In addition, the department of labor and industries shall cooperate with the joint legislative task force and maintain a liaison representative, who shall be a nonvoting member. The department shall cooperate with the joint legislative task force and provide information as the joint legislative task force may reasonably request.

(c) The joint legislative task force shall choose its chair from among its membership.

(2) The joint legislative task force shall review the following:

(a) Requirements for registering, certifying, and licensing heating, ventilating, air conditioning, and refrigeration mechanics;

(b) Methods of registering or licensing contractors who qualify for two or more registrations or licenses;

(c) Levels of mechanic certification and types of mechanic specialties;

(d) On-the-job experience requirements for levels of mechanic certification;

(e) Methods by which apprentices and other persons learning to perform heating, ventilating, air conditioning, and refrigeration work obtain trainee certificates;

(f) Exemptions to registration, certification, and licensing requirements;

(g) Implementation of chapter 18.-- RCW (the new chapter created in section 40 of this act); and

(h) Such other factors the joint legislative task force deems necessary.

(3) Legislative members of the joint legislative task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The expenses of the joint legislative task force shall be paid jointly by the senate and the house of representatives.

(5) The joint legislative task force shall report its findings and recommendations to the legislature by January 1, 2009.

(6) This section expires July 1, 2009.

**NEW SECTION. Sec. 2 DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person who has submitted the appropriate form or forms to be considered for an HVAC/R mechanic certificate, a temporary HVAC/R mechanic certificate, a trainee certificate, or an HVAC/R operator certificate, as required by the department.

(2) "Board" means the HVAC/R board established in section 28 of this act.

(3) "Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or a combination thereof, under pressure or vacuum by the application of heat, electricity, or nuclear energy. "Boiler" also includes fired units for heating or vaporizing liquids other than water where these systems are complete within themselves.

(4) "BTUH" means British thermal units per hour.

(5) "Certified HVAC/R mechanic" means a person who has been issued a valid HVAC/R mechanic certificate under section 17 of this act.

(6) "Certified specialty mechanic" means a person who has been issued one or more valid specialty mechanic certificates under section 17 of this act.

(7) "CFM" means cubic feet per minute.

(8) "Department" means the department of labor and industries.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(9) "Director" means the director of the department or the director's designee.

(10) "Gas company" has the same meaning as in RCW 80.04.010.

(11) "Gas company service piping" means gas piping that is owned by or under the control of a gas company and used for transmission or distribution of fuel to the point of contact at the premises or property supplied or to be supplied, including service connections, meters, or other apparatus or appliance used in the measurement of the consumption of fuel by the customer. For the purposes of this subsection, "point of contact" means the outlet of the meter or the connection to the customer's gas piping, whichever is farther downstream.

(12) "Gas piping" means pipes, valves, or fittings used to convey fuel gas installed on a premise or in a building. "Gas piping" does not include gas company service piping or any gas piping used directly in the generation of electricity by an electric utility or a commercial-scale nonutility generator of electricity.

(13) "Gas piping work" means to install, replace, or service gas piping and venting related to gas piping. Solely for accruing hours of HVAC/R work, "gas piping" also means to design, fabricate, and construct gas piping and venting related to gas piping.

(14) "Hearth products" means any fuel gas or oil-fueled appliance that has a visual presence in a living space of a residence or any outdoor fuel gas barbecue or fireplace that is listed to the appropriate underwriters laboratories, American national standards institute, or ASTM international product safety standard.

(15) "Hours of HVAC/R work" means any combination of accrued hours of HVAC/R work performed while:

(a) Employed by an HVAC/R contractor or a person exempt from the requirements of chapter 18.27 RCW, chapter 19.28 RCW, or this chapter;

(b) Employed by a registered or licensed general or specialty contractor, or the equivalent, in another state or country; or

(c) Serving in the United States armed forces.

(16) "HVAC" means heating, ventilating, and air conditioning.

(17)(a) "HVAC equipment and systems" means equipment necessary for any system that heats, cools, conditions, ventilates, filters, humidifies, or dehumidifies environmental air for residential, industrial, or commercial use, including all related ventilation and ducting systems.

(b) "HVAC equipment and systems" does not include: (i) Solid fuel burning devices, such as wood stoves and coal stoves; (ii) gas company service piping; (iii) gas piping other than that necessary to deliver fuel; or (iv) boilers.

(18) "HVAC work" means to install, replace, service, test, or adjust and balance HVAC equipment and systems. Solely for accruing hours of HVAC/R work, "HVAC work" also means to design, fabricate, and construct HVAC equipment and systems.

(19) "HVAC/R" means heating, ventilating, air conditioning, and refrigeration.

(20) "HVAC/R contractor" means any person who:

(a) Advertises for, offers to perform, submits a bid for, or performs any HVAC/R work covered by the provisions of this chapter;

(b) Employs anyone, or offers or advertises to employ anyone, to perform any HVAC/R work that is subject to the provisions of this chapter; or

(c) Is registered under section 3(1)(b) of this act.

(21) "HVAC/R equipment and systems" means HVAC equipment and systems, refrigeration systems, and gas piping.

(22) "HVAC/R mechanic certificate" means any of the certificates identified under section 8 of this act.

(23) "HVAC/R operator certificate" means the certificate identified under section 11 of this act.

(24) "HVAC/R work" means all HVAC work, refrigeration work, and gas piping work not otherwise exempted by this chapter.

(25) "Person" or "company," used interchangeably throughout this chapter, means any individual, corporation, partnership, limited partnership, organization, or any other entity whatsoever, whether public or private.

(26) "Property management company" means a company that is operating in compliance with state real estate licensing rules and is under contract with a property owner to manage the buildings.

(27) "Refrigeration system" means a combination of interconnected refrigerant-containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat and includes systems in which a secondary coolant, cooled or heated by the refrigeration system, is circulated to the air or other substance to be cooled or heated.

(28) "Refrigeration work" means to design, fabricate, construct, install, replace, or service refrigeration systems. Solely for accruing hours of HVAC/R work, "refrigeration work" also means to design, fabricate, and construct refrigeration systems.

(29) "Service" means to repair, modify, or perform other work required for the normal continued performance of HVAC/R equipment and systems.

(30) "Specialty certificate" means any of the certificates identified under section 7 of this act.

(31) "Technical college" means a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW.

(32) "Temporary certificate" means any of the certificates issued under section 9 of this act.

(33) "Trainee" means a person who has been issued a trainee certificate by the department under section 10 of this act.

(34) "Trainee certificate" means any certificate issued under section 10 of this act.

(35) "Valid" means not expired, revoked, or suspended.

**NEW SECTION. Sec. 3 CONTRACTOR REGISTRATION--CONCURRENT REGISTRATION--REQUIREMENTS.** (1) Except as provided in this chapter, it is unlawful for:

(a) Any person to engage in business as an HVAC/R contractor, within the state, without having been issued a valid registration as a contractor under chapter 18.27 RCW;

(b) Any person, on or after July 1, 2009, to engage in business as an HVAC/R contractor, within the state, without having been issued a valid registration as an HVAC/R contractor from the department; and

(c) Any person, on and after July 1, 2010, to employ a person to perform or offer to perform HVAC/R work who has not been issued a valid HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R mechanic certificate, trainee certificate, or HVAC/R operator certificate issued by the department under this chapter.

(2) The department shall prescribe an application form to be used to apply for an HVAC/R contractor registration under this chapter, and shall ensure that the person applying for an HVAC/R contractor registration is also a registered general or specialty contractor under chapter 18.27 RCW before it issues that person an HVAC/R contractor registration.

(3) For a person who may be issued two or more registrations or licenses provided for in chapter 18.27 RCW, chapter 19.28 RCW, or this chapter, the department shall establish on or before July 1, 2011, a single registration/licensing document. The document shall list all of the person's registrations and licenses.

(4) Regardless of when the HVAC/R contractor registration is issued, it shall become suspended, revoked, expired, or renewed at the same time as the registration issued under chapter 18.27 RCW.

(5) No bond or security in addition to that required of contractors under chapter 18.27 RCW shall be required of an HVAC/R contractor under this chapter.

(6) This section does not apply to:

(a) A person who is contracting for HVAC/R work on his or her own residence;

(b) A person whose employees perform only HVAC/R work exempted under section 5 of this act; or

(c) A person who is specifically exempted under RCW 18.27.090 from contractor registration requirements.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

**NEW SECTION. Sec. 4 CERTIFICATE REQUIRED--LOCAL PREEMPTION.** (1) Except as provided in this chapter, it is unlawful for any person, on and after July 1, 2010, to perform or offer to perform HVAC/R work without having been issued a valid HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R mechanic certificate, or trainee certificate under this chapter.

(2) Except as provided in section 5(1)(o) of this act, no political subdivision of the state shall require a person possessing a valid HVAC/R certificate, specialty certificate, temporary HVAC/R mechanic certificate, trainee certificate issued by the department under this chapter, or any person who is exempted under this chapter to demonstrate any additional proof of competency in, obtain any license for, or pay any fee to perform HVAC/R work in that political subdivision.

**NEW SECTION. Sec. 5 EXEMPTIONS FROM CERTIFICATION.** (1) The provisions of section 4(1) of this act do not apply to a person:

(a) Cleaning or replacing air filters, lubricating bearings, replacing fan belts, cleaning evaporators or condensers, cleaning cooling towers, or equipment logging on any HVAC/R equipment or systems;

(b) Performing HVAC/R work on HVAC/R equipment or systems that: (i) Contain six pounds or less of any refrigerant and is actuated by a motor or engine having a standard rating of one-quarter horsepower or less; or (ii) are an absorption system that has a rating of one-quarter ton or less refrigeration effect;

(c) Setting oil tanks and related piping to a furnace;

(d) Setting propane tanks and related piping outside a building;

(e) Performing gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH while holding a valid journeyman plumber certificate issued under chapter 18.106 RCW or a valid specialty plumber certificate issued under chapter 18.106 RCW for performing services in RCW 18.106.010(10)(a);

(f) Performing HVAC/R work at his or her residence, farm, place of business, or on other property owned by him or her, unless the HVAC/R work is performed in the construction of a new building intended for rent, sale, or lease;

(g) Performing HVAC/R work on his or her own property or to regularly employed persons working on the premises of their employer, unless the HVAC/R work is performed in the construction of a new building intended for rent, sale, or lease. However, in a city with a population of five hundred thousand or more, it is unlawful for any person to perform or offer to perform the scope of work described in section 11(3) of this act without having been issued a valid HVAC/R operator certificate under this chapter;

(h) Performing HVAC/R work for or on behalf of a gas company when such work is (i) incidental to the business of delivering fuel gas to the premises or (ii) performed pursuant to any tariff on file with the state utilities and transportation commission;

(i) Licensed under chapter 18.08 or 18.43 RCW who is designing HVAC/R equipment or systems, but who is not otherwise performing HVAC/R work;

(j) Making a like-in-kind replacement of a household appliance;

(k) Installing wood or pellet stoves, including directly related venting such as a chimney or flue;

(l) Performing minor flexible ducting repairs in a single-family residential structure;

(m) Performing cleaning, repair, or replacement of fuel oil filters and nozzles of an oil heat burner assembly;

(n) Making like-in-kind replacement of an oil heat furnace in a single-family residential structure and the associated fittings necessary to connect the replacement oil heat furnace to existing ductwork in a single-family residential structure; or

(o) Installing, replacing, and servicing hearth products. As used in this subsection, "installing and replacing" means removing and setting the hearth product pursuant to manufacturer instructions and specifications, connecting a hearth product with or disconnecting the hearth product from an approved flexible gas supply line not to exceed thirty-six inches

in length, and installing or uninstalling venting that is directly related to the hearth product and that has been provided in the same packaging of the hearth product by the manufacturer.

(2) Nothing in this section precludes any person who is exempted under this section from obtaining an HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R mechanic certificate, trainee certificate, or HVAC/R operator certificate if they otherwise meet the requirements of this chapter.

**NEW SECTION. Sec. 6 TEMPORARY EXEMPTION FROM CERTIFICATION.** (1) Except for persons performing refrigeration work in a city with a population of five hundred thousand or more, the provisions of section 4(1) of this act do not apply to a person performing refrigeration work on a refrigeration system:

(a) Using only class A1 refrigerants;

(b) Used primarily for the refrigeration of food products; and

(c) Physically located in an establishment whose North American industry classification system code is within "445."

(2) Nothing in this section precludes any person exempted under this section from obtaining any of the certificates provided for in this chapter if he or she otherwise meets the requirements of this chapter.

(3) This section expires June 30, 2013.

**NEW SECTION. Sec. 7 SPECIALTY CERTIFICATES--SCOPE OF WORK.** The department may issue the following specialty certificates to an applicant who has successfully met the requirements under this chapter for a specialty certificate, and the scope of work that may be performed by a person under each of the specialty certificates is as follows:

(1) Gas piping specialty mechanic I/II. A person issued a gas piping specialty mechanic I/II certificate may perform gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH.

(2) Refrigeration specialty mechanic I. A person issued a refrigeration specialty mechanic I certificate may perform refrigeration work on a refrigeration system that contains less than thirty pounds of class A1 refrigerants.

(3) HVAC specialty mechanic I. A person issued an HVAC specialty mechanic I certificate may perform HVAC work on HVAC equipment and systems of seven and one-half tons or less or HVAC equipment and systems of three thousand three hundred seventy-five CFM or less.

(4) Refrigeration specialty mechanic II. A person issued a refrigeration specialty mechanic II certificate may perform refrigeration work on a refrigeration system that contains less than seventy pounds of class A1 refrigerants.

(5) HVAC specialty mechanic II. A person issued an HVAC specialty mechanic II certificate may perform:

(a) HVAC work authorized to be performed by an HVAC specialty mechanic I; and

(b) HVAC work on HVAC equipment and systems of twenty tons or less or HVAC equipment and systems of nine thousand CFM or less.

(6) Gas piping specialty mechanic III. A person issued a gas piping specialty mechanic III certificate may perform all gas piping work on any fuel burning appliance.

(7) Refrigeration specialty mechanic III. A person issued a refrigeration specialty mechanic III certificate may perform refrigeration work on any refrigeration system using any refrigerant.

(8) HVAC specialty mechanic III. A person issued an HVAC specialty mechanic III certificate may perform all HVAC work on HVAC equipment and systems.

**NEW SECTION. Sec. 8 HVAC/R MECHANIC CERTIFICATES--SCOPE OF WORK.** The department may issue the following HVAC/R mechanic certificates to an applicant who has successfully met the requirements under this chapter for an HVAC/R certificate, and the scope of work that may be performed by a person under each of the HVAC/R mechanic certificates is as follows:

(1) HVAC/R mechanic I. A person issued an HVAC/R mechanic I certificate may perform:

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(a) Gas piping work authorized to be performed by a gas piping specialty mechanic I/II;

(b) Refrigeration work authorized to be performed by a refrigeration specialty mechanic I; and

(c) HVAC work authorized to be performed by an HVAC specialty mechanic I.

(2) HVAC/R mechanic II. A person issued an HVAC/R mechanic II certificate may perform:

(a) Gas piping work authorized to be performed by a gas piping specialty mechanic I/II;

(b) Refrigeration work authorized to be performed by a refrigeration specialty mechanic II; and

(c) HVAC work authorized to be performed by an HVAC specialty mechanic II.

(3) HVAC/R mechanic III. A person issued an HVAC/R mechanic III certificate may perform:

(a) Gas piping work authorized to be performed by a gas piping specialty mechanic III;

(b) Refrigeration work authorized to be performed by a refrigeration specialty mechanic III; and

(c) HVAC work authorized to be performed by an HVAC specialty mechanic III.

**NEW SECTION. Sec. 9 TEMPORARY HVAC/R CERTIFICATE--APPLICATION--EXAMINATION REQUIRED.** (1) On and after July 1, 2010, a person who has performed HVAC/R work in other states or countries may, in a form and manner prescribed by the department, apply for a temporary HVAC/R mechanic certificate to perform HVAC/R work in this state. The application shall contain evidence of the person's hours of HVAC/R work in the other states or countries that is verifiable by the department.

(2) Upon review of the application provided in subsection (1) of this section, the department may:

(a) If the applicant has accrued less than two thousand hours of HVAC/R work, not issue a temporary HVAC/R mechanic certificate;

(b) If the applicant has accrued two thousand hours or more, but less than four thousand hours of HVAC/R work, issue a temporary HVAC/R mechanic I certificate;

(c) If the applicant has accrued four thousand hours or more, but less than eight thousand hours of HVAC/R work, issue a temporary HVAC/R mechanic II certificate; or

(d) If the applicant has accrued eight thousand hours or more of HVAC/R work, issue a temporary HVAC/R mechanic III certificate.

(3) The temporary HVAC/R mechanic certificate issued under this section shall clearly indicate on the document that it is temporary in nature and contain the period for which it is valid.

(4) A person issued a temporary HVAC/R mechanic certificate shall have that certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(5) A person issued a temporary HVAC/R mechanic certificate under this section may only perform the scope of work authorized under section 8 of this act for the equivalent HVAC/R mechanic certificate and may not supervise any person with a trainee certificate issued under this chapter.

(6) A temporary HVAC/R mechanic certificate issued under this section shall be valid for ninety days from the date the department issues a certificate or until the date the department furnishes to the applicant the results of their examination for the equivalent HVAC/R mechanic certificate, whichever is later. The applicant must take the examination provided under this chapter for the equivalent HVAC/R mechanic certificate within the ninety-day period granted under this subsection.

**NEW SECTION. Sec. 10 TRAINEE CERTIFICATE.** (1) A person may, in a form and manner prescribed by the department, apply for a trainee certificate to perform HVAC/R work in the state.

(2) Upon receipt of the application, the department shall issue a trainee certificate to the applicant.

(3) The HVAC/R work performed under a trainee certificate issued pursuant to this section must be:

(a) Within the scope of work authorized under that certificate;

(b) On the same job site and under the direction of an appropriately certified HVAC/R mechanic or an appropriately certified specialty mechanic; and

(c) Under the applicable supervision ratios required in section 18 of this act.

(4) A trainee shall have his or her certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(5) A trainee certificate shall be valid for a maximum of two years from the date of issuance. The certificate shall include the expiration date.

(6) The department may only renew a training certificate when the trainee provides the department with:

(a) An accurate list of the persons who employed the trainee in HVAC/R work for the previous two-year period and the number of hours of HVAC/R work performed under each employer; and

(b) Evidence that the trainee has met the continuing education requirements in section 20 of this act.

(7) If a person applies for a trainee certificate under this section and electrical trainee status under chapter 19.28 RCW, the department shall create, on or before July 1, 2011, a single document for that person that represents this concurrent trainee status.

(8) A trainee who has not successfully passed any portion of the examinations provided for in section 14 of this act is prohibited from performing HVAC/R work in excess of two thousand hours beyond the amount of hours required to become eligible under the requirements of section 15(2)(c) of this act to take the examination for an HVAC/R mechanic III certificate.

**NEW SECTION. Sec. 11 HVAC/R OPERATOR CERTIFICATION.** (1) An HVAC/R operating engineer may, in a form and manner prescribed by the department, apply for an HVAC/R operator certificate. For the purposes of this subsection, "HVAC/R operating engineer" means a full-time employee who spends a substantial portion of time in the maintenance and operation of HVAC/R equipment and systems in a building, or portion thereof, used for occupant comfort, manufacturing, processing, or storage of materials or products including, but not limited to, chemicals, food, candy, and ice cream factories, ice-making plants, meat packing plants, refineries, perishable food warehouses, hotels, hospitals, restaurants, and similar occupancies and equipped with a refrigeration system and whose duty it is to operate, maintain, and keep safe and in serviceable condition all of the employer's HVAC/R equipment and systems.

(2) The department may issue an HVAC/R operator certificate to an applicant who has successfully passed the examination provided for in subsection (8) of this section.

(3) The scope of work that may be performed by a person under an HVAC/R operator certificate is as follows:

(a) Cleaning or replacing air filters, lubricating bearings, replacing fan belts, cleaning evaporators or condensers, cleaning cooling towers, or equipment logging on any HVAC/R equipment or systems; or

(b) Performing minor HVAC/R equipment and systems repair and HVAC/R work on sealed HVAC/R equipment and systems.

(4) A person who performs HVAC/R work on HVAC/R equipment or systems that: (a) Contain six pounds or less of any refrigerant and is actuated by a motor or engine having a standard rating of one-quarter horsepower or less; or (b) are an absorption system that has a rating of one-quarter ton or less refrigeration effect, is not required to obtain a certificate under this section.

(5) Any person issued a valid refrigeration operating engineer license by the city of Seattle shall be issued an HVAC/R operator certificate without meeting any additional requirements.

(6) A person issued a valid HVAC/R operator certificate under this section shall have his or her certificate in his or her possession when performing any HVAC/R work and shall show

FIFTY-EIGHTH DAY, MARCH 11, 2008

the certificate to any authorized representative of the department upon request.

(7) An HVAC/R operator certificate issued under this section shall be valid for a maximum of three years and shall expire on the holder's birthdate. The certificate shall include the expiration date.

(8) The department shall develop an examination that an applicant must pass before they can be issued an HVAC/R operator certificate under this section. The exam shall be comparable to the current refrigeration operating engineer license test used by the city of Seattle.

(9) The hours accrued as an HVAC/R operating engineer under this section may accrue towards the hours required to be eligible to take an examination for an HVAC/R mechanic certificate under section 15 of this act only if the HVAC/R operating engineer is supervised by an appropriately certified HVAC/R mechanic or appropriately supervised specialty mechanic and was issued a trainee certificate under section 10 of this act.

**NEW SECTION. Sec. 12 HVAC/R MECHANIC CERTIFICATION WITHOUT EXAMINATION.** (1) From July 1, 2009, until June 30, 2010, a person who has performed HVAC/R work may, in a form and manner prescribed by the department, apply for an HVAC/R mechanic certificate without examination. The application shall contain evidence of the person's hours of HVAC/R work or other required information that is verifiable by the department.

(2) Upon review of the application provided in subsection (1) of this section, the department shall:

(a) If the applicant has, since January 1, 1988, accrued less than two thousand hours of HVAC/R work, not issue any HVAC/R mechanic certificate;

(b) If the applicant has, since January 1, 1988, accrued two thousand hours or more, but less than four thousand hours of HVAC/R work, issue an HVAC/R mechanic I certificate;

(c) If the applicant has, since January 1, 1988, accrued four thousand hours or more, but less than eight thousand hours of HVAC/R work, issue an HVAC/R mechanic II certificate; or

(d) If the applicant has, since January 1, 1988:

(i) Accrued eight thousand hours or more of HVAC/R work;

(ii) Completed an appropriately related apprenticeship program approved under chapter 49.04 RCW; or

(iii) Completed an appropriately related apprenticeship program in another state or country equivalent to that provided in chapter 49.04 RCW, issue an HVAC/R mechanic III certificate.

(3) Once the appropriate level of HVAC/R mechanic certificate is issued to a person under this section, that person shall become subject to the other provisions of this chapter for any additional certifications.

(4) This section expires July 1, 2010.

**NEW SECTION. Sec. 13 SPECIALTY CERTIFICATION WITHOUT EXAMINATION.** (1) From July 1, 2009, until June 30, 2010, a person who has performed HVAC/R work may, in a form and manner prescribed by the department, apply for specialty certificates without examination. The application shall contain evidence of the person's hours of HVAC/R work or other required information that is verifiable by the department.

(2) Upon review of the application provided in subsection (1) of this section, the department shall:

(a) If the applicant holds a valid journey refrigeration mechanic license issued by the city of Seattle, issue a refrigeration specialty mechanic III certificate and an HVAC specialty mechanic III certificate;

(b) If the applicant has, since January 1, 1988, accrued one thousand hours of gas piping work, issue a gas piping specialty mechanic I/II certificate;

(c) If the applicant was licensed in any local jurisdiction to perform gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH or less, issue a gas piping specialty mechanic I/II certificate; and

(d) If the applicant was licensed in any local jurisdiction to perform all gas piping work on any fuel burning appliance, issue a gas piping specialty mechanic III certificate.

2008 REGULAR SESSION

(3) The specialty certificates provided for in subsection (2) of this section shall be in addition to any HVAC/R mechanic certificate issued by the department under section 12 of this act.

(4) Once the appropriate level of specialty certificate is issued to a person under this section, that person shall become subject to the other provisions of this chapter for any additional certifications.

(5) This section expires July 1, 2010.

**NEW SECTION. Sec. 14 EXAMINATION.** (1) The department, with advice from the board, shall prepare three separate examinations for the assessment of each level of HVAC/R mechanic certification created in section 8 of this act. Within each examination, there shall be a distinct portion that assesses the competency of the applicant in the appropriate level of gas piping work, refrigeration work, and HVAC work. The department shall adopt rules necessary to implement this section.

(2) The examinations provided for under this section shall be constructed to determine:

(a) Whether the applicant possesses general knowledge of the technical information and practical procedures that are identified within the relevant scope of work; and

(b) Whether the applicant is familiar with the applicable laws and administrative rules of the department pertaining to the relevant scope of work.

(3) The department, with advice from the board, may enter into a contract with a professional testing agency to develop, administer, and score the examinations provided for in this section. The department may set the examination fee by contract with the professional testing agency. However, the examination fee the department charges must cover, but not exceed, the costs of preparing and administering the examination.

(4) The department must administer, at least four times annually, each examination provided under this section to applicants who are eligible for examination under this chapter.

(5) The department must certify the results of each examination administered under this section upon the terms and after such a period of time as the department, with the advice of the board, deems necessary and proper.

(6) A person may be given the appropriate level of examination they are eligible to take as many times as necessary without limit. However, each time an examination is given, the applicant must first pay the required examination fee.

(7) The department, with the advice of the board, may adopt policies and procedures to make examinations available in alternative languages or formats to accommodate all applicants who are eligible for examination under this chapter.

**NEW SECTION. Sec. 15 APPLICATION FOR EXAMINATION--ELIGIBILITY.** (1) A person with a valid temporary HVAC/R mechanic certificate or trainee certificate may, in a form and manner prescribed by the department, apply for any of the examinations provided for in section 14 of this act. The application shall contain evidence of the person's hours of HVAC/R work or other required information that is verifiable by the department.

(2) Upon receipt of an application for examination under this section, the department shall review the application and determine whether the applicant is eligible to take an examination for an HVAC/R mechanic certificate using the following criteria:

(a) HVAC/R mechanic I certificate. To be eligible to take the examination for an HVAC/R mechanic I certificate, the applicant must have:

(i) Performed a minimum of one thousand hours of HVAC/R work and the entire amount of those hours must be supervised;

(ii) Performed two thousand hours of HVAC/R work and seventy-five percent of those hours must be supervised; or

(iii) Successfully completed an appropriately related apprenticeship program approved under chapter 49.04 RCW that meets the requirements of this level of certification.

(b) HVAC/R mechanic II certificate. To be eligible to take the examination for an HVAC/R mechanic II certificate, the applicant must have:

(i) Performed a minimum of four thousand hours of HVAC/R work and seventy-five percent of those hours must be supervised; or

(ii) Successfully completed an appropriately related apprenticeship program approved under chapter 49.04 RCW that meets the requirements of this level of certification.

(c) HVAC/R mechanic III certificate. To be eligible to take the examination for an HVAC/R mechanic III certificate, the applicant must have:

(i) Performed under appropriate supervision levels the amount of HVAC/R work required for an HVAC/R mechanic II certificate under (b)(i) of this subsection plus an additional two thousand hours and the entire amount of the additional hours required under this subsection must be supervised;

(ii) Performed HVAC/R work for a minimum of eight thousand hours and seventy-five percent of those hours must be supervised; or

(iii) Successfully completed an appropriately related apprenticeship program under chapter 49.04 RCW that meets the requirements of this level of certification.

(3) For the purposes of this section, "supervised" means:

(a) A person has performed HVAC/R work on the same job site and under the direction of an appropriately certified HVAC/R mechanic or an appropriately certified specialty mechanic; and

(b) The appropriate supervision ratios required in section 18 of this act were followed.

(4) If any of an applicant's certificates issued prior to the current application have been revoked, the department may deny the current application for up to two years.

(5) Upon determining that the applicant is eligible to take an examination under this section, the department shall so notify the applicant, indicating the time and place for taking the examination.

(6) Work hours being accrued by an applicant as hours of HVAC/R work under this chapter or towards electrical certification under chapter 19.28 RCW may be credited for both the hours of HVAC/R work required under this chapter and the hours of work required under chapter 19.28 RCW.

(7) If an applicant is eligible for an examination under this section and an examination under chapter 19.28 RCW, the department may administer all such examinations at the same examination session. However, upon request of the applicant, the department may administer each examination at the time required in statute or rule for each examination.

**NEW SECTION. Sec. 16 ALTERNATIVES TO WORK EXPERIENCE.** (1) A person who has applied for an examination under section 15 of this act and who has successfully completed a board-approved program in HVAC/R work at a technical college, may substitute technical college program hours for hours of HVAC/R work as follows:

Type of Certificate	Substitution for Hours of HVAC/R Work
(a) HVAC/R Mechanic I	Up to 1,000 hours of technical college program may be substituted for up to 1,000 hours of HVAC/R work.
(b) HVAC/R Mechanic II	Up to 2,000 hours of technical college program may be substituted for up to 2,000 hours of required HVAC/R work.
(c) HVAC/R Mechanic III	Up to 4,000 hours of technical college program may be substituted for up to 4,000 hours of HVAC/R work.

(2) A person who has applied for an examination under section 15 of this act and who has received training in HVAC/R work in the United States armed forces may substitute those

training hours for hours of HVAC/R work subject to approval of the department.

(3) The department shall determine whether program hours accrued under subsection (1) of this section or the training hours accrued under subsection (2) of this section are in HVAC/R work and are appropriate as a substitute for hours of HVAC/R work.

**NEW SECTION. Sec. 17 ISSUANCE OF CERTIFICATES--RENEWAL.** (1) If an applicant passes all portions of the examination administered to him or her under this chapter, that person:

(a) Is entitled to be issued the appropriate level of HVAC/R mechanic certificate; and

(b) Is subject to the other provisions of this chapter for additional certifications.

(2) If an applicant fails to pass one or more portions of an examination administered to him or her under this chapter, that person:

(a) Is still entitled to be issued the appropriate specialty certificate for each portion of the examination that was passed; and

(b) Is subject to the other provisions of this chapter for additional certifications.

(3)(a) If an applicant demonstrates that he or she has passed required modules of a national certification program and, as a result, has been issued an equivalent level of certification by the national propane gas association, that person is entitled to be issued a gas piping specialty mechanic I/II certificate.

(b) A person certified as a gas piping specialty mechanic I/II under (a) of this subsection is subject to the requirements of this chapter to obtain any additional certificates.

(c) Nothing in this subsection (3) shall be construed to prohibit a person from obtaining any of the other certificates provided for in this chapter if they otherwise meet the requirements of this chapter.

(4) An HVAC/R mechanic certificate or specialty certificates shall be valid for a maximum of three years and shall expire on the holder's birthdate. All certificates shall include the expiration date.

(5) A person issued an HVAC/R mechanic certificate or specialty certificate may only perform the scope of work authorized under sections 7 and 8 of this act for the certificate.

(6) A person issued an HVAC/R mechanic certificate or specialty certificate shall have the certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(7) The department shall renew an HVAC/R mechanic certificate or specialty certificate if the person issued the certificate:

(a) Applies for renewal of his or her certificate not more than ninety days after the certificate expires; and

(b) Has complied with the continuing education requirement in section 20 of this act.

(8) The department may not renew a certificate that has been revoked or suspended.

(9) The department may deny renewal of a certificate if the person seeking renewal owes outstanding penalties for a final judgment under this chapter.

(10) The department shall, on or before July 1, 2011, create a single document and establish a single expiration date for a person who holds two or more certificates or specialty certificates under chapter 18.106 RCW, chapter 19.28 RCW, and this chapter. The document shall list all of the person's certificates and specialty certificates.

**NEW SECTION. Sec. 18 SUPERVISION RATIOS--SUPERVISION.** (1) The ratio of trainees to appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics on the same job site must not be greater than:

(a) For trainees not in a technical college program, two trainees to each appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic; or

(b) For trainees in a technical college program, four trainees to each appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(2) When the ratio of trainees to appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics on a job site is one appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic to one or two trainees, the appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic must be on the same job site as the trainees for a minimum of seventy-five percent of each working day.

(3) When the ratio of trainees to appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics on a job site is one appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic to three or four trainees, the appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic must:

(a) Directly supervise and instruct the trainees and may not directly make or engage in HVAC/R work; and

(b) Be on the same job site as the trainees for one hundred percent of each working day.

(4) Hours of HVAC/R work that are performed when the supervision ratios are not in compliance with this section do not qualify as supervised hours when accruing hours of HVAC/R work under this chapter.

(5) Notwithstanding any other provision of this chapter, a person:

(a) Who has successfully completed, or is currently enrolled in, an approved appropriately related apprenticeship program or an HVAC/R program at a technical college may perform, unsupervised, the remaining six months of the experience requirements of this chapter;

(b) Determined to be eligible for examination under section 15(2)(a)(i) of this act and who passes all portions of that examination, may perform, unsupervised, the remaining one thousand hours of HVAC/R work required under this chapter for an HVAC/R mechanic I certificate. However, all HVAC/R work performed by this person must be within the scope of work for an HVAC/R mechanic I certificate and this person may not supervise other trainees until they have completed the full two thousand hours of HVAC/R work required by this chapter;

(c) Determined to be eligible for examination under section 15(2)(c)(i) of this act and who passes all portions of that examination, may perform, unsupervised, the remaining two thousand hours of HVAC/R work required under this chapter for an HVAC/R mechanic III certificate. However, all HVAC/R work performed by this person must be within the scope of work for an HVAC/R mechanic III certificate and this person may not supervise other trainees until they have completed the full eight thousand hours of HVAC/R work required by this chapter.

**NEW SECTION. Sec. 19 CONTRACTOR REPORTING--AUDIT OF RECORDS.** (1) Every person who employs a trainee performing HVAC/R work shall report to the department:

(a) The names and certificate numbers of any trainee who performed HVAC/R work for them and the hours of HVAC/R work performed by each trainee; and

(b) The names and certificate numbers of the appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics who supervised the trainees identified in (a) of this subsection.

(2) Every person who reported hours of HVAC/R work performed by trainees under subsection (1) of this section shall attest that all of the reported hours of HVAC/R work performed by trainees was in compliance with the supervision ratio requirements in section 18 of this act.

(3) The department may audit the records of a person who reported hours of HVAC/R work performed by trainees under subsection (1) of this section in the following circumstances: (a) Excessive hours were reported; (b) hours were reported outside the normal course of the HVAC/R contractor's business; (c) the type of hours reported do not reasonably match the type of permits purchased; or (d) for other similar circumstances in which the department demonstrates a likelihood of excessive hours being reported. The department shall limit the audit to records necessary to verify hours.

(4) Information obtained by the department from any person under this section is confidential and exempt from public disclosure under chapter 42.56 RCW.

**NEW SECTION. Sec. 20 CONTINUING EDUCATION.**

(1) A person issued an HVAC/R mechanic certificate or any specialty certificates under this chapter must, prior to the renewal date on their certificate, demonstrate satisfactory completion of twenty-four hours of continuing education.

(2) The department, with the advice of the board, shall determine the contents of the continuing education courses required in subsection (1) of this section and establish the requirements for satisfactory completion of such courses. If the department determines that a continuing education course offered in another state is comparable to courses offered in Washington, the department shall accept proof of satisfactory completion of the out-of-state course as meeting the continuing education requirement in this section.

(3) A trainee must, prior to the renewal date on their certificate, demonstrate satisfactory completion of sixty hours of related supplemental instruction or equivalent training courses, or courses taken as part of an appropriately related apprenticeship program approved under chapter 49.04 RCW.

(4) The department, with the advice of the board, shall determine the contents of the related supplemental instruction or equivalent training courses, or courses taken as part of an appropriately related apprenticeship program approved under chapter 49.04 RCW required under subsection (3) of this section, and establish the requirements for satisfactory completion of such courses.

(5) All hours required under this section shall be accrued concurrently and shall not exceed sixty hours for any person in any certificate renewal period.

(6) Hours of approved continuing education required under this section and hours of approved continuing education required under chapter 19.28 RCW may be accrued concurrently. However, nothing in this subsection shall be construed to relieve any person from having to complete any continuing education mandated by the department by rule pursuant to this chapter or pursuant to chapter 19.28 RCW.

**NEW SECTION. Sec. 21 RECIPROCITY.** The department may enter into a reciprocity agreement with another state whose certification requirements are equal to the standards set under this chapter. The reciprocity agreement shall provide for the acceptance of Washington and the other state's certification program or its equivalent by Washington and the other state.

**NEW SECTION. Sec. 22 SUSPENSION AND REVOCATION.** (1) The department may revoke any certificate issued under this chapter if the department determines that the recipient: (a) Obtained the certificate through error or fraud; (b) is incompetent to perform HVAC/R work; or (c) committed a violation of this chapter or rules adopted under this chapter that presents imminent danger to the public.

(2) The department shall immediately suspend the certificates of any person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

**NEW SECTION. Sec. 23 CIVIL PENALTIES.** Any person found in violation of this chapter shall be assessed a penalty not to exceed five thousand dollars. The department shall set by rule a schedule of penalties for violating this chapter. Each day that a person violates this chapter is a separate violation. Any penalties collected by the department under this chapter shall be deposited into the plumbing and HVAC/R certificate fund.

**NEW SECTION. Sec. 24 APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.** The proceedings for denying applications, suspending or revoking certificates, and imposing civil penalties or other remedies issued pursuant to this chapter and any appeal from those proceedings or review of those proceedings shall be governed by the provisions of the administrative procedure act, chapter 34.05 RCW.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

**NEW SECTION. Sec. 25 FEES.** (1) The department shall charge fees for the issuance, renewal, and reinstatement of all certificates and examinations required by this chapter. The department shall set the fee amounts by rule.

(2) The fees collected under this section shall cover the full costs of issuing the registrations and the certificates required by this chapter, devising and administering the examinations required by this chapter, and administering and enforcing this chapter and chapter 18.106 RCW.

**NEW SECTION. Sec. 26 DEPOSITS.** All moneys received by the department from certificates, examinations, or any other sources under this chapter shall be paid to the state treasurer as ex officio custodian thereof and placed in a special fund designated as the "plumbing and HVAC/R certificate fund." The treasurer shall pay out upon vouchers duly and regularly issued therefor and approved by the director. The treasurer shall keep an accurate record of payments into the fund, and of all disbursements from the fund. The fund shall be charged with its pro rata share of the cost of administering the fund.

**NEW SECTION. Sec. 27 LIABILITY.** (1) This chapter may not be construed to relieve from or lessen the responsibility or liability of any person for injury or damage to person or property caused by or resulting from any HVAC/R work performed by the person.

(2) The state of Washington and its officers, agents, and employees may not be held liable for any acts performed pursuant to this chapter.

**NEW SECTION. Sec. 28 HVAC/R BOARD.** (1) An HVAC/R board is established.

(2) The board shall consist of thirteen members to be appointed by the governor with the advice of the director.

(a) Except as provided in this subsection, four members shall be certified HVAC/R mechanics, of which at least one, but not more than two, shall be a certified HVAC/R mechanic performing HVAC/R work east of the crest of the Cascade mountains, and of which at least one shall be a certified HVAC/R mechanic from a county that has a contiguous border with another state. Any members appointed before July 1, 2010, shall be persons who are eligible to be certified without examination under section 12 or 13 of this act or to take an examination for certification under section 15 of this act.

(b) Except as provided in this subsection, four members shall be HVAC/R contractors, of which at least one, but not more than two, shall be an HVAC/R contractor doing business east of the crest of the Cascade mountains, and of which at least one shall be an HVAC/R contractor from a county that has a contiguous border with another state. Any members appointed before July 1, 2009, shall be persons who are engaged in business as HVAC/R contractors and registered as contractors under chapter 18.27 RCW.

(c) One member shall be from the general public and be familiar with HVAC/R work.

(d) One member shall be a building operator representing the commercial property management industry.

(e) One member shall be from the stationary operating engineers.

(f) One member shall be from a technical college or an approved apprenticeship training program.

(g) One member shall be a building official familiar with enforcement of HVAC/R work.

(3) Except as provided in this subsection, the term of each member shall be three years. The term of each initial member shall expire as follows: (a) The terms of the first certified HVAC/R mechanic and the first HVAC/R contractor shall expire July 1, 2009; (b) the terms of the second certified HVAC/R mechanic, the second HVAC/R contractor, and the public member shall expire July 1, 2010; and (c) the terms of the third certified HVAC/R mechanic and the third certified HVAC/R contractor shall expire July 1, 2011. To ensure that the board may continue to act, a member whose term expires shall continue to serve until his or her replacement is appointed. In the case of any vacancy on the board for any reason, the governor shall appoint a new member to serve out the term of the person whose position has become vacant.

(4) The board shall, at its first meeting, elect one of its members to serve as chair.

(5) The board shall meet at least quarterly in accordance with a schedule established by the board.

(6) The board shall:

(a) Conduct proceedings for denying applications, suspending or revoking certificates, and imposing civil penalties or other remedies. Such proceedings shall be conducted in accordance with chapter 34.05 RCW;

(b) Review and make recommendations to adopt, amend, or repeal any rules under this chapter. The director may not adopt, amend, or repeal any rules until the board has conducted its review and made its recommendations;

(c) Establish an alternative method or methods for persons to attest for hours of HVAC/R work when applying for certificates under this chapter, but only when all traditional methods allowing for verification of hours of HVAC/R work have been exhausted;

(d) Approve expenditures from the plumbing and HVAC/R certificate fund; and

(e) Advise the department on all other matters relative to this chapter.

(7) The members of the board are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 29 ADMINISTRATION.** (1) The director may adopt rules necessary for the administration of this chapter.

(2) The department shall administer this chapter in conjunction with its administration of chapter 18.106 RCW.

(3) In the administration of this chapter, the department shall not enter any controversy arising over work assignments with respect to the trades involved in the construction industry.

**NEW SECTION. Sec. 30 EFFECT ON OTHER LAWS.** With the exception of sections 3(3), 10(7), 15 (6) and (7), 17(10), and 20(6) of this act, nothing in this chapter shall be construed to:

(1) Modify, amend, or supersede chapter 18.106 or 19.28 RCW;

(2) Prohibit or restrict an individual who is certified under chapter 18.106 or 19.28 RCW from engaging in the trade in which he or she is certified; or

(3) Regulate or include plumbing work defined in chapter 18.106 RCW and its applicable rules or electrical work defined in chapter 19.28 RCW and its applicable rules.

**NEW SECTION. Sec. 31 COMPLIANCE AGENTS.** (1) The director shall appoint compliance agents to investigate alleged or apparent violations of this chapter. The director, or authorized compliance agent, upon presentation of appropriate credentials, may inspect and investigate job sites at which an HVAC/R contractor had bid or presently is working to determine whether the HVAC/R contractor is registered and their employees are certified and working in accordance with this chapter or the rules adopted under this chapter or whether there is a violation of this chapter. Upon request of the compliance agent, an HVAC/R contractor or an employee of the HVAC/R contractor shall provide information identifying the HVAC/R contractor and those employees working on-site.

(2) If the employee of an unregistered HVAC/R contractor is cited by a compliance agent, that employee is cited as the agent of the employer, and issuance of the infraction to the employee is notice to the unregistered HVAC/R contractor that the contractor is in violation of this chapter. An employee who is cited by a compliance agent shall not be liable for any of the alleged violations contained in the citation unless the employee is also the unregistered HVAC/R contractor or the employee is performing HVAC/R work that requires a certification under this chapter without proper proof of the certification.

**NEW SECTION. Sec. 32 NOTICE OF INFRACTION.** The department may issue a notice of infraction if the department reasonably believes that a person has committed an infraction under this chapter. A notice of infraction issued under this section shall be personally served on the person named in the notice by the department's compliance agents or service can be made by certified mail directed to the person

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

named in the notice of infraction at the last known address as provided to the department.

**NEW SECTION. Sec. 33 NOTICE OF INFRACTION FORM.** The form of the notice of infraction issued under this chapter shall include the following:

(1) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(3) A statement of the violation that necessitated issuance of the infraction;

(4) A statement of penalty involved if the infraction is established;

(5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses, including the compliance agent of the department who issued and served the notice of infraction;

(7) A statement that, at any hearing to contest the notice of infraction against a person who is not properly registered or certified as required under this chapter, the person given the infraction has the burden of proving that the infraction did not occur;

(8) A statement that the person named on the notice of infraction must respond to the notice in one of the ways provided in this chapter; and

(9) A statement that the person's failure to timely select one of the options for responding to the notice of infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options is guilty of a gross misdemeanor and may be punished by a fine or imprisonment in jail.

**NEW SECTION. Sec. 34 VIOLATIONS.** A violation designated as an infraction under this chapter shall be heard and determined by an administrative law judge of the office of administrative hearings. If a person desires to contest the notice of infraction, the person shall file a notice of appeal with the department specifying the grounds of the appeal within twenty days of service of the infraction in a manner provided by this chapter. The appeal must be accompanied by a certified check for two hundred dollars, which shall be returned to the assessed person if the decision of the department is not sustained following the final decision in the appeal. If the final decision sustains the decision of the department, the department must apply the two hundred dollars to the payment of the expenses of the appeal, including costs charged by the office of administrative hearings. The administrative law judge shall conduct hearings in these cases at locations in the county where the infraction occurred.

**NEW SECTION. Sec. 35 RESPONSE TO NOTICE OF INFRACTION.** (1) A person who is issued a notice of infraction shall respond within twenty days of the date of issuance of the notice of infraction.

(2) If the person named in the notice of infraction does not elect to contest the notice of infraction, then the person shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response that does not contest the notice of infraction is received by the department with the appropriate penalty, the department shall make the appropriate entry in its records.

(3) If the person named in the notice of infraction elects to contest the notice of infraction, the person shall respond by filing with the department specifying the appeal to the department in the manner specified in this chapter.

(4) If any person issued a notice of infraction fails to respond within the prescribed response period, the person shall be guilty of a misdemeanor and prosecuted in the county where the infraction occurred.

(5) After final determination by an administrative law judge that an infraction has been committed, a person who fails to pay a monetary penalty within thirty days, that is not waived pursuant to this chapter, and who fails to file an appeal shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(6) A person who fails to pay a monetary penalty within thirty days after exhausting appellate remedies shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(7) If a person who is issued a notice of infraction is a person who has failed to register or be certified as required under this chapter, the person is subject to a monetary penalty per infraction as provided in the schedule of penalties established by the department, and each day the person works without becoming registered or certified is a separate infraction.

**Sec. 36** RCW 18.106.125 and 1983 c 124 s 17 are each amended to read as follows:

The department shall charge fees for issuance, renewal, and reinstatement of all certificates and permits and for examinations required by this chapter. The department shall set the fees by rule.

The fees collected under this chapter and chapter 18.-- RCW (the new chapter created in section 40 of this act) shall cover the full cost of issuing the certificates and permits, devising and administering the examinations, and administering and enforcing this chapter and chapter 18.-- RCW (the new chapter created in section 40 of this act). The costs shall include travel, per diem, and administrative support costs.

**Sec. 37** RCW 18.106.130 and 1973 1st ex.s. c 175 s 13 are each amended to read as follows:

All moneys received from certificates, permits, or other sources(;) shall be paid to the state treasurer as ex officio custodian thereof and ((by him)) placed in a special fund designated as the (( ))plumbing and HVAC/R certificate fund( ). ((He)) The treasurer shall pay out upon vouchers duly and regularly issued therefor and approved by the director. The treasurer shall keep an accurate record of payments into ((said)) the fund(;) and of all disbursement ((therefrom)) from the fund. ((Said)) The fund shall be charged with its pro rata share of the cost of administering ((said)) the fund.

**Sec. 38** RCW 43.84.092 and 2007 c 514 s 3 and 2007 c 356 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the plumbing and HVAC/R certificate fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State

University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 39** RCW 43.84.092 and 2007 c 514 s 3, 2007 c 513 s 1, and 2007 c 356 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the capitol building construction account, the Cedar River channel

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high-occupancy toll lanes operations account, the plumbing and HVAC/R certificate fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the

Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 40 CODIFICATION. Sections 2 through 35 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 41 CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 42 SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 43 EFFECTIVE DATE. Except for section 39 of this act, this act takes effect July 1, 2008.

NEW SECTION. Sec. 44 Section 38 of this act expires July 1, 2009.

NEW SECTION. Sec. 45 Section 39 of this act takes effect July 1, 2009.

NEW SECTION. Sec. 46 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5831.

POINT OF ORDER

Senator Holmquist: "Thank you Mr. President. I believe that the House amendment is beyond the scope and object of the bill as it left the Senate and I have some arguments to offer on this Mr. President. When Senate Bill No. 5831 left the Senate it was a simple two page bill establishing a legislative task force. It is my understanding that this is the current scope of the Senate bill. By contrast what comes before us today for consideration is a house amendment that is forty-three pages long and provides an entire system of regulation for HVAC industry. As it left the Senate there were no substantial changes to the law regarding regulation of the HVAC industry. The House amendment establishes a certification program complete with three levels of certification each with specialties, training requirements, exams, grandfathering provisions, continuing education requirements, exemptions and fees. The bill also establishes an HVAC refrigeration board. Contractor registration requirement are altered and penalties are authorized. Unlike the underlying bill,

FIFTY-EIGHTH DAY, MARCH 11, 2008

this amendment makes significant changes in substantive law and policy and goes well beyond the subject matter of the underlying bill as it left the Senate. For these reasons, I believe the House amendment offered is outside the scope and object of the underlying bill and I respectfully request a ruling on this matter. Thank you Mr. President.”

Senator Kohl-Welles spoke against the motion.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 5831 was deferred and the bill held its place on the concurrence calendar.

MESSAGE FROM THE HOUSE

March 10, 2008

MR. PRESIDENT:

The House has passed the following bills:  
ENGROSSED HOUSE BILL NO. 3381,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 2008

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:  
SUBSTITUTE HOUSE BILL NO. 1141,  
HOUSE BILL NO. 2467,  
SECOND SUBSTITUTE HOUSE BILL NO. 2479,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2480,  
SUBSTITUTE HOUSE BILL NO. 2482,  
SUBSTITUTE HOUSE BILL NO. 2551,  
SECOND SUBSTITUTE HOUSE BILL NO. 2635,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 2008

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:  
ENGROSSED HOUSE BILL NO. 2476,  
SUBSTITUTE HOUSE BILL NO. 3120,  
SUBSTITUTE HOUSE BILL NO. 3144,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3205,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3254,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 2008

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2647,

2008 REGULAR SESSION

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2668,  
SUBSTITUTE HOUSE BILL NO. 2679,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2712,  
SECOND SUBSTITUTE HOUSE BILL NO. 2722,  
SUBSTITUTE HOUSE BILL NO. 2729,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2783,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2817,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 10:38 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:54 a.m. by President Owen.

RULING BY THE PRESIDENT

President Owen: “In ruling upon the point of order raised by Senator Holmquist that the House amendments to Engrossed Substitute Senate Bill 5831 are beyond the scope and object of the underlying bill, the President finds and rules as follows:

The President begins by reminding the body that the title of a bill is not controlling for purposes of his analysis; rather, the President will consider the entirety of a measure in making a scope and object determination. Similarly, the version which is relevant for this analysis is the version ultimately passed by the Senate, not the version which was originally introduced. Once this body has taken an affirmative action to amend a measure, that newly-changed version then becomes the dispositive version against which subsequent changes will be compared. Likewise, the Senate’s determination in this regard is ultimately preeminent on Senate measures, just as the President defers to the House for scope and object rulings on House measures. All of this is in keeping with past precedent, but it is worth reminding the body, again, as this issue is considered.

Turning now to the bill before us, the President notes that all versions of this measure share a common subject: the certification and regulation of HVAC professionals. In this sense, the House amendments could meet the scope of the bill as it left the Senate. This is not the end of the analysis, however, as the President must next consider the specific purpose—that is, the object—of the bill and amendments.

The underlying bill as it left the Senate essentially did one thing: It formed a task force to study HVAC licensing and certification, charging this task force to report its findings back by next year. While the House amendments include the task force, they also add a complete program of licensing and certification relating to HVAC. While this is within the scope, or subject matter, of the bill as it left the Senate, it exceeds the specific purpose, or object, of the Senate version.”

For these reasons, the President therefore finds that the House amendments are beyond the object of the underlying bill, and Senator Holmquist’s point is well-taken.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 5831 was deferred and the bill held its place on the concurrence calendar.

MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3139 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Conway, Green and Condotta and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Kohl-Welles, the Senate granted the request of the House for a conference on Engrossed Second Substitute House Bill No. 3139 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 3139 and the House amendment(s) there to: Senators Kohl-Welles, Murray and Holmquist.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 11:58 a.m., on motion of Senator Eide, the Senate was recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by President Owen.

MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
 ENGROSSED SENATE BILL NO. 5927,  
 SENATE BILL NO. 6204,  
 SUBSTITUTE SENATE BILL NO. 6306,  
 SUBSTITUTE SENATE BILL NO. 6317,  
 SUBSTITUTE SENATE BILL NO. 6340,  
 SUBSTITUTE SENATE BILL NO. 6423,  
 SUBSTITUTE SENATE BILL NO. 6602,  
 SUBSTITUTE SENATE BILL NO. 6678,  
 SUBSTITUTE SENATE BILL NO. 6726,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MR. PRESIDENT:

The Speaker has signed the following bills:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,  
 FOURTH SUBSTITUTE HOUSE BILL NO. 1103,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1621,  
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637,  
 THIRD SUBSTITUTE HOUSE BILL NO. 1741,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1773,  
 SUBSTITUTE HOUSE BILL NO. 2014  
 SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2176,  
 SUBSTITUTE HOUSE BILL NO. 2472,  
 SUBSTITUTE HOUSE BILL NO. 2474,  
 HOUSE BILL NO. 2510,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2514,  
 SUBSTITUTE HOUSE BILL NO. 2525,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2533,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2537,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2549,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2557,  
 SUBSTITUTE HOUSE BILL NO. 2582,  
 SUBSTITUTE HOUSE BILL NO. 2602,  
 SUBSTITUTE HOUSE BILL NO. 2639,  
 ENGROSSED HOUSE BILL NO. 2641,  
 SUBSTITUTE HOUSE BILL NO. 2666,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2674,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2713,  
 SUBSTITUTE HOUSE BILL NO. 2746,  
 HOUSE BILL NO. 2774,  
 SUBSTITUTE HOUSE BILL NO. 2779,  
 HOUSE BILL NO. 2781,  
 HOUSE BILL NO. 2786,  
 HOUSE BILL NO. 2835,  
 SUBSTITUTE HOUSE BILL NO. 2881,  
 HOUSE BILL NO. 2887,  
 SUBSTITUTE HOUSE BILL NO. 2963,  
 HOUSE BILL NO. 3088,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3096,  
 SECOND SUBSTITUTE HOUSE BILL NO. 3129,  
 ENGROSSED HOUSE BILL NO. 3142,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3166,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3186,  
 SECOND SUBSTITUTE HOUSE BILL NO. 3274,  
 SUBSTITUTE HOUSE BILL NO. 3283,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6955 by Senators Jacobsen, Schoesler and Rasmussen

AN ACT Relating to a mobile livestock unit demonstration project; creating new sections; and providing an expiration date.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

Referred to Committee on Agriculture & Rural Economic Development.

EHB 3381 by Representative Sommers

AN ACT Relating to fees to implement programs that protect and improve Washington's health, safety, education, employees, and consumers; amending RCW 39.12.070, 43.22.434, 70.74.137, 70.74.140, 70.74.142, 70.74.144, 70.74.146, 70.74.360, 15.58.070, 15.58.180, 15.58.200, 15.58.205, 15.58.210, 15.58.220, 17.21.070, 17.21.110, 17.21.122, 17.21.126, 17.21.129, and 17.21.220; adding a new section to chapter 70.74 RCW; adding new sections to chapter 18.130 RCW; adding a new section to chapter 18.84 RCW; adding a new section to chapter 16.36 RCW; adding a new section to chapter 18.185 RCW; creating new sections; providing effective dates; and declaring an emergency.

## MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed House Bill No. 3381 which under suspension of the bill was placed on the second reading calendar.

## MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

## SECOND READING

THIRD SUBSTITUTE HOUSE BILL NO. 2053, by House Committee on Finance (originally sponsored by Representatives Goodman, Springer, O'Brien, Dunshee, Eddy, Blake, Lovick, Upthegrove, Green, Simpson and Hurst)

Providing for improved availability of motor vehicle fuel during power outages or interruptions in electrical service.

The measure was read the second time.

## MOTION

On motion of Senator Prentice, the rules were suspended, Third Substitute House Bill No. 2053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

## MOTION

On motion of Senator Schoesler, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Third Substitute House Bill No. 2053.

## ROLL CALL

The Secretary called the roll on the final passage of Third Substitute House Bill No. 2053 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 6; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice,

Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 42

Absent: Senators Carrell, Hatfield, Honeyford, McCaslin, Swecker and Tom - 6

Excused: Senator Benton - 1

THIRD SUBSTITUTE HOUSE BILL NO. 2053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2460, by Representative Fromhold

Concerning the leasehold excise tax exemption for certain amphitheater property.

The measure was read the second time.

## MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

## MOTION

On motion of Senator Hobbs, Senator Hatfield was excused.

## MOTION

On motion of Senator Brandland, Senators Carrell, Honeyford and Swecker were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2460.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2460 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Honeyford and Swecker - 2

HOUSE BILL NO. 2460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House again refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2687 and

FIFTY-EIGHTH DAY, MARCH 11, 2008

asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Sommers, Dunshee & Alexander and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Prentice, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 2687 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2687 and the House amendment(s) there to: Senators Prentice, Pridemore and Zarelli.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2765 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Fromhold, McDonald and Schual-Berke and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 2765 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2765 and the House amendment(s) there to: Senators Fraser, Regala and Brandland.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2507, by House Committee on Capital Budget (originally sponsored by Representatives O'Brien, Ormsby, Hurst, Goodman, VanDeWege, Lias, Barlow, Green, Kelley, Warnick and Simpson)

Expanding the statewide first responder building mapping

information system to higher education facilities.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1** The legislature finds that coordinated planning ensures preparation for all future crises. While it is impossible to eliminate the threats posed to our higher education campuses by crime or disaster, natural or person-caused, it is necessary to mitigate impact through effective all hazard emergency preparedness. The legislature also finds that notifying college and university campus communities of an impending, ongoing, or diffused emergency situation is one of the most critical capabilities that a college or university must have. But how a higher education institution achieves the ability to alert students, faculty, and staff quickly, accurately, and dependably in an emergency situation is not a one size fits all solution. While colleges and universities should maintain their autonomy in choosing how to address safety and security risks, certain consistent protocols are essential for making campuses safer. The legislature further finds that higher education institutions need to ensure that campus law enforcement or security communications equipment, as well as communication systems used by colleges and universities during an emergency, meet technical standards and are compatible with other responding agencies' communication systems. Therefore, it is the intent of the legislature to carefully examine best safety practices at the state's institutions of higher education, examine the use of technology to improve emergency communications, and consider the financial implications of safety and security enhancement plans, as well as the funding sources to support them, in order to maximize limited resources and public benefit.

NEW SECTION. **Sec. 2** The Washington state patrol and the Washington association of sheriffs and police chiefs, in consultation with the state board for community and technical colleges, the council of presidents, the independent colleges of Washington, and the department of information services, shall conduct a needs analysis and fiscal impact study of potential college and university campus security enhancements, including the addition of two-year and four-year public and independent higher education institutions to the statewide first responder building mapping information system as provided under RCW 36.28A.060.

(1) The study shall:

(a) Assess public and independent colleges and universities to determine whether campus emergency and critical incident plans are up-to-date, comprehensive, and regularly exercised;

(b) Evaluate the potential risks associated with individual types of buildings on all campuses and recommend buildings that are a high priority for adding to the statewide first responder building mapping information system;

(c) Determine the costs and timelines associated with adding priority campus buildings to the statewide first responder building mapping information system; and

(d) Assess campus emergency notification systems or devices, including emergency radio systems, to determine functionality in the campus environment, the adequacy of coverage throughout a campus, and operational compatibility with the radio systems and frequencies utilized by state and local responding agencies.

(2) The Washington state patrol and the Washington association of sheriffs and police chiefs shall report findings and recommendations to the governor and the legislature by November 1, 2008.

NEW SECTION. **Sec. 3** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus capital appropriations act, this act is null and void."

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education to Second Substitute House Bill No. 2507.

The motion by Senator Shin carried and the committee striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "and creating new sections."

## MOTION

On motion of Senator Shin, the rules were suspended, Second Substitute House Bill No. 2507 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

## MOTION

On motion of Senator Delvin, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2507 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2507 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Oemig - 1

Excused: Senators Honeyford and McCaslin - 2

SECOND SUBSTITUTE HOUSE BILL NO. 2507 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, Senate Rule 46 was suspended for the purpose of allowing the conference committees to meet while the Senate is in session through sine die.

## MOTION

On motion of Senator Eide, Rule 20 was suspended in order to allow the Senate to consider the Report by the Conference Committee on Engrossed Substitute House Bill No. 2878 in fewer than twenty-four hours after having been properly received by the Senate.

## SECOND READING

HOUSE BILL NO. 3188, by Representatives Roach, Hurst, McCune and Dunn

Exempting waste vegetable oil from excise tax.

The measure was read the second time.

## MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 3188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3188.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3188 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 3188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

The President signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5100,  
 SUBSTITUTE SENATE BILL NO. 5104,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5261,  
 SUBSTITUTE SENATE BILL NO. 5524,  
 SECOND SUBSTITUTE SENATE BILL NO. 5642,  
 SUBSTITUTE SENATE BILL NO. 5651,  
 SENATE BILL NO. 5868,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6111,  
 SENATE BILL NO. 6187,  
 SENATE BILL NO. 6215,  
 SENATE BILL NO. 6261  
 SENATE BILL NO. 6289,  
 SUBSTITUTE SENATE BILL NO. 6297,  
 SENATE BILL NO. 6310,  
 SUBSTITUTE SENATE BILL NO. 6328,  
 SENATE BILL NO. 6381,  
 SUBSTITUTE SENATE BILL NO. 6400,  
 SUBSTITUTE SENATE BILL NO. 6439,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6442,  
 SENATE BILL NO. 6447,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6560,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6570,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6580,  
 SUBSTITUTE SENATE BILL NO. 6596,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6606,  
 SUBSTITUTE SENATE BILL NO. 6607,  
 SECOND SUBSTITUTE SENATE BILL NO. 6626,  
 SUBSTITUTE SENATE BILL NO. 6711,  
 SECOND SUBSTITUTE SENATE BILL NO. 6732,  
 SENATE BILL NO. 6739,  
 SUBSTITUTE SENATE BILL NO. 6743,  
 SUBSTITUTE SENATE BILL NO. 6751,  
 SUBSTITUTE SENATE BILL NO. 6761,  
 SUBSTITUTE SENATE BILL NO. 6804,  
 SUBSTITUTE SENATE BILL NO. 6805,

FIFTY-EIGHTH DAY, MARCH 11, 2008

SUBSTITUTE SENATE BILL NO. 6807,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 6874,

SUBSTITUTE SENATE BILL NO. 6932,  
SUBSTITUTE SENATE BILL NO. 6933,  
SENATE BILL NO. 6941

2008 REGULAR SESSION

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3329, by House Committee on Capital Budget (originally sponsored by Representatives Fromhold, McDonald, Ormsby, Wallace, Alexander, Sells and McIntire)

Prioritizing four-year higher education institutions' capital project requests.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that the state's public four-year institutions and the higher education coordinating board have made progress in developing a process to create a single prioritized list of capital project requests as required under RCW 28B.76.220. The legislature also finds that this process requires further refinement to achieve the state's policy objectives as outlined in the higher education coordinating board's strategic master plan for higher education in Washington. The legislature further finds the goal of creating additional, innovative facilities and programs that meet the learning needs of students throughout the state in a timely and cost-effective fashion requires a new approach to facility prioritization that emphasizes strategic planning. The legislature therefore intends to establish a new process for prioritizing capital project requests by the four-year institutions that utilizes the expertise and government-wide perspective of the office of financial management, and that is based upon the model that has been used successfully by the community and technical college system. The new process must emphasize objective analysis, a statewide perspective, and a strategic balance among facility preservation, new construction, and innovative delivery mechanisms. The legislature further recognizes that institutions of higher education are likely to require substantial new capital investments in order to continue to provide a wide range of high quality programs to students and the community, and that the state's ability to provide such resources is constrained by increasing capital expenditure needs within the K-12, public safety, social services, and community economic development arenas. The legislature therefore intends to identify and assess potential alternative means for increasing the capacity of public higher education institutions to meet the demands of the twenty-first century.

**NEW SECTION. Sec. 2** (1) By October 15th of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees, the higher education coordinating board, and the four-year institutions, except that, for 2008, the office of financial management shall complete the objective analysis and scoring by November 1st. Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at main and branch campuses, at existing or new university centers, or through distance learning. Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid

enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings or renovate facilities to restore building life and upgrade space to meet current program requirements. Facilities that cannot be economically renovated are considered replacement projects. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being replaced or renovated and may include additions to improve access and enhance the relationship of program or support space;

(c) Major stand-alone campus infrastructure projects;

(d) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

(e) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees and the joint legislative audit and review committee, shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges, the higher education coordinating board, and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by the joint legislative audit and review committee and independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the pre-design, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions, except that, for the 2009-2011 budget development cycle, this information must be distributed by July 1, 2008. The office of financial management, in consultation with the legislative fiscal committees and the joint legislative audit and review committee, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the higher education coordinating board and the joint legislative audit and review committee concerning the condition of higher education facilities.

(7) By August 15th of each even-numbered year, beginning in 2008, each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category, except for research institutions which shall prepare two separate prioritized lists in each category, one for the main campus, and one covering all of the institution's branch campuses. The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

**NEW SECTION. Sec. 3** The office of financial management shall submit a higher education capital facility financing study to the governor and the appropriate legislative fiscal committees by December 1, 2008. In designing and conducting the study, the office of financial management shall consult with legislative and fiscal committee leadership, the department of revenue, the state investment board, the higher education coordinating board, the state board for community and technical colleges, and the public four-year institutions of higher education. The study must include:

(1) A review of the methods that are used to fund higher education facility expansion and improvements in other states, with particular emphasis on Washington's global challenge states, and the relative portions of such expenditures that are borne by students, state taxpayers, federal grants, and private contributions;

(2) An examination of alternatives for reducing facility construction and maintenance expenditures per student through strategies such as expansion of distance learning opportunities, increased scheduling of classes during evenings and weekends, the establishment of expected cost benchmarks by facility type, and other means; and

(3) An assessment of the strengths and weaknesses of potential new revenue sources that might be applied to the funding of higher education facilities. These alternative sources must include, but not be limited to, adjusting student fees to support a larger share of the cost of such facilities, bonding against student fee revenues, utilizing local tax revenues to support local higher education capital needs, promoting business participation in the financing of programs strongly linked to area economic development, and other means.

**Sec. 4** RCW 28B.76.210 and 2007 c 458 s 202 are each amended to read as follows:

(1) The board shall collaborate with the four-year institutions including the council of presidents, the community and technical college system, and when appropriate the workforce training and education coordinating board, the superintendent of public instruction, and the independent higher educational institutions to identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature that recommendations from the board reflect not merely the sum of budget requests from multiple institutions, but prioritized funding needs for the overall system of higher education.

(2) By December of each odd-numbered year, the board shall distribute guidelines which outline the board's fiscal priorities to the institutions and the state board for community and technical colleges.

(a) The institutions and the state board for community and technical colleges shall submit an outline of their proposed operating budgets to the board no later than July 1st of each even-numbered year. Pursuant to guidelines developed by the

board, operating budget outlines submitted by the institutions and the state board for community and technical colleges after January 1, 2007, shall include all policy changes and enhancements that will be requested by the institutions and the state board for community and technical colleges in their respective biennial budget requests. Operating budget outlines shall include a description of each policy enhancement, the dollar amount requested, and the fund source being requested.

(b) Capital budget outlines for the two-year institutions shall be submitted by August 15th of each even-numbered year, and shall include the prioritized ranking of the capital projects being requested ((by two-year and four-year institutions, respectively-), a description of each capital project, and the amount and fund source being requested(-, shall be included for each capital project appearing in the prioritized ranking)).

(c) Capital budget outlines for the four-year institutions must be submitted by August 15th of each even-numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with section 2 of this act; a description of each capital project; and the amount and fund source being requested.

(d) The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The board shall review and evaluate the operating and capital budget requests from four-year institutions and the community and technical college system based on how the requests align with the board's budget priorities, the missions of the institutions, and the statewide strategic master plan for higher education under RCW 28B.76.200.

(4) The board shall submit recommendations on the proposed ((budgets)) operating budget and ((on the board's budget)) priorities to the office of financial management ((before)) by October 1st of each even-numbered year, and to the legislature by January 1st of each odd-numbered year. The board's capital budget recommendations for the community and technical college system and the four-year institutions must be submitted to the office of financial management by November 15th of each even-numbered year and to the legislature by January 1st of each odd-numbered year. The board's recommendations for the four-year institutions must include the relative share of the higher education capital budget that the board recommends be assigned to each project category, as defined in section 2 of this act, and to minor works program and preservation.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental budget requests and revisions to the board at the same time they are submitted to the office of financial management. The board shall submit recommendations on the proposed supplemental budget requests to the office of financial management by November 1st and to the legislature by January 1st.

**NEW SECTION. Sec. 5** RCW 28B.76.220 (Prioritized capital project lists for higher education institutions) and 2004 c 275 s 8 & 2003 1st sp.s. c 8 s 2 are each repealed.

**NEW SECTION. Sec. 6** Section 2 of this act constitutes a new chapter in Title 43 RCW."

#### MOTION

Senator Fraser moved that the following amendment by Senator Fraser to the committee striking amendment be adopted.

On page 4, line 20, after "category", strike everything down through and including "campuses" on line 23, and insert the following:

" On a pilot basis, the office of financial management shall require one research university to prepare two separate prioritized lists for each category, one for the main campus, and one covering all of the institution's branch campuses. The office of financial management shall report to the legislative fiscal committees by December 1, 2009 on the effect of this pilot project on capital project financing for all branch campuses"

Renumber the sections consecutively and correct any internal references accordingly.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

Senator Fraser spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 4, line 20 to the committee striking amendment to Engrossed Substitute House Bill No. 3329.

The motion by Senator Fraser carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 3329.

The motion by Senator Fraser carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "requests;" strike the remainder of the title and insert "amending RCW 28B.76.210; adding a new chapter to Title 43 RCW; creating new sections; and repealing RCW 28B.76.220."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 3329 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3329 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3329 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3329 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 3360, by Representatives Hasegawa and Santos

Increasing the availability of funds for the time certificate of deposit investment program.

The measure was read the second time.

#### MOTION

Senator Prentice moved that the following committee

striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 43.60A.190 and 2007 c 11 s 1 are each amended to read as follows:

(1) The department shall:

(a) Develop and maintain a current list of veteran-owned businesses; and

(b) Make the list available on the department's public web site.

(2) ~~((In order))~~ To qualify as a veteran-owned business, the business must be at least fifty-one percent owned and controlled by:

(a) A veteran as defined in RCW 41.04.007; or

(b) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

(3) To participate in the linked deposit program under chapter 43.86A RCW, a veteran-owned business qualified under this section must be certified by the department as a business:

(a) In which the veteran owner possesses and exercises sufficient expertise specifically in the business's field of operation to make decisions governing the long-term direction and the day-to-day operations of the business;

(b) That is organized for profit and performing a commercially useful function; and

(c) That meets the criteria for a small business concern as established under chapter 39.19 RCW.

(4) The department shall create a logo for the purpose of identifying veteran-owned businesses to the public. The department shall put the logo on an adhesive sticker or decal suitable for display in a business window and distribute the stickers or decals to veteran-owned businesses listed with the department.

~~((4))~~ (5)(a) Businesses may submit an application on a form prescribed by the department for inclusion on the list or to apply for certification under this section.

(b) The department must notify the state treasurer of veteran-owned businesses that are no longer certified under this section. The written notification to the state treasurer must contain information regarding the reasons for the decertification and information on financing provided to the veteran-owned business under RCW 43.86A.060.

~~((5))~~ (6) The department may adopt rules necessary to implement this section.

Sec. 2 RCW 43.86A.030 and 2007 c 500 s 1 are each amended to read as follows:

(1) Funds held in public depositories not as demand deposits as provided in RCW 43.86A.020 and 43.86A.030, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositories an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositories. These deposits shall be allocated among the participating depositories on a basis to be determined by the state treasurer.

(2) Of all funds available under this section, the state treasurer may use up to one hundred ~~((fifty))~~ seventy-five million dollars per year ~~((of all funds available under this section))~~ for the purposes of RCW 43.86A.060(2)(c)(i) and up to fifteen million dollars per year for the purposes of RCW 43.86A.060(2)(c)(ii). The amounts made available to these public depositories shall be equal to the amounts of outstanding loans made under RCW 43.86A.060.

(3) The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors. However, if in the judgment of the state treasurer the

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

amount of allocation for certificates of deposit as determined by this section will impair the cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly.

**Sec. 3** RCW 43.86A.060 and 2007 c 500 s 2 are each amended to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those:

(a) Having terms that do not exceed ten years;

(b) Where an individual loan does not exceed one million dollars;

(c)(i) That are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW; or

(ii) That are made to a veteran-owned business that has received state certification under RCW 43.60A.190;

(d) Where the interest rate on the loan to the minority or women's business enterprise or veteran-owned business does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term, except that, if the preference given by the state treasurer to the qualified public depository under subsection (3) of this section is less than two hundred basis points, the qualified public depository may reduce the preference given on the loan by an amount that corresponds to the reduction in preference below two hundred basis points given to the qualified public depository; and

(e) Where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository, except that the treasurer shall lower the amount of the preference to ensure that the effective interest rate on the time certificate of deposit is not less than two percent.

(4) Upon notification by the state treasurer that a minority or women's business enterprise is no longer certified under chapter 39.19 RCW or that a veteran-owned business is no longer certified under RCW 43.60A.190, the qualified public depository shall reduce the amount of qualifying loans by the outstanding balance of the loan made under this section to the minority or women's business enterprise or the veteran-owned business, as applicable.

(5) The office of minority and women's business enterprises has the authority to adopt rules to:

(a) Ensure that when making a qualified loan under the linked deposit program, businesses that have never received a loan under the linked deposit program are given first priority;

(b) Limit the total principal loan amount that any one business receives in qualified loans under the linked deposit program over the lifetime of the businesses;

(c) Limit the total principal loan amount that an owner of one or more businesses receives in qualified loans under the linked deposit program during the owner's lifetime; and

(d) Limit the total amount of any one qualified loan made under the linked deposit program.

**NEW SECTION. Sec. 4** The department of veterans affairs shall report to the governor and appropriate committees of the legislature by December 1, 2008, on the progress made in implementing this act."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 3360.

The motion by Senator Prentice carried and the committee

striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.60A.190, 43.86A.030, and 43.86A.060; and creating a new section."

#### MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 3360 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 3360 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3360 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Berkeley, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel and Weinstein - 40

Voting nay: Senators Benton, Carrell, Hewitt, Honeyford, Schoesler, Stevens, Swecker, Tom and Zarelli - 9

ENGROSSED HOUSE BILL NO. 3360 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 3362, by Representative Kelley

Providing tax incentives to encourage businesses to purchase highly energy efficient equipment.

The measure was read the second time.

#### MOTION

Senator Pridemore moved that the following striking amendment by Senator Pridemore be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that improving energy efficiency is key to achieving the state's goals to reduce greenhouse gas emissions to 1990 levels by 2020. The legislature further finds that increased energy efficiency saves Washington businesses money, which in turn helps the state and local economy, as energy bill savings can be spent on local goods and services. Washington state and federal appliance standards passed since 2005 will produce about eighty thousand metric tons of greenhouse gas emissions savings toward Washington's 2020 target. However, there are a large number of commercial devices on the market that are not subject to those standards. In addition, there are many new products on the market that are much more energy efficient than required by such standards, but because they may be more expensive than standard models, they represent only a small percentage of sales. Most commercial equipment, once purchased, will be in use for

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

ten to fifteen years; therefore, the more energy efficient they are, the greater the energy and cost savings and reductions in climate pollution.

Thus, the legislature intends to enact tax incentives as a means to encourage Washington businesses to purchase certain high efficiency appliances and equipment and to maximize the energy savings opportunity available through increased and sustained market share of those appliances and equipment.

**NEW SECTION. Sec. 2** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed in an amount equal to eight and eight-tenths percent multiplied by the purchase price, as defined in RCW 82.12.010, of the following items:

(a) Commercial freezers and refrigerators meeting consortium for energy efficiency tier 2 specifications dated January 1, 2006;

(b) High efficiency commercial clothes washers meeting consortium for energy efficiency specifications dated November 14, 2007;

(c) Commercial ice makers meeting consortium for energy efficiency specifications dated January 1, 2006;

(d) Commercial full-sized gas convection ovens with interior measurements of six cubic feet or larger;

(e) Commercial deep fat fryers which are rated energy star as of August 2003;

(f) Commercial hot food holding cabinets which are rated energy star as of August 2003; and

(g) Commercial electric and gas steam cookers, also known as compartment cookers, which are rated energy star as of August 2003.

(2) A person may not take the credit under this section if the person's gross income of the business in the prior calendar year exceeded seven hundred fifty thousand dollars.

(3) A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year. Credit may not be claimed against taxes due for any tax reporting period ending before the credit was earned. No refunds shall be granted for credits under this section.

(4) Credits are available on a first-in-time basis. The department shall disallow any credits, or portion thereof, that would cause the total amount of credits claimed statewide under this section in any year to exceed seven hundred fifty thousand dollars. If the seven hundred fifty thousand dollar limitation is reached, the department shall provide written notice to any person that has claimed tax credits after the seven hundred fifty thousand dollar limitation in this subsection has been met. The notice shall indicate the amount of tax due and shall provide that the tax be paid within thirty days from the date of such notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(5) The department of community, trade, and economic development must prepare and deliver a report to the legislature no later than December 30, 2010, assessing the overall energy and cost saving impacts of this section.

(6) Credit may not be claimed under this section for the purchase of an item, listed in subsection (1) of this section, before the effective date of this section.

(7) Credit may not be claimed under this section for the purchase of an item, listed in subsection (1) of this section, after June 30, 2010.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a)(i) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (A) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and (B) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

(ii) "Commercial refrigerators and freezers" does not include: (A) Products with eighty-five cubic feet or more of internal volume; (B) walk-in refrigerators or freezers; (C) consumer products that are federally regulated pursuant to Title 42 U.S.C. Sec. 6291 et seq.; (D) products without doors; or (E) freezers specifically designed for ice cream.

(b) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes washer that: (i) Has a clothes container compartment no greater than three and one-half cubic feet in the case of a horizontal-axis product or no greater than four cubic feet in the case of a vertical-axis product; and (ii) is designed for use by more than one household, such as in multifamily housing, apartments, or coin laundries.

(c) "Commercial hot food holding cabinet" means an appliance that is designed to hold hot food at a specified temperature, which has been cooked using a separate appliance.

(d) "Commercial ice maker" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice. It may also include integrated components for storing or dispensing ice, or both.

(e) "Commercial open, deep-fat fryer" means an appliance, including a cooking vessel, in which oil is placed to such a depth that the cooking food is essentially supported by displacement of the cooking fluid rather than by the bottom of the vessel. Heat is delivered to the cooking fluid by means of an immersed electric element or band-wrapped vessel (electric fryers), or by heat transfer from gas burners through either the walls of the fryer or through tubes passing through the cooking fluid (gas fryers).

(f) "Consortium" means the consortium for energy efficiency, a United States nonprofit public benefits corporation that promotes the manufacture and purchase of energy efficient products and services. The consortium's members include utilities, statewide and regional market transformation administrators, environmental groups, research organizations, and state energy offices in the United States and Canada.

(g) "Energy star" is an energy efficient product that meets the federal environmental protection agency's and federal department of energy's criteria for use of the energy star trademark label, or is in the upper twenty-five percent of efficiency for all similar products as designated by the federal energy management program. Energy star is a voluntary labeling program designed to identify and promote energy efficient products to reduce greenhouse gas emissions.

(h) "Steam cooker" means a device with one or more food steaming compartments, in which the energy in the steam is transferred to the food by direct contact. Models may include countertop models, wall-mounted models, and floor models mounted on a stand, pedestal, or cabinet-style base.

**NEW SECTION. Sec. 3** This act takes effect July 1, 2008.

**NEW SECTION. Sec. 4** This act expires July 1, 2010."

Senator Pridemore spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Pridemore to House Bill No. 3362.

The motion by Senator Pridemore carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "equipment;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date."

#### MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 3362 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3362 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3362 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 3362 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 5831.

#### MOTION

Senator Kohl-Welles moved that the Senate insist on its position in the House amendment(s) to Engrossed Substitute Senate Bill No. 5831 and requests of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate insist on its position in the House amendment(s) to Engrossed Substitute Senate Bill No. 5831 and request of the House a conference thereon.

The motion by Senator Kohl-Welles carried and the Senate insisted on its position in the House amendment(s) to Engrossed Substitute Senate Bill No. 5831 and requested of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5831 and the House amendment(s) there to: Senators Kohl-Welles, Keiser, King.

#### MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 3374, by House Committee on Capital Budget (originally sponsored by Representatives Fromhold, McDonald, VanDeWege, Alexander and DeBolt)

Concerning state general obligation bonds for flood mitigation and facilities for career and technical education.

The measure was read the second time.

#### MOTION

Senator Fraser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

#### "PART 1

**NEW SECTION. Sec. 101** For the purpose of providing state funds for federally matched flood hazard mitigation and other projects throughout the Chehalis river basin, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of fifty million dollars, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

**NEW SECTION. Sec. 102** The proceeds from the sale of the bonds authorized in section 101 of this act shall be deposited in the state building construction account created by RCW 43.83.020. If the state finance committee deems it necessary to issue taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds shall be transferred to the state taxable building construction account in lieu of any deposits otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation. These proceeds shall be used exclusively for the purposes specified in section 101 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the office of financial management subject to legislative appropriation.

**NEW SECTION. Sec. 103** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 101 of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On each date on which any interest or principal and interest payment is due the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

**NEW SECTION. Sec. 104** (1) Bonds issued under section 101 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

**NEW SECTION. Sec. 105** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 101 of this act, and section 103 of this act shall not be deemed to provide an exclusive method for the payment.

**NEW SECTION. Sec. 106** The bonds authorized in section 101 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

## PART 2

**NEW SECTION. Sec. 201** The legislature finds that the state's public schools and skill centers are a vital component of the future economic prosperity of our state and provide students with access to high-quality academic and technical skills instruction. Skill centers challenge, motivate, and provide opportunities for students to achieve in basic skills, critical thinking, leadership, and work skills through hands-on education, applied academics, and technology training using a cost-effective delivery model. The legislature further finds that barriers to access exist for students in rural and high-density areas, but the development of satellite and branch campus programs will provide the needed access. The legislature further finds that existing and proposed new skill centers will require facilities and equipment that simulate business and industry. Therefore, it is the intent of the legislature to provide a new source of funding for the critical capital needs of the state's skill centers to enhance access to career and technical education opportunities and to improve the condition of existing facilities. Enhanced capital funding will provide skill centers the ability to fulfill their critical role in maintaining and stimulating the state's economy and expanding quality academic and career and technical education opportunities to more students, especially students who lack access to these programs to date.

In the interest of funding equity and ensuring a commitment to the new development, major renovation, or expansion of skill centers, all school district partners must contribute to the acquisition or major capital costs of skill center projects supported by this act to the greatest extent feasible.

**NEW SECTION. Sec. 202** For the purpose of providing school construction assistance grants and needed capital improvements consisting of the predesign, design, acquisition, construction, modification, renovation, expansion, equipping, and other improvements of skill centers facilities, including capital improvements to support satellite or branch campus programs for underserved rural areas or high-density areas, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred million dollars, or as much thereof as may be required, to finance all or a part of these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. If the state finance committee deems it necessary to issue taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds shall be transferred to the state taxable building construction account in lieu of any deposits otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the state taxable building construction account is necessary.

**NEW SECTION. Sec. 203** This chapter is not intended to limit the legislature's ability to appropriate bond proceeds if the full amount authorized in this chapter has not been appropriated after one biennia, and the authorization to issue bonds contained in this chapter does not expire until the full authorization has been appropriated and issued.

**NEW SECTION. Sec. 204** (1) The proceeds from the sale of the bonds authorized in section 202 of this act shall be deposited in the school construction and skill centers building account created in section 210 of this act.

(2) The proceeds shall be used exclusively for the purposes stated in section 202 of this act and for the payment of the expenses incurred in connection with the sale and issuance of the bonds.

**NEW SECTION. Sec. 205** (1) The nondebt-limit reimbursable bond retirement account must be used for the payment of the principal and interest on the bonds authorized in section 202 of this act.

(2)(a) The state finance committee must, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 202 of this act.

(b) On or before the date on which any interest or principal and interest is due, the state treasurer shall transfer from that portion of the common school construction fund derived from the interest on the permanent common school fund into the nondebt-limit reimbursable bond retirement account the amount computed in (a) of this subsection for bonds issued for the purposes of section 202 of this act. Any deficiency in such transfer shall be made up as soon as moneys are available for transfer and shall constitute a continuing obligation of that portion of the common school construction fund derived from the interest on the permanent common school fund until all deficiencies are fully paid.

**NEW SECTION. Sec. 206** (1) Bonds issued under section 202 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

**NEW SECTION. Sec. 207** The bonds authorized in section 202 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

**NEW SECTION. Sec. 208** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 202 of this act, and section 202 of this act shall not be deemed to provide an exclusive method for the payment.

**NEW SECTION. Sec. 209** This chapter provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and is supplemental and additional to powers conferred by other laws. The issuance of bonds under this chapter shall not be deemed to be the only method to fund projects under this chapter.

**NEW SECTION. Sec. 210** The school construction and skill centers building account is created in the state treasury. Proceeds from the bonds issued under section 202 of this act shall be deposited in the account. The account shall be used for purposes stated in section 202 of this act. Moneys in the account may be spent only after appropriation.

## PART 3

**Sec. 301** RCW 39.42.060 and 2003 c 147 s 13 are each amended to read as follows:

No bonds, notes, or other evidences of indebtedness for borrowed money shall be issued by the state which will cause the aggregate debt contracted by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of its general state revenues, as defined in RCW 39.42.070, for the three immediately preceding fiscal years as certified by the treasurer in accordance with RCW 39.42.070. It shall be the duty of the state finance committee to compute annually the amount required to pay principal of and interest on outstanding debt. In making such computation, the state finance committee shall include all borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

be paid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, and shall include debt incurred pursuant to section 3 of Article VIII of the Washington state Constitution, but shall exclude the following:

(1) Obligations for the payment of current expenses of state government;

(2) Indebtedness incurred pursuant to RCW 39.42.080 or 39.42.090;

(3) Principal of and interest on bond anticipation notes;

(4) Any indebtedness which has been refunded;

(5) Financing contracts entered into under chapter 39.94 RCW;

(6) Indebtedness authorized or incurred before July 1, 1993, pursuant to statute which requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from money other than general state revenues or from the special excise tax imposed pursuant to chapter 67.40 RCW;

(7) Indebtedness authorized and incurred after July 1, 1993, pursuant to statute that requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from (a) moneys outside the state treasury, except higher education operating fees, (b) higher education building fees, (c) indirect costs recovered from federal grants and contracts, and (d) fees and charges associated with hospitals operated or managed by institutions of higher education;

(8) Any agreement, promissory note, or other instrument entered into by the state finance committee under RCW 39.42.030 in connection with its acquisition of bond insurance, letters of credit, or other credit support instruments for the purpose of guaranteeing the payment or enhancing the marketability, or both, of any state bonds, notes, or other evidence of indebtedness;

(9) Indebtedness incurred for the purposes identified in RCW 43.99N.020;

(10) Indebtedness incurred for the purposes of the school district bond guaranty established by chapter 39.98 RCW;

(11) Indebtedness incurred for the purposes of replacing the waterproof membrane over the east plaza garage and revising related landscaping construction pursuant to RCW 43.99Q.070;

(12) Indebtedness incurred for the purposes of the state legislative building rehabilitation, to the extent that principal and interest payments of such indebtedness are paid from the capitol building construction account pursuant to RCW 43.99Q.140(2)(b); ~~(and)~~

(13) Indebtedness incurred for the purposes of financing projects under RCW 47.10.867; ~~and~~

(14) Indebtedness incurred for the purposes of school construction assistance grants and capital improvements for skill centers under section 202 of this act.

To the extent necessary because of the constitutional or statutory debt limitation, priorities with respect to the issuance or guaranteeing of bonds, notes, or other evidences of indebtedness by the state shall be determined by the state finance committee.

**Sec. 302** RCW 28A.245.030 and 2007 c 463 s 4 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall review and revise the guidelines for skill centers to encourage skill center programs. The superintendent, in cooperation with the workforce training and education coordinating board, skill center directors, and the Washington association for career and technical education, shall review and revise the existing skill centers' policy guidelines and create and adopt rules governing skill centers as follows:

(a) The threshold enrollment at a skill center shall be revised so that a skill center program need not have a minimum of seventy percent of its students enrolled on the skill center core campus in order to facilitate serving rural students through expansion of skill center programs by means of satellite programs or branch campuses;

(b) The developmental planning for branch campuses shall be encouraged. Underserved rural areas or high-density areas may partner with an existing skill center to create satellite programs or a branch campus. Once a branch campus reaches sufficient enrollment to become self-sustaining, it may become a separate skill center or remain an extension of the founding skill center; and

(c) Satellite and branch campus programs shall be encouraged to address high-demand fields.

(2) Rules adopted under this section shall allow for innovative models of satellite and branch campus programs, and such programs shall not be limited to those housed in physical buildings.

(3) The superintendent of public instruction shall develop and deliver a ten-year capital plan for legislative review before implementation. The superintendent of public instruction shall adopt rules that set as a goal a ten percent minimum local project contribution threshold for major skill center projects, unless there is a compelling rationale not to do so, including but not limited to local economic conditions, as determined by the superintendent of public instruction. This applies to the acquisition or major capital costs of skill center projects as outlined in the ten-year capital plan.

(4) Subject to available funding, the superintendent shall:

(a) Conduct approved feasibility studies for serving noncooperative rural and high-density area students in their geographic areas; and

(b) Develop a statewide master plan that identifies standards and resources needed to create a technology infrastructure for connecting all skill centers to the K-20 network.

NEW SECTION. Sec. 303 Sections 101 through 106 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 304 Sections 201 through 210 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 305 Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 306 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 307 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 3374.

The motion by Senator Fraser carried and the committee striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "state general obligation bonds for flood hazard mitigation projects and school facilities; amending RCW 39.42.060 and 28A.245.030; adding a new chapter to Title 43 RCW; adding a new chapter to Title 28A RCW; creating a new section; and declaring an emergency."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 3374 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3374 as amended by the Senate.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3374 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Holmquist, Parlette, Pflug and Schoesler - 4

Absent: Senators Kline and Oemig - 2

SUBSTITUTE HOUSE BILL NO. 3374 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 3375, by Representatives Alexander, Hunt, VanDeWege, DeBolt, Takko and Blake

Appropriating funds for catastrophic flood relief.

The measure was read the second time.

## MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 3375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Swecker spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senators Kline and McAuliffe were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 3375.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3375 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and McAuliffe - 2

HOUSE BILL NO. 3375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6628, by Senators Prentice, Fairley and Rasmussen

Clarifying the state's ability to recover from defendants the cost of mental health treatment provided at state hospitals.

The measure was read the second time.

## MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6628.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6628 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

SENATE BILL NO. 6628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6629, by Senators Franklin and Prentice

Making clarifications to the nursing facility medicaid payment system in relation to the use of minimum occupancy in setting cost limits and application of the statewide average payment rate specified in the biennial appropriations act.

The measure was read the second time.

## MOTION

Senator Keiser moved that the following striking amendment by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 74.46.421 and 2001 1st sp.s. c 8 s 4 are each amended to read as follows:

(1) The purpose of part E of this chapter is to determine nursing facility medicaid payment rates that, in the aggregate for all participating nursing facilities, are in accordance with the biennial appropriations act.

(2)(a) The department shall use the nursing facility medicaid payment rate methodologies described in this chapter to determine initial component rate allocations for each medicaid nursing facility.

(b) The initial component rate allocations shall be subject to adjustment as provided in this section in order to assure that the statewide average payment rate to nursing facilities is less than or equal to the statewide average payment rate specified in the biennial appropriations act.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(3) Nothing in this chapter shall be construed as creating a legal right or entitlement to any payment that (a) has not been adjusted under this section or (b) would cause the statewide average payment rate to exceed the statewide average payment rate specified in the biennial appropriations act.

(4)(a) The statewide average payment rate for any state fiscal year under the nursing facility payment system, weighted by patient days, shall not exceed the annual statewide weighted average nursing facility payment rate identified for that fiscal year in the biennial appropriations act.

(b) If the department determines that the weighted average nursing facility payment rate calculated in accordance with this chapter is likely to exceed the weighted average nursing facility payment rate identified in the biennial appropriations act, then the department shall adjust all nursing facility payment rates proportional to the amount by which the weighted average rate allocations would otherwise exceed the budgeted rate amount. Any such adjustments for the current fiscal year shall only be made prospectively, not retrospectively, and shall be applied proportionately to each component rate allocation for each facility.

(c) If any final order or final judgment, including a final order or final judgment resulting from an adjudicative proceeding or judicial review permitted by chapter 34.05 RCW, would result in an increase to a nursing facility's payment rate for a prior fiscal year or years, the department shall consider whether the increased rate for that facility would result in the statewide weighted average payment rate for all facilities for such fiscal year or years to be exceeded. If the increased rate would result in the statewide average payment rate for such year or years being exceeded, the department shall increase that nursing facility's payment rate to meet the final order or judgment only to the extent that it does not result in an increase to the statewide weighted average payment rate for all facilities.

**Sec. 2** RCW 74.46.431 and 2007 c 508 s 2 are each amended to read as follows:

(1) Effective July 1, 1999, nursing facility medicaid payment rate allocations shall be facility-specific and shall have seven components: Direct care, therapy care, support services, operations, property, financing allowance, and variable return. The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicaid nursing facility in this state.

(2) Component rate allocations in therapy care, support services, variable return, operations, property, and financing allowance for essential community providers as defined in this chapter shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use. For all facilities other than essential community providers, effective July 1, 2001, component rate allocations in direct care, therapy care, support services, and variable return ~~((operations, property, and financing allowance))~~ shall ~~((continue to))~~ be based upon a minimum facility occupancy of eighty-five percent of licensed beds. For all facilities other than essential community providers, effective July 1, 2002, the component rate allocations in operations, property, and financing allowance shall be based upon a minimum facility occupancy of ninety percent of licensed beds, regardless of how many beds are set up or in use. For all facilities, effective July 1, 2006, the component rate allocation in direct care shall be based upon actual facility occupancy. The median cost limits used to set component rate allocations shall be based on the applicable minimum occupancy percentage. In determining each facility's therapy care component rate allocation under RCW 74.46.511, the department shall apply the applicable minimum facility occupancy adjustment before creating the array of facilities' adjusted therapy costs per adjusted resident day. In determining each facility's support services component rate allocation under RCW 74.46.515(3), the department shall apply the applicable minimum facility occupancy adjustment before creating the array of facilities' adjusted support services costs per adjusted resident day. In determining each facility's operations component rate allocation under RCW 74.46.521(3), the department shall apply the minimum facility occupancy adjustment before creating the

array of facilities' adjusted general operations costs per adjusted resident day.

(3) Information and data sources used in determining medicaid payment rate allocations, including formulas, procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2006, direct care component rate allocations. Adjusted cost report data from 2003 will be used for July 1, 2006, through June 30, 2007, direct care component rate allocations. Adjusted cost report data from 2005 will be used for July 1, 2007, through June 30, 2009, direct care component rate allocations. Effective July 1, 2009, the direct care component rate allocation shall be rebased biennially, and thereafter for each odd-numbered year beginning July 1st, using the adjusted cost report data for the calendar year two years immediately preceding the rate rebase period, so that adjusted cost report data for calendar year 2007 is used for July 1, 2009, through June 30, 2011, and so forth.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(d) Direct care component rate allocations based on 2003 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 2006, rate, as provided in RCW 74.46.506(5)(i).

(e) Direct care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2005, therapy care component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, through June 30, 2007, therapy care component rate allocations. Adjusted cost report data from 2005 will be used for July 1, 2007, through June 30, 2009, therapy care component rate allocations. Effective July 1, 2009, and thereafter for each odd-numbered year beginning July 1st, the therapy care component rate allocation shall be cost rebased biennially, using the adjusted cost report data for the calendar year two years immediately preceding the rate rebase period, so that adjusted cost report data for calendar year 2007 is used for July 1, 2009, through June 30, 2011, and so forth.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2005, support services component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, through June 30, 2007, support services component rate allocations. Adjusted cost report data from 2005 will be used for July 1, 2007, through June 30, 2009, support services component rate allocations. Effective July 1, 2009, and thereafter for each odd-numbered year beginning July 1st, the support services component rate allocation shall be cost rebased biennially, using the adjusted cost report data for the calendar year two years immediately preceding the rate rebase period, so that adjusted cost report data for calendar year 2007 is used for July 1, 2009, through June 30, 2011, and so forth.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2006, operations component rate allocations. Adjusted cost report data from 2003 will be used for July 1, 2006, through June 30, 2007, operations component rate allocations. Adjusted cost report data from 2005 will be used for July 1, 2007, through June 30, 2009, operations component rate allocations. Effective July 1, 2009, and thereafter for each odd-numbered year beginning July 1st, the operations component rate allocation shall be cost rebased biennially, using the adjusted cost report data for the calendar year two years immediately preceding the rate rebase period, so that adjusted cost report data for calendar year 2007 is used for July 1, 2009, through June 30, 2011, and so forth.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose operations component rate is set equal to their adjusted June 30, 2006, rate, as provided in RCW 74.46.521(4).

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility Medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of the state minimum wage or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data, newly constructed facilities, existing facilities entering the Medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing Medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities temporarily reducing the number of set-up beds during a remodel, facilities having less than six months of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs,

for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

(13) Effective July 1, 2001, Medicaid rates shall continue to be revised downward in all components, in accordance with department rules, for facilities converting banked beds to active service under chapter 70.38 RCW, by using the facility's increased licensed bed capacity to recalculate minimum occupancy for rate setting. However, for facilities other than essential community providers which bank beds under chapter 70.38 RCW, after May 25, 2001, Medicaid rates shall be revised upward, in accordance with department rules, in direct care, therapy care, support services, and variable return components only, by using the facility's decreased licensed bed capacity to recalculate minimum occupancy for rate setting, but no upward revision shall be made to operations, property, or financing allowance component rates. The direct care component rate allocation shall be adjusted, without using the minimum occupancy assumption, for facilities that convert banked beds to active service, under chapter 70.38 RCW, beginning on July 1, 2006. Effective July 1, 2007, component rate allocations for direct care shall be based on actual patient days regardless of whether a facility has converted banked beds to active service.

(14) Facilities obtaining a certificate of need or a certificate of need exemption under chapter 70.38 RCW after June 30, 2001, must have a certificate of capital authorization in order for (a) the depreciation resulting from the capitalized addition to be included in calculation of the facility's property component rate allocation; and (b) the net invested funds associated with the capitalized addition to be included in calculation of the facility's financing allowance rate allocation.

**Sec. 3** RCW 74.46.511 and 2007 c 508 s 4 are each amended to read as follows:

(1) The therapy care component rate allocation corresponds to the provision of Medicaid one-on-one therapy provided by a qualified therapist as defined in this chapter, including therapy supplies and therapy consultation, for one day for one Medicaid resident of a nursing facility. The therapy care component rate allocation for October 1, 1998, through June 30, 2001, shall be based on adjusted therapy costs and days from calendar year 1996. The therapy component rate allocation for July 1, 2001, through June 30, 2007, shall be based on adjusted therapy costs and days from calendar year 1999. Effective July 1, 2007, the therapy care component rate allocation shall be based on adjusted therapy costs and days as described in RCW 74.46.431(5). The therapy care component rate shall be adjusted for economic trends and conditions as specified in RCW 74.46.431(5), and shall be determined in accordance with this section. In determining each facility's therapy care component rate allocation, the department shall apply the applicable minimum facility occupancy adjustment before creating the array of facilities' adjusted therapy care costs per adjusted resident day.

(2) In rebasing, as provided in RCW 74.46.431(5)(a), the department shall take from the cost reports of facilities the following reported information:

(a) Direct one-on-one therapy charges for all residents by payer including charges for supplies;

(b) The total units or modules of therapy care for all residents by type of therapy provided, for example, speech or physical. A unit or module of therapy care is considered to be fifteen minutes of one-on-one therapy provided by a qualified therapist or support personnel; and

(c) Therapy consulting expenses for all residents.

(3) The department shall determine for all residents the total cost per unit of therapy for each type of therapy by dividing the total adjusted one-on-one therapy expense for each type by the total units provided for that therapy type.

(4) The department shall divide Medicaid nursing facilities in this state into two peer groups:

(a) Those facilities located within urban counties; and

(b) Those located within nonurban counties.

The department shall array the facilities in each peer group from highest to lowest based on their total cost per unit of

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

therapy for each therapy type. The department shall determine the median total cost per unit of therapy for each therapy type and add ten percent of median total cost per unit of therapy. The cost per unit of therapy for each therapy type at a nursing facility shall be the lesser of its cost per unit of therapy for each therapy type or the median total cost per unit plus ten percent for each therapy type for its peer group.

(5) The department shall calculate each nursing facility's therapy care component rate allocation as follows:

(a) To determine the allowable total therapy cost for each therapy type, the allowable cost per unit of therapy for each type of therapy shall be multiplied by the total therapy units for each type of therapy;

(b) The medicaid allowable one-on-one therapy expense shall be calculated taking the allowable total therapy cost for each therapy type times the medicaid percent of total therapy charges for each therapy type;

(c) The medicaid allowable one-on-one therapy expense for each therapy type shall be divided by total adjusted medicaid days to arrive at the medicaid one-on-one therapy cost per patient day for each therapy type;

(d) The medicaid one-on-one therapy cost per patient day for each therapy type shall be multiplied by total adjusted patient days for all residents to calculate the total allowable one-on-one therapy expense. The lesser of the total allowable therapy consultant expense for the therapy type or a reasonable percentage of allowable therapy consultant expense for each therapy type, as established in rule by the department, shall be added to the total allowable one-on-one therapy expense to determine the allowable therapy cost for each therapy type;

(e) The allowable therapy cost for each therapy type shall be added together, the sum of which shall be the total allowable therapy expense for the nursing facility;

(f) The total allowable therapy expense will be divided by the greater of adjusted total patient days from the cost report on which the therapy expenses were reported, or patient days at eighty-five percent occupancy of licensed beds. The outcome shall be the nursing facility's therapy care component rate allocation.

(6) The therapy care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

(7) The therapy care component rate shall be suspended for medicaid residents in qualified nursing facilities designated by the department who are receiving therapy paid by the department outside the facility daily rate under RCW 74.46.508(2).

**Sec. 4** RCW 74.46.515 and 2001 1st sp.s. c 8 s 12 are each amended to read as follows:

(1) The support services component rate allocation corresponds to the provision of food, food preparation, dietary, housekeeping, and laundry services for one resident for one day.

(2) Beginning October 1, 1998, the department shall determine each medicaid nursing facility's support services component rate allocation using cost report data specified by RCW 74.46.431(6).

(3) To determine each facility's support services component rate allocation, the department shall:

(a) Array facilities' adjusted support services costs per adjusted resident day, as determined by dividing each facility's total allowable support services costs by its adjusted resident days for the same report period, increased if necessary to a minimum occupancy provided by RCW 74.46.431(2), for each facility from facilities' cost reports from the applicable report year, for facilities located within urban counties, and for those located within nonurban counties and determine the median adjusted cost for each peer group;

(b) Set each facility's support services component rate at the lower of the facility's per resident day adjusted support services costs from the applicable cost report period or the adjusted median per resident day support services cost for that facility's peer group, either urban counties or nonurban counties, plus ten percent; and

(c) Adjust each facility's support services component rate for economic trends and conditions as provided in RCW 74.46.431(6).

(4) The support services component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

**NEW SECTION. Sec. 5** The legislature clarifies the enactment of chapter 8, Laws of 2001 1st sp. sess. and intends this act be curative, remedial, and retrospectively applicable to July 1, 1998."

Senator Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Keiser to Senate Bill No. 6629.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "act;" strike the remainder of the title and insert "amending RCW 74.46.421, 74.46.431, 74.46.511, and 74.46.515; and creating a new section."

#### MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed Senate Bill No. 6629 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6629.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6629 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SENATE BILL NO. 6629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2542, by Representative Ericks

Providing for the enforcement of cigarette taxes through regulation of stamped and unstamped cigarettes.

The measure was read the second time.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

## MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2542.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2542 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Absent: Senator Weinstein - 1

HOUSE BILL NO. 2542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2544, by Representatives Hunter, Orcutt, Ericks, Moeller, Ormsby, McIntire, Kenney and Conway

Concerning tax exemptions for temporary medical housing provided by health or social welfare organizations.

The measure was read the second time.

## MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2544.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2544 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2678, by Representatives Kessler, VanDeWege, Blake, Williams and McIntire

Restoring the preferential timber industry business and occupation tax rate to the manufacture of environmentally responsible surface material products from recycled paper.

The measure was read the second time.

## MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2678 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2678.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2678 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 48

Voting nay: Senator Weinstein - 1

HOUSE BILL NO. 2678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408, by House Committee on Higher Education (originally sponsored by Representatives Wallace, Haigh and Sells)

Requesting approval of the statewide strategic master plan for higher education.

The measure was read the second time.

## MOTION

Senator Kilmer moved that the following committee striking amendment by the Committee on Higher Education be adopted.

Strike everything beginning with line 1 and insert the following:

"WHEREAS, Washington State is an economic leader in a globally competitive environment where human capital is becoming the prime currency; and

WHEREAS, The legislature wishes to craft a vision for our education system that truly nurtures and develops each person to realize their limitless potential; and

WHEREAS, Postsecondary education is the crowning jewel in our state's human capital development plan and it is the legislature's intent to focus on the long-term goal of providing the necessary levels of education to our residents required to catapult Washington into global educational leadership; and

WHEREAS, This goal of providing the necessary levels of education will necessitate development of creative and visionary approaches to educational reform that include financing and revenue reform and implementation strategies to overcome the challenges in simultaneously funding all of the state's legitimate needs; and

WHEREAS, The higher education coordinating board is charged under RCW 28B.76.200 with developing a statewide

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

strategic master plan for higher education, encompassing all sectors including the two-year system, workforce training, the four-year institutions of higher education, and financial aid; and

WHEREAS, The legislature enacted chapter 458, Laws of 2007, requiring the strategic master plan to present a vision, measurable goals, and priorities spanning a ten-year period of time, with strategies for expanding access, affordability, quality, efficiency, and accountability; and

WHEREAS, The legislature supports taking the steps needed to implement this vision of global educational leadership and supports the incremental steps proposed in the strategic master plan to improve our higher education system so as not to fall behind the rest of the world as other countries rush to confront the same challenges; and

WHEREAS, The legislature supports the short-term goals and policies embedded in the master plan that would create a higher education system grounded in equality, access, affordability, and accountability as well as promote economic growth and innovation; and

WHEREAS, The legislature will continue to look at ways to improve Washington's system of higher education; and

WHEREAS, The law provides that the legislature shall by concurrent resolution approve or recommend changes to the plan, following public hearings, after which the board shall incorporate legislative changes and adopt a final plan by June of the year in which the legislature passes the concurrent resolution; and

WHEREAS, The higher education coordinating board, from February through November 2007, conducted regular public meetings of the board and the board's advisory council and in fall 2007 organized public forums and focus group meetings around the state bringing educational, business, and community leaders together to engage stakeholders and the public in developing ideas for the strategic master plan; and

WHEREAS, The higher education coordinating board received input for the plan from a wide range of perspectives through presentations provided by leaders from the legislature, business, public and independent baccalaureate institutions of higher education, community and technical colleges, workforce training agencies, the common school system, and representatives of the governor, students, faculty, and communities of color, economists, and other experts; and

WHEREAS, The final report issued by Washington Learns called for a world-class, learner-focused seamless educational system from preschool through higher education and articulated a vision for the improvement of educational attainment at all levels of educational system in the state of Washington, a vision that lies at the heart of the proposed 2008 update of the master plan submitted by the higher education coordinating board; and

WHEREAS, The higher education coordinating board finds that while many of the world's developed nations have made huge gains in the educational attainment levels of their populations, the United States has not and Washingtonians aged twenty-five to thirty-four actually are less well-educated than Washingtonians aged forty-five to fifty-four; and

WHEREAS, Demographic projections indicate the population of Washington will grow thirty-seven percent by the year 2030 while the state's population simultaneously becomes much more diverse; and

WHEREAS, Over seventy percent of the workforce of the year 2030 is currently employed, and many will be required to upgrade their skills to keep up with technological and other workplace changes; and

WHEREAS, One out of four people aged eighteen to twenty-four does not have a high school diploma and Washington's undereducated working population is equal in size to its next ten high school graduating classes; and

WHEREAS, Global competition, process automation, the increased pace of technological change, and the progressively shortened life span of many products has and will continue to result in worker layoffs, and laid-off workers will need to retool their skills in order to be reemployed; and

WHEREAS, Our growing economy also depends on a skilled workforce including workers who have completed certificates, associate degrees, and apprenticeship programs; and

WHEREAS, Washington must attract annually to the state over thirty-six thousand people who hold at least a bachelor's degree in order to fill the jobs being created by the state's economy, a net in-migration of highly educated workers second among Washington's Global Challenge State peers, behind only California, which attracts about thirty-nine thousand similarly educated people annually; and

WHEREAS, Depending on other states and nations to provide educational attainment levels necessary to fill the best jobs being created in Washington may not be a sustainable economic strategy and misses the opportunity to prepare Washington residents for some of the best jobs being created by Washington's economy; and

WHEREAS, The higher education coordinating board recommends creating opportunities for Washington residents and fueling the growth of Washington's economy by increasing annual production of certificates and two-year degrees to an annual total of thirty-six thousand two hundred by 2018 and recommends increasing bachelor's degree production by 2018 to a benchmark level equal to the seventy-fifth percentile of degree production in the Global Challenge States and increasing advanced degree production to a benchmark level equal to the fiftieth percentile of degree production in the Global Challenge States; and

WHEREAS, The proposed master plan update recommends raising educational attainment by addressing diversity, raising expectations in the common school system, promoting lifelong learning and improving affordable access, and recommends a series of strategies for promoting economic growth, innovation, and funding for accountability and results;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the state of Washington, the Senate concurring, That the statewide strategic master plan update submitted by the higher education coordinating board on December 15, 2007, be approved; and

BE IT FURTHER RESOLVED, That during the development of the final plan, the higher education coordinating board should consider:

(1) Providing programs, degrees, and certificates that use industry best practices and an outcome-based approach for each academic subject offered including remedial and adult basic education;

(2) Maximizing the use of full-time faculty employment without hampering the institutions' ability to maintain an adequate level of flexibility and cost-effectiveness;

(3) Creating and maintaining sustainable, efficient, and cost-effective facilities, technology, and programs that provide enhanced access and delivery of postsecondary education throughout the state;

(4) Maximizing the use of state funding and reviewing the cost of service delivery including innovative approaches used by other nations such as review of the time to degree, credit hours required, and other methods to reduce costs while maintaining quality; and

(5) The program capacity at public, independent, and career schools when determining the public investments that the higher education coordinating board recommends to be made to the legislature for new program and facility development to meet the total demand for a skilled and educated workforce; and

BE IT FURTHER RESOLVED, That the higher education coordinating board shall actively involve public and independent two-year and four-year institutions of higher education, private vocational schools, the council of presidents, the independent colleges of Washington, the state board for community and technical colleges, the workforce training and education coordinating board, faculty from four-year institutions of higher education and the community and technical colleges, students, representatives of business and other interested stakeholders, the office of financial management, the office of the superintendent of public instruction, teachers and other representatives of the public school system, and appropriate committees of the legislature, in collaboratively refining the strategies and specifying next steps required to implement strategies recommended in the 2008 update of the master plan; and

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

BE IT FURTHER RESOLVED, That the higher education coordinating board shall report to the higher education committees of the House of Representatives and the Senate on progress implementing the 2008 update of the master plan by February 1, 2009."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education to Engrossed Substitute House Concurrent Resolution No. 4408.

The motion by Senator Kilmer carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute House Concurrent Resolution No. 4408 as amended by the Senate was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senator Kilmer spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Concurrent Resolution No. 4408 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Concurrent Resolution No. 4408 as amended by the Senate and the concurrent resolution passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408, having received the constitutional majority, was declared passed.

#### MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 11, 2008."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 11, 2008.

#### MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8407, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Clements, Keiser and Parlette).

Addressing liquor laws.

The bill was read on Third Reading.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 8407 was returned to second reading for the purpose of amendment.

#### SECOND READING

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8407, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Clements, Keiser and Parlette)

Addressing liquor laws.

The measure was read the second time.

#### MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted.

On page 1, beginning on line 1, strike all material through "2008." on page 2, line 13, and insert the following:

"WHEREAS, The Liquor Control Board was established in 1933 to oversee the sale, manufacture, and distribution of liquor in this state; and

WHEREAS, Many of the laws relating to the manufacture, distribution, and sale of beer and wine have either not been substantially amended or been amended in a disjointed piecemeal manner since 1933; and

WHEREAS, Since 1993 there have been 91 bills introduced in the legislature dealing with the sale, distribution, or manufacture of beer and wine in this state, 16 of those bills being introduced during the 2007 session; and

WHEREAS, The legislature has spent countless hours dealing with bills that create many small exemptions from provisions governing beer and wine sales and tied house;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the laws dealing with the sale and manufacture of beer and wine be thoroughly reviewed; and

BE IT FURTHER RESOLVED, That a joint select committee on beer and wine regulation be established to review laws relating to the manufacture, distribution, and sale of beer and wine to determine whether the laws should be continued in their present form or reformulated to decrease the number of bills introduced in the legislature each year; and

BE IT FURTHER RESOLVED, That the committee shall consist of eight members; and

BE IT FURTHER RESOLVED, That the chair and ranking minority member of the Senate labor, commerce, research and development committee and the chair and ranking minority member of the House commerce and labor committee shall each be appointed to the committee; and

BE IT FURTHER RESOLVED, that the leaders of the two largest caucuses in the Senate shall each appoint one member of their respective caucuses to the committee; and

BE IT FURTHER RESOLVED, That the leaders of the two largest caucuses in the House of Representatives shall each appoint one member of their respective caucuses to the committee; and

BE IT FURTHER RESOLVED, that Legislative members of the committee must be reimbursed for travel expenses in accordance with RCW 44.04.120; that expenses of the committee must be paid jointly by the senate and the house of representatives, and that committee expenditures are subject to approval by the senate facilities and operations committee and

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

the house of representatives executive rules committee, or their successor committees; and

BE IT FURTHER RESOLVED, that the committee shall choose its co-chairs from among its membership, and that the chair of the Senate Labor, Commerce, Research and Development Committee and the chair of the House Commerce and Labor Committee shall convene the initial meeting of the committee;

BE IT FURTHER RESOLVED, That the committee report its findings and recommendations to the appropriate committees of the legislature by December 1, 2008; and

BE IT FURTHER RESOLVED, that the committee shall expire July 1, 2009."

Senator Kohl-Welles spoke in favor of adoption of the amendment.

Senators Holmquist, Benton and Parlette spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 1, line 1 to Engrossed Substitute Senate Concurrent Resolution No. 8407.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Second Engrossed Substitute Senate Concurrent Resolution No. 8407 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Concurrent Resolution No. 8407.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Concurrent Resolution No. 8407 and the concurrent resolution passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Franklin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Stevens, Swecker and Zarelli - 17

SECOND ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8407, having received the constitutional majority, was declared passed.

#### SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031  
FOURTH SUBSTITUTE HOUSE BILL NO. 1103,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1621,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637,  
THIRD SUBSTITUTE HOUSE BILL NO. 1741,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1773,  
SUBSTITUTE HOUSE BILL NO. 2014,  
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2176,  
SUBSTITUTE HOUSE BILL NO. 2472,  
SUBSTITUTE HOUSE BILL NO. 2474,  
HOUSE BILL NO. 2510,  
SECOND SUBSTITUTE HOUSE BILL NO. 2514,  
SUBSTITUTE HOUSE BILL NO. 2525,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2533,  
SECOND SUBSTITUTE HOUSE BILL NO. 2537,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2549,  
SECOND SUBSTITUTE HOUSE BILL NO. 2557,  
SUBSTITUTE HOUSE BILL NO. 2582,  
SUBSTITUTE HOUSE BILL NO. 2602,  
SUBSTITUTE HOUSE BILL NO. 2639,  
ENGROSSED HOUSE BILL NO. 2641,  
SUBSTITUTE HOUSE BILL NO. 2666,  
SECOND SUBSTITUTE HOUSE BILL NO. 2674,  
SECOND SUBSTITUTE HOUSE BILL NO. 2713,  
SUBSTITUTE HOUSE BILL NO. 2746,  
HOUSE BILL NO. 2774,  
SUBSTITUTE HOUSE BILL NO. 2779,  
HOUSE BILL NO. 2781,  
HOUSE BILL NO. 2786,  
HOUSE BILL NO. 2835,  
SUBSTITUTE HOUSE BILL NO. 2881,  
HOUSE BILL NO. 2887,  
SUBSTITUTE HOUSE BILL NO. 2963,  
HOUSE BILL NO. 3088,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3096,  
SECOND SUBSTITUTE HOUSE BILL NO. 3129,  
ENGROSSED HOUSE BILL NO. 3142,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3166,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3186,  
SECOND SUBSTITUTE HOUSE BILL NO. 3274,  
SUBSTITUTE HOUSE BILL NO. 3283,

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### REPORT OF THE CONFERENCE REPORT Engrossed Substitute House Bill No. 2878 March 11, 2008

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute House Bill No. 2878, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

#### "2007-09 BIENNIUM

#### GENERAL GOVERNMENT AGENCIES--OPERATING

**Sec. 101** 2007 c 518 s 101 (uncodified) is amended to read as follows:

#### FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--State

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

Appropriation . . . . . ((~~\$505,000~~))  
\$504,000

**Sec. 102** 2007 c 518 s 102 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account--State Appropriation . . ((~~\$3,054,000~~))  
\$3,577,000  
 State Patrol Highway Account--State Appropriation . \$100,000  
 Puget Sound Ferry Operations Account--State  
 Appropriation . . . . . \$100,000  
 TOTAL APPROPRIATION . . ((~~\$3,154,000~~))  
\$3,777,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,545,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$75,000 of the motor vehicle account--state appropriation is provided solely to address transportation budget and reporting requirements.

(3) \$100,000 of the state patrol highway account--state appropriation is provided solely for a study of the most cost-effective means of ensuring that the pension concerns of the members of the Washington state patrol retirement system are adequately and appropriately considered and submitted to the legislature. The office of financial management shall solicit participation and guidance from the senate ways and means committee, the house of representatives appropriations committee, the department of retirement systems, the Washington state patrol troopers association, the Washington state patrol lieutenants association, the Washington state patrol, and the office of the state actuary, and report the study recommendations to the legislature by November 1, 2008.

(4) The department shall make a recommendation to the transportation committees of the legislature by December 1, 2008, as to whether Washington state ferries marine employees should be covered under workman's compensation.

(5) \$400,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system (TEIS).

(6) The office of financial management shall work collaboratively with the house of representatives and senate transportation committees to ensure that future budget proposals reflect criteria for performance excellence and earned value measures, and align with the goals and performance measures contained within the state transportation progress report.

**Sec. 103** 2007 c 518 s 103 (uncodified) is amended to read as follows:

**FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--State  
 Appropriation . . . . . ((~~\$422,000~~))  
\$434,000

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$22,000 may be expended to pay the department of personnel for conducting the 2007 salary survey.

**Sec. 104** 2007 c 518 s 104 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation . . . . ((~~\$985,000~~))  
\$983,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

**Sec. 105** 2007 c 518 s 105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation . . ((~~\$1,358,000~~))  
\$1,355,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) ((~~\$1,007,000~~)) \$1,004,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

**Sec. 106** 2007 c 518 s 106 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account--State Appropriation . . . . ((~~\$223,000~~))  
\$340,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for ((~~staffing costs to be dedicated to state~~)) transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

**Sec. 107** 2007 c 518 s 107 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account--State Appropriation . . ((~~\$1,595,000~~))  
\$1,195,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~\$800,000~~)) \$400,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system (TEIS).

(2) \$795,000 of the motor vehicle account--state appropriation is provided solely for development of a new transportation capital budgeting system and transition of a copy of the transportation executive information system (TEIS) to LEAP. At a minimum, the new budgeting system development effort must provide comprehensive schematic diagrams of the current and proposed transportation capital budget process, information flows, and data exchanges; common, agreed-upon data definitions and business rules; detailed transportation capital budget data and system requirements; and a strategy for implementation, including associated costs and a timeframe.

**TRANSPORTATION AGENCIES--OPERATING**

**Sec. 201** 2007 c 518 s 201 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation . ((~~\$2,609,000~~))  
\$2,605,000  
 Highway Safety Account--Federal Appropriation((~~\$15,880,000~~))

	\$15,845,000
School Zone Safety Account--State Appropriation	( <del>\$3,300,000</del> )
	\$3,376,000
TOTAL APPROPRIATION	( <del>\$21,789,000</del> )
	\$21,826,000

The appropriations in this section are subject to the following conditions and limitations: \$76,000 of the school zone safety account--state appropriation is provided solely for contracting with the office of the superintendent of public instruction (OSPI) to conduct pilot programs in three school districts for road safety education and training for children, in order to teach children safe walking, bicycling, and transit use behavior. The pilot projects shall be conducted during the 2008-09 academic year, and shall be modeled after a program and curriculum successfully implemented in the Spokane school district. Funds are provided for curriculum resources, bicycle purchases, teacher training, other essential services and equipment, and OSPI administrative expenses which may include contracting out pilot program administration. The participating school districts shall be located as follows: One in Grant county, one in Island county, and one in Kitsap county. The OSPI shall evaluate the pilot programs, and report to the transportation committees of the legislature no later than December 1, 2009, on the outcomes of the pilot programs. The report shall include a survey identifying barriers to, interest in, and the likelihood of students traveling by biking, walking, or transit both prior to and following completion of the pilot program.

**Sec. 202** 2007 c 518 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation	( <del>\$907,000</del> )
	\$900,000
Motor Vehicle Account--State Appropriation	( <del>\$2,075,000</del> )
	\$2,058,000
County Arterial Preservation Account--State	
Appropriation	( <del>\$1,399,000</del> )
	\$1,388,000
TOTAL APPROPRIATION	( <del>\$4,381,000</del> )
	\$4,346,000

The appropriations in this section are subject to the following conditions and limitations: \$481,000 of the county arterial preservation account--state appropriation is provided solely for continued development and implementation of a maintenance management system to manage county transportation assets.

**Sec. 203** 2007 c 518 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation	( <del>\$1,793,000</del> )
	\$1,778,000
Transportation Improvement Account--State	
Appropriation	( <del>\$1,795,000</del> )
	\$1,780,000
TOTAL APPROPRIATION	( <del>\$3,588,000</del> )
	\$3,558,000

**Sec. 204** 2007 c 518 s 204 (uncodified) is amended to read as follows:

**FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation	( <del>\$1,156,000</del> )
	\$1,152,000

**Sec. 205** 2007 c 518 s 205 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation	( <del>\$2,103,000</del> )
	\$2,513,000
Multimodal Transportation Account--State Appropriation	
.....	\$550,000
TOTAL APPROPRIATION	( <del>\$2,653,000</del> )
	\$3,063,000

The appropriations in this section (~~(is)~~ are) are subject to the following conditions and limitations:

(1) (~~\$500,000~~) \$750,000 of the motor vehicle account--state appropriation is for establishing a work group to implement Engrossed Substitute House Bill No. 2358 (regarding state ferries) and review other matters relating to Washington state ferries. The cochairs of the committee shall establish the work group comprising committee members or their designees, an appointee by the governor, and other stakeholders as appointed by the cochairs, to assist in the committee's work. The work group shall report (~~(the progress of)~~ on) its tasks to the transportation committees of the legislature by December (~~(+5, 2007)~~) 2008. The work group is tasked with the following:

(a) Implementing the recommendations of Engrossed Substitute House Bill No. 2358 (regarding state ferries). As directed by Engrossed Substitute House Bill No. 2358, the committee work group shall participate in and provide a review of the following:

(i) The Washington transportation commission's development and interpretation of a survey of ferry customers;

(ii) The department of transportation's analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration must be given to whether boat wait is the appropriate measure;

(iii) The department's development of pricing policy proposals. In developing these policies, the policy, in effect on some routes, of collecting fares in only one direction must be evaluated to determine whether one-way fare pricing best serves the ferry system;

(iv) The department's development of operational strategies;

(v) The department's development of terminal design standards; and

(vi) The department's development of a long-range capital plan;

(b) Reviewing the following Washington state ferry programs:

(i) Ridership demand forecast;

(ii) Updated life cycle cost model, as directed by Engrossed Substitute House Bill No. 2358;

(iii) Administrative operating costs, nonlabor and nonfuel operating costs, Eagle Harbor maintenance facility program and maintenance costs, administrative and systemwide capital costs, and vessel preservation costs; and

(iv) The Washington state ferries' proposed capital cost allocation plan methodology, as described in Engrossed Substitute House Bill No. 2358;

(c) Making recommendations regarding:

(i) The most efficient timing and sizing of future vessel acquisitions beyond those currently authorized by the legislature. Vessel acquisition recommendations must be based on the ridership projections, level of service standards, and operational and pricing strategies reviewed by the committee and must include the impact of those recommendations on the timing and size of terminal capital investments and the state ferries' long range operating and capital finance plans; and

(ii) Capital financing strategies for consideration in the 2009 legislative session. This work must include confirming the department's estimate of future capital requirements based on a

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

long range capital plan and must include the department's development of a plan for codevelopment and public private partnership opportunities at public ferry terminals; and

(d) Evaluate the capital cost allocation plan methodology developed by the department to implement Engrossed Substitute House Bill No. 2358.

(2) \$250,000 of the motor vehicle account--state appropriation and \$250,000 of the multimodal transportation account--state appropriation are for the continuing implementation of ~~((Substitute Senate Bill No. 5207))~~ chapter 514, Laws of 2007.

(3) \$300,000 of the multimodal transportation account--state appropriation is for implementing Substitute House Bill No. 1694 (coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$150,000 of the motor vehicle account--state appropriation is for the Puget Sound regional council to conduct a pilot program for multimodal concurrency analysis. This pilot program will analyze total trip needs for a regional growth center based on adopted land use plans, identify the number of trips which can be accommodated by planned roadway, transit service, and nonmotorized investments, and identify gaps for trips that cannot be served and strategies to fill those gaps. The purpose of this pilot is to demonstrate how this type of multimodal concurrency analysis can be used to broaden and strengthen local concurrency programs.

**Sec. 206** 2007 c 518 s 206 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account--State Appropriation . . .	<del>(\$2,276,000))</del>
	<u>\$2,322,000</u>
Multimodal Transportation Account--State Appropriation	\$112,000
.....	\$112,000
TOTAL APPROPRIATION . . .	<del>(\$2,388,000))</del>
	<u>\$2,434,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the motor vehicle account--state appropriation is provided solely for the commission to conduct a survey of ferry customers as described in Engrossed Substitute House Bill No. 2358. Development and interpretation of the survey must be done with participation of the joint transportation committee work group established in section 205(1) of this act.

(2) ~~(\$100,000 of the motor vehicle account--state appropriation is provided solely for a study to identify and evaluate long-term financing alternatives for the Washington state ferry system. The study shall incorporate the findings of the initial survey described in subsection (1) of this section, and shall consider the potential for state, regional, or local financing options. The commission shall submit a draft final report of its findings and recommendations to the transportation committees of the legislature no later than December 2008.~~

~~—(3))~~ The commission shall conduct a planning grade tolling study that is based on the recommended policies in the commission's comprehensive tolling study submitted September 20, 2006.

(3) Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the transportation commission shall establish, periodically review, and, if necessary, modify a schedule of toll charges applicable to the state route 167 high-occupancy toll lane pilot project, as required by RCW 47.56.403.

(4) Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the transportation commission shall periodically review, and, if necessary, modify the schedule of toll charges applicable to the Tacoma Narrows bridge, taking into

consideration the recommendations of the citizen advisory committee created by RCW 47.46.091.

(5) \$205,000 of the motor vehicle account--state appropriation is provided solely for a study of potential revenue sources for the Washington state ferry system. The study must model and assess the revenue generating potentials of feasible alternative funding sources. The revenue forecasting models must be dynamic and ownership of these models must be retained by the commission. The commission shall develop revenue source recommendations that will generate revenue equal to or greater than the funding level identified by the ferries finance study of the joint transportation committee referenced in section 205 of this act, and shall report its recommendations to the transportation committees of the legislature by November 15, 2008.

(6) The transportation commission shall develop recommendations to reduce and control tolling operations costs. These recommendations shall be presented to the transportation committees of the state legislature by December 1, 2008. To this end, the commission shall generate benchmarks to evaluate program efficiencies. They shall also review and confirm data necessary to evaluate tolling operations. The department of transportation shall cooperate with the commission and provide documents and data to assist with this evaluation.

**Sec. 207** 2007 c 518 s 207 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Motor Vehicle Account--State Appropriation . . .	<del>(\$695,000))</del>
	<u>\$691,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

(2) The freight mobility strategic investment board and the department of transportation shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2008, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by chapter 47.06A RCW for the board and as required by this act for the department. When developing its list of proposed freight highway and rail projects, the freight mobility strategic investment board shall use the priorities identified in section 309(7)(a) of this act to the greatest extent possible.

**Sec. 208** 2007 c 518 s 208 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--State	
Appropriation . . . . .	<del>(\$225,445,000))</del>
	<u>\$226,924,000</u>
State Patrol Highway Account--Federal	
Appropriation . . . . .	\$10,602,000
State Patrol Highway Account--Private/Local	
Appropriation . . . . .	\$410,000
TOTAL APPROPRIATION	<del>(\$236,457,000))</del>
	<u>\$237,936,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use

state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the governor and transportation committees of the senate and house of representatives by September 30th of each year.

(4) \$1,662,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (commercial vehicle enforcement). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) During the ~~((fiscal year 2008))~~ 2007-2009 biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston, Mason, and Lewis county roads ~~(, and shall work with the counties to transition the)~~ when requested to do so by the respective county; however, the counties shall conduct traffic accident investigations on county roads ~~((to the counties by July 1, 2008))~~ beginning July 1, 2009.

(6) \$100,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1417 (health benefits for surviving dependents). If Substitute House Bill No. 1417 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) \$3,300,000 of the state patrol highway account--state appropriation is provided solely for the salaries and benefits associated with accretion in the number of troopers employed above 1,158 authorized commissioned troopers, or solely for training new cadets; however, the amount provided in this subsection is contingent on the Washington state patrol submitting a 2009-11 budget request that fully funds field force operations without reliance on a projected vacancy rate. The Washington state patrol shall perform a study with a final report due to the legislative transportation committees by December 1, 2008, on the advantages and disadvantages of staffing the commercial vehicle enforcement section with commissioned officers instead of commercial vehicle enforcement officers.

(8) By July 1, 2008, the Washington state patrol shall assign six additional troopers to the Monroe detachment from among troopers requesting transfer to Monroe or graduating cadet classes.

**Sec. 209** 2007 c 518 s 209 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--  
INVESTIGATIVE SERVICES BUREAU**

State Patrol Highway Account--State Appropriation  
..... ~~(((\$1,300,000))~~  
\$1,552,000

**Sec. 210** 2007 c 518 s 210 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--  
TECHNICAL SERVICES BUREAU**

State Patrol Highway Account--State Appropriation  
..... ~~(((\$103,157,000))~~  
\$102,726,000  
State Patrol Highway Account--Private/Local  
Appropriation ..... \$2,008,000  
TOTAL APPROPRIATION ~~(((\$105,165,000))~~  
\$104,734,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(2) ~~(((\$12,641,000))~~ \$9,981,000 of the total appropriation is provided solely for automobile fuel in the 2007-2009 biennium.

(3) ~~(((\$8,678,000))~~ \$7,461,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) ~~(((\$5,254,000))~~ \$6,328,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(6) The Washington state patrol may submit information technology related requests for funding only if the patrol has coordinated with the department of information services as required by section 602 of this act.

(7) \$630,000 of the total appropriation is provided solely for the ongoing software maintenance and technical support for the digital microwave system. The Washington state patrol shall coordinate with the other members of the Washington state interoperability executive committee to ensure compatibility between emergency communication systems.

**Sec. 211** 2007 c 518 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account--State Appropriation \$32,000  
Motorcycle Safety Education Account--State  
Appropriation ..... ~~(((\$3,905,000))~~  
\$3,898,000  
Wildlife Account--State Appropriation ..... ~~(((\$843,000))~~  
\$830,000  
Highway Safety Account--State Appropriation ~~(((\$141,953,000))~~  
\$145,444,000  
Highway Safety Account--Federal Appropriation ... \$233,000  
Motor Vehicle Account--State Appropriation . ~~(((\$79,230,000))~~  
\$78,235,000  
Motor Vehicle Account--Private/Local Appropriation  
..... \$1,372,000  
Motor Vehicle Account--Federal Appropriation .. ~~(((\$117,000))~~  
\$1,354,000  
Department of Licensing Services Account--State  
Appropriation ..... ~~(((\$3,540,000))~~  
\$4,639,000  
Washington State Patrol Highway Account--State  
Appropriation ..... \$1,145,000  
TOTAL APPROPRIATION ~~(((\$232,370,000))~~  
\$237,182,000

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,941,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(2) \$716,000 of the motorcycle safety education account--state appropriation is provided solely for the implementation of Senate Bill No. 5273 (modifying motorcycle driver's license endorsement and education provisions). If Senate Bill No. 5273 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) ~~(\$8,872,000)~~ (a) \$12,422,000 of the highway safety account--state appropriation is provided solely for costs associated with the ~~((systems development and issuance of))~~ processing costs of issuing enhanced drivers' licenses and identicards ((to facilitate crossing the Canadian border. If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend funds only after prior written approval of the director of financial management)). (b) Of the amount provided in (a) of this subsection, up to \$1,000,000 is for a statewide educational campaign, which must include coordination with existing public and private entities, to inform the Washington public of the benefits of the new enhanced drivers' licenses and identicards. Funds may be spent on educational campaigns only after the caseload for enhanced drivers' licenses and identicards falls below levels that can be reasonably processed by the department within the appropriation provided by this subsection. \$300,000 of the \$1,000,000 is for the department to partner with cross-border tourism businesses to create an educational campaign.

(c) Of the amount provided in (a) of this subsection, \$10,722,000 is provided solely for costs associated with providing enhanced driver's license processing at 14 licensing services offices.

(d) Of the amount provided in (a) of this subsection, \$700,000 is provided solely for costs associated with extending hours beyond current regular business hours at the 14 licensing service offices that provide enhanced driver's license processing services.

(4) \$91,000 of the motor vehicle account--state appropriation and \$152,000 of the highway safety account--state appropriation are provided solely for contracting with the office of the attorney general to investigate criminal activity uncovered in the course of the agency's licensing and regulatory activities. Funding is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with measurable data indicating the department's progress in meeting its goal of increased prosecution of illegal activity.

(5) \$350,000 of the highway safety account--state appropriation is provided solely for the costs associated with the systems development of the interface that will allow insurance carriers and their agents real time, online access to drivers' records. If Substitute Senate Bill No. 5937 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$1,145,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (modifying commercial motor vehicle carrier provisions). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

~~(8) ((Within the amounts appropriated in this section, the department shall, working with the legislature, develop a proposal to))~~ \$116,000 of the motor vehicle account--state appropriation is provided solely for the department to prepare draft legislation that streamlines title and registration statutes to specifically address apparent conflicts, fee distribution, and other ((recommendations by the department)) relevant issues that are revenue neutral and which do not change legislative policy. The department shall ((report the results of this review to the transportation committees of the legislature by December 1, 2007)) submit the draft legislation to the transportation committees of the legislature by the end of the biennium.

(9) \$246,000 of the department of licensing services account--state appropriation is provided solely for the implementation of Substitute House Bill No. 3029 (secure vehicle licensing system). If Substitute House Bill No. 3029 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) \$200,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6885 (driving record abstracts). If Senate Bill No. 6885 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(11) \$417,000 of the highway safety account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 3254 (ignition interlock drivers' license). If Engrossed Second Substitute House Bill No. 3254 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$100,000 of the department of licensing services account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2817 (contaminated vehicles). If Engrossed Second Substitute House Bill No. 2817 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) The department shall investigate instituting a program whereby individual registered vehicle owners may have license plates tested for reflectivity to determine whether the department's requirement that the license plates be replaced after seven years can be waived for that particular set of license plates.

**Sec. 212** 2007 c 518 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
TOLL OPERATIONS AND MAINTENANCE--PROGRAM  
B**

High-Occupancy Toll Lanes Account--State	
Appropriation .....	<del>(\$2,596,000)</del>
	\$2,253,000
Motor Vehicle Account--State Appropriation ..	<del>(\$5,600,000)</del>
	\$600,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation .....	<del>(\$28,218,000)</del>
	\$28,322,000
TOTAL APPROPRIATION ..	<del>(\$36,414,000)</del>
	\$31,175,000

The appropriations in this section are subject to the following conditions and limitations:

~~((1) \$5,000,000 of the motor vehicle account--state is provided solely to provide a reserve for the Tacoma Narrows Bridge project. This appropriation shall be held in unallotted status until the office of financial management deems that revenues applicable to the Tacoma Narrows Bridge project are not sufficient to cover the project's expenditures.~~

~~(2) The department shall solicit private donations to fund activities related to the opening ceremonies of the Tacoma Narrows bridge project.) The department shall develop incentives to reduce and control tolling operations costs. These incentives may be directed at the public, the tolling contractor, or the department. Incentives to be considered should include, but not be limited to: Incentives to return unneeded transponders, incentives to close inactive accounts, incentives to reduce printed account statements, incentives to reduce labor costs, and incentives to reduce postage and shipping costs. These incentives shall be presented for review by the transportation commission by September 30, 2008.~~

Sec. 213 2007 c 518 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
INFORMATION TECHNOLOGY--PROGRAM C**

Transportation Partnership Account--State	
Appropriation . . . . .	<del>(\$4,556,000)</del>
	<u>\$5,892,000</u>
Motor Vehicle Account--State Appropriation . . . . .	<del>(\$67,613,000)</del>
	<u>\$67,710,000</u>
Motor Vehicle Account--Federal Appropriation . . . . .	\$1,096,000
Puget Sound Ferry Operations Account--State	
Appropriation . . . . .	<del>(\$9,192,000)</del>
	<u>\$9,143,000</u>
Multimodal Transportation Account--State	
Appropriation . . . . .	\$363,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation . . . . .	<del>(\$4,000,000)</del>
	<u>\$5,337,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$86,820,000)</del>
	<u>\$89,541,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

(3) ~~(\$2,300,000)~~ \$3,300,000 of the motor vehicle account--state appropriation is provided solely for preliminary work needed to transition the department to the state government network. In collaboration with the department of information services the department shall complete an inventory of the current network infrastructure, ~~(and)~~ develop an implementation plan for transition to the state government

network, improve security, and initiate connection to the state government network.

(4) \$1,000,000 of the motor vehicle account--state appropriation, ~~(\$4,556,000)~~ \$5,892,000 of the transportation partnership account--state appropriation, and ~~(\$4,000,000)~~ \$5,337,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. Beginning September 1, 2007, and on a quarterly basis thereafter, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. The first report shall include a detailed work plan for the development and integration of the system including timelines and budget milestones. At a minimum the ensuing reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(5) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

(6) \$1,600,000 of the motor vehicle account--state appropriation is provided solely for the critical application assessment implementation project. The department shall submit a progress report on the critical application assessment implementation project to the house of representatives and senate transportation committees on or before December 1, 2007, and December 1, 2008, with a final report on or before June 30, 2009.

Sec. 214 2007 c 518 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
FACILITY MAINTENANCE, OPERATIONS AND  
CONSTRUCTION--PROGRAM D--OPERATING**

Motor Vehicle Account--State Appropriation . . . . .	<del>(\$34,569,000)</del>
	<u>\$33,982,000</u>

Sec. 215 2007 c 518 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation . . . . .	<del>(\$6,889,000)</del>
	<u>\$7,866,000</u>
Aeronautics Account--Federal Appropriation . . . . .	\$2,150,000
Multimodal Transportation Account--State Appropriation	
.....	\$631,000
TOTAL APPROPRIATION . . . . .	<del>(\$9,670,000)</del>
	<u>\$10,647,000</u>

The appropriations in this section are subject to the following conditions and limitations: The entire multimodal transportation account--state appropriation ~~(is)~~ and \$400,000 of the aeronautics account--state appropriation are provided solely for the aviation planning council as provided for in RCW 47.68.410.

Sec. 216 2007 c 518 s 217 (uncodified) is amended to read as follows:

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

**FOR THE DEPARTMENT OF TRANSPORTATION--  
PROGRAM DELIVERY MANAGEMENT AND  
SUPPORT--PROGRAM H**

Transportation Partnership Account--State	
Appropriation .....	\$2,422,000
Motor Vehicle Account--State Appropriation . . . . .	<del>(\$50,446,000)</del>
	<u>\$52,275,000</u>
Motor Vehicle Account--Federal Appropriation . . . . . \$500,000	
Multimodal Transportation Account--State	
Appropriation .....	\$250,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation .....	\$2,422,000
TOTAL APPROPRIATION . . . . .	<del>(\$56,040,000)</del>
	<u>\$57,869,000</u>

The appropriations in this section ((~~ts~~)) are subject to the following conditions and limitations: \$2,422,000 of the transportation partnership account appropriation and \$2,422,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for consultant contracts to assist the department in the delivery of the capital construction program by identifying improvements to program delivery, program management, project controls, program and project monitoring, forecasting, and reporting. The consultants shall work with the department of information services in the development of the project management and reporting system.

The consultants shall provide an updated copy of the capital construction strategic plan to the legislative transportation committees and to the office of financial management on June 30, 2008, and each year thereafter.

The department shall coordinate its work with other budget and performance efforts, including Roadmap, the findings of the critical applications modernization and integration strategies study, including proposed next steps, and the priorities of government process.

The department shall report to the transportation committees of the house of representatives and senate, and the office of financial management, by December 31, 2007, on the implementation status of recommended capital budgeting and reporting options. Options must include: Reporting against legislatively-established project identification numbers and may include recommendations for reporting against other appropriate project groupings; measures for reporting progress, timeliness, and cost which create an incentive for the department to manage effectively and report its progress in a transparent manner; and criteria and process for transfers of funds among projects.

**Sec. 217** 2007 c 518 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
ECONOMIC PARTNERSHIPS--PROGRAM K**

Motor Vehicle Account--State Appropriation . . . . .	<del>(\$1,151,000)</del>
	<u>\$991,000</u>
Multimodal Transportation Account--State Appropriation	
.....	\$300,000
TOTAL APPROPRIATION . . . . .	<del>(\$1,451,000)</del>
	<u>\$1,291,000</u>

The appropriations in this section ((~~ts~~)) are subject to the following conditions and limitations:

(1) \$300,000 of the multimodal account--state appropriation is provided solely for the department to hire a consultant to develop a plan for codevelopment and public-private partnership opportunities at public ferry terminals.

(2) The department shall conduct an analysis and, if determined to be feasible, initiate requests for proposals involving the distribution of alternative fuels along state department of transportation rights-of-way.

**Sec. 218** 2007 c 518 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Account--State Appropriation . . . . .	<del>(\$321,888,000)</del>
	<u>\$331,342,000</u>
Motor Vehicle Account--Federal Appropriation . . . . .	<del>(\$2,000,000)</del>
	<u>\$5,000,000</u>
Motor Vehicle Account--Private/Local Appropriation	
.....	\$5,797,000
TOTAL APPROPRIATION . . . . .	<del>(\$329,685,000)</del>
	<u>\$342,139,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) ~~(\$1,500,000)~~ \$5,000,000 of the motor vehicle account--federal appropriation is provided for unanticipated federal funds that may be received during the 2007-09 biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(5) Funding is provided for maintenance on the state system to deliver service level targets as listed in LEAP Transportation Document 2007-C, as developed April 20, 2007. In delivering the program and aiming for these targets, the department should concentrate on the following areas:

(a) Eliminating the number of activities delivered in the "f" level of service at the region level; and

(b) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs.

(8) The department shall prepare a comprehensive listing of maintenance backlogs and related costs and report to the office of financial management and the transportation committees of the legislature by December 31, 2008.

(9) \$76,026,000 of the motor vehicle account--state appropriation is for snow and ice related expenses, within which is a one-time increase of \$3,250,000 provided solely for extraordinary snow and ice removal expenses incurred during the winter of 2007-08.

**Sec. 219** 2007 c 518 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

Motor Vehicle Account--State Appropriation . . .	<del>(\$52,040,000)</del>
	<u>\$51,340,000</u>
Motor Vehicle Account--Federal Appropriation . . .	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation	\$127,000
TOTAL APPROPRIATION . . .	<del>(\$54,217,000)</del>
	<u>\$53,517,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$654,000 of the motor vehicle account--state appropriation is provided solely for the department to time state-owned and operated traffic signals. This funding may also be used to program incident, emergency, or special event signal timing plans.

(2) \$346,000 of the motor vehicle account--state appropriation is provided solely for the department to implement a pilot tow truck incentive program. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks.

(3) \$6,800,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By January 1, 2008, and January 1, 2009, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(4) The department, in consultation with the Washington state patrol, may conduct a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways when workers are present.

(a) In order to ensure adequate time in the 2007-09 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the department must be authorized by December 31, 2007.

(b) The department shall use the following guidelines to administer the program:

(i) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(iii) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(iv) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(v) For purposes of the 2007-09 biennium pilot project, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court

shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account;

(vi) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use; and

(vii) By June 30, 2009, the department shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding the pilot project.

(5) The traffic signal operations along 164th Street SE at the intersections of Mill Creek Boulevard and SR 527 should be optimized to minimize vehicle delay on both corridors based on traffic volumes and not only on functional classification or designation.

Sec. 220 2007 c 518 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION MANAGEMENT AND SUPPORT--  
PROGRAM S**

Motor Vehicle Account--State Appropriation . . .	<del>(\$28,215,000)</del>
	<u>\$27,363,000</u>
Motor Vehicle Account--Federal Appropriation . . . . .	\$30,000
Puget Sound Ferry Operations Account--State	
Appropriation . . . . .	\$1,321,000
Multimodal Transportation Account--State	
Appropriation . . . . .	\$1,223,000
TOTAL APPROPRIATION . . .	<del>(\$30,789,000)</del>
	<u>\$29,937,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall work with staffs from the legislative evaluation and accountability program committee, the transportation committees of the legislature, and the office of financial management on developing a new capital budgeting system to meet identified information needs.

(2) \$250,000 of the multimodal account--state appropriation is provided solely for implementing a wounded combat veteran's internship program, administered by the department. The department shall seek federal funding to support the continuation of this program.

Sec. 221 2007 c 518 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION PLANNING, DATA, AND  
RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation . . .	<del>(\$30,698,000)</del>
	<u>\$27,757,000</u>
Motor Vehicle Account--Federal Appropriation . . .	\$19,163,000
Multimodal Transportation Account--State	
Appropriation . . . . .	<del>(\$1,029,000)</del>
	<u>\$1,760,000</u>
Multimodal Transportation Account--Federal	
Appropriation . . . . .	\$2,809,000

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

Multimodal Transportation Account--Private/Local

Appropriation .....	\$100,000
TOTAL APPROPRIATION . . .	<del>(\$53,799,000)</del>
	<u>\$51,589,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$3,900,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds, including those expended since 2003, are provided as a loan to the RTID and shall be repaid to the state within one year following formation of the RTID. \$2,391,000 of the amount provided under this subsection shall lapse, effective January 1, 2008, if voters fail to approve formation of the RTID at the 2007 general election, as determined by the certification of the election results.) \$1,559,000 of the motor vehicle account--state appropriation is provided solely for costs incurred for the 2007 regional transportation investment district election.~~

(2) ~~(\$300,000)~~ \$800,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community-based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

(3) \$320,000 of the motor vehicle account--state appropriation and \$128,000 of the motor vehicle account--federal appropriation are provided solely for development of a freight database to help guide freight investment decisions and track project effectiveness. The database will be based on truck movement tracked through geographic information system technology. TransNow will contribute an additional \$192,000 in federal funds which are not appropriated in the transportation budget. The department shall work with the freight mobility strategic investment board to implement this project.

(4) By December 1, 2008, the department shall require confirmation from jurisdictions that plan under the growth management act, chapter 36.70A RCW, and that receive state transportation funding under this act, that the jurisdictions have adopted standards for access permitting on state highways that meet or exceed department standards in accordance with RCW 47.50.030. The objective of this subsection is to encourage local governments, through the receipt of state transportation funding, to adhere to best practices in access control applicable to development activity significantly impacting state transportation facilities. By January 1, 2009, the department shall submit a report to the appropriate committees of the legislature detailing the progress of the local jurisdictions in adopting the highway access permitting standards.

(5) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

(6) The department shall add a position within the freight systems division to provide expertise regarding the trucking aspects of the state's freight system.

(7) The department shall evaluate the feasibility of developing a freight corridor bypass from Everett to Gold Bar on US 2, including a connection to SR 522. US 2 is an important freight corridor, and is an alternative route for I-90.

Congestion, safety issues, and flooding concerns have all contributed to the need for major improvements to the corridor. The evaluation shall consider the use of toll lanes for the project. The department must report to the transportation committees of the legislature by December 1, 2007, on its analysis and recommendations regarding the benefit of a freight corridor and the potential use of freight toll lanes to improve safety and congestion in the corridor.

(8) The department shall work with the department of ecology, the county road administration board, and the transportation improvement board to develop model procedures and municipal and state rules in regard to maximizing the use of recycled asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2008, with recommendations on increasing the use of recycled asphalt at the state and local level.

(9) \$140,000 of the multimodal transportation account--state appropriation is provided solely for a full-time employee to develop vehicle miles traveled and other greenhouse gas emissions benchmarks as described in Engrossed Second Substitute House Bill No. 2815. If Engrossed Second Substitute House Bill No. 2815 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) \$80,000 of the motor vehicle account--state appropriation is provided solely to study the feasibility of a new interchange on interstate 5 between the city of Rochester and harrison avenue.

(11) \$100,000 of the multimodal transportation account--state appropriation is provided solely to support the commuter rail study between eastern Snohomish county and eastern King county as defined in Substitute House Bill No. 3224. Funds are provided to the Puget Sound regional council for one time only. If Substitute House Bill No. 3224 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 222 2007 c 518 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
CHARGES FROM OTHER AGENCIES--PROGRAM U**

Motor Vehicle Account--State Appropriation . . .	<del>(\$66,342,000)</del>
	<u>\$66,102,000</u>
Motor Vehicle Account--Federal Appropriation . . .	\$400,000
Multimodal Transportation Account--State	
Appropriation .....	\$259,000
TOTAL APPROPRIATION . . .	<del>(\$67,001,000)</del>
	<u>\$66,761,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,665,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

DIVISION OF RISK MANAGEMENT FEES . . . \$1,520,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE

AUDITOR .....

	<del>(\$1,150,000)</del>
	<u>\$1,153,000</u>

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES . . . . . ((~~\$4,157,000~~))

\$4,859,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL . . . . . ((~~\$4,033,000~~))

\$7,593,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION . . . . . \$36,665,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE . . . . . \$1,838,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT . . . . . ((~~\$647,000~~))

\$677,000

(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES . . . . . ((~~\$1,070,000~~))

\$1,042,000

(i) FOR USE OF FINANCIAL SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT ((~~\$930,000~~))

\$1,266,000

(j) FOR POLICY ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES . . . . . ((~~\$1,138,000~~))

\$945,000

(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE . . . . . ((~~\$8,859,000~~))

\$9,045,000

(l) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION . . . . . \$158,000

**Sec. 223** 2007 c 518 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

Regional Mobility Grant Program Account--State Appropriation . . . . . \$40,000,000

Multimodal Transportation Account--State Appropriation . . . . . ((~~\$85,202,000~~))

\$85,601,000

Multimodal Transportation Account--Federal Appropriation . . . . . \$2,582,000

Multimodal Transportation Account--Private/Local Appropriation . . . . . ((~~\$291,000~~))

\$659,000

TOTAL APPROPRIATION ((~~\$128,075,000~~))

\$128,842,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons

with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2005 as reported in the "Summary of Public Transportation - 2005" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2005 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$8,600,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$40,000,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-B as developed April 20, 2007. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed April 20, 2007. The department shall provide annual status reports on December 15, 2007, and December 15, 2008, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants.

(5) \$17,168,087 of the multimodal transportation account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, regional mobility grant program projects as developed March 8, 2006. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed April 20, 2007, or the LEAP Transportation Document 2006-D as developed March 8, 2006.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(6) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to study and then develop pilot programs aimed at addressing commute trip reduction strategies for K-12 students and for college and university students. The department shall submit to the legislature by January 1, 2009, a summary of the program results and recommendations for future student commute trip reduction strategies. The pilot programs are described as follows:

(a) The department shall consider approaches, including mobility education, to reducing and removing traffic congestion in front of schools by changing travel behavior for elementary, middle, and high school students and their parents; and

(b) The department shall design a program that includes student employment options as part of the pilot program applicable to college and university students.

(7) \$2,400,000 of the multimodal account--state appropriation is provided solely for establishing growth and transportation efficiency centers (GTEC). Funds are appropriated for one time only. The department shall provide in its annual report to the legislature an evaluation of the GTEC concept and recommendations on future funding levels.

(8) \$381,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1694 (reauthorizing the agency council on coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) ~~(\$136,000)~~ \$504,000 of the multimodal transportation account--private/local appropriation is provided solely for the implementation of Senate Bill No. 5084 (updating rail transit safety plans). If Senate Bill No. 5084 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$60,000 of the multimodal transportation account--state appropriation is provided solely for low-income car ownership programs. The department shall collaborate with interested regional transportation planning organizations and metropolitan planning organizations to determine the effectiveness of the programs at providing transportation solutions for low-income persons who depend upon cars to travel to their places of employment.

(11) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for additional funding for the trip reduction performance program, including telework enhancement projects. Funds are appropriated for one time only.

(12) ~~(\$2,000,000)~~ \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(13) \$150,000 of the multimodal transportation account--state appropriation is provided solely as a grant for a telework pilot project to be developed, administered, and monitored by the Kitsap regional coordinating council. Funds are appropriated for one time only. The primary purposes of the pilot project are to educate employers about telecommuting, develop telework policies and resources for employers, and reduce traffic congestion by encouraging teleworking in the workplace. As part of the pilot project, the council shall recruit public and private sector employer participants throughout the county, identify telework sites, develop an employer's toolkit consisting of teleworking resources, and create a telecommuting template that may be applied in other communities. The council shall submit to the legislature by July 1, 2009, a summary of the program results and any recommendations for future telework strategies.

Sec. 224 2007 c 518 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State  
Appropriation . . . . . ~~(\$412,189,000)~~  
\$426,761,000

Multimodal Transportation Account--State  
Appropriation . . . . . ~~(\$1,830,000)~~  
\$1,914,000

TOTAL APPROPRIATION ~~(\$414,019,000)~~  
\$428,675,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$79,191,000)~~ \$90,299,000 of the Puget Sound ferry operations--state appropriation is provided solely for auto ferry vessel operating fuel in the 2007-2009 biennium.

(2) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semiannual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(3) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(4) ~~(\$1,830,000)~~ \$1,914,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle through June 30, 2008. Ferry system management shall continue to implement its agreement with the inlandboatmen's union of the pacific and the international organization of masters, mates and pilots providing for part-time passenger-only work schedules.

(5) \$932,000 of the Puget Sound ferries operations account--state appropriation is provided solely for compliance with department of ecology rules regarding the transfer of oil on or near state waters. Funding for compliance with on-board fueling rules is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with an alternative compliance plan filed with the department of ecology, as allowed by rule.

(6) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(7) \$378,000 of the Puget Sound ferry operations account--state appropriation is provided solely to meet the United States coast guard requirements for appropriate rest hours between shifts for vessel crews on the Bainbridge to Seattle and Edmonds to Kingston ferry routes.

(8) \$694,000 of the Puget Sound ferries operating account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2358 as follows:

(a) The department shall allow the joint transportation committee work group established in section 205(1) of this act to participate in the following elements as they are described in Engrossed Substitute House Bill No. 2358:

(i) Development and implementation of a survey of ferry customers;

(ii) Analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration shall be given to whether boat wait is the appropriate measure. The level of service standard shall be reestablished in conjunction with or after the survey has been implemented;

(iii) Development of pricing policy proposals. In developing these policies, the policies, in effect on some routes, of collecting fares in only one direction shall be evaluated to determine whether one-way fare pricing best serves the ferry system. The pricing policy proposals must be developed in conjunction with or after the survey has been implemented;

(iv) Development of operational strategies. The operational strategies shall be reestablished in conjunction with the survey or after the survey has been implemented;

(v) Development of terminal design standards. The terminal design standards shall be finalized after the provisions of subsections (a)(i) through (iv) and subsection (b) of this section have been developed and reviewed by the joint transportation committee; and

(vi) Development of a capital plan. The capital plan shall be finalized after terminal design standards have been developed by the department and reviewed by the joint transportation committee.

(b) The department shall develop a ridership demand forecast that shall be used in the development of a long-range capital plan. If more than one forecast is developed they must be reconciled.

(c) The department shall update the life cycle cost model to meet the requirements of Engrossed Substitute House Bill No. 2358 no later than August 1, 2007.

(d) The department shall develop a cost allocation methodology proposal to meet the requirements described in Engrossed Substitute House Bill No. 2358. The proposal shall be completed and presented to the joint transportation committee no later than August 1, 2007.

(9) \$200,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the initial acquisition of transportation worker identification credentials required by the United States department of homeland security for unescorted access to secure areas of ferries and terminals.

(10) The legislature finds that a rigorous incident investigation process is an essential component of marine safety. The department is directed to review its accident and incident investigation procedures and report the results of its review with any proposals for changes to the legislature by November 1, 2008.

(11) The department shall allow the use, by two separate drivers, of fare media allowing for multiple discounted vehicle trips aboard Washington state ferries vessels.

(12) Washington state ferries may investigate the implementation of a pilot car-sharing program in the San Juan Islands, in order to reduce the peak auto-load pressures on the inter-island San Juan ferry system and provide a convenient alternative for the residents of the San Juan Islands. Under the pilot program, inter-island passengers should be able to reserve a car, pay their normal automobile ferry fare, walk on the ferry, and use the shared car upon arrival. The Washington state ferries shall report to the transportation committees of the legislature by November 15, 2008, regarding the feasibility of the pilot program, including whether the difference between the passenger ferry fare and the automobile ferry fare would cover the subsidy costs needed to implement the pilot program.

(13) While developing fare and pricing policy proposals, the department may consider the desirability of reasonable fares for persons using the ferry system to commute daily to work and other frequent users who live in ferry-dependent communities.

(14) \$357,000 of the Puget Sound ferry operations account--state appropriation is for two extra trips per day, beyond the current schedule, from May 19, 2008, through September 8, 2008, at the Port Townsend/Keystone route.

**Sec. 225** 2007 c 518 s 226 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

Multimodal Transportation Account--State

Appropriation . . . . . ~~(\$37,034,000)~~  
\$37,010,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall publish a final long-range plan for Amtrak Cascades by September 30, 2007. By December 31, 2008, the department shall submit to the office of financial management and the transportation committees of the legislature a midrange plan for Amtrak Cascades that identifies specific steps the department would propose to achieve additional service beyond current levels.

(2)(a) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.

(c) When Amtrak Cascades expands the second roundtrip between Vancouver, B.C. and Seattle, the department shall negotiate for the second roundtrip to leave Bellingham southbound no later than 8:30 a.m.

(3) No Amtrak Cascade runs may be eliminated.

(4) \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

(5) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

**Sec. 226** 2007 c 518 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING**

Motor Vehicle Account--State Appropriation . . ~~(\$8,630,000)~~  
\$8,981,000

Motor Vehicle Account--Federal Appropriation . . . \$2,567,000

TOTAL APPROPRIATION . ~~(\$11,197,000)~~  
\$11,548,000

(1) The appropriations in this section are subject to the following conditions and limitations: The department of transportation shall provide up to \$2,700,000 in toll credits to Kitsap transit for passenger-only ferry service and up to \$750,000 in toll credits to the port of Kingston for the purchase of a passenger-only ferry vessel. The number of toll credits provided to Kitsap transit and the port of Kingston must be equal to, but no more than, a number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but shall not exceed the amount authorized under this section. The department may not allocate, grant, or utilize any state or state appropriated or managed federal funds as a match to the federal grant funding on projects to which these toll credits are applied.

(2) \$902,000 of the motor vehicle account--state appropriation is provided solely to Wahkiakum county for operating and maintenance costs of the Puget Island-Westport ferry.

**TRANSPORTATION AGENCIES--CAPITAL**

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

**Sec. 301** 2007 c 518 s 301 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account--State Appropriation  
 ..... ~~(\$2,934,000)~~  
 \$4,234,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,200,000 is provided solely for the following minor works projects: \$195,000 for HVAC renovation at the Chehalis, Kelso, Okanogan, and Ellensburg detachments; \$50,000 for roof replacements at the Toppenish, SeaTac NB, SeaTac SB, and Plymouth weigh stations; \$35,000 for replacement of the Shelton academy roof drain and downspout; \$100,000 for parking lot repairs at Okanogan, Goldendale, Ritzville, and Moses Lake detachment offices and the Wenatchee 6 headquarters; \$290,000 for replacement of the weigh station scales at Brady and Arctic; \$152,000 for carpet replacement at the Ritzville, Moses Lake, Morton, Kelso, Chehalis, Walla Walla, Kennewick, South King, and Hoquiam detachment offices; \$185,000 for HVAC replacement at Tacoma and Marysville detachment offices; \$330,000 for repair and upgrade of the Bellevue tower; \$473,000 for replacement of twenty-one communication site underground fuel tanks; \$240,000 for replacement of communication site buildings at Lind, Scoggans Mountain, and Lewiston Ridge; and \$150,000 for unforeseen emergency repairs.

(2) \$687,000 is provided solely for design and construction of regional waste water treatment systems for the Shelton academy of the Washington state patrol.

(3) \$47,000 is provided solely for predesign of a single, consolidated aviation facility at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources (DNR), and the department of fish and wildlife, and the rotary operations of the DNR.

(4) \$1,300,000 of the state patrol highway account--state appropriation is provided solely for the acquisition of land adjacent to the Shelton training academy for anticipated expansion; however, the amount provided in this subsection is contingent on the Washington state patrol adding a surcharge to the rates charged to any other agency or entity that uses the academy in an amount sufficient to defray a share of the expansion costs that is proportionate to the relative volume of use of the academy by such agencies or entities. The surcharge imposed must be sufficient to recover the requisite portion of the academy expansion costs within ten years of the effective date of this subsection.

**Sec. 302** 2007 c 518 s 302 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation \$64,000,000  
 Motor Vehicle Account--State Appropriation .. ~~(\$2,368,000)~~  
 \$2,370,000  
 County Arterial Preservation Account--State  
 Appropriation ..... ~~(\$32,861,000)~~  
 \$32,641,000  
 TOTAL APPROPRIATION . ~~(\$99,229,000)~~  
 \$99,011,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$2,069,000)~~ \$2,370,000 of the motor vehicle account--state appropriation may be used for county ~~(ferries. The board shall review the requests for county ferry funding in consideration with other projects funded from the board. If the board determines these projects are a priority over the projects~~

~~in the rural arterial and county arterial preservation grant programs, then they may provide funding for these requests)) ferry projects as set forth in RCW 47.56.725(4).~~

(2) The appropriations contained in this section include funding to counties to assist them in efforts to recover from winter storm and flood damage, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall specifically identify any such selected projects and shall include information concerning them in its next annual report to the legislature.

**Sec. 303** 2007 c 518 s 303 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account--State  
 Appropriation ..... ~~(\$4,500,000)~~  
 \$5,900,000  
 Urban Arterial Trust Account--State Appropriation  
 ..... ~~(\$129,600,000)~~  
 \$126,600,000  
 Transportation Improvement Account--State  
 Appropriation ..... ~~(\$90,643,000)~~  
 \$87,143,000  
 TOTAL APPROPRIATION ~~(\$224,743,000)~~  
 \$219,643,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394. If Substitute House Bill No. 2394 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. **Sec. 304** A new section is added to 2007 c 518 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION.** The nickel and transportation partnership revenue packages were created in 2003 and 2005 to finance transportation construction over a sixteen year period. Since the adoption of the 2003 and 2005 transportation project lists, significant cost increases have resulted from extraordinary inflation. At the same time, motor vehicle fuel prices have risen dramatically, and state and federal gas tax revenues dedicated to paying for these programs are forecasted to decrease over the sixteen year time period. Additional cost increases and eroding revenues will be difficult, if not impossible, to accommodate in the sixteen year financial plan.

As part of its budget submittal for the 2009-2011 biennium, the department of transportation shall prepare information regarding the nickel and transportation partnership funded projects for consideration by the office of financial management and the legislative transportation committees that:

(1) Compares the original project cost estimates approved in the 2003 and 2005 project list to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed;

(2) Identifies highway projects that may be reduced in scope and still achieve a functional benefit;

(3) Identifies highway projects that have experienced scope increases and that can be reduced in scope;

(4) Identifies highway projects that have lost significant local or regional contributions which were essential to completing the project; and

(5) Identifies contingency amounts allocated to projects.

Sec. 305 2007 c 518 s 304 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM D (DEPARTMENT OF TRANSPORTATION-- ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation . . . ~~(\$6,202,000)~~ \$6,255,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$584,000 of the motor vehicle account--state appropriation is for statewide administration.

(2) ~~(\$750,000)~~ \$803,000 of the motor vehicle account--state appropriation is for regional minor projects.

(3) \$568,000 of the motor vehicle account--state appropriation is for the Olympic region headquarters property payments.

(4) By September 1, 2007, the department shall submit to the transportation committees of the legislature predesign plans, developed using the office of financial management's predesign process, for all facility replacement projects to be proposed in the facilities 2008 budget proposal.

(5) \$1,600,000 of the motor vehicle account--state appropriation is for site acquisition for the Tri-cities area maintenance facility.

(6) \$2,700,000 of the motor vehicle account--state appropriation is for site acquisition for the Vancouver light industrial facility.

(7) The department shall work with the office of financial management and staff of the transportation committees of the legislature to develop a statewide inventory of all department-owned surplus property that is suitable for development for department facilities or that should be sold. By December 1, 2008, the department shall report to the joint transportation committee on the findings of this study.

Sec. 306 2007 c 518 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION-- IMPROVEMENTS--PROGRAM I**

Transportation Partnership Account--State Appropriation . . . ~~(\$1,226,516,000)~~ \$1,109,593,000

Motor Vehicle Account--State Appropriation . . . ~~(\$82,045,000)~~ \$87,210,000

Motor Vehicle Account--Federal Appropriation ~~(\$404,090,000)~~ \$457,580,000

Motor Vehicle Account--Private/Local Appropriation . . . ~~(\$49,157,000)~~ \$64,487,000

Special Category C Account--State Appropriation . . . ~~(\$29,968,000)~~ \$29,125,000

Multimodal Transportation Account--Federal Appropriation . . . \$86,100,000

Tacoma Narrows Toll Bridge Account--State Appropriation . . . ~~(\$142,484,000)~~ \$32,277,000

Transportation 2003 Account (Nickel Account)--State Appropriation . . . ~~(\$1,100,746,000)~~ \$1,147,529,000

~~(Freight Congestion Relief Account--State Appropriation . . . \$40,000,000)~~

Freight Mobility Multimodal Account--State Appropriation . . . \$208,000

TOTAL APPROPRIATION ~~(\$3,075,006,000)~~

\$3,014,109,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~(2007-1)~~ 2008-1, Highway Improvement Program (I) as developed ~~(April 20, 2007)~~ March 10, 2008. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) Within the amounts provided in this section, ~~(\$1,991,000)~~ \$1,895,000 of the transportation partnership account--state appropriation, ~~(\$1,656,000)~~ \$2,147,000 of the motor vehicle account--federal appropriation, and ~~(\$8,343,000)~~ \$10,331,000 of the transportation 2003 account (nickel account)--state appropriation are for project 109040T as identified in the LEAP transportation document referenced in subsection (1) of this section: I-90/Two Way Transit-Transit and HOV Improvements - Stage 1. Expenditure of the funds on construction is contingent upon revising the access plan for Mercer Island traffic such that Mercer Island traffic will have access to the outer roadway high occupancy vehicle (HOV) lanes during the period of operation of such lanes following the removal of Mercer Island traffic from the center roadway and prior to conversion of the outer roadway HOV lanes to high occupancy toll (HOT) lanes. Sound transit may only have access to the center lanes when alternative R8A is complete.

(4) The Tacoma Narrows toll bridge account--state appropriation includes up to ~~(\$131,016,000)~~ \$18,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(5) The funding described in this section includes ~~(\$8,095,541)~~ \$36,693,000 of the transportation 2003 account (nickel account)--state appropriation and ~~(\$237,241 of the motor vehicle account--private/local)~~ \$208,000 of the freight mobility multimodal account--state appropriation, which are for the SR 519 project identified as project number 851902A in the LEAP Transportation Document referenced in subsection (1) of this section. The total project is expected to cost no more than \$74,400,000 including ~~(\$11,950,000)~~ \$10,610,000 in contributions from project partners, including Burlington Northern Santa Fe railroad.

(6) To promote and support community-specific noise reduction solutions, the department shall:

(a) Prepare a draft directive that establishes how each community's priorities and concerns may be identified and addressed in order to allow consideration of a community's preferred methods of advanced visual shielding and aesthetic screening, for the purpose of improving the noise environment of major state roadway projects in locations that do not meet the criteria for standard noise barriers. The intent is for these provisions to be supportable by existing project budgets. The directive shall also include direction on the coordination and selection of visual and aesthetic options with local communities.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

The draft directive shall be provided to the standing transportation committees of the legislature by January 2008; and

(b) Pilot the draft directive established in (a) of this subsection in two locations along major state roadways. If practicable, the department should begin work on the pilot projects while the directive is being developed. One pilot project shall be located in Clark county on a significant capacity improvement project. The second pilot project shall be located in urban King county, which shall be on a corridor highway project through mixed land use areas that is nearing or under construction. The department shall provide a written report to the standing transportation committees of the legislature on the findings of the Clark county pilot project by January 2009, and the King county pilot project by January 2010. Based on results of the pilot projects, the department shall update its design manual, environmental procedures, or other appropriate documents to incorporate the directive.

~~((8))~~ (7) If the "Green Highway" provisions of Engrossed Second Substitute House Bill No. 1303 (cleaner energy) are enacted, the department shall erect signs on the interstate highways included in those provisions noting that these interstates have been designated "Washington Green Highways."

~~((9))~~ (8) If on the I-405/I-90 to SE 8th Street Widening project the department finds that there is an alternative investment to preserve reliable rail accessibility to major manufacturing sites within the I-405 corridor that are less expensive than replacing the Wilburton Tunnel, the department may enter into the necessary agreements to implement that alternative provided that costs remain within the approved project budget.

~~((11))~~ (9) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

~~((12))~~ (10) \$250,000 of the motor vehicle account--state appropriation ~~((18))~~ and \$226,000 of the motor vehicle account--federal appropriation are provided solely for an inland pacific hub study to develop an inland corridor for the movement of freight and goods to and through eastern Washington; and \$500,000 of the motor vehicle account--state appropriation is provided solely for the SR3/SR16 corridor study to plan and prioritize state and local improvements needed over the next 10-20 years to support safety, capacity development, and economic development within the corridor.

~~((13))~~ (11) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

~~((14))~~ (12) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the SR 520 bridge replacement and HOV

project. The federal funds described in this subsection shall not include those federal transit administration funds distributed by formula.

~~((15))~~ (13) Funding provided by this act for the Alaskan Way Viaduct project shall not be spent for preliminary engineering, design, right-of-way acquisition, or construction on the project if completion of the project would more likely than not reduce the capacity of the facility. Capacity shall be measured by including the consideration of the efficient movement of people and goods on the facility.

~~((16))~~ (14) The governor shall convene a collaborative process involving key leaders to determine the final project design for the Alaskan Way Viaduct.

(a) The process shall be guided by the following common principles: Public safety must be maintained; the final project shall meet both capacity and mobility needs; and taxpayer dollars must be spent responsibly.

(b) The state's project expenditures shall not exceed \$2,800,000,000.

(c) A final design decision shall be made by December 31, 2008.

~~((17))~~ (15) During the 2007-09 biennium, the department shall proceed with a series of projects on the Alaskan Way Viaduct that are common to any design alternative. Those projects include relocation of two electrical transmission lines, Battery Street tunnel upgrades, seismic upgrades from Lenora to the Battery Street tunnel, viaduct removal from Holgate to King Street, and development of transit enhancements and other improvements to mitigate congestion during construction.

~~((18))~~ The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

~~((19))~~ (16) The transportation 2003 account (nickel account)--state appropriation includes up to ~~((874,610,000))~~ \$825,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

~~((20))~~ (17) The transportation partnership account--state appropriation includes up to ~~((900,000,000))~~ \$740,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

~~((21))~~ (18) The special category C account--state appropriation includes up to ~~((22,080,000))~~ \$21,497,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394. If Substitute House Bill No. 2394 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((22))~~ (19) \$4,500,000 of the motor vehicle account--federal appropriation is provided solely for cost increases on the SR 304/Bremerton tunnel project.

~~((23))~~ ~~\$3,000,000~~ (20) \$2,071,000 of the motor vehicle account--~~((state))~~ federal appropriation is provided solely for initial design and right of way work on a new southbound SR 509 to eastbound SR 518 freeway-to-freeway elevated ramp.

~~((24))~~ (21) \$500,000 of the motor vehicle account--federal appropriation to the SR 543/I-5 to Canadian border project is provided solely for retaining wall facia improvements.

~~((25))~~ ~~\$1,400,000~~ (22) \$950,000 of the motor vehicle account--federal appropriation ~~((18))~~ and \$24,000 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall.

~~((26))~~ (23) \$1,600,000 of the motor vehicle account--~~((federal))~~ state appropriation is provided solely for two noise walls on SR 161 in King county.

~~((27))~~ (24) ~~((900,000))~~ \$20,000 of the motor vehicle account--state appropriation and ~~((100,000))~~ \$280,000 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A street and tank farm road.

(25) The funding described in this section includes \$19,939,000 of the transportation partnership account--state appropriation, \$29,000 of the motor vehicle account--state appropriation, \$308,000 of the motor vehicle account--private/local appropriation, and \$17,900,000 of the motor vehicle account--federal appropriation for the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes up to \$15,000,000 awarded to Washington and Oregon jointly through the U.S. department of transportation corridors of the future program in the 2007 federal highway authority discretionary fund allocations.

(26) The department shall study any outstanding issues, including financial issues that may apply to the I-5/Columbia river crossing/Vancouver project. The department's efforts must include an analysis of current bi-state efforts in planning, coordination, and funding for the project; opportunities for the joining of state and local government agencies and the private sector in a strong partnership that contributes to the completion of the project; and opportunities to work with the congressional delegations of Oregon and Washington to provide federal funding and other assistance that will advance this project of national and regional significance.

(27) \$1,500,000 of the motor vehicle account--federal appropriation and \$4,908,000 of the transportation partnership account--state appropriation are provided solely for project 109040Q as identified in the LEAP transportation document in subsection (1) of this section: I-90/Two-Way Transit-Transit and HOV Improvements, Stages 2 and 3. Of these amounts, up to \$550,000 of the transportation partnership account--state appropriation is to provide funding for an independent technical review, overseen by the joint transportation committee, of light rail impacts on the Interstate 90 - Homer Hadley Floating Bridge. The technical review shall complement sound transit's current and planned engineering design work to expand light rail in the central Puget Sound region. The department shall coordinate its work with sound transit and seek contributions from sound transit for the review.

(28) \$1,400,000 of the motor vehicle account--state appropriation is provided solely for safety improvements on US Highway 2 between Monroe and Gold Bar. Additional project funding of \$8,600,000 is assumed in the 2009-2011 biennium, bringing the total project funding to \$10,000,000. This high priority safety project will provide safety enhancements on US Highway 2 between Gold Bar and Monroe, such as a passing lane or interchange/turning lane improvements. The department shall seek input from the US Highway 2 safety coalition to select projects that will help reduce fatalities on this corridor.

(29) \$2,267,000 of the motor vehicle account--federal appropriation, \$218,500 of the motor vehicle account--state appropriation, and \$1,500,000 of the motor vehicle account--private/local appropriation are provided solely for installing centerline rumble strips and related improvements on US Highway 2 between Monroe and Sultan. The section of US Highway 2 from Monroe to Deception Creek has a high frequency of centerline crossover collisions. By installing centerline rumble strips, the project will reduce the risk of crossover collisions. This project will also place shoulder rumble strips between Monroe and Sultan.

(30) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for the SR 28/E End of the George Sellar bridge (202802V) for the purpose of funding a pedestrian tunnel connection. This funding is provided in anticipation of a federal grant specific to this project, which, if

received, must be used to reimburse the state funding provided in this subsection.

(31) For the period of preconstruction tolling on the state route 520 bridge, the department shall develop improvements of traffic flow from the eastern Lake Washington shoreline to 108th avenue northeast in Bellevue including:

(a) Near-term, low-cost enhancements which relocate the high-occupancy vehicle lanes to the inside of the alignment; and

(b) A plan for an accelerated improvement project for the construction of median flyer stops, reconfiguration of interchanges, addition of direct access ramps, community enhancement lids, and pedestrian/bike path connections.

The department shall report to the joint transportation committee by September 1, 2008, on the short-term low-cost improvement plans and include in their budget submittal to the office of financial management a proposal for the accelerated improvement project.

Sec. 307 2007 c 518 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
PRESERVATION--PROGRAM P**

Transportation Partnership Account--State	
Appropriation . . . . .	<del>((220,164,000))</del>
	\$181,666,000
Motor Vehicle Account--State Appropriation . . . . .	<del>((71,392,000))</del>
	\$86,540,000
Motor Vehicle Account--Federal Appropriation	<del>((425,161,000))</del>
	\$463,338,000
Motor Vehicle Account--Private/Local Appropriation	
. . . . .	<del>((15,285,000))</del>
	\$18,138,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation . . . . .	<del>((5,122,000))</del>
	\$11,136,000
Puyallup Tribal Settlement Account--State	
Appropriation . . . . .	<del>((11,000,000))</del>
	\$12,500,000
	TOTAL APPROPRIATION <del>((748,124,000))</del>
	\$773,318,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2007-1))~~ 2008-1, Highway Preservation Program (P) as developed ~~((April 20, 2007))~~ March 10, 2008. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) ~~((295,000))~~ \$287,000 of the motor vehicle account--federal appropriation and ~~((5,000))~~ \$11,000 of the motor vehicle account--state appropriation are provided solely for the department to determine the most cost efficient way to replace the current Keller ferry. Options reviewed shall not include an expansion of the current capacity of the Keller ferry.

(3) ~~((5,513,000))~~ \$5,308,000 of the transportation partnership account--state appropriation is provided solely for the purposes of settling all identified and potential claims from the Lower Elwha Klallam Tribe related to the construction of a graving dock facility on the graving dock property. In the matter of *Lower Elwha Klallam Tribe et al v. State et al*, Thurston county superior court, cause no. 05-2-01595-8, the Lower Elwha Klallam Tribe and the state of Washington entered into a settlement agreement that settles all claims related to graving dock property and associated construction and releases

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

the state from all claims related to the construction of the graving dock facilities. The expenditure of this appropriation is contingent on the conditions and limitations set forth in subsections (a) and (b) of this subsection.

(a) \$2,000,000 of the transportation partnership account--state appropriation is provided solely for the benefit of the Lower Elwha Klallam Tribe to be disbursed by the department in accordance with terms and conditions of the settlement agreement.

(b) ~~(\$3,513,000)~~ \$3,308,000 of the transportation partnership account--state appropriation is provided solely for the department's remediation work on the graving dock property in accordance with the terms and conditions of the settlement agreement.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(5) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(6) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(7) ~~(\$2,604,501)~~ \$13,257,000 of the motor vehicle account--federal appropriation and ~~(\$3,000,000)~~ \$5,000,000 of the motor vehicle account--state appropriation are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events.

(8) ~~(\$9,665)~~ \$188,000 of the motor vehicle account--state appropriation, ~~(\$12,652,812)~~ \$28,749,000 of the motor vehicle account--federal appropriation, and ~~(\$138,174,581)~~ \$105,653,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(9) \$12,500,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. If the city agrees to accept ownership of the bridge, the department may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and related mitigation. In no event shall the department's participation exceed \$39,953,000. No funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provides that the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

**Sec. 308** 2007 c 518 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

Motor Vehicle Account--State Appropriation . . .	<del>(\$9,212,000)</del>
	<u>\$9,462,000</u>
Motor Vehicle Account--Federal Appropriation . . .	\$15,951,000
Motor Vehicle Account--Private/Local Appropriation .	\$74,000
TOTAL APPROPRIATION . . .	<del>(\$25,237,000)</del>
	<u>\$25,487,000</u>

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes ~~(\$8,833,000)~~ \$8,959,335 provided solely for state matching funds for federally selected competitive grant or congressional earmark projects. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

**Sec. 309** 2007 c 518 s 308 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION\WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM WFOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State	
Appropriation . . . . .	<del>(\$139,139,000)</del>
	<u>\$142,250,000</u>
Puget Sound Capital Construction Account--Federal	
Appropriation . . . . .	<del>(\$66,145,000)</del>
	<u>\$45,259,000</u>
<u>Puget Sound Capital Construction Account--Private/Local Appropriation . . . . .</u>	<u>\$2,089,000</u>
Multimodal Transportation Account--State	
Appropriation . . . . .	\$4,100,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation . . . . .	<del>(\$76,525,000)</del>
	<u>\$59,469,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$285,909,000)</del>
	<u>\$253,167,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$6,432,000)~~ \$36,500,000 of the Puget Sound capital construction account--state appropriation is provided solely for ~~(emergency capital costs)~~ project 944470A as identified in the LEAP Transportation Document 2008-1, Ferries Construction Program (W) as developed March 10, 2008, for the construction of three marine vessels to replace the steel electric auto ferry vessels. The document includes a total of \$84,500,000 for these replacement vessels.

(2) ~~(\$16,567,000)~~ \$21,460,823 of the Puget Sound capital construction account--state appropriation ~~(and)~~ \$4,100,000 of the multimodal transportation account--state appropriation, \$5,410,000 of the transportation 2003 account (nickel account)--state appropriation, \$4,490,000 of the Puget Sound capital construction account--federal appropriation, and \$2,089,000 of the Puget Sound capital construction account--private/local appropriation are provided solely for the terminal projects listed:

(a) Anacortes ferry terminal - utilities work; right-of-way purchase for a holding area during construction; and completion of design and permitting on the terminal building, pick-up and drop-off sites, and pedestrian and bicycle facilities;

(b) Bainbridge Island ferry terminal - environmental planning and a traffic signalization project in the vicinity of SR 305 Harborview drive;

(c) Bremerton ferry terminal - overhead loading control system and moving the terminal agent's office;

(d) Clinton ferry terminal - septic system replacement;

(e) Edmonds ferry terminal - right-of-way acquisition costs ~~((and))~~, federal match requirements, and removal of Unocal Pier;

(f) Friday Harbor ferry terminal - parking resurfacing;

(g) Keystone and Port Townsend ferry terminals - route environmental planning;

(h) Kingston ferry terminal - transfer span retrofit and overhead vehicle holding control system modifications;

(i) Mukilteo ferry terminal - right-of-way acquisition, archaeological studies, ~~((and))~~ environmental planning, and additional vehicle holding;

(j) Orcas ferry terminal - dolphin replacement;

~~((k))~~ Port Townsend ferry terminal - wingwall replacement, interim holding, tie-up slip, and initial reservation system;

~~((l))~~ (1) Seattle ferry terminal - environmental planning, coordination with local jurisdictions, ~~((and))~~ coordination with highway projects, and contractor payment for automated re-entry gates; ~~((and))~~

~~((h))~~ (m) Southworth ferry terminal - federal grant to conduct preliminary studies and planning for a 2nd operating slip; and

~~((n))~~ Vashon Island and Seattle ferry terminals - modify the passenger-only facilities.

~~((4))~~ ~~(\$76,525,000)~~ (3) \$46,020,666 of the transportation 2003 account (nickel account)--state appropriation and ~~(\$50,985,000)~~ \$3,750,000 of the Puget Sound capital construction account--~~(state)~~ federal appropriation are provided solely for the procurement of ~~((four))~~ up to three 144-vehicle auto-passenger ferry vessels.

~~((5))~~ (4) \$18,716,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor maintenance facility preservation project. These funds may not be used for relocating any warehouses not currently on the Eagle Harbor site.

~~((6))~~ (5) The department shall research an asset management system to improve Washington state ferries' management of capital assets and the department's ability to estimate future preservation needs. The department shall report its findings regarding a new asset management system to the governor and the transportation committees of the legislature no later than January 15, 2008.

~~((7))~~ (6) The department shall sell the M.V. Chinook and M.V. Snohomish passenger-only fast ferries as soon as practicable and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645. Once the department ceases to provide passenger-only ferry service, the department shall sell the M.V. Kalama and M.V. Skagit passenger-only ferries and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645.

~~((8))~~ (7) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2007-09 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(8) \$1,105,000 of the Puget Sound capital construction account--state appropriation and \$8,038,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for a dolphin replacement project at the Vashon Island ferry terminal. The department shall submit a predesign study to the joint transportation committee before beginning design or construction of this project.

(9) The department of transportation is authorized to sell up to \$105,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

(10) The department shall review the costs and benefits of continued use of the primavera scheduling system in the Washington state ferries marine division and include that review with its 2009-2011 budget submittal.

(11) The department shall review staffing in its capital engineering divisions to ensure core competency in, and a focus on, terminal and vessel preservation, with staffing sufficient to implement the preservation program in the capital plan. Until the completion of the capital plan, the department shall maintain capital staffing levels at or below the level of staffing on January 1, 2008.

(12) The department shall sell, be in the process of selling, or otherwise dispose of the four steel electric auto-ferry vessels in the most cost effective way practicable no later than June 1, 2008.

Sec. 310 2007 c 518 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State Appropriation	\$500,000
<del>((Freight Congestion Relief Account--State</del>	
<del>Appropriation</del> .....	<del>(\$25,000,000)</del>
Transportation Infrastructure Account--State	
Appropriation .....	<del>(\$2,500,000)</del>
	\$1,713,000
<u>Transportation Infrastructure Account--Federal</u>	
<u>Appropriation</u> .....	<u>\$787,000</u>
Multimodal Transportation Account--State	
Appropriation .....	<del>(\$154,637,000)</del>
	\$165,512,000
Multimodal Transportation Account--Federal	
Appropriation .....	<del>(\$30,450,000)</del>
	\$33,906,000
Multimodal Transportation Account--Private/Local	
Appropriation .....	<del>(\$7,894,000)</del>
	\$2,659,000
TOTAL APPROPRIATION	<del>(\$220,981,000)</del>
	\$205,077,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in ~~((subsection (8) of))~~ this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2007-+))~~ 2008-1, Rail Capital Program (Y) as developed ~~((April 20, 2007))~~ March 10, 2008. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b) Within the amounts provided in this section, ~~(\$2,500,000)~~ \$1,713,000 of the transportation infrastructure account--state appropriation ~~((ts))~~ and \$787,000 of the transportation infrastructure account--federal appropriation are for low-interest loans for rail capital projects through the freight rail investment bank program. The department shall issue a call for projects based upon the legislative priorities specified in subsection (7)(a) of this section. Application must be received by the department by ~~((November 1, 2007))~~ October 1, 2008. By ~~((December 1, 2007))~~ November 1, 2008, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature. The department shall award low-interest loans to the port of Moses Lake in the amount of

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

\$213,000, and based upon the prioritized list of rail capital projects most recently submitted to the legislature pursuant to this subsection, as follows: Port of Benton County (\$250,000); Port of Everett (\$250,000); Central Terminals, LLC (\$250,000); Tacoma Rail--Maintenance Facility (\$250,000); NW Container Service (\$250,000); Port of Chehalis (\$250,000); Ballard Terminal Railroad (\$250,000); Eastern Washington Gateway Railroad (\$36,875); Spokane County (\$250,000); Tacoma Rail--Locomotive Idling (\$250,000).

(c) Within the amounts provided in this section, ~~(\$3,335,000)~~ \$2,561,000 of the multimodal transportation account--state appropriation is for statewide - emergent freight rail assistance projects. However, the department shall perform a cost/benefit analysis of the projects according to the legislative priorities specified in subsection (7)(a) of this section, and shall give priority to the following projects: Rail - Tacoma rail yard switching upgrades (\$500,000); Rail - Port of Ephrata spur rehabilitation (\$127,000); Rail - Lewis and Clark rail improvements (\$1,100,000); Rail - Port of Grays Harbor rail access improvements (\$543,000); and Rail - Port of Longview rail loop construction (\$291,000)~~(--and Rail - Port of Chehalis (\$774,000))~~. If the relative cost of any of the six projects identified in this subsection (1)(c) is not substantially less than the public benefits to be derived from the project, then the department shall not assign the funds to the project, and instead shall use those funds toward those projects identified by the department in the attachments to the "Washington State Department of Transportation FREIGHT RAIL ASSISTANCE FUNDING PROGRAM: 2007-2009 Prioritized Project List and Program Update" dated December 2006 for which the proportion of public benefits to be gained compared to the cost of the project is greatest.

(d) ~~(Within the amounts provided in this section, \$25,000,000 of the freight congestion relief account--state appropriation is for modifications to the Stampede Pass rail tunnel to facilitate the movement of double stacked rail cars. The department shall quantify and report to the legislature by December 1, 2007, the volume of freight traffic that would likely be shipped by rail rather than trucks if the Stampede Pass rail tunnel were modified to accommodate double stacked rail cars.~~

~~(e))~~ Within the amounts provided in this section, ~~(\$200,000)~~ \$339,000 of the multimodal transportation account--state appropriation is for rescoping and completion of required environmental documents for the Kelso to Martin's Bluff - 3rd Mainline and Storage Tracks project. The rescoped project may include funds that are committed to the project by local or private funding partners. However, the rescoped project must be capable of being completed with not more than \$49,470,000 in future state funding, inclusive of inflation costs. Subject to this funding constraint, the rescoped project must maximize capacity improvements along the rail mainline.

~~((f))~~ (e) Within the amounts provided in this section, \$3,600,000 of the multimodal transportation account--state appropriation is for work items on the Palouse River and Coulee City Railroad lines.

(2) The multimodal transportation account--state appropriation includes up to ~~(\$137,620,000)~~ \$144,500,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Program Y, including, but not limited to the "Tacoma -- bypass of Pt. Defiance" project.

(4) If new federal funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature and the office of financial management prior to spending the funds on existing or additional projects.

(5) The department shall sell any ancillary property, acquired when the state purchased the right-of-ways to the PCC rail line system, to a lessee of the ancillary property who is willing to pay fair market value for the property. The department shall deposit the proceeds from the sale of ancillary property into the transportation infrastructure account.

~~(6) ((The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.~~

~~(7))~~(a) The department shall develop and implement the benefit/impact evaluation methodology recommended in the statewide rail capacity and needs study finalized in December 2006. The benefit/impact evaluation methodology shall be developed using the following priorities, in order of relative importance:

(i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;

(ii) Self-sustaining economic development that creates family-wage jobs;

(iii) Preservation of transportation corridors that would otherwise be lost;

(iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;

(v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and

(vi) Mitigation of impacts of increased rail traffic on communities.

(b) The department shall convene a work group to collaborate on the development of the benefit/impact analysis method to be used in the evaluation. The work group must include, at a minimum, the freight mobility strategic investment board, the department of agriculture, and representatives from the various users and modes of the state's rail system.

(c) The department shall use the benefit/impact analysis and priorities in (a) of this subsection when submitting requests for state funding for rail projects. The department shall develop a standardized format for submitting requests for state funding for rail projects that includes an explanation of the analysis undertaken, and the conclusions derived from the analysis.

(d) The department and the freight mobility strategic investment board shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2008, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by this act for the department and as required by chapter 47.06A RCW for the board. When developing its list of proposed freight highway and rail projects, the freight mobility strategic investment board shall use the priorities identified in (a) of this subsection to the greatest extent possible.

~~((8) \$5,000,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely for the costs of acquisition of the PCC railroad associated with the memorandum of understanding (MOU), which was executed between Washington state and Wateco. Total costs associated with the MOU shall not exceed \$10,937,000.)~~

(7) The department shall apply at the earliest possible date for grants, pursuant to the new competitive intercity rail grant program announced by the federal railroad administration on February 19, 2008, for any projects that may qualify for such federal grants and are currently identified on the project list referenced in subsection (1)(a) of this section.

(8) Up to \$8,500,000 of any underexpenditures of state funding designated on the project list referenced in subsection (1)(a) of this section for the "Vancouver-Rail Bypass and W 39th Street Bridge" project may be used to upgrade, to class 2 condition, track owned by Clark county between Vancouver and Battle Ground.

(9) Up to \$400,000 of the multimodal transportation account--state appropriation is contingent upon the port of Chehalis submitting a full copy of the FEMA application packet to the department in order to assist the department in verifying the scope of the repairs and the rail transportation value of the project identified on the project list referenced in subsection (1)(a) of this section as "Port of Chehalis-Track Rehabilitation" (F01002A).

Sec. 311 2007 c 518 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal	
Appropriation	\$1,602,000
Freight Mobility Investment Account--State	
Appropriation	<del>(\$12,500,000)</del>
	\$12,378,000
<del>(Freight Congestion Relief Account--State</del>	
<del>    Appropriation</del>	<del>\$46,720,000)</del>
Transportation Partnership Account--State	
Appropriation	<del>(\$2,906,000)</del>
	\$3,906,000
Motor Vehicle Account--State Appropriation	<del>(\$9,854,000)</del>
	\$12,870,000
Motor Vehicle Account--Federal Appropriation	<del>(\$60,150,000)</del>
	\$63,823,000
Freight Mobility Multimodal Account--State	
Appropriation	<del>(\$12,100,000)</del>
	\$12,750,000
<u>Freight Mobility Multimodal Account--</u>	
<u>    Private/Local Appropriation</u>	<u>\$3,755,000</u>
Multimodal Transportation Account--Federal	
Appropriation	<del>(\$3,500,000)</del>
	\$4,224,000
Multimodal Transportation Account--State	
Appropriation	<del>(\$33,158,000)</del>
	\$32,134,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	<del>(\$2,706,000)</del>
	\$2,721,000
Passenger Ferry Account--State Appropriation	\$8,500,000
TOTAL APPROPRIATION	<del>(\$193,903,000)</del>
	\$158,870,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) \$8,500,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

(3) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(5) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2007, and December 1, 2008.

(6) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account--state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(7) ~~(\$7,000,000)~~ \$11,591,224 of the multimodal transportation account--state appropriation, ~~(\$7,000,000)~~ \$8,640,239 of the motor vehicle account--federal appropriation, and \$4,000,000 of the motor vehicle account--federal appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed April 20, 2007. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(8) Up to a maximum of \$5,000,000 of the multimodal transportation account--state appropriation and up to a maximum of \$2,000,000 of the motor vehicle account--federal appropriation are reappropriated for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP transportation document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(9) ~~(The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study~~

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

~~((+0))~~ \$3,500,000 of the multimodal transportation account--federal appropriation is provided solely for the Museum of Flight pedestrian bridge safety project.

~~((+1))~~ (10) \$250,000 of the multimodal transportation account--state appropriation is provided solely for the icicle rail station in Leavenworth.

~~((+2))~~ (11) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for the Union Gap city road project.

~~((+3) \$350,000)~~ (12) \$250,000 of the motor vehicle account--state appropriation is provided solely for the Saltwater state park bridge project and off-site traffic control costs.

~~((+4))~~ (13) \$1,000,000 of the motor vehicle account--state appropriation ~~((+5))~~ and \$4,688,000 of the motor vehicle account--federal appropriation are provided solely for the coal creek parkway project.

~~((+5))~~ (14) \$250,000 of the multimodal transportation account--state appropriation is provided solely for a streetcar feasibility study in downtown Spokane.

~~((+6))~~ (15) \$500,000 of the motor vehicle account--~~((state))~~ federal appropriation is provided solely for ~~((the))~~ slide repairs completed during 2007 and 2008 at or in the vicinity of marine view drive bridge ~~((project))~~ on Marine View Drive and on Des Moines Memorial Drive in Des Moines.

(16) \$1,100,000 of the motor vehicle account--state appropriation is provided solely for local road improvements that connect to the I-82 valley mall boulevard project (5082010). Planned funding of an additional \$2,000,000 shall be made available to this project in the 2009-11 biennium.

(17) \$2,400,000 of the motor vehicle account--state appropriation is provided solely for completion of the riverside avenue extension project in the city of Spokane.

(18) For the 2007-09 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board, in order for the board to manage project spending and efficiently deliver all projects in the respective program.

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 401** 2007 c 518 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation	
.....	<del>((570,030,000))</del>
	\$544,061,000
Ferry Bond Retirement Account Appropriation	<del>((38,059,000))</del>
	\$37,380,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	<del>((27,749,000))</del>
	\$26,822,000
Nondebt-Limit Reimbursable Account Appropriation	<del>((19,359,000))</del>
.....	\$13,059,000

Transportation Partnership Account--State Appropriation	<del>((6,694,000))</del>
	\$1,823,000
Motor Vehicle Account--State Appropriation	<del>((986,000))</del>
	\$457,000
Transportation Improvement Account--State Appropriation	\$68,000
Multimodal Transportation Account--State Appropriation	<del>((1,032,000))</del>
	\$675,000
Transportation 2003 Account (Nickel Account)--State Appropriation	<del>((6,560,000))</del>
	\$2,003,000
Urban Arterial Trust Account--State Appropriation	<del>((473,000))</del>
	\$113,000
Special Category C Account Appropriation	<del>((160,000))</del>
	\$99,000
<b>TOTAL APPROPRIATION</b>	<del>((671,170,000))</del>
	\$626,560,000

**Sec. 402** 2007 c 518 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account--State Appropriation	<del>((2,254,000))</del>
	\$243,000
Motor Vehicle Account--State Appropriation	<del>((329,000))</del>
	\$61,000
Transportation Improvement Account--State Appropriation	\$5,000
Multimodal Transportation Account--State Appropriation	<del>((130,000))</del>
	\$90,000
Transportation 2003 Account (Nickel Account)--State Appropriation	<del>((2,187,000))</del>
	\$267,000
Urban Arterial Trust Account--State Appropriation	\$38,000
Special Category C Account--State Appropriation	<del>((53,000))</del>
	\$13,000
<b>TOTAL APPROPRIATION</b>	<del>((4,996,000))</del>
	\$717,000

**Sec. 403** 2007 c 518 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

~~((+))~~ Motor Vehicle Account--State Reappropriation: For transfer to the Tacoma Narrows Toll Bridge Account ~~((131,016,000))~~ \$19,133,000

The department of transportation is authorized to sell up to ~~((131,016,000))~~ \$18,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

~~((2))~~ Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account ~~((131,500,000))~~ \$131,500,000  
 The department of transportation is authorized to sell up to \$131,500,000 in bonds authorized by RCW 47.10.843 for vessel

and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries:))

Sec. 404 2007 c 518 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties ... ((\$526,320,000)) \$501,783,827

Sec. 405 2007 c 518 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers ... ((\$937,181,000)) \$902,982,000

Sec. 406 2007 c 518 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers ... ((\$346,657,000)) \$445,345,000

Sec. 407 2007 c 518 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State ... ((\$3,005,000)) \$4,505,000

(2) License Plate Technology Account--State Appropriation: For the Multimodal Transportation Account--State ... \$4,500,000

(3) Motor Vehicle Account--State Appropriation: For transfer to the High-Occupancy Toll Lanes Operations--State Account ... \$3,000,000

(4) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State ... \$20,000,000

(5) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State ... ((\$39,000,000)) \$66,000,000

(6) Advanced Right-of-Way Revolving Account--State Appropriation: For transfer to the Motor Vehicle Account--State ... \$30,000,000

(7) Waste Tire Removal Account--State Appropriation: For transfer to the Motor Vehicle Account--State .. \$5,600,000

(8) Motor Vehicle Account--State Appropriation: ((For transfer to the Transportation Partnership Account--State ... \$25,000,000))

For transfer to the Puget Sound Ferry Operations Account--State ... \$3,000,000

((+)) (9) Multimodal Transportation Account--State Appropriation: For transfer to the Transportation Infrastructure Account--State ... ((\$7,000,000)) \$6,600,000

((++)) (10) Highway Safety Account--State Appropriation:

For transfer to the Multimodal Transportation Account--State ... \$9,500,000 (11) Urban Arterial Trust Account--State Appropriation: For transfer to the Small City Pavement and Sidewalk Account--State ... \$1,400,000 (12) Multimodal Transportation Account--Federal Appropriation: For transfer to the Transportation Infrastructure Account--Federal ... \$1,000,000

The transfers identified in this section are subject to the following conditions and limitations: ((+)) The amount transferred in subsection (3) of this section may be spent only on "highway purposes" as that term is construed in Article II, section 40 of the Washington state Constitution.

COMPENSATION

Sec. 501 2007 c 518 s 501 (uncodified) is amended to read as follows:

COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS. The appropriations for state agencies, are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed ((732)) \$575 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$165.31. Starting January 1, 2009, the subsidy shall be \$184.26 per month.

Sec. 502 2007 c 518 s 502 (uncodified) is amended to read as follows:

COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS. The appropriations for state agencies, are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed ((732)) \$575 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$165.31. Starting January 1, 2009, the subsidy shall be \$184.26 per month.

**Sec. 503** 2007 c 518 s 503 (uncodified) is amended to read as follows:

**COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION.** Collective bargaining agreements negotiated as part of the super coalition under chapter 41.80 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and ~~(\$732)~~ \$575 per month for fiscal year 2009. The agreements also include a one-time payment of \$756 for each employee who is eligible for insurance for the month of June, 2007, and is covered by a 2007-2009 collective bargaining agreement pursuant to chapter 41.80 RCW, as well as continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

**MISCELLANEOUS**

**Sec. 601** RCW 46.68.110 and 2007 c 148 s 1 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums distributed under RCW 46.68.090 shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds distributed under RCW 46.68.090 shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds distributed under RCW 46.68.090 shall be deducted monthly, as such funds accrue, to be deposited in the small city pavement and sidewalk account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program under this subsection as of July 1st of each odd-numbered year thereafter, shall be retained in the account and used for maintenance, repair, and resurfacing

of city and town streets for cities and towns with a population of less than five thousand.

(4) Except as provided in RCW 47.26.080, after making the deductions under subsections (1) through (3) of this section and RCW 35.76.050, the balance remaining to the credit of incorporated cities and towns shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

**NEW SECTION. Sec. 602** A new section is added to 2007 c 518 (uncodified) to read as follows:

Our ability to maintain and preserve the state's investment in transportation is acknowledged to be related to the replacement cost of the system, yet the state has no estimates of the entire system's cost or replacement value. A large portion of the state's highway system was developed prior to June 30, 1980, so it is important that the inventory and valuation include all of the state's highway system including the parts of the system constructed prior to June 30, 1980, that is not required by governmental accounting standards board's statement number 34. Consequently, the department of transportation, in conjunction with the office of financial management, must implement the governmental accounting standards board's statement number 34, including a complete inventory and valuation of the state's highway system's cost basis and replacement cost. During 2008, the cochairs of the joint transportation committee shall select legislators to work with the office of financial management and the department of transportation. The purpose of the effort is to enhance decision making that will result in strategic long-term investment decisions in transportation capital project management and appropriate levels of asset maintenance and preservation. The office of financial management will coordinate and manage the complete inventory and the valuation of the total state's highway system. The office of financial management must submit a final report to the legislative transportation committees on or before December 1, 2009.

**NEW SECTION. Sec. 603** A new section is added to 2007 c 518 (uncodified) to read as follows:

In order to promote the receipt of federal enhancement funds, or other applicable federal or state grant funds, the following portions of highway are designated as part of the scenic and recreational highway system: Beginning at the Anacortes ferry landing, the Washington state ferries Anacortes/San Juan Islands route, which includes stops at Lopez, Shaw, Orcas, and San Juan Islands; and the roads on San Juan and Orcas Islands as described in San Juan Island county council resolution no. 7, adopted February 5, 2008.

**Sec. 604** 2007 c 518 s 713 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION**

Transportation Infrastructure Account--State  
 Appropriation . . . . . ~~(\$7,000,000)~~  
\$8,600,000

The appropriation in this section is subject to the following conditions and limitations: The Palouse River and Coulee City (PCC) rail line system is made up of the CW, P&L and PV Hooper rail lines. The amount provided in this section is provided solely for grants to any intergovernmental entity or local rail district to which ~~((operating rights for the PCC rail line system are assigned, provided that the funds are))~~ the department of transportation assigns the management and oversight responsibility for the business and economic development elements of existing operating leases on the PCC rail lines. Business and economic development elements include such items as levels of service and business operating plans, but shall not include the state's oversight of railroad

regulatory compliance, rail infrastructure condition, or real property management issues. The PCC rail system must be managed in a self-sustaining manner and best efforts shall be used to ensure that it does not require state capital or operating subsidy beyond the level of state funding expended on it to date. The assignment of the stated responsibilities to an intergovernmental entity or rail district shall be on such terms and conditions as the department of transportation and the intergovernmental entity or rail district mutually agree. The grant funds may be used only to refurbish the rail lines. It is the intent of the legislature to make the funds appropriated in this section available as grants to an intergovernmental entity or local rail district for the purposes stated in this section at least until June 30, 2012, and to reappropriate as necessary any portion of the appropriation in this section that is not used by June 30, 2009.

NEW SECTION. Sec. 605 A new section is added to 2007 c 518 (uncodified) to read as follows:

**SPECIAL APPROPRIATIONS TO THE GOVERNOR--INSURANCE ACCOUNTING SYSTEM**

Aeronautics Account--State Appropriation	\$2,000
State Patrol Highway Account--State Appropriation	\$338,000
Puget Sound Capital Construction Account--State Appropriation	\$24,000
Transportation Partnership Account--State Appropriation	\$44,000
Highway Safety Account--State Appropriation	\$120,000
Motor Vehicle Account--State Appropriation	\$882,000
Puget Sound Ferry Operating Account--State Appropriation	\$294,000
Urban Arterial Trust Account--State Appropriation	\$2,000
Transportation Improvement Account--State Appropriation	\$2,000
Department of Licensing Services Account--State Appropriation	\$2,000
Multimodal Transportation Account--State Appropriation	\$12,000
Tacoma Narrows Bridge Toll Account--State Appropriation	\$10,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$120,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,852,000</b>

The appropriations in this section fund various state transportation agencies to support the state insurance accounting system. From the applicable accounts, the office of financial management shall reduce allotments to the respective agencies by an amount that conforms with the insurance accounting system special appropriations enacted in the 2008 supplemental omnibus appropriations act, Engrossed Substitute House Bill No. 2687 (chapter . . . , Laws of 2008). The allotment reductions under this section shall be placed in reserve status and remain unexpended.

NEW SECTION. Sec. 606 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 607 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of bill)

INDEX	PAGE #
-------	--------

BOARD OF PILOTAGE COMMISSIONERS	6
COMPENSATION	
NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS	72

REPRESENTED EMPLOYEES OUTSIDE--SUPER COALITION INSURANCE BENEFITS	73
REPRESENTED EMPLOYEES--SUPER COALITION	73
COUNTY ROAD ADMINISTRATION BOARD	5, 41
DEPARTMENT OF AGRICULTURE	3
DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION	3
DEPARTMENT OF LICENSING	13
TRANSFERS	70
DEPARTMENT OF TRANSPORTATION	43, 76
AVIATION--PROGRAM F	20
CHARGES FROM OTHER AGENCIES--PROGRAM U	30
ECONOMIC PARTNERSHIPS--PROGRAM K	22
FACILITIES--PROGRAM D--OPERATING	20
HIGHWAY MAINTENANCE--PROGRAM M	22
IMPROVEMENTS--PROGRAM I	44
INFORMATION TECHNOLOGY--PROGRAM C	18
LOCAL PROGRAMS--PROGRAM Z--CAPITAL	64
LOCAL PROGRAMS--PROGRAM Z--OPERATING	39
MARINE--PROGRAM X	35
PRESERVATION--PROGRAM P	52
PROGRAM D (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)--CAPITAL	43
PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H	20
PUBLIC TRANSPORTATION--PROGRAM V	31
RAIL--PROGRAM Y--CAPITAL	59
RAIL--PROGRAM Y--OPERATING	38
TOLL OPERATIONS AND MAINTENANCE--PROGRAM B	17
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING	24
TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL	55
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S	26
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T	27
WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W	55
FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD	10
JOINT TRANSPORTATION COMMITTEE	6
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE	4
MARINE EMPLOYEES COMMISSION	2
OFFICE OF FINANCIAL MANAGEMENT	1
SPECIAL APPROPRIATIONS TO THE GOVERNOR--INSURANCE ACCOUNTING SYSTEM	77
STATE PARKS AND RECREATION COMMISSION	3
STATE TREASURER	
ADMINISTRATIVE TRANSFERS	70
BOND RETIREMENT AND INTEREST	68, 69
STATE REVENUES FOR DISTRIBUTION	70
TRANSFERS	70
TRANSPORTATION COMMISSION	8
TRANSPORTATION IMPROVEMENT BOARD	5, 42
UTILITIES AND TRANSPORTATION COMMISSION	1
WASHINGTON STATE PATROL	40
FIELD OPERATIONS BUREAU	10
INVESTIGATIVE SERVICES BUREAU	12
TECHNICAL SERVICES BUREAU	12
WASHINGTON TRAFFIC SAFETY COMMISSION	4"

On page 1, line 1 of the title, after "appropriations," strike the remainder of the title and insert "amending RCW 46.68.110; amending 2007 c 518 ss 101, 102, 103, 104, 105, 106, 107, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 501, 502, 503, and 713

FIFTY-EIGHTH DAY, MARCH 11, 2008

(uncodified); adding new sections to 2007 c 518 (uncodified); making appropriations and authorizing capital improvements; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Haugen, Marr and Swecker; Representatives Clibborn and Jarrett.

#### MOTION

Senator Haugen moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2878 be adopted.

Senators Haugen, Swecker and Stevens spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2878 be adopted.

The motion by Senator Haugen carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2878, as recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2878, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Benton, Hewitt, Honeyford and Pflug - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2878, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

During the vote on final passage of the conference committee report on Engrossed Substitute House Bill No. 2878 yesterday (March 11, 2008), I was involved in preparations for a conference committee on another bill. When the bill came up for final passage I inadvertently voted "aye" when I intended to vote "no". Today's Senate journal should reflect that my intention was to vote "no" on Engrossed Substitute House Bill No. 2878.

SENATOR JANEA HOLMQUIST, 13<sup>th</sup> Legislative District

#### PERSONAL PRIVILEGE

Senator Haugen: "Thank you Mr. President. Well, I just want to take an opportunity to say thank you to the most extraordinary staff who refuses to be here on the floor to be acknowledged. I can tell you one of the reasons the Senate works as well as it does in Transportation because we have most outstanding staff and the thing that I really think that we need to acknowledge is that, last year, the House had a new chair and new staff and actually our staff worked with them and one of the reasons we were so successful is because we began working

2008 REGULAR SESSION

together with the House. The House staff worked with our staff so we were working off the same numbers. Same numbers right from the start so at the end it was very easy to bring us together because we were all dealing with the same paper. But again, we are only as good as the staff we have and let me tell you we have one extraordinary, good Transportation staff and I want to say thank you to them."

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5378, with the following amendment: 5378-S AMH JUDI H5809.2

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 61.24.010 and 1998 c 295 s 2 are each amended to read as follows:

(1) The trustee of a deed of trust under this chapter shall be:

(a) Any domestic corporation incorporated under Title 23B, 30, 31, 32, or 33 RCW of which at least one officer is a Washington resident; or

(b) Any title insurance company authorized to insure title to real property under the laws of this state, or its agents; or

(c) Any attorney who is an active member of the Washington state bar association at the time the attorney is named trustee; or

(d) Any professional corporation incorporated under chapter 18.100 RCW, any professional limited liability company formed under chapter 25.15 RCW, any general partnership, including limited liability partnerships, formed under chapter 25.04 RCW, all of whose shareholders, members, or partners, respectively, are either licensed attorneys or entities, provided all of the owners of those entities are licensed attorneys, or any domestic corporation wholly owned by any of the entities under this subsection (1)(d); or

(e) Any agency or instrumentality of the United States government; or

(f) Any national bank, savings bank, or savings and loan association chartered under the laws of the United States.

(2) The trustee may resign at its own election or be replaced by the beneficiary. The trustee shall give prompt written notice of its resignation to the beneficiary. The resignation of the trustee shall become effective upon the recording of the notice of resignation in each county in which the deed of trust is recorded. If a trustee is not appointed in the deed of trust, or upon the resignation, incapacity, disability, absence, or death of the trustee, or the election of the beneficiary to replace the trustee, the beneficiary shall appoint a trustee or a successor trustee. Upon recording the appointment of a successor trustee in each county in which the deed of trust is recorded, the successor trustee shall be vested with all powers of an original trustee.

(3) The trustee or successor trustee shall have no fiduciary duty or fiduciary obligation to the grantor or other persons having an interest in the property subject to the deed of trust.

(4) The trustee or successor trustee shall act impartially between the borrower, grantor, and beneficiary.

Sec. 2 RCW 61.24.030 and 1998 c 295 s 4 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must (have) maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address; and

(7) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) Each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) That the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) The total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) That failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future;

(h) That the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) That the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection; and

(j) That the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground.

**Sec. 3** RCW 61.24.040 and 1998 c 295 s 5 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, the trustee shall:

(a) Record a notice in the form described in RCW 61.24.040(1)(f) in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in RCW 61.24.040(1)(f) to be transmitted by both first class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i) The borrower and grantor;

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in RCW 61.24.040(1)(f) to be transmitted by both first class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in RCW 61.24.040(1)(f) to be transmitted by both first class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in RCW 61.24.040(1)(f) to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property;

(f) The notice shall be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the . . . . day of . . . . ., . . . ., at the hour of . . . . o'clock . . . . M. at . . . . . [street address and location if inside a building] in the City of . . . . ., State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of . . . . ., State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property] which is subject to that certain Deed of Trust dated . . . . ., recorded . . . . ., under Auditor's File No. . . . ., records of . . . . . County, Washington, from . . . . ., as Grantor, to . . . . ., as Trustee, to secure an obligation in

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

favor of . . . . ., as Beneficiary, the beneficial interest in which was assigned by . . . . ., under an Assignment recorded under Auditor's File No. . . . . [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust. [If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale. [Add Part X to this notice if applicable under RCW 61.24.040(9)]

III.

The default(s) for which this foreclosure is made is/are as follows: [If default is for other than payment of money, set forth the particulars] Failure to pay when due the following amounts which are now in arrears:

. . . . ., Trustee  
. . . . . Address  
. . . . .  
} Phone

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$ . . . . ., together with interest as provided in the note or other instrument secured from the . . . . day of . . . . ., . . . ., and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

[Acknowledgment]

(2) In addition to providing the borrower and grantor the notice of sale described in RCW 61.24.040(1)(f), the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the . . . . day of . . . . . The default(s) referred to in paragraph III must be cured by the . . . . day of . . . . . (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the . . . . day of . . . . ., . . . . (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the . . . . day of . . . . ., . . . . (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

NOTICE OF FORECLOSURE

Pursuant to the Revised Code of Washington, Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to . . . . ., the Beneficiary of your Deed of Trust and owner of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the . . . . day of . . . . .

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the . . . . day of . . . . ., . . . . [11 days before the sale date]. To date, these arrears and costs are as follows:

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses: by both first class and certified mail on the . . . . day of . . . . ., . . . ., proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the . . . . day of . . . . ., . . . ., with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

	Estimated amount
Currently due	that will be due
to reinstate	to reinstate
on . . . . .	on . . . . .
. . . . .	. . . . .
	(11 days before
	the date set
	for sale)

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

Delinquent payments

from . . . . ., . . . ., in the amount of \$ . . . /mo.: \$ . . . . \$ . . . .

VIII.

Late charges in the total

amount of:	\$ . . . .	\$ . . . .
		Estimated
		Amounts
Attorneys' fees:	\$ . . . .	\$ . . . .
Trustee's fee:	\$ . . . .	\$ . . . .
Trustee's expenses:		
(Itemization)		
Title report	\$ . . . .	\$ . . . .
Recording fees	\$ . . . .	\$ . . . .
Service/Posting of Notices	\$ . . . .	\$ . . . .
Postage/Copying expense	\$ . . . .	\$ . . . .
Publication	\$ . . . .	\$ . . . .
Telephone charges	\$ . . . .	\$ . . . .
Inspection fees	\$ . . . .	\$ . . . .
.....	\$ . . . .	\$ . . . .
.....	\$ . . . .	\$ . . . .
TOTALS	\$ . . . .	\$ . . . .

DAY OF . . . . ., YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$ . . . . .) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME: .....

ADDRESS: .....

TELEPHONE NUMBER: .....

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

(3) In addition, the trustee shall cause a copy of the notice of sale described in RCW 61.24.040(1)(f) (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth and twenty-eighth day before the date of sale, and once on or between the fourteenth and seventh day before the date of sale;

(4) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

(5) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

(6) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in RCW 61.24.040(1)(b) (i) and (ii) to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in RCW 61.24.040(1) (b), (c), (d), and (e) and publishing a copy of such notice once in the newspaper(s)

To pay off the entire obligation secured by your Deed of Trust as of the . . . . day of . . . . you must pay a total of \$ . . . . in principal, \$ . . . . in interest, plus other costs and advances estimated to date in the amount of \$ . . . . . From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
---------	---

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the . . . day of . . . ., . . . [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to: . . . . ., whose address is . . . . ., telephone ( ) . . . . . AFTER THE

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

described in RCW 61.24.040(3), more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

Dated this . . . . day of . . . . ., ((+9)) 20. . .

(7) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under RCW 61.24.040(1), if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

.....  
Signature

(8) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured.

(9) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X.

NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants and tenants. After the 20th day following the sale the purchaser has the right to evict occupants and tenants by summary proceedings under the unlawful detainer act, chapter 59.12 RCW.

(10) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

Sec. 4 RCW 61.24.045 and 1985 c 193 s 1 are each amended to read as follows:

Any person desiring a copy of any notice of sale described in RCW 61.24.040(1)(f) under any deed of trust, other than a person entitled to receive such a notice under RCW 61.24.040(1) (b) or (c), must, after the recordation of such deed of trust and before the recordation of the notice of sale, cause to be filed for record, in the office of the auditor of any county in which the deed of trust is recorded, a duly acknowledged request for a copy of any notice of sale. The request shall be signed and acknowledged by the person to be notified or such person's agent, attorney, or representative; shall set forth the name, mailing address, and telephone number, if any, of the person or persons to be notified; shall identify the deed of trust by stating the names of the parties thereto, the date the deed of trust was recorded, the legal description of the property encumbered by the deed of trust, and the auditor's file number under which the deed of trust is recorded; and shall be in substantially the following form:

REQUEST FOR NOTICE

Request is hereby made that a copy of any notice of sale described in RCW 61.24.040(1)(f) under that certain Deed of Trust dated . . . . ., ((+9)) 20. . ., recorded on . . . . ., ((+9)) 20. . ., under auditor's file No. . . . ., records of . . . . . County, Washington, from . . . . ., as Grantor, to . . . . ., as Trustee, to secure an obligation in favor of . . . . ., as Beneficiary, and affecting the following described real property:

(Legal Description)  
be sent by both first class and either registered or certified mail, return receipt requested, to . . . . . at . . . . .

(Acknowledgment)

A request for notice under this section shall not affect title to, or be deemed notice to any person that any person has any right, title, interest in, lien or charge upon, the property described in the request for notice.

Sec. 5 RCW 61.24.130 and 1998 c 295 s 14 are each amended to read as follows:

(1) Nothing contained in this chapter shall prejudice the right of the borrower, grantor, any guarantor, or any person who has an interest in, lien, or claim of lien against the property or some part thereof, to restrain, on any proper legal or equitable ground, a trustee's sale. The court shall require as a condition of granting the restraining order or injunction that the applicant pay to the clerk of the court the sums that would be due on the obligation secured by the deed of trust if the deed of trust was not being foreclosed:

(a) In the case of default in making the periodic payment of principal, interest, and reserves, such sums shall be the periodic payment of principal, interest, and reserves paid to the clerk of the court every thirty days.

(b) In the case of default in making payment of an obligation then fully payable by its terms, such sums shall be the amount of interest accruing monthly on said obligation at the nondefault rate, paid to the clerk of the court every thirty days.

In the case of default in performance of any nonmonetary obligation secured by the deed of trust, the court shall impose such conditions as it deems just.

In addition, the court may condition granting the restraining order or injunction upon the giving of security by the applicant, in such form and amount as the court deems proper, for the payment of such costs and damages, including attorneys' fees, as may be later found by the court to have been incurred or suffered by any party by reason of the restraining order or injunction. The court may consider, upon proper showing, the grantor's equity in the property in determining the amount of said security.

(2) No court may grant a restraining order or injunction to restrain a trustee's sale unless the person seeking the restraint gives five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. No judge may act upon such application unless it is accompanied by proof, evidenced by return of a sheriff, the sheriff's deputy, or by any person eighteen years of age or over who is competent to be a witness, that the notice has been served on the trustee.

(3) If the restraining order or injunction is dissolved after the date of the trustee's sale set forth in the notice as provided in RCW 61.24.040(1)(f), the court granting such restraining order or injunction, or before whom the order or injunction is returnable, shall, at the request of the trustee, set a new sale date which shall be not less than forty-five days from the date of the order dissolving the restraining order. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through (f) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(1)(f) to be published in a legal newspaper in each county in which the property or any part thereof is situated once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

(4) If a trustee's sale has been stayed as a result of the filing of a petition in federal bankruptcy court and an order is entered in federal bankruptcy court granting relief from the stay or closing or dismissing the case, or discharging the debtor with the effect of removing the stay, the trustee may set a new sale date which shall not be less than forty-five days after the date of the bankruptcy court's order. The trustee shall:

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(a) Comply with the requirements of RCW 61.24.040(1) (a) through (f) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(1)(f) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

(5) Subsections (3) and (4) of this section are permissive only and do not prohibit the trustee from proceeding with a trustee's sale following termination of any injunction or stay on any date to which such sale has been properly continued in accordance with RCW 61.24.040(6).

(6) The issuance of a restraining order or injunction shall not prohibit the trustee from continuing the sale as provided in RCW 61.24.040(6).

**Sec. 6** RCW 61.24.135 and 1998 c 295 s 15 are each amended to read as follows:

It is an unfair or deceptive act or practice under the consumer protection act, chapter 19.86 RCW, for any person, acting alone or in concert with others, to offer, or offer to accept or accept from another, any consideration of any type not to bid, or to reduce a bid, at a sale of property conducted pursuant to a power of sale in a deed of trust. The trustee may decline to complete a sale or deliver the trustee's deed and refund the purchase price, if it appears that the bidding has been collusive or defective, or that the sale might have been void. However, it is not an unfair or deceptive act or practice for any person, including a trustee, to state that a property subject to a recorded notice of trustee's sale or subject to a sale conducted pursuant to this chapter is being sold in an "as-is" condition, or for the beneficiary to arrange to provide financing for a particular bidder or to reach any good faith agreement with the borrower, grantor, any guarantor, or any junior lienholder."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5378.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5378.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5378 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5378, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5378, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senators Benton, Holmquist and Kohl-Welles - 3  
SUBSTITUTE SENATE BILL NO. 5378, as amended by the House, having received the constitutional majority, was

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Engrossed Substitute House Bill No. 2878 was immediately transmitted to the House of Representatives.

#### MESSAGE FROM THE HOUSE

March 6, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6534, with the following amendment: 6534 AMH QUAL MCLA 374

On page 1, after line 17, insert the following:

"**Sec. 2.** RCW 28A.305.215 and 2007 c 396 s 1 are each amended to read as follows:

(1) The activities in this section revise and strengthen the state learning standards that implement the goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsections (3), (4), and (5) of this section by: (a) An expert national consultant in each of mathematics and science retained by the state board; and (b) the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, which shall provide review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

(4)(a) By ((January 31)) February 29, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). ((The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2008 legislative session.))

(b) The state board of education shall direct an expert national consultant in mathematics to:

(i) Analyze the February 2008 version of the revised standards, including a comparison to exemplar standards

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

previously reviewed under this section;

(ii) Recommend specific language and content changes needed to finalize the revised standards; and

(iii) Present findings and recommendations in a draft report to the state board of education.

(c) By May 15, 2008, the state board of education shall review the consultant's draft report, consult the mathematics advisory panel, hold a public hearing to receive comment, and direct any subsequent modifications to the consultant's report. After the modifications are made, the state board of education shall forward the final report and recommendations to the superintendent of public instruction for implementation.

(d) By July 1, 2008, the superintendent of public instruction shall revise the mathematics standards to conform precisely to and incorporate each of the recommendations of the state board of education under subsection (4)(c) of this section and submit the revisions to the state board of education.

(e) By July 31, 2008, the state board of education shall either approve adoption by the superintendent of public instruction of the final revised standards as the essential academic learning requirements and grade level expectations for mathematics, or develop a plan for ensuring that the recommendations under subsection (4)(c) are implemented so that final revised mathematics standards can be adopted by September 25, 2008.

(5) By June 30, 2008, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in science. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of standards used by three to five other states and in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment; and

(c) Consideration of information presented during public comment periods.

(6) By December 1, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for science and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2009 legislative session.

(7)(a) By May 15, 2008, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) By June 30, 2008, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) By May 15, 2009, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic science curricula each for elementary, middle, and high school grade spans.

(d) By June 30, 2009, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended science curricula. The superintendent of public instruction shall

make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(e) In selecting the recommended curricula under this subsection (7), the superintendent of public instruction shall provide information to the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, and seek the advice of the appropriate panel regarding the curricula that shall be included in the recommendations.

(f) The recommended curricula under this subsection (7) shall align with the revised essential academic learning requirements and grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(g) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span and in each of mathematics and science shall be available to schools and parents online at no cost to the school or parent.

(8) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(9) Nothing in this section requires a school district to use one of the recommended curricula under subsection (7) of this section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by RCW 28A.305.130(4)(e) before implementation.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."  
Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Senate Bill No. 6534.

MOTION

On motion of Senator Brandland, Senators Holmquist and Kohl-Welles were excused.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Senate Bill No. 6534.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6534 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6534, as amended by the House.

ROLL CALL

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 6534, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Murray - 1

Excused: Senators Holmquist and Kohl-Welles - 2

SENATE BILL NO. 6534, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6573, with the following amendment: 6573-S.E AMH ENGR H6013.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that local governments need additional revenues to provide public safety resources in order to protect the citizens of Washington from fire and crime. The legislature finds that the current benefit formula and contributions for the law enforcement officers' and firefighters' plan 2 are inadequate to modify that formula in recognition of the shorter working careers for firefighters and police officers. The legislature recognizes that although some officers and firefighters are able to work comfortably beyond twenty-five years, the combat nature of fire suppression and law enforcement generally require earlier retirement ages. In recognition of the physical demands of the professions and the inherent risks faced by law enforcement officers and firefighters, eligibility for retirement in the law enforcement officers' and firefighters' plan 2 system has been set at age fifty-three. However, the benefit formula is designed for careers of thirty-five to forty years, making retirement at age fifty-three an unrealistic option for many.

Therefore, the legislature declares that it is the purpose of this act to provide local government public safety employers and the law enforcement officers' and firefighters' plan 2 pension plan with additional shared revenues when general state revenues exceed by more than five percent the previous fiscal biennium's revenue.

**NEW SECTION. Sec. 2** A new section is added to chapter 41.26 RCW to read as follows:

The local public safety enhancement account is created in the state treasury. Moneys in the account may be spent only after appropriation. All receipts from section 4 of this act must be deposited into the account. Expenditures from the account may be used as follows:

(1) Following appropriation, fifty percent of the money in the account shall be transferred to the law enforcement officers' and firefighters' retirement system benefits improvement account established in section 3 of this act.

(2) Following appropriation, the balance shall be distributed by the state treasurer to all jurisdictions with law enforcement officers' and firefighters' plan 2 members. Each year, the department of retirement systems will determine each jurisdictions' proportionate share of funds based on the number of plan 2 members each jurisdiction has on June 1st of the prior year divided by the total number of plan 2 members in the system. The department of retirement systems shall provide the

distribution allocation to the state treasurer. Distributions by the state treasurer shall be made annually each January 1st with one-half of the appropriation being distributed in the first year of the appropriation and any remainder the following year. If an appropriation is made for a single fiscal year, the entire appropriation shall be distributed the following January 1st. Jurisdictions that contract with other eligible jurisdictions for law enforcement services or fire protection services must agree on the distribution of funds between the contracting parties and must inform the department of retirement systems as to how the distribution is to be made. Distributions will continue to be made under the terms of the agreement until the department of retirement systems is notified by the eligible jurisdiction of any agreement revisions. If there is no agreement within six months of the distribution date, the moneys lapse to the state treasury. Moneys distributed from the balance of the public safety enhancement account may be used for the following purposes: (a) Criminal justice, including those where an ancillary benefit to the civil justice occurs, and includes domestic violence programs; (b) information and assistance to parents and families dealing with at-risk or runaway youth; or (c) public safety. Money distributed from the account shall not supplant existing funds used for these purposes. For purposes of this subsection, "existing funds" means the actual operating expenditures for the calendar year prior to the first distribution from the account. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, change in contract provisions beyond the control of the jurisdiction receiving the services, and major capital expenditures.

**NEW SECTION. Sec. 3** A new section is added to chapter 41.26 RCW to read as follows:

(1) The local law enforcement officers' and firefighters' retirement system benefits improvement account (benefits account) is created within the law enforcement officers' and firefighters' retirement system plan 2 fund. All receipts from section 2(1) of this act must be deposited into the account.

(2) The funds in the benefits account shall not be included by the actuary retained by the board in the calculation of the market value of assets of the law enforcement officers' and firefighters' retirement system plan 2 fund until the board directs the actuary retained by the board in writing to do so for purposes of financing benefits enacted by the legislature. The board shall, in consultation with the state investment board and within ninety days of the transfer of funds into the benefits account, provide the actuary retained by the board, in writing, the market value of the amount directed from the benefits account for inclusion in the calculation of the market value of assets of the law enforcement officers' and firefighters' retirement system plan 2 fund. The market value of the amount directed from the benefits account shall be an amount determined by the state actuary to sufficiently offset the unfunded actuarial accrued liabilities of benefit improvements financed from this account. The market value of the amount directed from the benefits account shall be determined as of the date of the direction from the board to include this amount for purposes of financing benefits enacted by the legislature.

(3) The law enforcement officers' and firefighters' plan 2 retirement board shall administer the fund in an actuarially sound manner.

(4) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the benefits account. The state investment board is authorized to adopt investment policies for the money in the benefits account. All investment and operating costs associated with the investment of money within the benefits account shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the benefits account.

(5) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policy established by the state investment board.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(6) When appropriate for investment purposes, the state investment board may commingle money in the fund with other funds.

(7) The authority to establish all policies relating to the benefits account, other than the investment policies set forth in this section, resides with the law enforcement officers' and firefighters' plan 2 retirement board. Other than investments by and expenses of the state investment board, disbursements from this fund may be made only on the authorization of the law enforcement officers' and firefighters' plan 2 retirement board for purposes of funding the member, employer, and state cost of financing benefits enacted by the legislature.

(8) The state investment board shall routinely consult with and communicate with the law enforcement officers' and firefighters' plan 2 retirement board on the investment policy, earnings of the trust, and related needs of the benefits account.

(9) Funds in the benefits account cannot be used to finance future benefit improvements if the state actuary determines that the actuarial present value of fully projected benefits for current and future members for all benefits being financed from this account exceeds the actuarial present value of the revenue provided under section 4 of this act and the accrued earnings of the benefits account. When making the determination under this subsection, the state actuary shall select assumptions and methods to reduce the risk that the actual revenue received is less than the assumed revenue.

**NEW SECTION. Sec. 4** A new section is added to chapter 41.26 RCW to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2013, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer ten million dollars to the local public safety enhancement account.

(3) By September 30, 2015, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer twenty million dollars to the local public safety enhancement account.

(4) By September 30, 2017, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

**Sec. 5** RCW 41.26.720 and 2003 c 2 s 5 are each amended to read as follows:

(1) The board of trustees have the following powers and duties and shall:

(a) Adopt actuarial tables, assumptions, and cost methodologies in consultation with an enrolled actuary retained by the board. The state actuary shall provide assistance when the board requests. The actuary retained by the board shall utilize the aggregate actuarial cost method, or other recognized actuarial cost method based on a level percentage of payroll, as that term is employed by the American academy of actuaries. The actuary retained by the board shall adjust the actuarial cost method to recognize the actuarial present value of future revenue that will be included in the calculation of the market value of assets pursuant to section 3(2) of this act, using the methods and assumptions employed by the state actuary in section 3(9) of this act. In determining the reasonableness of actuarial valuations, assumptions, and cost methodologies, the actuary retained by the board shall provide a copy of all such calculations to the state actuary. If the two actuaries concur on the calculations, contributions shall be made as set forth in the report of the board's actuary. If the two actuaries cannot agree, they shall appoint a third, independent, enrolled actuary who shall review the calculations of the actuary retained by the board and the state actuary. Thereafter, contributions shall be based

on the methodology most closely following that of the third actuary;

(b)(i) Provide for the design and implementation of increased benefits for members and beneficiaries of the plan, subject to the contribution limitations under RCW 41.26.725. An increased benefit may not be approved by the board until an actuarial cost of the benefit has been determined by the actuary and contribution rates adjusted as may be required to maintain the plan on a sound actuarial basis. Increased benefits as approved by the board shall be presented to the legislature on January 1st of each year. The increased benefits as approved by the board shall become effective within ninety days unless a bill is enacted in the next ensuing session of the legislature, by majority vote of each house of the legislature, repealing the action of the board;

(ii) As an alternative to the procedure in (b)(i) of this subsection, recommend to the legislature changes in the benefits for members and beneficiaries, without regard to the cost limitations in RCW 41.26.725(3). Benefits adopted in this manner shall have the same contractual protections as the minimum benefits in the plan. The recommendations of the board shall be presented to the legislature on January 1st of each year. These measures shall take precedence over all other measures in the legislature, except appropriations bills, and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session;

(c) Retain professional and technical advisors necessary for the accomplishment of its duties. The cost of these services may be withdrawn from the trust;

(d) Consult with the department for the purpose of improving benefit administration and member services;

(e) Provide an annual report to the governor and the legislature setting forth the actuarial funding status of the plan and making recommendations for improvements in those aspects of retirement administration directed by the legislature or administered by the department;

(f) Establish uniform administrative rules and operating policies in the manner prescribed by law;

(g) Engage administrative staff and acquire office space independent of, or in conjunction with, the department. The department shall provide funding from its budget for these purposes;

(h) ~~((The board shall publish [Publish]))~~ Publish on an annual basis a schedule of increased benefits together with a summary of the minimum benefits as established by the legislature which shall constitute the official plan document; and

(i) Be the fiduciary of the plan and discharge the board's duties solely in the interest of the members and beneficiaries of the plan.

(2) Meetings of the board of trustees shall be conducted as follows:

(a) All board meetings are open to the public, preceded by timely public notice;

(b) All actions of the board shall be taken in open public session, except for those matters which may be considered in executive session as provided by law;

(c) The board shall retain minutes of each meeting setting forth the names of those board members present and absent, and their voting record on any voted issue; and

(d) The board may establish, with the assistance of the appropriate office of state government, an internet web site providing for interactive communication with state government, members and beneficiaries of the plan, and the public.

(3) A quorum of the board is six board members. All board actions require six concurring votes.

(4) The decisions of the board shall be made in good faith and are final, binding, and conclusive on all parties. The decisions of the board shall be subject to judicial review as provided by law.

(5) A law enforcement officers' and firefighters' retirement system plan 2 expense fund is established for the purpose of defraying the expenses of the board. The board shall cause an annual budget to be prepared consistent with the requirements of chapter 43.88 RCW and shall draw the funding for the budget from the investment income of the trust. Board members shall

FIFTY-EIGHTH DAY, MARCH 11, 2008

be reimbursed for travel and education expenses as provided in RCW 43.03.050 and 43.03.060. The board shall make an annual report to the governor, legislature, and state auditor setting forth a summary of the costs and expenditures of the plan for the preceding year. The board shall also retain the services of an independent, certified public accountant who shall annually audit the expenses of the fund and whose report shall be included in the board's annual report."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6573.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6573.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6573 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6573, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6573, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Honeyford and Spanel - 2

Excused: Senators Holmquist and Kohl-Welles - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6573, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 5, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6950, with the following amendments: 6950 AMH VAND MITC 264 & 6950 AMD....H5993.1

On page 41, after line 25, insert the following:

"NEW SECTION. **Sec. 509.** A new section is added to chapter 84.33 RCW to read as follows:

(1) A harvester may elect to calculate the tax imposed by this chapter in the manner provided in RCW 84.33.074 for an amount of timber that does not exceed five million board feet, if all of the following conditions are met:

(a) The timber is harvested after December 31, 2007, and before January 1, 2010;

(b) The timber is harvested on property within a county designated by the president of the United States as a disaster area as a result of severe storms and flooding that occurred in

2008 REGULAR SESSION

December 2007 and the county qualifies for individual assistance from the federal emergency management agency; and

(c) For any tax liability under this chapter incurred by the harvester in calendar years 2005, 2006, and 2007, the tax liability resulted from the felling, cutting, or taking of timber in an amount not exceeding two million board feet in each of those years.

(2) This section expires January 1, 2010."

Renumber the remaining sections consecutively, fix internal cross references accordingly, and correct the title

On page 45, line 23, after "permit" insert "except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2)"

On page 46, line 2, after "permit" insert "except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2)"

On page 47, line 28, after "permit" insert "except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2)"

On page 48, line 8, after "permit" insert "except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2)"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Fraser moved that the Senate concur in the House amendment(s) to Senate Bill No. 6950.

Senator Fraser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate concur in the House amendment(s) to Senate Bill No. 6950.

The motion by Senator Fraser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6950 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6950, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6950, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Holmquist - 1

SENATE BILL NO. 6950, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 8, 2008

MR. PRESIDENT:

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 2598 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator McAuliffe moved that the Senate recede from its position in the Senate House amendment(s) to Second Substitute House Bill No. 2598.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 2598.

The motion by Senator McAuliffe carried and the Senate receded from its position in the Senate amendment(s) to Second Substitute House Bill No. 2598 by voice vote.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended and Second Substitute House Bill No. 2598 was returned to second reading for the purposes of amendment.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2598, by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Sullivan, Ormsby, Haigh, Schual-Berke, Green and Simpson)

Directing the office of the superintendent of public instruction to issue a request for proposals for development of an online mathematics curriculum. Revised for 2nd Substitute: Regarding an online mathematics curriculum.

The measure was read the second time.

#### MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe, Tom and King be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** Within thirty days after the adoption of final revised mathematics standards as directed under RCW 28A.305.215, the office of the superintendent of public instruction and the state board of education shall work together to develop a request for proposals for private vendors or nonprofit organizations to adapt an existing mathematics curriculum to be aligned with Washington's essential academic learning requirements and grade level expectations and make the curriculum available online at no cost to school districts. At a minimum, the proposed curriculum shall cover course content in grades kindergarten through twelve and the state's college readiness standards. Proposals shall address cost and timelines for adaptation and implementation of the curriculum. The office of the superintendent of public instruction shall review the responses to the request for proposals, including an analysis of the qualifications of the respondents, and report the results of the request for proposals under this section to the governor and the education and fiscal committees of the legislature by December 1, 2008.

**Sec. 2** RCW 28A.305.215 and 2007 c 396 s 1 are each amended to read as follows:

(1) The activities in this section revise and strengthen the state learning standards that implement the goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsections (3) and (5) of this section by: (a) An expert national consultant in each of mathematics and science retained by the state board; and (b) the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, which shall provide review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

(4) By January 31, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2008 legislative session.

(5) By June 30, 2008, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in science. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of standards used by three to five other states and in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment; and

(c) Consideration of information presented during public comment periods.

(6) By December 1, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for science and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2009 legislative session.

(7)(a) ~~((By May 15, 2008))~~ Within six months after the standards under subsection (4) of this section are adopted, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) ~~((By June 30, 2008))~~ Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) By May 15, 2009, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic science curricula each for elementary, middle, and high school grade spans.

(d) By June 30, 2009, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended science curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(e) In selecting the recommended curricula under this subsection (7), the superintendent of public instruction shall provide information to the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, and seek the advice of the appropriate panel regarding the curricula that shall be included in the recommendations.

(f) The recommended curricula under this subsection (7) shall align with the revised essential academic learning requirements and grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(g) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span and in each of mathematics and science shall be available to schools and parents online at no cost to the school or parent.

(8) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(9) Nothing in this section requires a school district to use one of the recommended curricula under subsection (7) of this section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by RCW 28A.305.130(4)(e) before implementation.

(10) The superintendent of public instruction shall conduct a comprehensive survey of the mathematics curricula being used by school districts at all grade levels and the textbook and curriculum purchasing cycle of the districts and report the results of the survey to the education committees of the legislature by November 15, 2008.

NEW SECTION. Sec. 3 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Senators McAuliffe and King spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe, Tom and King to Second Substitute House Bill No. 2598.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "curriculum;" strike the remainder of the title and insert "amending RCW 28A.305.215; and creating new sections."

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2598 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2598 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2598 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE HOUSE BILL NO. 2598 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 8, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Hargrove moved that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 2714.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 2714.

The motion by Senator Hargrove carried and the Senate receded from its position in the Senate amendment(s) to Second Substitute House Bill No. 2714 by voice vote.

#### MOTION

On motion of Senator Hargrove, the rules were suspended and Second Substitute House Bill No. 2714 was returned to second reading for the purposes of amendment.

FIFTY-EIGHTH DAY, MARCH 11, 2008  
SECOND READING

2008 REGULAR SESSION

SECOND SUBSTITUTE HOUSE BILL NO. 2714, by House Committee on Appropriations (originally sponsored by Representatives Loomis, Hurst, Lantz, Upthegrove, Conway, Simpson, VanDeWege and Kelley)

Changing provisions concerning registration of sex offenders and kidnapping offenders. Revised for 2nd Substitute: Making failure to register as a sex offender a class B felony.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 9A.44.130 and 2006 c 129 s 2, 2006 c 128 s 2, 2006 c 127 s 2, and 2006 c 126 s 2 are each reenacted and amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006,

must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.550 upon the public safety department of any public or private school or institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) complete residential address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

When the agency with jurisdiction intends to release an

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon

sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes for offenses committed before, on, or after February 28, 1990, or Washington state for offenses committed before, on, or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed before, on, or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (11) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send signed written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send signed written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph

and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) All offenders who are required to register pursuant to this section who have a fixed residence and who are designated as a risk level II or III must report, in person, every ninety days to the sheriff of the county where he or she is registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. An offender who complies with the ninety-day reporting requirement with no violations for a period of at least five years in the community may petition the superior court to be relieved of the duty to report every ninety days. The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose. Failure to report, as specified, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

(8) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(9) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints. A photograph may be taken at any time to update an individual's file.

(10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (10)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (10)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(11)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class (€) B felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (10)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (10)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(12)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (10)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (10)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(13) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

**Sec. 2** RCW 9.94A.030 and 2006 c 139 s 5, 2006 c 124 s 1, 2006 c 122 s 7, 2006 c 73 s 5, and 2005 c 436 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit,"

or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for

supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(30) "Nonviolent offense" means an offense which is not a violent offense.

(31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(33) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (33)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed

in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(34) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(35) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

(36) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(37) "Public school" has the same meaning as in RCW 28A.150.010.

(38) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(39) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(40) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(41) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(42) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130((++)) (12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(43) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(44) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(45) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(46) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(47) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(48) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(49) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(50) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence

of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(51) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(52) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(53) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 3 RCW 13.40.0357 and 2007 c 199 s 11 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION	JUVENILE DISPOSITION
DESCRIPTION	CATEGORY FOR
OFFENSE	ATTEMPT, BAILJUMP,
CATEGORY DESCRIPTION (RCW CITATION)	CONSPIRACY, OR SOLICITATION

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B +
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090(2) (a) and (c))	E
E	Malicious Mischief 3 (9A.48.090(2)(b))	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B +

**Assault and Other Crimes Involving Physical Harm**

A	Assault 1 (9A.36.011)	B +
B +	Assault 2 (9A.36.021)	C +
C +	Assault 3 (9A.36.031)	D +
D +	Assault 4 (9A.36.041)	E

B +	Drive-By Shooting (9A.36.045)	C +	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
D +	Reckless Endangerment (9A.36.050)	E			
C +	Promoting Suicide Attempt (9A.36.060)	D +		<b>Firearms and Weapons</b>	
D +	Coercion (9A.36.070)	E	B	Theft of Firearm (9A.56.300)	C
C +	Custodial Assault (9A.36.100)	D +	B	Possession of Stolen Firearm (9A.56.310)	C
	<b>Burglary and Trespass</b>		E	Carrying Loaded Pistol Without Permit (9.41.050)	E
B +	Burglary 1 (9A.52.020)	C +	C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(iii))	C
B	Residential Burglary (9A.52.025)	C	D +	Possession of Dangerous Weapon (9.41.250)	E
B	Burglary 2 (9A.52.030)	C	D	Intimidating Another Person by use of Weapon (9.41.270)	E
D	Burglary Tools (Possession of) (9A.52.060)	E		<b>Homicide</b>	
D	Criminal Trespass 1 (9A.52.070)	E	A +	Murder 1 (9A.32.030)	A
E	Criminal Trespass 2 (9A.52.080)	E	A +	Murder 2 (9A.32.050)	B +
C	Mineral Trespass (78.44.330)	C	B +	Manslaughter 1 (9A.32.060)	C +
C	Vehicle Prowling 1 (9A.52.095)	D	C +	Manslaughter 2 (9A.32.070)	D +
D	Vehicle Prowling 2 (9A.52.100)	E	B +	Vehicular Homicide (46.61.520)	C +
	<b>Drugs</b>			<b>Kidnapping</b>	
E	Possession/Consumption of Alcohol (66.44.270)	E	A	Kidnap 1 (9A.40.020)	B +
C	Illegally Obtaining Legend Drug (69.41.020)	D	B +	Kidnap 2 (9A.40.030)	C +
C +	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D +	C +	Unlawful Imprisonment (9A.40.040)	D +
E	Possession of Legend Drug (69.41.030(2)(b))	E		<b>Obstructing Governmental Operation</b>	
B +	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B +	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C	E	Resisting Arrest (9A.76.040)	E
E	Possession of Marihuana <40 grams (69.50.4014)	E	B	Introducing Contraband 1 (9A.76.140)	C
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C	C	Introducing Contraband 2 (9A.76.150)	D
C +	Sale of Controlled Substance for Profit (69.50.410)	C +	E	Introducing Contraband 3 (9A.76.160)	E
E	Unlawful Inhalation (9.47A.020)	E	B +	Intimidating a Public Servant (9A.76.180)	C +
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B	B +	Intimidating a Witness (9A.72.110)	C +
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C		<b>Public Disturbance</b>	
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C	C +	Riot with Weapon (9A.84.010(2)(b))	D +
			D +	Riot Without Weapon (9A.84.010(2)(a))	E
			E	Failure to Disperse (9A.84.020)	E
			E	Disorderly Conduct (9A.84.030)	E
				<b>Sex Crimes</b>	
			A	Rape 1 (9A.44.040)	B +
			A-	Rape 2 (9A.44.050)	B +
			C +	Rape 3 (9A.44.060)	D +

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

A-	Rape of a Child 1 (9A.44.073)	B +	E	Driving Without a License (46.20.005)	E
B +	Rape of a Child 2 (9A.44.076)	C +	B +	Hit and Run - Death (46.52.020(4)(a))	C +
B	Incest 1 (9A.64.020(1))	C	C	Hit and Run - Injury (46.52.020(4)(b))	D
C	Incest 2 (9A.64.020(2))	D	D	Hit and Run-Attended (46.52.020(5))	E
D +	Indecent Exposure (Victim <14) (9A.88.010)	E	E	Hit and Run-Unattended (46.52.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E	C	Vehicular Assault (46.61.522)	D
B +	Promoting Prostitution 1 (9A.88.070)	C +	C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
C +	Promoting Prostitution 2 (9A.88.080)	D +	E	Reckless Driving (46.61.500)	E
E	O & A (Prostitution) (9A.88.030)	E	D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B +	Indecent Liberties (9A.44.100)	C +	B +	Felony Driving While Under the Influence (46.61.502(6))	B
A-	Child Molestation 1 (9A.44.083)	B +	B +	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
B	Child Molestation 2 (9A.44.086)	C +			
<u>C</u>	<u>Failure to Register as a Sex Offender (9A.44.130)</u>	<u>D</u>		<b>Other</b>	
	<b>Theft, Robbery, Extortion, and Forgery</b>		B	Animal Cruelty 1 (16.52.205)	C
B	Theft 1 (9A.56.030)	C	B	Bomb Threat (9.61.160)	C
C	Theft 2 (9A.56.040)	D	C	Escape 1 <sup>1</sup> (9A.76.110)	C
D	Theft 3 (9A.56.050)	E	C	Escape 2 <sup>1</sup> (9A.76.120)	C
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C	D	Escape 3 (9A.76.130)	E
C	Forgery (9A.60.020)	D	E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Robbery 1 (9A.56.200)	B +	A	Other Offense Equivalent to an Adult Class A Felony	B +
B +	Robbery 2 (9A.56.210)	C +	B	Other Offense Equivalent to an Adult Class B Felony	C
B +	Extortion 1 (9A.56.120)	C +	C	Other Offense Equivalent to an Adult Class C Felony	D
C +	Extortion 2 (9A.56.130)	D +	D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
C	Identity Theft 1 (9.35.020(2))	D	D	Other Offense Equivalent to an Adult Misdemeanor	E
D	Identity Theft 2 (9.35.020(3))	E	E	Other Offense Equivalent to an Adult Misdemeanor	E
D	Improperly Obtaining Financial Information (9.35.010)	E	V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V
B	Possession of a Stolen Vehicle (9A.56.068)	C			
B	Possession of Stolen Property 1 (9A.56.150)	C			
C	Possession of Stolen Property 2 (9A.56.160)	D			
D	Possession of Stolen Property 3 (9A.56.170)	E			
B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C			
C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D			
B	Theft of a Motor Vehicle (9A.56.065)	C			

**Motor Vehicle Related Crimes**

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12 month period - 4 weeks confinement

2nd escape or attempted escape during 12 month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, D, or RCW 13.40.167.

**OPTION A  
 JUVENILE OFFENDER SENTENCING GRID  
 STANDARD RANGE**

	A +	180 WEEKS TO AGE 21 YEARS					
	A	103 WEEKS TO 129 WEEKS					
	A-	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS		
		EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS					
Current Offense Category	B +	15-36 WEEKS		52-65 WEEKS	80-100 WEEKS	103-129 WEEKS	
	B	LOCAL SANCTIONS (LS)		15-36 WEEKS		52-65 WEEKS	
	C +	LS			15-36 WEEKS		
	C	LS				15-36 WEEKS	
			Local Sanctions: 0 to 30 Days				
	D +	LS	0 to 12 Months Community Supervision				
			0 to 150 Hours Community Restitution				
	D	LS	\$0 to \$500 Fine				
	E	LS					
			0	1	2	3	4 or more

**PRIOR ADJUDICATIONS**

NOTE: References in the grid to days or weeks mean periods of confinement.

category. The current offense category is determined by the offense of adjudication.

(1) The vertical axis of the grid is the current offense

(2) The horizontal axis of the grid is the number of prior

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

**OPTION B SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

(a) Adjudicated of an A + offense;

(b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); or

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

**OR**

**OPTION C CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR**

**OPTION D MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall

impose a disposition outside the standard range under RCW 13.40.160(2).

**NEW SECTION. Sec. 4** (1) The sex offender policy board, as created by chapter . . . (Substitute Senate Bill No. 6596), Laws of 2008, shall review and make recommendations for changes to the statutory requirements relating to sex offender and kidnapping offender registration and notification. The review and recommendations shall include, but are not limited to:

(a) The appropriate class of felony and sentencing designations for a conviction of the failure to register;

(b) The appropriate groups and classes of adult offenders who should be required to register;

(c) The appropriate groups and classes of juvenile offenders who should be required to register;

(d) When a sex offender or kidnapping offender should be relieved of registration or notification requirements and the process for termination of those obligations; and

(e) Simplification of the statutory language to allow the department of corrections, law enforcement, and offenders to more easily identify registration and notification requirements.

(2) In formulating its recommendations, the board shall review the experience of other jurisdictions and any available evidence-based research to ensure that its recommendations have the maximum impact on public safety.

(3) The board shall report to the governor and the relevant committees of the legislature no later than November 1, 2009.

**NEW SECTION. Sec. 5** Sections 1 through 3 of this act take effect ninety days after adjournment sine die of the 2010 legislative session."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Second Substitute House Bill No. 2714.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

**MOTION**

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "felony;" strike the remainder of the title and insert "amending RCW 13.40.0357; reenacting and amending RCW 9A.44.130 and 9.94A.030; creating a new section; prescribing penalties; and providing an effective date."

**MOTION**

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 2714 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2714 as amended by the Senate.

**ROLL CALL**

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2714 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford,

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE HOUSE BILL NO. 2714 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 8, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2791 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Tom moved that the Senate recede from its position in the Senate amendment(s) to House Bill No. 2791.

The President declared the question before the Senate to be motion by Senator Tom that the Senate recede from its position in the Senate amendment(s) to House Bill No. 2791.

The motion by Senator Tom carried and the Senate receded from its position in the Senate amendment(s) to House Bill No. 2791 by voice vote.

## MOTION

On motion of Senator Tom, the rules were suspended and House Bill No. 2791 was returned to second reading for the purposes of amendment.

## SECOND READING

HOUSE BILL NO. 2791, by Representatives Lantz, Rodne and Kelley

Concerning distressed property conveyances. (REVISED FOR PASSED LEGISLATURE: Concerning distressed home conveyances.)

The measure was read the second time.

## MOTION

Senator Tom moved that the following striking amendment by Senator Tom and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 61.34.020 and 1988 c 33 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ("Pattern of equity skimming" means engaging in at least three acts of equity skimming within any three-year period, with at least one of the acts occurring after June 9, 1988.

(2) "Dwelling" means a single, duplex, triplex, or four-unit family residential building.

(3) "Person" includes any natural person, corporation, joint stock association, or unincorporated association.

(4) An "act of equity skimming" occurs when:

(a)(i) A person purchases a dwelling with the representation that the purchaser will pay for the dwelling by assuming the obligation to make payments on existing mortgages, deeds of

trust, or real estate contracts secured by and pertaining to the dwelling, or by representing that such obligation will be assumed; and

(ii) The person fails to make payments on such mortgages, deeds of trust, or real estate contracts as the payments become due, within two years subsequent to the purchase; and

(iii) The person diverts value from the dwelling by either (A) applying or authorizing the application of rents from the dwelling for the person's own benefit or use, or (B) obtaining anything of value from the sale or lease with option to purchase of the dwelling for the person's own benefit or use, or (C) removing or obtaining appliances, fixtures, furnishings, or parts of such dwellings or appurtenances for the person's own benefit or use without replacing the removed items with items of equal or greater value; or

(b)(i) The person purchases a dwelling in a transaction in which all or part of the purchase price is financed by the seller and is (A) secured by a lien which is inferior in priority or subordinated to a lien placed on the dwelling by the purchaser, or (B) secured by a lien on other real or personal property, or (C) without any security; and

(ii) The person obtains a superior priority loan which either (A) is secured by a lien on the dwelling which is superior in priority to the lien of the seller, but not including a bona fide assumption by the purchaser of a loan existing prior to the time of purchase, or (B) creating any lien or encumbrance on the dwelling when the seller does not hold a lien on the dwelling; and

(iii) The person fails to make payments or defaults on the superior priority loan within two years subsequent to the purchase; and

(iv) The person diverts value from the dwelling by applying or authorizing any part of the proceeds from such superior priority loan for the person's own benefit or use.

(2) "Distressed home" means either:

(a) A dwelling that is in danger of foreclosure or at risk of loss due to nonpayment of taxes; or

(b) A dwelling that is in danger of foreclosure or that is in the process of being foreclosed due to a default under the terms of a mortgage.

(3) "Distressed home consultant" means a person who:

(a) Solicits or contacts a distressed homeowner in writing, in person, or through any electronic or telecommunications medium and makes a representation or offer to perform any service that the person represents will:

(i) Stop, enjoin, delay, void, set aside, annul, stay, or postpone a foreclosure sale;

(ii) Obtain forbearance from any servicer, beneficiary, or mortgagee;

(iii) Assist the distressed homeowner to exercise a right of reinstatement provided in the loan documents or to refinance a loan that is in foreclosure or is in danger of foreclosure;

(iv) Obtain an extension of the period within which the distressed homeowner may reinstate the distressed homeowner's obligation or extend the deadline to object to a ratification;

(v) Obtain a waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a distressed home or contained in the mortgage;

(vi) Assist the distressed homeowner to obtain a loan or advance of funds;

(vii) Save the distressed homeowner's residence from foreclosure;

(viii) Avoid or ameliorate the impairment of the distressed homeowner's credit resulting from the recording of a notice of trustee sale, the filing of a petition to foreclose, or the conduct of a foreclosure sale;

(ix) Purchase or obtain an option to purchase the distressed homeowner's residence within twenty days of an advertised or docketed foreclosure sale;

(x) Arrange for the distressed homeowner to become a lessee or tenant entitled to continue to reside in the distressed homeowner's residence;

(xi) Arrange for the distressed homeowner to have an option to repurchase the distressed homeowner's residence; or

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

(xii) Engage in any documentation, grant, conveyance, sale, lease, trust, or gift by which the distressed homeowner clogs the distressed homeowner's equity of redemption in the distressed homeowner's residence; or

(b) Systematically contacts owners of property that court records, newspaper advertisements, or any other source demonstrate are in foreclosure or are in danger of foreclosure.

"Distressed home consultant" does not mean a financial institution, a nonprofit credit counseling service, a licensed attorney, or a person subject to chapter 19.148 RCW. "Distressed home consultant" does not include a licensed mortgage broker who, pursuant to lawful activities under chapter 19.146 RCW, procures a nonpurchase mortgage loan for the distressed homeowner from a financial institution.

(4) "Distressed home consulting transaction" means an agreement between a distressed homeowner and a distressed home consultant in which the distressed home consultant represents or offers to perform any of the services enumerated in subsection (3)(a) of this section.

(5) "Distressed home conveyance" means a transaction in which:

(a) A distressed homeowner transfers an interest in the distressed home to a distressed home purchaser;

(b) The distressed home purchaser allows the distressed homeowner to occupy the distressed home; and

(c) The distressed home purchaser or a person acting in participation with the distressed home purchaser conveys or promises to convey the distressed home to the distressed homeowner, provides the distressed homeowner with an option to purchase the distressed home at a later date, or promises the distressed homeowner an interest in, or portion of, the proceeds of any resale of the distressed home.

(6) "Distressed home purchaser" means any person who acquires an interest in a distressed home under a distressed home conveyance. "Distressed home purchaser" includes a person who acts in joint venture or joint enterprise with one or more distressed home purchasers in a distressed home conveyance. A financial institution is not a distressed home purchaser.

(7) "Distressed homeowner" means an owner of a distressed home.

(8) "Dwelling" means a single, duplex, triplex, or four-unit family residential building.

(9) "Financial institution" means (a) any bank or trust company, mutual savings bank, savings and loan association, credit union, or a lender making federally related mortgage loans, (b) a holder in the business of acquiring federally related mortgage loans as defined in the real estate settlement procedures act (RESPA) (12 U.S.C. Sec. 2602), insurance company, insurance producer, title insurance company, escrow company, or lender subject to auditing by the federal national mortgage association or the federal home loan mortgage corporation, which is organized or doing business pursuant to the laws of any state, federal law, or the laws of a foreign country, if also authorized to conduct business in Washington state pursuant to the laws of this state or federal law, (c) any affiliate or subsidiary of any of the entities listed in (a) or (b) of this subsection, or (d) an employee or agent acting on behalf of any of the entities listed in (a) or (b) of this subsection. "Financial institution" also means a licensee under chapter 31.04 RCW, provided that the licensee does not include a licensed mortgage broker, unless the mortgage broker is engaged in lawful activities under chapter 19.146 RCW and procures a nonpurchase mortgage loan for the distressed homeowner from a financial institution.

(10) "Homeowner" means a person who owns and occupies a dwelling as his or her primary residence, whether or not his or her ownership interest is encumbered by a mortgage, deed of trust, or other lien.

(11) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold, the property;

(b) The homeowner is at least thirty days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed home consulting transaction.

(12) "Mortgage" means a mortgage, mortgage deed, deed of trust, security agreement, or other instrument securing a mortgage loan and constituting a lien on or security interest in housing.

(13) "Nonprofit credit counseling service" means a nonprofit organization described under section 501(c)(3) of the internal revenue code, or similar successor provisions, that is licensed or certified by any federal, state, or local agency.

(14) "Pattern of equity skimming" means engaging in at least three acts of equity skimming within any three-year period, with at least one of the acts occurring after June 9, 1988.

(15) "Person" includes any natural person, corporation, joint stock association, or unincorporated association.

(16) "Resale" means a bona fide market sale of the distressed home subject to the distressed home conveyance by the distressed home purchaser to an unaffiliated third party.

(17) "Resale price" means the gross sale price of the distressed home on resale.

NEW SECTION. Sec. 2 (1) A distressed home consulting transaction must:

(a) Be in writing in at least twelve-point font;

(b) Be in the same language as principally used by the distressed home consultant to describe his or her services to the distressed homeowner. If the agreement is written in a language other than English, the distressed home consultant shall cause the agreement to be translated into English and shall deliver copies of both the original and English language versions to the distressed homeowner at the time of execution and shall keep copies of both versions on file in accordance with subsection (2) of this section. Any ambiguities or inconsistencies between the English language and the original language versions of the written agreement must be strictly construed in favor of the distressed homeowner;

(c) Fully disclose the exact nature of the distressed home consulting services to be provided, including any distressed home conveyance that may be involved and the total amount and terms of any compensation to be received by the distressed home consultant or anyone working in association with the distressed home consultant;

(d) Be dated and signed by the distressed homeowner and the distressed home consultant;

(e) Contain the complete legal name, address, telephone number, fax number, e-mail address, and internet address if any, of the distressed home consultant, and if the distressed home consultant is serving as an agent for any other person, the complete legal name, address, telephone number, fax number, e-mail address, and internet address if any, of the principal; and

(f) Contain the following notice, which must be initialed by the distressed homeowner, in bold face type and in at least fourteen-point font:

**"NOTICE REQUIRED BY WASHINGTON LAW**

**THIS IS AN IMPORTANT LEGAL CONTRACT AND  
COULD RESULT IN THE LOSS OF YOUR HOME.**

**. . . Name of distressed home consultant . . . or anyone  
working for him or her CANNOT guarantee you that he or she**

will be able to refinance your home or arrange for you to keep your home. Continue making mortgage payments until refinancing, if applicable, is approved. You should consult with an attorney before signing this contract.

If you sign a promissory note, lien, mortgage, deed of trust, or deed, you could lose your home and be unable to get it back."

(2) At the time of execution, the distressed home consultant shall provide the distressed homeowner with a copy of the written agreement, and the distressed home consultant shall keep a separate copy of the written agreement on file for at least five years following the completion or other termination of the agreement.

(3) This section does not relieve any duty or obligation imposed upon a distressed home consultant by any other law including, but not limited to, the duties of a credit service organization under chapter 19.134 RCW or a person required to be licensed under chapter 19.146 RCW.

**NEW SECTION. Sec. 3** A distressed home consultant has a fiduciary relationship with the distressed homeowner, and each distressed home consultant is subject to all requirements for fiduciaries otherwise applicable under state law. A distressed home consultant's fiduciary duties include, but are not limited to, the following:

(1) To act in the distressed homeowner's best interest and in utmost good faith toward the distressed homeowner, and not compromise a distressed homeowner's right or interest in favor of another's right or interest, including a right or interest of the distressed home consultant;

(2) To disclose to the distressed homeowner all material facts of which the distressed home consultant has knowledge that might reasonably affect the distressed homeowner's rights, interests, or ability to receive the distressed homeowner's intended benefit from the residential mortgage loan;

(3) To use reasonable care in performing his or her duties; and

(4) To provide an accounting to the distressed homeowner for all money and property received from the distressed homeowner.

**NEW SECTION. Sec. 4** (1) A person may not induce or attempt to induce a distressed homeowner to waive his or her rights under this chapter.

(2) Any waiver by a homeowner of the provisions of this chapter is void and unenforceable as contrary to public policy.

**NEW SECTION. Sec. 5** A distressed home purchaser shall enter into a distressed home reconveyance in the form of a written contract. The contract must be written in at least twelve-point boldface type in the same language principally used by the distressed home purchaser and distressed homeowner to negotiate the sale of the distressed home, and must be fully completed, signed, and dated by the distressed homeowner and distressed home purchaser before the execution of any instrument of conveyance of the distressed home.

**NEW SECTION. Sec. 6** The contract required in section 5 of this act must contain the entire agreement of the parties and must include the following:

(1) The name, business address, and telephone number of the distressed home purchaser;

(2) The address of the distressed home;

(3) The total consideration to be provided by the distressed home purchaser in connection with or incident to the sale;

(4) A complete description of the terms of payment or other consideration including, but not limited to, any services of any nature that the distressed home purchaser represents that he or she will perform for the distressed homeowner before or after the sale;

(5) The time at which possession is to be transferred to the distressed home purchaser;

(6) A complete description of the terms of any related agreement designed to allow the distressed homeowner to remain in the home, such as a rental agreement, repurchase agreement, or lease with option to buy;

(7) A complete description of the interest, if any, the distressed homeowner maintains in the proceeds of, or consideration to be paid upon, the resale of the distressed home;

(8) A notice of cancellation as provided in section 8 of this act; and

(9) The following notice in at least fourteen-point boldface type if the contract is printed, or in capital letters if the contract is typed, and completed with the name of the distressed home purchaser, immediately above the statement required in section 8 of this act;

**"NOTICE REQUIRED BY WASHINGTON LAW**

Until your right to cancel this contract has ended, . . . . . (Name) or anyone working for . . . . . (Name) CANNOT ask you to sign or have you sign any deed or any other document."

The contract required by this section survives delivery of any instrument of conveyance of the distressed home and has no effect on persons other than the parties to the contract.

**NEW SECTION. Sec. 7** (1) In addition to any other right of rescission, a distressed homeowner has the right to cancel any contract with a distressed home purchaser until midnight of the fifth business day following the day on which the distressed homeowner signs a contract that complies with this chapter or until 8:00 a.m. on the last day of the period during which the distressed homeowner has a right of redemption, whichever occurs first.

(2) Cancellation occurs when the distressed homeowner delivers to the distressed home purchaser, by any means, a written notice of cancellation to the address specified in the contract.

(3) A notice of cancellation provided by the distressed homeowner is not required to take the particular form as provided with the contract.

(4) Within ten days following the receipt of a notice of cancellation under this section, the distressed home purchaser shall return without condition any original contract and any other documents signed by the distressed homeowner.

**NEW SECTION. Sec. 8** (1) The contract required in section 5 of this act must contain, in immediate proximity to the space reserved for the distressed homeowner's signature, the following conspicuous statement in at least fourteen-point boldface type if the contract is printed, or in capital letters if the contract is typed:

"You may cancel this contract for the sale of your house without any penalty or obligation at any time before

.....  
(Date and time of day)

See the attached notice of cancellation form for an explanation of this right."

The distressed home purchaser shall accurately enter the date and time of day on which the cancellation right ends.

(2) The contract must be accompanied by a completed form in duplicate, captioned "NOTICE OF CANCELLATION" in twelve-point boldface type if the contract is printed, or in capital letters if the contract is typed, followed by a space in which the distressed home purchaser shall enter the date on which the distressed homeowner executes any contract. This form must be attached to the contract, must be easily detachable, and must contain in at least twelve-point type if the contract is printed, or in capital letters if the contract is typed, the following statement written in the same language as used in the contract:

**"NOTICE OF CANCELLATION**

.....  
(Enter date contract signed)

You may cancel this contract for the sale of your house, without any penalty or obligation, at any time before

.....  
(Enter date and time of day)

To cancel this transaction, personally deliver a signed and dated copy of this cancellation notice to

.....  
(Name of purchaser)

at  
.....

(Street address of purchaser's place of business)  
**NOT LATER THAN**

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

.....  
 (Enter date and time of day)  
 I hereby cancel this transaction.  
 .....(Date)  
 .....

(Seller's signature)"  
 (3) The distressed home purchaser shall provide the distressed homeowner with a copy of the contract and the attached notice of cancellation at the time the contract is executed by all parties.

(4) The five-business-day period during which the distressed homeowner may cancel the contract must not begin to run until all parties to the contract have executed the contract and the distressed home purchaser has complied with this section.

**NEW SECTION. Sec. 9** (1) Any provision in a contract that attempts or purports to require arbitration of any dispute arising under this chapter is void at the option of the distressed homeowner.

(2) This section applies to any contract entered into on or after the effective date of this act.

**NEW SECTION. Sec. 10** A distressed home purchaser shall not:

(1) Enter into, or attempt to enter into, a distressed home conveyance with a distressed homeowner unless the distressed home purchaser verifies and can demonstrate that the distressed homeowner has a reasonable ability to pay for the subsequent conveyance of an interest back to the distressed homeowner. In the case of a lease with an option to purchase, payment ability also includes the reasonable ability to make the lease payments and purchase the property within the term of the option to purchase. An evaluation of a distressed homeowner's reasonable ability to pay includes debt to income ratios, fair market value of the distressed home, and the distressed homeowner's payment and credit history. There is a rebuttable presumption that the distressed home purchaser has not verified a distressed homeowner's reasonable ability to pay if the distressed home purchaser has not obtained documentation of assets, liabilities, and income, other than an undocumented statement, of the distressed homeowner;

(2) Fail to either:

(a) Ensure that title to the distressed home has been reconveyed to the distressed homeowner; or

(b) Make payment to the distressed homeowner so that the distressed homeowner has received consideration in an amount of at least eighty- two percent of the fair market value of the property as of the date of the eviction or voluntary relinquishment of possession of the distressed home by the distressed homeowner. For the purposes of this subsection (2)(b), the following applies:

(i) There is a rebuttable presumption that an appraisal by a person licensed or certified by an agency of the federal government or this state to appraise real estate constitutes the fair market value of the distressed home;

(ii) "Consideration" means any payment or thing of value provided to the distressed homeowner, including unpaid rent owed by the distressed homeowner before the date of eviction or voluntary relinquishment of the distressed home, reasonable costs paid to independent third parties necessary to complete the distressed home conveyance transaction, the payment of money to satisfy a debt or legal obligation of the distressed homeowner, or the reasonable cost of repairs for damage to the distressed home caused by the distressed homeowner. "Consideration" does not include amounts imputed as a down payment or fee to the distressed home purchaser or a person acting in participation with the distressed home purchaser;

(3) Enter into repurchase or lease terms as part of the distressed home conveyance that are unfair or commercially unreasonable, or engage in any other unfair or deceptive acts or practices;

(4) Represent, directly or indirectly, that (a) the distressed home purchaser is acting as an advisor or consultant, (b) the distressed home purchaser is acting on behalf of or in the interests of the distressed homeowner, or (c) the distressed home purchaser is assisting the distressed homeowner to save the

distressed home, buy time, or use other substantially similar language;

(5) Misrepresent the distressed home purchaser's status as to licensure or certification;

(6) Perform any of the following until after the time during which the distressed homeowner may cancel the transaction has expired:

(a) Accept from any distressed homeowner an execution of, or induce any distressed homeowner to execute, any instrument of conveyance of any interest in the distressed home;

(b) Record with the county auditor any document, including any instrument of conveyance, signed by the distressed homeowner; or

(c) Transfer or encumber or purport to transfer or encumber any interest in the distressed home;

(7) Fail to reconvey title to the distressed home when the terms of the distressed home conveyance contract have been fulfilled;

(8) Enter into a distressed home conveyance where any party to the transaction is represented by a power of attorney;

(9) Fail to extinguish or assume all liens encumbering the distressed home immediately following the conveyance of the distressed home;

(10) Fail to close a distressed home conveyance in person before an independent third party who is authorized to conduct real estate closings within the state.

**Sec. 11** RCW 61.34.040 and 1988 c 33 s 3 are each amended to read as follows:

(1) In addition to the criminal penalties provided in RCW 61.34.030, the legislature finds ~~((and declares)) that ((equity skimming substantially affects)) the practices covered by this chapter are matters vitally affecting the public interest((-- The commission by any person of an act of equity skimming or a pattern of equity skimming is an unfair or deceptive act or practice and unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020)) for the purpose of applying chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair method of competition for the purpose of applying chapter 19.86 RCW.~~

(2) In a private right of action under chapter 19.86 RCW for a violation of this chapter, the court may double or triple the award of damages pursuant to RCW 19.86.090, subject to the statutory limit. If, however, the court determines that the defendant acted in bad faith, the limit for doubling or tripling the award of damages may be increased, but shall not exceed one hundred thousand dollars. Any claim for damages brought under this chapter must be commenced within four years after the date of the alleged violation.

(3) The remedies provided in this chapter are cumulative and do not restrict any remedy that is otherwise available. The provisions of this chapter are not exclusive and are in addition to any other requirements, rights, remedies, and penalties provided by law. An action under this chapter shall not affect the rights in the distressed home held by a distressed home purchaser for value under this chapter or other applicable law.

**Sec. 12** RCW 59.18.030 and 1998 c 276 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Distressed home" has the same meaning as in RCW 61.34.020.

(2) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(3) "Distressed home purchaser" has the same meaning as in RCW 61.34.020.

(4) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single family residences and units of multiplexes, apartment buildings, and mobile homes.

((2)) (5) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least thirty days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed property conveyance.

(6) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the landlord.

((3)) (7) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(8) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

((4)) (9) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

((5)) (10) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

((6)) (11) "Rental agreement" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

((7)) (12) A "single family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

((8)) (13) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

((9)) (14) "Reasonable attorney's fees", where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

((10)) (15) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

((11)) (16) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

NEW SECTION. Sec. 13 A new section is added to chapter 59.18 RCW to read as follows:

In an unlawful detainer action involving property that was a distressed home:

(1) The plaintiff shall disclose to the court whether the defendant previously held title to the property that was a

distressed home, and explain how the plaintiff came to acquire title;

(2) A defendant who previously held title to the property that was a distressed home shall not be required to escrow any money pending trial when a material question of fact exists as to whether the plaintiff acquired title from the defendant directly or indirectly through a distressed home conveyance;

(3) There must be both an automatic stay of the action and a consolidation of the action with a pending or subsequent quiet title action when a defendant claims that the plaintiff acquired title to the property through a distressed home conveyance.

NEW SECTION. Sec. 14 Sections 2 through 10 of this act are each added to chapter 61.34 RCW."

Senator Tom spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Tom and others to House Bill No. 2791.

The motion by Senator Tom carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "conveyances;" strike the remainder of the title and insert "amending RCW 61.34.020, 61.34.040, and 59.18.030; adding new sections to chapter 61.34 RCW; adding a new section to chapter 59.18 RCW; and prescribing penalties."

#### MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 2791 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2791 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2791 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Benton, Carrell and Stevens - 3

HOUSE BILL NO. 2791 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 10, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 2822 and asks Senate to recede therefrom.

and the same is herewith transmitted.

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

BARBARA BAKER, Chief Clerk

## MOTION

Senator Hargrove moved that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 2822.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 2822.

The motion by Senator Hargrove carried and the Senate receded from its position in the Senate amendment(s) to Second Substitute House Bill No. 2822 by voice vote.

## MOTION

On motion of Senator Hargrove, the rules were suspended and Second Substitute House Bill No. 2822 was returned to second reading for the purposes of amendment.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2822, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Walsh, Lantz, Dickerson, Haler, Sullivan, Seaquist and Kenney)

Concerning the family and juvenile court improvement program.

The measure was read the second time.

## MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A new section is added to chapter 2.56 RCW to read as follows:

Subject to the availability of funds appropriated therefor, the family and juvenile court improvement grant program is created.

(1) The purpose of the program is to assist superior courts in improving their family and juvenile court systems, especially in dependency cases, with the goals of:

(a) Assuring a stable and well-trained judiciary in family and juvenile law providing consistency of judicial officers hearing all of the proceedings in a case involving one family, especially in dependency cases; and

(b) Ensuring judicial accountability in implementing specific principles and practices for family and juvenile court.

(2) The administrator for the courts shall develop and administer the program subject to requirements in section 2 of this act. As part of administering the program, the administrator for the courts shall define appropriate outcome measures, collect data, and gather information from courts receiving grants.

**NEW SECTION. Sec. 2** A new section is added to chapter 2.56 RCW to read as follows:

(1) A superior court may apply for grants from the family and juvenile court improvement grant program by submitting a local improvement plan with the administrator for the courts. To be eligible for grant funds, a superior court's local improvement plan must meet the criteria developed by the administrator for the courts and approved by the board for judicial administration. The criteria must be consistent with the principles adopted for unified family courts. At a minimum, the criteria must require that the court's local improvement plan meet the following requirements:

(a) Commit to a chief judge assignment to the family and juvenile court for a minimum of two years;

(b) Implementation of the principle of one judicial team hearing all of the proceedings in a case involving one family, especially in dependency cases;

(c) Require court commissioners and judges assigned to family and juvenile court to receive a minimum of thirty hours specialized training in topics related to family and juvenile matters within six months of assuming duties in family and juvenile court. Where possible, courts should utilize local, statewide, and national training forums. A judicial officer's recorded educational history may be applied toward the thirty-hour requirement. The topics for training must include:

(i) Parentage;

(ii) Adoption;

(iii) Domestic relations;

(iv) Dependency and termination of parental rights;

(v) Child development;

(vi) The impact of child abuse and neglect;

(vii) Domestic violence;

(viii) Substance abuse;

(ix) Mental health;

(x) Juvenile status offenses;

(xi) Juvenile offenders;

(xii) Self-representation issues;

(xiii) Cultural competency;

(xiv) Roles of family and juvenile court judges and commissioners; and

(d) As part of the application for grant funds, submit a spending proposal detailing how the superior court would use the grant funds.

(2) Courts receiving grant money must use the funds to improve and support family and juvenile court operations based on standards developed by the administrator for the courts and approved by the board for judicial administration. The standards may allow courts to use the funds to:

(a) Pay for family and juvenile court training of commissioners and judges or pay for pro tem commissioners and judges to assist the court while the commissioners and judges receive training;

(b) Increase judicial and nonjudicial staff, including administrative staff to improve case coordination and referrals in family and juvenile cases, guardian ad litem volunteers or court-appointed special advocates, security, and other staff;

(c) Improve the court facility to better meet the needs of children and families;

(d) Improve referral and treatment options for court participants, including enhancing court facilitator programs and family treatment court and increasing the availability of alternative dispute resolution;

(e) Enhance existing family and children support services funded by the courts and expand access to social service programs for families and children ordered by the court; and

(f) Improve or support family and juvenile court operations in any other way deemed appropriate by the administrator for the courts.

(3) The administrator for the courts shall allocate available grant moneys based upon the needs of the court as expressed in their local improvement plan.

(4) Money received by the superior court under this program must be used to supplement, not supplant, any other local, state, and federal funds for the court.

(5) Upon receipt of grant funds, the superior court shall submit to the administrator for the courts a spending plan detailing the use of funds. At the end of the fiscal year, the superior court shall submit to the administrator for the courts a financial report comparing the spending plan to actual expenditures. The administrator for the courts shall compile the financial reports and submit them to the appropriate committees of the legislature.

**Sec. 3** RCW 2.56.030 and 2007 c 496 s 302 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and

FIFTY-EIGHTH DAY, MARCH 11, 2008

employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;

(10) Administer programs and standards for the training and education of judicial personnel;

(11) Examine the need for new superior court and district court judge positions under an objective workload analysis. The results of the objective workload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that an objective workload analysis become the basis for creating additional district and superior court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, 2008, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, domestic violence, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under

2008 REGULAR SESSION

chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Develop a Washington family law handbook in accordance with RCW 2.56.180;

(20) Administer state funds for improving the operation of the courts and provide support for court coordinating councils, under the direction of the board for judicial administration;

(21) Administer the family and juvenile court improvement grant program;

(22)(a) Administer and distribute amounts appropriated from the equal justice subaccount under RCW 43.08.250(2) for district court judges' and qualifying elected municipal court judges' salary contributions. The administrator for the courts shall develop a distribution formula for these amounts that does not differentiate between district and elected municipal court judges.

(b) A city qualifies for state contribution of elected municipal court judges' salaries under (a) of this subsection if:

(i) The judge is serving in an elected position;

(ii) The city has established by ordinance that a full-time judge is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or for a part-time judge on a pro rata basis the same equivalent; and

(iii) The city has certified to the office of the administrator for the courts that the conditions in (b)(i) and (ii) of this subsection have been met.

**NEW SECTION. Sec. 4** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Second Substitute House Bill No. 2822.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 2.56.030; adding new sections to chapter 2.56 RCW; and creating a new section."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 2822 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2822 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second

FIFTY-EIGHTH DAY, MARCH 11, 2008

2008 REGULAR SESSION

Substitute House Bill No. 2822 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE HOUSE BILL NO. 2822 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2858 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Sheldon moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 2858.

The President declared the question before the Senate to be motion by Senator Sheldon that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 2858.

The motion by Senator Sheldon carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 2858 by voice vote.

MOTION

On motion of Senator Sheldon, the rules were suspended and Substitute House Bill No. 2858 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2858, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Morrell, Warnick, Campbell, Hurst, Newhouse, O'Brien, Green, Kelley and Conway)

Expanding metal property provisions.

The measure was read the second time.

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon and Kline be adopted.

On page 8, beginning on line 6 of the amendment, strike all of section 8 and insert the following:

"Sec. 8 RCW 19.290.090 and 2007 c 377 s 9 are each amended to read as follows:

The provisions of this chapter do not apply to transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

(2) Metal from the components of vehicles acquired by vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW, and acquired in accordance with those laws;

(3) Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and

(4) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers."

Senators Sheldon and McCaslin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon and Kline on page 8, line 6 to Substitute House Bill No. 2858.

The motion by Senator Sheldon carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute House Bill No. 2858 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2858 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2858 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2858 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 3212 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position on Substitute House Bill No. 3212 and pass the bill without the Senate amendment(s).

Senator McAuliffe spoke in favor of the motion.

FIFTY-EIGHTH DAY, MARCH 11, 2008

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position on Substitute House Bill No. 3212 and pass the bill without Senate amendment(s).

The motion by Senator McAuliffe carried and the Senate receded from its position on Substitute House Bill No. 3212 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 3212 without the House amendments.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3212, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 3212, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:07 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Wednesday, March 12, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

**FIFTY-NINTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, March 12, 2008

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton and Brown.

The Sergeant at Arms Color Guard consisting of Pages Cameron Woodcock and Molly Woodcock, presented the Colors. Pastor Wilson Wieberg of Ballard First Lutheran Church offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

At 9:10 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:26 a.m. by President Owen.

**MOTION**

On motion of Senator Eide, the Senate advanced to the eighth order of business.

**MOTION**

Senator Parlette moved adoption of the following resolution:

**SENATE RESOLUTION  
8744**

By Senators Parlette, Kastama, Tom, Shin, Kline, Zarelli, Carrell, King, Morton, McCaslin, Schoesler, and Stevens

WHEREAS, Washington's apple industry is a major contributor to the economic health of both the state and its people; and

WHEREAS, The City of Wenatchee is preparing to celebrate the 89th annual Washington State Apple Blossom Festival to take place from April 24 through May 4, 2008; and

WHEREAS, The Apple Blossom Festival, which began as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state and was first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women are selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as Princesses and Queen; and

WHEREAS, Emily Love has been selected to represent her community as a 2008 Apple Blossom Princess, in part for her strong academic performance and diverse array of extracurricular activities and interests, including her passion for music, her athletic abilities, her care for others, and the generosity she shows by giving of her time as a Homework Center tutor for middle-school students, in addition to her fun, bubbly, and playful nature and strong faith; and

WHEREAS, Nicole Brown has been selected to represent her community as a 2008 Apple Blossom Princess, in part for her servant's heart, which is exemplified through her positive can-do attitude, her involvement in the American Diabetes Association, and devotion of her time to children with Down Syndrome through Buddy Walk, in addition to her strong academic performance and her participation in numerous extracurricular activities, including the Spanish club, varsity volleyball, and varsity golf; and

WHEREAS, Justine Vanderpool has been selected to represent her community as the 2008 Apple Blossom Queen, in part for her interest in agriculture which is exhibited in her participation as a Future Farmers of America officer and involvement in 4-H, her desire to challenge herself academically as a Running Start participant, her involvement at school and in her community as a member of the Key Club, varsity softball, and volunteer work at the Humane Society, all of which exemplify her versatility in adapting to whatever situation arises, and brings out her love for people, animals, and the agricultural community; and

WHEREAS, These three young women all desire to utilize their proven leadership ambition to serve their communities and be of help to those they encounter;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor the accomplishments of the members of the Apple Blossom Festival Court and join the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Queen Justine Vanderpool, Princess Nicole Brown, Princess Emily Love, and the Board of Directors and Chairpeople of the Washington State Apple Blossom Festival.

Senator Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8744.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced Queen Justine Vanderpool, Princess Emily Love and Princess Nicole Brown, the 2008 Apple Blossom Court, who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Queen Justine Vanderpool to address the Senate.

**QUEEN JUSTINE VANDERPOOL REMARKS**

Justine Vanderpool: "Good morning, I'm Queen Justine Vanderpool. This is Princess Nicole Brown and Princess Emily. To begin with we'd like to sing you a little song we wrote. 'Well, it's almost apple blossom time. We put together this song in rhyme about Wenatchee Valley's favorite time of year. They'll be arts and crafts and entertainment, all the kids are going to have their day. Wave as they all march down the youth parade. The food buffet hey, hey what can we say? We'll have to eat there every day. See the lights down at the carnival and hear the cheers. Hurray. It's time for the grand parade, the Appliarans smile and wave. So glad it's Apple Blossom time again, we're so glad it's Apple Blossom time again.' Thank you, on behalf of Princess Nicole, Princess Emily and myself we'd like to thank you all for inviting us here today. We're both fortunate and elated to have been selected as members of the 2008 Royalty for the Washington State Apple Blossom Festival. It is a grand experience and we're grateful for being able to tour the capital and visit with you all today. We do have another order of business that we hope will sound appealing and that is to petition you to come visit us. As you recall, Wenatchee is the heart of our state. All can feel at ease that there are many fun activities and accommodations to suit any family or age group. We have tennis courts, golf courses and fun activities around the Valley for any family. For all those athletes, we have hiking trails and dozens of camping facilities all located in the area. For

FIFTY-NINTH DAY, MARCH 12, 2008

the water lovers, we have Lake Chelan and Lake Wenatchee right up the river. These are great places for water skiing, fishing or relaxing on those hot summer days. Our Apple Blossom festivities convene April 24 through May 4 of this year. Our community is so supportive. It sponsors a wide variety of fun activities during this time. Some of the agenda include: arts and crafts fair, youth parade, kids day the carnival and the food fair and to make things more interesting there are also some form of entertainment going on in our Memorial Park in the afternoons. Thank you for having us all here today. I would like to mention that our very favorite activity is the grand parade. This is a time when schools and representatives from all over the Pacific Northwest join us for this session. Different clubs, bands and royalty members participate. It truly is a sight to see. From swimming in the Columbia river to soaring over the Valley at top of Mission Ridge, we have the ways and means to entertain all. Rivers, dams, lakes, valleys, mountains, ski resorts, garden and the prestigious Apple Blossom Festival are all located in our beautiful Wenatchee Valley. So don't debate the thought any longer. At our executive request, join us and see our community come together for it's biggest festival of the year. Sine Die is upon us and we must now go but we want once again thank you for inviting us here today and we hope to see you all at the 89<sup>th</sup> Washington State Apple Blossom Festival coming this April."

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Apple Blossom Festival, Apple Blossom Chaperon's, Jim and Carol Adamson; Vera Curtis, her husband and former member of the House of Representatives, Bob Curtis: Also accompanying the Royalty Court were former Speaker of the House, Clyde Ballard and wife Ruth who were all seated in the gallery.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 7, 2008

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5959, with the following amendment: 5959-S.E AMH ENGR H5901.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 9** (1) The legislature finds that there is a large, unmet need for affordable housing and affordable housing assistance in the state of Washington, causing many low-income individuals and families to be at risk of homelessness. The legislature declares that a decent, appropriate, and affordable home in a healthy, safe environment for every household should be a state goal. Furthermore, this goal includes increasing the percentage of low-income households who are ultimately able to obtain and retain housing without government subsidies or other public support.

(2) The legislature finds that the state should provide financial resources as well as case management to help individuals and families at risk of homelessness obtain and retain housing and work towards a goal of self-sufficiency where possible.

(3) The legislature finds that there are many root causes of the affordable housing shortage and declares that it is critical that such causes be analyzed, effective solutions be developed,

implemented, monitored, and evaluated, and that these causal factors be eliminated. The legislature also finds that there is a taxpayer and societal cost associated with a lack of jobs that pay self-sufficiency standard wages and a shortage of affordable housing, and that the state must identify and quantify that cost.

(4) The legislature finds that the support and commitment of all sectors of the statewide community is critical to accomplishing the state's affordable housing for all goal. The legislature finds that the provision of housing and housing-related services should be administered both at the state level and at the local level. However, the state should play a primary role in: Providing financial resources to achieve the goal at all levels of government; researching, evaluating, benchmarking, and implementing best practices; continually updating and evaluating statewide housing data; developing a state plan that integrates the strategies, goals, objectives, and performance measures of all other state housing plans and programs; coordinating and supporting county government plans and activities; and directing quality management practices by monitoring both state and county government performance towards achieving interim and ultimate goals.

(5) The legislature declares that the systematic and comprehensive performance measurement and evaluation of progress toward interim goals and the immediate state affordable housing goal of a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020 is a necessary component of the statewide effort to end the affordable housing crisis.

**NEW SECTION. Sec. 10** This chapter may be known and cited as the Washington affordable housing for all act.

**NEW SECTION. Sec. 11** There is created within the department the state affordable housing for all program. The goal of the program is a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020. A priority must be placed upon achieving this goal for extremely low-income households as well as all households who are at risk of homelessness. This goal includes: (1) Increasing the percentage of households who access housing that is affordable for their income or wage level without government assistance by increasing the number of previously very low-income households who achieve self-sufficiency and economic independence; (2) providing financial assistance, either from the state or local resources to individuals and families at risk of homelessness, coupled with supportive services to assist families to ultimately achieve self-sufficiency whenever possible; and (3) implementing strategies to keep the rising price of housing for all economic segments to a rate less than that of the overall growth in wages for each economic segment. The department shall develop and administer the affordable housing for all program. Each county shall participate in the affordable housing for all program except as provided in section 8 of this act; however, in the development and implementation of the program scope and requirements at the county level, the department shall consider: The funding level to counties, number of county staff available to implement the program, and competency of each county to meet the goals of the program; and establish program guidelines, performance measures, and reporting requirements appropriate to the existing capacity of the participating counties.

**NEW SECTION. Sec. 12** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means housing that has a sales price or rental amount that is within the means of a household that may occupy low, very low, and extremely low-income housing. The department shall adopt policies for residential rental and homeownership housing, occupied by extremely low, very low, and low-income households, that specify the percentage of household income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

(2) "Affordable housing for all program" means the program authorized under this chapter, as administered by the department at the state level and by each county at the local level.

(3) "At risk of homelessness" means any low, very low, or extremely low-income individual or family residing in housing that is not affordable housing.

(4) "Authority" or "housing authority" means any of the public corporations created in RCW 35.82.030.

(5) "County" means a county government in the state of Washington or, except under RCW 36.22.178 (as recodified by this act), a city government or collaborative of city governments within that county if (a) the county government declines to participate in the affordable housing program and (b) as described under section 8 of this act, a city or collaborative of city governments elects to participate in the program.

(6) "County affordable housing for all plan" or "county plan" means the plan developed by each county with the goal of ensuring that every household in the county has a decent, appropriate, and affordable home in a healthy, safe environment by 2020.

(7) "County affordable housing task force" means a county committee, as described in section 6 of this act, created to prepare and recommend to its county legislative authority a county affordable housing for all plan, and also to recommend expenditures of the funds from the affordable housing for all program surcharge in RCW 36.22.178 (as recodified by this act) and all other sources directed to the county's affordable housing for all program.

(8) "Department" means the department of community, trade, and economic development.

(9) "Director" means the director of the department of community, trade, and economic development.

(10) "Eligible organizations" means eligible organizations as described in RCW 43.185.060.

(11) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than thirty percent of the median family income, adjusted for household size for the county where the project is located.

(12) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(13) "Local government" means a county or city government in the state of Washington or, except under RCW 36.22.178 (as recodified by this act), a city government or collaborative of city governments within that county if (a) the county government declines to participate in the affordable housing program and (b) as described under section 8 of this act, a city or collaborative of city governments elects to participate in the program.

(14) "Low-income household," for the purposes of the affordable housing for all program, means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median household income, adjusted for household size for the county where the project is located.

(15) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes, significant activities related to the provision of decent housing that is affordable to extremely low-income, very low-income, low-income, or moderate-income households and special needs populations.

(16) "Performance evaluation" means the process of evaluating the performance by established objective, measurable criteria according to the achievement of outlined goals, measures, targets, standards, or other outcomes using a ranked scorecard from highest to lowest performance which employs a scale of one to one hundred, one hundred being the optimal score.

(17) "Performance measurement" means the process of comparing specific measures of success with ultimate and interim goals.

(18) "Quality management program" means a nationally recognized program using criteria similar or equivalent to the Baldrige criteria. Beginning in 2010, all local governments receiving over five hundred thousand dollars a year during the previous calendar year from: State housing-related funding sources, including the Washington housing trust fund; the ending homelessness program surcharges in RCW 36.22.179 and 36.22.1791 (as recodified by this act); and any surcharges in chapter 43.185C RCW and the surcharges in RCW 36.22.178 (as recodified by this act), shall apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system, once every three years beginning by January 1, 2011.

(19) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies, including those embodied in statutes, ordinances, regulations, or administrative procedures or processes, required to be identified by the state, cities, towns, or counties in connection with strategies under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.).

(20) "State affordable housing for all plan" or "state plan" means the plan developed by the department in collaboration with the affordable housing advisory board with the goal of ensuring that every household in Washington has a decent, appropriate, and affordable home in a healthy, safe environment by 2020.

(21) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than fifty percent of the median family income, adjusted for household size for the county where the project is located.

**Sec. 13** RCW 43.185B.040 and 1993 c 478 s 12 are each amended to read as follows:

(1) The department shall, in consultation with the affordable housing advisory board created in RCW 43.185B.020 (as recodified by this act), prepare and (~~from time to time amend a five-year~~) annually update a state affordable housing (advisory) for all plan with an ultimate goal of achieving a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020. The state plan must also incorporate the strategies, objectives, goals, and performance measures of all other housing-related state plans, including the state homeless housing strategic plan required under RCW 43.185C.040 and all state housing programs. The state affordable housing for all plan may be combined with the state homeless housing strategic plan required under RCW 43.185C.040 or any other existing state housing plan as long as the requirements of all of the plans to be merged are met.

(2) The purpose of the state affordable housing for all plan is to:

(a) Document the need for affordable housing in the state, including the need amongst households at risk of homelessness, and the extent to which that need is being met through public and private sector programs(~~to~~);

(b) Outline the development of sound strategies and programs to provide affordable housing to all households;

(c) Establish, evaluate, and report upon performance measures, goals, and timelines that are determined by the department for the affordable housing for all program and the state and local affordable housing for all plans, as well as for all federal, state, and local housing programs and plans operated or coordinated by the department, including: (i) Federal block grant programs; (ii) the Washington housing trust fund; and (iii) all local surcharge funds collected with the purpose of addressing homelessness and affordable housing; and

(d) Facilitate state and county government planning to meet the state affordable housing (~~needs of the state, and to enable~~

FIFTY-NINTH DAY, MARCH 12, 2008  
 the development of sound strategies and programs for affordable housing)) for all goal.

~~((The information in the five-year housing advisory plan must include:~~

- ~~— (a) An assessment of the state's housing market trends;~~
- ~~— (b) An assessment of the housing needs for all economic segments of the state and special needs populations;~~
- ~~— (c) An inventory of the supply and geographic distribution of affordable housing units made available through public and private sector programs;~~
- ~~— (d) A status report on the degree of progress made by the public and private sector toward meeting the housing needs of the state;~~
- ~~— (e) An identification of state and local regulatory barriers to affordable housing and proposed regulatory and administrative techniques designed to remove barriers to the development and placement of affordable housing; and~~
- ~~— (f) Specific recommendations, policies, or proposals for meeting the affordable housing needs of the state.~~

~~—(2)) (3)(a) The department, in consultation with the affordable housing advisory board, shall develop recommendations for affordable housing for all program performance measures, short-term and long-term goals, and timelines, as well as information to be collected, analyzed, and reported upon in the state and local affordable housing for all plans. One performance measure must address the program's effectiveness in achieving the ultimate goal of a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020. Another specific performance measure must be to ensure that the rate of growth in the overall price of housing for each economic segment is less than that of the overall growth in wages for each economic segment. The department shall present its recommendations for additional performance measures to the appropriate committees of the legislature by December 31, 2008.~~

~~(b) Performance measures and other required plan components must be reviewed annually by the department after soliciting feedback from the affordable housing advisory board, appropriate committees of the legislature, and all county affordable housing for all task forces.~~

~~(c) The department may determine a timeline to implement and measure each performance measure for the state and county affordable housing for all programs, except that the state and all counties participating in the affordable housing for all program must implement and respond to all performance measures by January 1, 2011, unless the department determines that a performance measure is not applicable to a specific county based on parameters and thresholds established by the department.~~

~~(4) The ((five-year)) state affordable housing ((advisory)) for all plan required under ((subsection (1) of)) this section must be submitted to the appropriate committees of the legislature on or before ((February 1, 1994)) January 15, 2010, and subsequent updated plans must be submitted ((every five years)) by January 15th each year thereafter.~~

~~((b) Each February 1st, beginning February 1, 1995, the department shall submit an annual progress report, to the legislature, detailing the extent to which the state's affordable housing needs were met during the preceding year and recommendations for meeting those needs))~~

~~(5) To guide counties in preparation of county affordable housing for all plans required under section 7 of this act, the department shall issue, by December 31, 2009, guidelines for preparing county plans consistent with this chapter. County plans must include, at a minimum, the same information reporting and analysis on a local level and the same performance measures as the state plan.~~

~~(6) Each year, beginning in 2010, the department shall:~~

- ~~(a) Summarize key information from county plans, including a summary of local city and county housing program activities and a summary of legislative recommendations;~~

~~(b) Conduct annual performance evaluations of county plans; and~~

~~(c) Conduct annual performance evaluations of all counties according to their performance in achieving affordable housing goals stated in their plans.~~

~~(7) The department shall include a summary of county affordable housing for all plans and the results of performance evaluations in the state affordable housing for all plan beginning in 2010.~~

~~(8) Based on changes to the general population and in the housing market, the department may revise the performance measures and goals of the state affordable housing for all plan and set goals for years following December 31, 2020.~~

NEW SECTION. Sec. 14 Each county shall convene a county affordable housing task force. The task force must be a committee, made up of volunteers, created to prepare and recommend to the county legislative authority a county affordable housing for all plan and also to recommend appropriate expenditures of the affordable housing for all program funds provided for in RCW 36.22.178 (as recodified by this act) and any other sources directed to the county program. The county affordable housing task force must include a representative of the county, a representative from the city with the highest population in the county, a representative from all other cities in the county with a population greater than fifty thousand, a member representing beneficiaries of affordable housing programs, other members as may be required to maintain eligibility for federal funding related to housing programs and services, and a representative from both a private nonprofit organization and a private for-profit organization with experience in very low-income housing. The task force may be the same as the homeless housing task force created in RCW 43.185C.160 or the same as another existing task force or other formal committee that meets the requirements of this section.

NEW SECTION. Sec. 15 (1) Each county shall direct its affordable housing task force to prepare and recommend to its county legislative authority a county affordable housing for all plan for its jurisdictional area. Each county shall adopt a county plan by June 30, 2010, and update the plan annually by June 30th thereafter. All plans must be forwarded to the department by the date of adoption. County affordable housing for all plans may be combined with the local homeless housing plans required under RCW 43.185C.040, county comprehensive plans required under RCW 36.70A.040, or any other existing plan addressing housing within a county as long as the requirements of all of the plans to be merged are met. For counties required or choosing to plan under RCW 36.70A.040, county affordable housing for all plans must be consistent with the housing elements of comprehensive plans described in RCW 36.70A.070(2). County plans must also be consistent with any existing local homeless housing plan required in RCW 43.185C.050.

(2) County affordable housing for all plans must be primarily focused on (a) ensuring that every household, including those households at risk of homelessness, in the county jurisdictional area has a decent, appropriate, and affordable home in a healthy, safe environment by 2020 with a priority placed on achieving this goal for low-income households and (b) increasing the percentage of households, who receive assistance from the transitional housing operating and rent program created in section 43 of this act, who ultimately are able to access affordable housing without government assistance. County affordable housing for all plans must include:

- (i) At a minimum, the same information, analysis, and performance measures as the state affordable housing for all plan, including information and performance measurement data, where available, on state supported housing programs and all city and county housing programs, including local housing-related levy initiatives, housing-related tax exemption programs,

FIFTY-NINTH DAY, MARCH 12, 2008

and federally funded programs operated or coordinated by local governments;

(ii) Information on the uses of the affordable housing for all surcharge as required in RCW 36.22.178(4) (as recodified by this act);

(iii) Information on the activities and accomplishments of the transitional housing operating and rent program, as required in section 43 of this act;

(iv) Timelines for the accomplishment of interim goals and targets, and for the acquisition of projected financing that is appropriate for outlined goals and targets;

(v) An identification of challenges to reaching the affordable housing for all goal;

(vi) A total estimated amount of funds needed to reach the local affordable housing for all goal and an identification of potential funding sources; and

(vii) State legislative recommendations to enable the county to achieve its affordable housing for all goals. Legislative recommendations must be specific and, if necessary, include an estimated amount of funding required and suggestions of an appropriate funding source.

**NEW SECTION. Sec. 16** (1) Any county may decline to participate in the affordable housing for all program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution must also be transmitted to the county auditor and treasurer. Counties that decline to participate shall not be required to establish an affordable housing task force or to create a county affordable housing for all plan. Counties declining to participate in the affordable housing for all program shall continue to be eligible to receive funding through the transitional housing operating and rent program created in section 43 of this act. Counties declining to participate in the affordable housing for all program shall also continue to collect and utilize the affordable housing for all surcharge for the purposes described in RCW 36.22.178 (as recodified by this act); however, such counties shall not be allocated any additional affordable housing for all program funding that is specifically provided for program planning and administrative purposes. Counties may opt back into the affordable housing for all program authorized by this chapter at a later date through a process and timeline to be determined by the department.

(2) If a county declines to participate in the affordable housing for all program authorized in this chapter, a city or formally organized collaborative of cities within that county may formally organized collaborative of cities within that county may forward a resolution to the department stating its intention and willingness to operate an affordable housing for all program within its jurisdictional limits. The department must establish procedures to choose amongst cities or collaboratives of cities in the event that more than one city or collaborative of cities express an interest in participating in the program. Participating cities or collaboratives of cities must fulfill the same requirements as counties participating in the affordable housing for all program.

**NEW SECTION. Sec. 17** A county may subcontract with any other county, city, town, housing authority, community action agency, or other nonprofit organization for the execution of programs contributing to the affordable housing for all goal. All subcontracts must be: Consistent with the county affordable housing for all plan adopted by the legislative authority of the county; time limited; and filed with the department, and must have specific performance terms as specified by the county. County governments must strongly encourage each subcontractor under the affordable housing for all program to apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system. This authority to subcontract with other entities does not affect participating counties' ultimate responsibility for meeting the requirements of the affordable housing for all program.

2008 REGULAR SESSION

**NEW SECTION. Sec. 18** The department shall contract with two statewide organizations addressing affordable housing issues or homeless issues, or both, to create comprehensive independent statewide affordable housing for all plans consistent with the goals and performance measures of the state and local affordable housing for all plans as described in this chapter. Recipient organizations must present their affordable housing for all plans to the department and the appropriate committees of the legislature within one year following the receipt of contract funds.

**Sec. 19** RCW 36.22.178 and 2007 c 427 s 1 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection (3) of this section, a surcharge of ten dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit the funds into the affordable housing for all account created in RCW 43.185C.190. The department of community, trade, and economic development must use these funds to provide housing and shelter for extremely low-income households, including but not limited to grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farm worker housing units, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

FIFTY-NINTH DAY, MARCH 12, 2008

(3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

(4) All counties shall report at least annually by May 1st upon receipts and expenditures of the affordable housing for all surcharge funds created in this section to the department. The department may require more frequent reports. The report must include the amount of funding generated by the surcharge, the total amount of funding distributed to date, the amount of funding allocated to each eligible housing activity, a description of each eligible housing activity funded, including information on the income or wage level and numbers of extremely low, very low, and low-income households the eligible housing activity is intended to serve, and the outcome or anticipated outcome of each eligible housing activity.

**NEW SECTION. Sec. 20** This chapter does not require either the department or any local government to expend any funds to accomplish the goals of this chapter other than the revenues authorized in this act and other revenue that may be appropriated by the legislature for these purposes. However, neither the department nor any local government may use any funds authorized in this act to supplant or reduce any existing expenditures of public money to address the affordable housing shortage.

**Sec. 21** RCW 43.185A.100 and 2006 c 349 s 11 are each amended to read as follows:

The department(;) shall collaborate with the housing finance commission, the affordable housing advisory board, and all local governments, housing authorities, and other ~~((nonprofits))~~ eligible organizations receiving state housing funds, affordable housing for all funds, home security funds, or financing through the housing finance commission ~~((shall, by December 31, 2006, and annually thereafter, review current housing reporting requirements related to housing programs and services and give))~~ to include in the state affordable housing for all plan, by December 31, 2009, recommendations, where possible:

(1) To streamline and simplify all housing planning, application, and reporting requirements ~~((to the department of community, trade, and economic development, which will compile and present the recommendations annually to the legislature. The entities listed in this section shall also give recommendations for additional)); and~~

(2) For legislative actions that could promote the affordable housing for all goal and the state goal to end homelessness.

**Sec. 22** RCW 43.185.070 and 2005 c 518 s 1802 and 2005 c 219 s 2 are each reenacted and amended to read as follows:

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department for the housing assistance program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department. Administrative costs paid out of the housing trust fund may not exceed five percent of annual revenues available for distribution to housing trust fund projects. In awarding funds under this chapter, the department shall provide for a geographic distribution on a statewide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities shall be evaluated under subsection (3) of this section. Second

priority shall be given to activities and projects which utilize existing publicly owned housing stock. All projects and activities shall be evaluated by some or all of the criteria under subsection (3) of this section, and similar projects and activities shall be evaluated under the same criteria.

(3) The department shall give preference for applications based on some or all of the criteria under this subsection, and similar projects and activities shall be evaluated under the same criteria:

(a) The degree of leveraging of other funds that will occur;

(b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;

(c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(d) Local government project contributions in the form of infrastructure improvements, and others;

(e) Projects that encourage ownership, management, and other project-related responsibility opportunities;

(f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least twenty-five years;

(g) The applicant has the demonstrated ability, stability and resources to implement the project;

(h) The applicant has committed to quality improvement and submitted an application to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system within the previous three years;

~~((i))~~ (i) Projects which demonstrate serving the greatest need;

~~((j))~~ (j) Projects that provide housing for persons and families with the lowest incomes;

~~((k))~~ (k) Projects that provide housing for persons at risk of homelessness;

~~((l))~~ (l) Projects serving special needs populations which are under statutory mandate to develop community housing;

~~((m))~~ (m) Project location and access to employment centers in the region or area;

~~((n))~~ (n) Projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program as defined in RCW 50.72.020; and

~~((o))~~ (o) Project location and access to available public transportation services.

(4) The department shall only approve applications for projects for ~~((mentally ill))~~ persons with mental illness that are consistent with a regional support network six-year capital and operating plan.

**NEW SECTION. Sec. 23** The office of the insurance commissioner, in collaboration with the department of community, trade, and economic development and, when necessary, in consultation with the office of financial management and the office of the attorney general, must, by December 1, 2008, present specific recommendations for strategies to reduce construction liability and earthquake insurance costs for affordable housing projects funded by the Washington housing trust fund under chapters 43.185 and 43.185A RCW, with a specific emphasis on identifying strategies to reduce construction liability insurance costs, to the appropriate committees of the legislature. Recommendations must include any changes to existing statutory or regulatory language necessary for the state or for eligible organizations with affordable housing projects funded by the housing trust fund to pursue recommended strategies.

**NEW SECTION. Sec. 24** A new section is added to chapter 43.185 RCW to read as follows:

Affordable housing developments receiving financing by the Washington housing trust fund under this chapter and chapter 43.185A RCW that were not acquired by eminent domain are exempt from the requirements of and rules adopted for chapter 8.26 RCW. All projects receiving financing from the housing

FIFTY-NINTH DAY, MARCH 12, 2008

trust fund must comply with any relocation standards and requirements and real property acquisition policies established by the department as a condition of housing trust fund assistance.

**NEW SECTION. Sec. 25** A new section is added to chapter 43.185 RCW to read as follows:

(1) The housing communities program is created within the department to provide technical assistance and organizational capacity building programs to private, community-based nonprofit organizations that primarily serve communities of color or multilingual communities. The housing communities program must provide organizational training and technical assistance on housing development issues, including asset management, resource acquisition, and other general housing development topics, with the goal of assisting nonprofit organizations to add affordable housing development into their organizational missions and workplans, or expand their current affordable housing programs to further meet the needs of their communities.

(2) The department shall contract with two or more experienced housing nonprofit organizations that have the capacity to implement the housing communities program throughout the state.

**NEW SECTION. Sec. 26** A new section is added to chapter 43.185 RCW to read as follows:

(1) The housing infrastructure program is created in the department to provide loans for public infrastructure that supports affordable rental housing or affordable owner-occupied housing.

(2) The department is authorized to make direct loans to eligible organizations for the cost of public works projects that support affordable rental housing or affordable owner-occupied housing, including the planning, construction, repair, reconstruction, replacement, rehabilitation, or improvement of sidewalks, streets and roads, bridges, power utilities, water systems, storm and sanitary sewage systems, and solid waste facilities. The department may also provide loans for the acquisition of real property when the acquisition is directly related to the development of public works projects for affordable rental or owner-occupied housing.

(3) Loan interest rates shall not exceed one-half of one percent per annum. The department must provide reasonable terms and conditions for repayment of loans, including partial forgiveness of loan principal and interest payments.

(4) The department shall conduct a statewide request for public works project applications and shall establish a competitive process for loan awards. The department shall review and prioritize proposals in consultation with the public works board, the community economic revitalization board, and the transportation improvement board. The following criteria must be used in the evaluation and ranking of public works project applications:

(a) The public works projects must support affordable rental housing or affordable owner-occupied housing; and

(b) The public works projects must demonstrate convincing evidence that (i) additional residential or mixed-use development will occur in an urban growth area designated under RCW 36.70A.110; (ii) the proposed mixed-use residential development is within one-half mile of a public transportation passenger terminal or major transit passenger stop; or (iii) that either moderate or high-density housing developments, or both, will be constructed.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Affordable owner-occupied housing" means housing affordable to and occupied by households with incomes not exceeding one hundred fifteen percent of the median income for housing located outside of high-cost areas or one hundred fifty percent of the median income for housing located within high-cost areas.

2008 REGULAR SESSION

(b) "Affordable rental housing" means rental housing units affordable to and occupied by households with incomes not exceeding eighty percent of the median income for housing located outside of high-cost areas, or equal to the median income for housing located within high-cost areas.

(c) "High-cost area" means a county where the third quarter median house price for the previous year, as reported by the Washington center for real estate research at Washington State University, is equal to or greater than one hundred thirty percent of the statewide median house price published during the same time period.

**NEW SECTION. Sec. 27** A new section is added to chapter 43.185 RCW to read as follows:

The affordable housing infrastructure account is created in the state treasury. All receipts from appropriations made to the account, repayments of loans made under section 18 of this act, and other sources identified by the legislature must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes identified in section 18 of this act.

**Sec. 28** RCW 43.185C.005 and 2005 c 484 s 1 are each amended to read as follows:

Despite laudable efforts by all levels of government, private individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons and persons at risk of homelessness in Washington is unacceptably high. The state's homeless population, furthermore, includes a large number of families with children, youth, and employed persons. The legislature finds that the fiscal and societal costs of homelessness are high for both the public and private sectors, and that ending homelessness (~~should~~) must be a goal for state and local government.

The legislature finds that there are many causes of homelessness, including a shortage of affordable housing; a shortage of family-wage jobs which undermines housing affordability; a lack of an accessible and affordable health care system available to all who suffer from physical and mental illnesses and chemical and alcohol dependency; domestic violence; (~~and~~) a lack of education and job skills necessary to acquire adequate wage jobs in the economy of the twenty-first century; inadequate availability of services for citizens with mental disorders, chemical dependency disorders, or developmental disabilities living in the community; and the difficulties faced by formerly institutionalized persons in reintegrating to society and finding stable employment and housing.

The support and commitment of all sectors of the statewide community is critical to the chances of success in ending homelessness in Washington. While the provision of housing and housing-related services to the homeless should be administered at the local level to best address specific community needs, the legislature also recognizes the need for the state to play a primary coordinating, supporting, (~~and~~) monitoring and evaluating role. There must be a clear assignment of responsibilities and a clear statement of achievable and quantifiable goals. Systematic statewide data collection on (~~homelessness~~) homeless individuals in Washington must be a critical component of such a program enabling the state to work with local governments not only to count all homeless people in the state, but to record and manage information about homeless persons (~~and~~) in order to assist them in finding housing and other supportive services that can help them, when possible, achieve the highest degree of self-sufficiency and economic independence that is appropriate given their specific abilities and situations.

The systematic collection and rigorous evaluation of homeless data, a nationwide search for and implementation through adequate resource allocation of best practices, and the systematic measurement of progress toward interim goals and the ultimate goal of ending homelessness are all necessary

FIFTY-NINTH DAY, MARCH 12, 2008

components of a statewide effort to end homelessness in Washington by ~~(July 1, 2015)~~ December 31, 2018.

**Sec. 29** RCW 43.185C.010 and 2007 c 427 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, people with mental illness, and sex offenders who are homeless.

(4) "Washington homeless census" or "census" means ~~(an annual)~~ a statewide census conducted at least annually as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect ~~(data on)~~ information about all homeless individuals in Washington.

(5) "Home security fund account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179 (as recodified by this act), RCW 36.22.1791 (as recodified by this act), and all other sources directed to the homeless housing and assistance program.

(6) ~~"(Homeless housing) Ending homelessness grant program"~~ means ~~(the vehicle by)~~ program established in RCW 43.185C.070, 43.185C.080, and 43.185C.090 under which competitive grants are awarded by the department, utilizing moneys from the (homeless housing) home security fund account, to local governments for programs directly related to (housing homeless individuals and families;) addressing the root causes of homelessness, preventing homelessness, and collecting data and information on homeless individuals; and other efforts directly related to housing homeless persons).

(7) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its ~~(borders)~~ jurisdiction.

(8) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(9) "Local ~~(homeless housing) ending homelessness task force"~~ means a voluntary local committee created under RCW 43.185C.160 to ~~(advise a local government on the creation of)~~ develop a local (homeless housing) ending homelessness plan and participate in a local (homeless housing) ending homelessness program. (It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.)

(10) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(11) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) the department of community, trade, and economic development; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; and (e) the department of health.

2008 REGULAR SESSION

(12) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(13) "Performance evaluation" means the process of evaluating performance by established criteria according to the achievement of outlined goals, measures, targets, standards, or other outcomes, using a ranked scorecard from highest to lowest performance that employs a scale of one to one hundred, one hundred being the optimal score.

(14) "Quality management program" means a nationally recognized program using criteria similar or equivalent to the Baldrige criteria. Beginning in 2010, all local governments receiving over five hundred thousand dollars a year during the previous calendar year from: State housing-related funding sources, including the Washington housing trust fund; the ending homelessness program surcharges in RCW 36.22.179 and 36.22.1791 (as recodified by this act); and any surcharges in this chapter and the surcharges in RCW 36.22.178 (as recodified by this act), shall apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system, once every three years beginning by January 1, 2011.

(15) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

~~((14))~~ (16) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

~~((15) "Homeless housing")~~ (17) "Ending homelessness program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

~~((16) "Homeless housing")~~ (18) "Local ending homelessness plan" means the ~~(ten-year)~~ plan developed by the ~~(county or other)~~ local government to address ~~(housing for homeless persons) ending homelessness.~~

~~((17) "Homeless housing")~~ (19) "State ending homelessness strategic plan" means the ~~(ten-year)~~ plan developed by the department, in consultation with the interagency council on homelessness, the state advisory council on homelessness, and the affordable housing advisory board, to end homelessness.

~~((18))~~ (20) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

(21) "Good family wage job" means a job that pays at or above one of the two self-sufficiency income standards established under section 36 of this act which for an individual means enough income to support one adult individual, and for a family means enough income to support two adult individuals, one preschool-aged child, and one school-aged child.

(22) "Unsheltered homeless" means a homeless individual or homeless individuals living outside or in a building not intended for human habitation or in which the individual or individuals have no legal right to occupy.

(23) "At risk of homelessness" means any low, very low, or extremely low-income individual or family residing in housing that is not affordable housing.

(24) "Transitional housing operating and rent program" means the program created in section 43 of this act to assist homeless individuals and families and individuals and families at risk of homelessness to secure and retain safe, decent, and affordable housing.

**Sec. 30** RCW 43.185C.020 and 2005 c 484 s 5 are each amended to read as follows:

There is created within the department the ~~((homeless housing) ending homelessness program to develop and (coordinate) implement a statewide ending homelessness strategic plan ((aimed at housing homeless persons)), coordinate and monitor local government ending homelessness plans and~~

FIFTY-NINTH DAY, MARCH 12, 2008

programs, and implement and manage an ending homelessness grant program. The ending homelessness program has an established short-term goal of reducing the homeless population statewide and in each county by seventy percent by July 1, 2015, and an ultimate goal of ending homelessness by December 31, 2018. The ending homelessness program ((shall be)) is developed and administered by the department with advice and input from the affordable housing advisory board established in RCW 43.185B.020 (as recodified by this act).

Sec. 31 RCW 43.185C.040 and 2005 c 484 s 7 are each amended to read as follows:

(1) ((Six months after the first Washington homeless census;)) The department shall, in consultation with the interagency council on homelessness, the state advisory council on homelessness, and the affordable housing advisory board, prepare and ((publish a ten-year homeless housing)) annually update a state ending homelessness strategic plan which ((shall)) must outline statewide goals and performance measures ((and shall be coordinated with the plan for homeless families with children required under RCW 43.63A.650. To guide local governments in preparation of their first local homeless housing plans due December 31, 2005, the department shall issue by October 15, 2005, temporary guidelines consistent with this chapter and including the best available data on each community's homeless population)) to meet the needs of all homeless populations, including chronic homeless, unsheltered homeless, short-term homeless, families, individuals, and youth, as well as to meet the needs of individuals and families at risk of homelessness. Local governments' ((ten-year homeless housing)) local ending homelessness plans ((shall not)) must include all of the performance measures included in the state ending homelessness strategic plan and must be substantially ((inconsistent)) consistent with the goals and program recommendations of ((the temporary guidelines and, when amended after 2005;)) the state ending homelessness strategic plan.

(2)(a) Program outcomes and performance measures and goals ((shall)) must be created by the department ((and reflected)) in consultation with the interagency council on homelessness and a task force established by the department consisting of the committee chairs of the appropriate committees of the legislature, representatives appointed by the director from a minimum of five local ending homelessness task forces representing both urban and rural areas and communities east and west of the Cascade mountains, and a representative from a statewide membership organization that advocates for ending homelessness. All performance measures must have targets and timelines. The task force must also produce guidelines for local governments regarding methods, techniques, and data suggested to measure each performance measure. Performance measures, yearly targets, and corresponding measurement guidelines must be established by December 31, 2008, and must be reviewed annually by the department and the interagency council on homelessness after soliciting feedback from all local ending homelessness task forces. Performance measures must be included in the department's ((homeless housing)) state ending homelessness strategic plan ((as well as)) and all local ending homelessness plans.

(b) The department may determine a timeline for implementation and measurement of each performance measure for the state and local ending homelessness plans, except that the state and all local governments must implement and respond to all performance measures by December 31, 2010, unless the department finds that a performance measure is not applicable to a specific local area according to parameters and thresholds established by the department.

(c) Performance measures must be created, at a minimum, to gauge the success of the state and each local government in the following areas:

(i) The cost of ending homelessness in comparison with available and committed resources;

2008 REGULAR SESSION

(ii) The total capital and service dollars required statewide and by county to meet the two goals outlined in RCW 43.185C.020, the assessment of which must include a determination of the current shortfall of funds as well as recommendations to reduce the total amount of funds determined to be needed to meet the goals;

(iii) The self-sufficiency of persons in Washington;

(iv) The achievement of an appropriate level of self-sufficiency for homeless individuals;

(v) The quality and completeness of the Washington homeless client management information system database;

(vi) The quality of the performance management systems of state agencies, local governments, and local government subcontractors executing programs, as authorized by RCW 43.185C.080(1), that contribute to the overall goal of ending homelessness; and

(vii) The quality of local ending homelessness plans.

Performance measurements are reported upon by city and county geography, including demographics with yearly or more frequent targets.

(3) Interim goals against which state and local governments' performance may be measured must also be described and reported upon in the state ending homelessness strategic plan, including:

(a) ((By the end of year one, completion of the first census as described in RCW 43.185C.030;

—(b)) By the end of each subsequent year, goals common to all state and local programs which are measurable and the achievement of which would move that community toward housing its homeless population; ((and

—(c)) (b) By July 1, 2015, reduction of the homeless population statewide and in each county by ((fifty)) seventy percent; and

(c) By December 31, 2018, the reduction of the homeless population statewide and in each county by one hundred percent, representing the end of homelessness in Washington.

((3)) (4) The department shall develop a consistent statewide data gathering instrument to monitor the performance of cities and counties receiving ending homelessness grants in order to determine compliance with the terms and conditions set forth in the ending homelessness grant application or required by the department.

(5) The department shall, in consultation with the interagency council on homelessness, the state advisory council on homelessness, and the affordable housing advisory board, report annually to the governor and the appropriate committees of the legislature ((an assessment of)) information about:

(a) All state programs addressing homeless housing and services;

(b) The state's performance in furthering the goals of the state ((ten-year homeless housing)) ending homelessness strategic plan; and

(c) The performance of each participating local government in creating and executing a local ((homeless housing)) ending homelessness plan ((which)) that meets the requirements of this chapter. ((The annual report may include performance measures such as:

(a) The reduction in the number of homeless individuals and families from the initial count of homeless persons;

(b) The number of new units available and affordable for homeless families by housing type;

(c) The number of homeless individuals identified who are not offered suitable housing within thirty days of their request or identification as homeless;

(d) The number of households at risk of losing housing who maintain it due to a preventive intervention;

(e) The transition time from homelessness to permanent housing;

(f) The cost per person housed at each level of the housing continuum;

FIFTY-NINTH DAY, MARCH 12, 2008

~~(g) The ability to successfully collect data and report performance;~~

~~(h) The extent of collaboration and coordination among public bodies, as well as community stakeholders, and the level of community support and participation;~~

~~(i) The quality and safety of housing provided; and~~

~~(j) The effectiveness of outreach to homeless persons, and their satisfaction with the program.~~

~~(4)) (6) The state plan must also include a response to each recommendation included in the local plans for policy changes to assist in ending homelessness and a summary of the recommendations to the legislature to streamline and simplify all homeless planning and reporting requirements.~~

~~(7) Based on the performance of local ((homeless housing)) ending homelessness programs in meeting their interim goals, on general population changes and on changes in the homeless population recorded in the ((annual)) census, the department may revise the performance measures and goals of the state ((homeless housing strategic plan)) ending homelessness plans, set goals for years following the initial ten-year period, and recommend changes in local governments' ending homelessness plans.~~

**Sec. 32** RCW 43.185C.050 and 2005 c 484 s 8 are each amended to read as follows:

~~(1)(a)(i) Each local ((homeless housing)) ending homelessness task force shall prepare and recommend to its local government legislative authority a ((ten-year homeless housing)) local ending homelessness plan for its jurisdictional area ((which shall be not inconsistent)) that is consistent with the department's ((statewide temporary guidelines, for the December 31, 2005, plan, and thereafter the department's ten-year homeless housing)) state ending homelessness strategic plan and ((which shall be)) is aimed at eliminating homelessness, with a minimum goal of reducing homelessness by ((fifty)) seventy percent by July 1, 2015, and an ultimate goal of ending homelessness by December 31, 2018. ((The local government may amend the proposed local plan and shall adopt a plan by December 31, 2005. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department.)) Local governments must update their local ending homelessness plan annually on a schedule to be determined by the department.~~

~~(ii) Local plans must include specific strategic objectives and performance measures, consistent with the state plan, and must include corresponding action plans. Local plans must address identified strategies to meet the needs of all homeless populations, including chronic homeless, unsheltered homeless, short-term homeless, families, individuals, and youth, as well as to meet the needs of individuals and families at risk of homelessness. Local plans must specifically identify efforts to meet the needs of homeless students. Each local plan must include the total estimated cost of accomplishing the goals of the plan to reduce homelessness by seventy percent by July 1, 2015, and an ultimate goal of ending homelessness by December 31, 2018, and must include an accounting of total committed funds for this purpose.~~

~~(b)(i) The department must conduct an annual performance evaluation of each local plan by December 31st of each year beginning in 2008. The department must also conduct an annual performance evaluation of each local government's performance related to its local plan by December 31st of each year beginning in 2008. A local government's performance must be evaluated using, at a minimum, the performance measures outlined in RCW 43.185C.040(2).~~

~~(ii) In addition to the performance measures mandated in RCW 43.185C.040(2), local plans may include specific local performance measures adopted by the local government legislative authority(;) and ((may)) must include recommendations for ((any)) state legislation needed to meet the state or local plan goals. The recommendations must be specific and must, if funding is required, include an estimated amount of~~

funding required and suggestions for an appropriate funding source.

(2) Eligible activities under the local plans include:

(a) Rental and furnishing of dwelling units for the use of homeless persons;

(b) Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;

(c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;

(d) Services to prevent homelessness, such as emergency eviction prevention programs, including temporary rental subsidies to prevent homelessness;

(e) Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

(g) Development and management of local ((homeless)) ending homelessness plans, including homeless census data collection(;) and information, identification of goals, performance measures, strategies, and costs, and evaluation of progress towards established goals;

(h) Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; ((and))

(i) Implementing a quality management program and applying to the Washington state quality award program for an independent assessment of quality management, accountability, and performance systems or applying to the full examination Washington state quality award program; and

(j) Other activities to reduce and prevent homelessness as identified for funding in the local plan.

**Sec. 33** RCW 43.185C.070 and 2005 c 484 s 11 are each amended to read as follows:

(1) During each calendar year in which moneys from the ((homeless housing)) home security fund account are available for use by the department for the ((homeless housing)) ending homelessness grant program, the department shall announce to all Washington counties, participating cities, and through major media throughout the state, a grant application period of at least ninety days' duration. Grants may be awarded for programs directly related to addressing the root causes of homelessness, preventing homelessness, and collecting data and information on homeless individuals. Only a local government participating in the ending homelessness program is eligible to receive an ending homelessness grant. This announcement will be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds, less appropriate administrative costs of the department as described in RCW 36.22.179 (as recodified by this act).

(2) The department ((will)) shall develop, ((with advice and input from the affordable housing advisory board established in RCW 43.185B.020)) in consultation with the interagency council on homelessness, criteria to evaluate grant applications.

(3) The department may approve only those applications ((only if they)) that are consistent with the local and state ((homeless housing program strategic)) ending homelessness plans. The department may give preference to applications based on some or all of the following criteria:

(a) The total homeless population in the applicant local government service area, as reported by the most recent ((annual)) Washington homeless census;

(b) Current local expenditures to provide housing for the homeless and to address the underlying causes of homelessness as described in RCW 43.185C.005;

(c) Local government and private contributions pledged to the program in the form of matching funds, property, infrastructure improvements, and other contributions; and the

FIFTY-NINTH DAY, MARCH 12, 2008

degree of leveraging of other funds from local government or private sources for the program for which funds are being requested, to include recipient contributions to total project costs, including allied contributions from other sources such as professional, craft, and trade services, and lender interest rate subsidies;

~~(d) ((Construction projects or rehabilitation that will serve homeless individuals or families for a period of at least twenty-five years;~~

~~(e) Projects which demonstrate serving homeless populations with the greatest needs, including projects that serve special needs populations;~~

~~(f)) The degree to which the applicant project represents a collaboration between local governments, nonprofit community-based organizations, local and state agencies, and the private sector (especially through its integration with the coordinated and comprehensive plan for homeless families with children required under RCW 43.63A.650);~~

~~((g)) (e) The cooperation of the local government in the ((annual)) Washington homeless census ((project));~~

~~((h)) (f) The number of homeless censuses or other homeless counts conducted by the local government beyond the annual census requirement;~~

~~(g) The commitment of the local government and any subcontracting local governments, nonprofit organizations, and for-profit entities to employ a diverse work force and pay wages at or above the self-sufficiency standard;~~

~~(h) The commitment of the local government to apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system or apply to the full examination Washington state quality award program;~~

~~(i) The extent that a local government's subcontractors commit to apply to the Washington state quality award program for an independent assessment of their quality management, accountability, and performance systems or apply to the full examination Washington state quality award program;~~

~~(j) The extent, if any, that the local homeless population is disproportionate to the revenues collected under this chapter and RCW 36.22.178 and 36.22.179 (as recodified by this act); and~~

~~((k)) (k) Other elements shown by the applicant to be directly related to the goal and the department's state ending homelessness strategic plan.~~

**Sec. 34** RCW 43.185C.080 and 2005 c 484 s 12 are each amended to read as follows:

~~(1) ((Only a local government is eligible to receive a homeless housing grant from the homeless housing account. Any city may assert responsibility for homeless housing within its borders if it so chooses, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate homeless housing program. The city shall then receive a percentage of the surcharge assessed under RCW 36.22.179 equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for homeless housing program grants. A city choosing to operate a separate homeless housing program shall be responsible for complying with all of the same requirements as counties and shall adopt a local homeless housing plan meeting the requirements of this chapter for county local plans. However, the city may by resolution of its legislative authority accept the county's homeless housing task force as its own and based on that task force's recommendations adopt a homeless housing plan specific to the city.~~

~~(2)) Local governments ((applying for homeless housing funds)) may subcontract with any other local government, housing authority, community action agency, or other nonprofit organization for the execution of programs contributing to the overall goal of ending homelessness within a defined service area. All subcontracts ((shall)) must be consistent with the local ((homeless housing)) ending homelessness plan adopted by the~~

2008 REGULAR SESSION

legislative authority of the local government, time limited, and filed with the department, and ((shall)) must have specific performance terms. Local governments must strongly encourage all subcontractors under the ending homelessness program to apply to the Washington state quality award program for an independent assessment of their quality management, accountability, and performance systems or apply to the full examination Washington state quality award program. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the ((homeless housing)) ending homelessness program within its ((borders)) jurisdiction.

~~((3)) (2) A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution ((shall)) must also be transmitted to the county auditor and treasurer. If ((such a) the resolution is adopted, all of the funds otherwise due to the county under RCW ((43.185C.060 shall)) 36.22.179 and 36.22.1791 (as recodified by this act), minus funds due to any city that has chosen to participate through the process established in subsection (3) of this section, must be remitted monthly to the state treasurer for deposit in the ((homeless housing)) home security fund account, without any reduction by the county for collecting or administering the funds. Upon receipt of the resolution, the department shall promptly begin to identify and contract with one or more entities eligible under this section to create and execute a local ((homeless housing)) ending homelessness plan for the county meeting the requirements of this chapter. The department shall expend all of the funds received from the county under this subsection to carry out the purposes of this chapter ((484, Laws of 2005)) in the county, ((provided that)) but the department may retain six percent of these funds to offset the cost of managing the county's program.~~

~~(3) Any city may assert responsibility for homeless housing within its borders, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate ending homelessness program. A city choosing to operate a separate ending homelessness program receives a percentage of the surcharges assessed under RCW 36.22.179 and 36.22.1791 (as recodified by this act) equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for ending homelessness grants. A city choosing to operate a separate ending homelessness program must comply with all of the same requirements as counties and shall adopt a local ending homelessness plan meeting the requirements of this chapter for local ending homelessness plans.~~

~~(4) A resolution by the county declining to participate in the program ((shall have)) has no effect on the ((ability)) authority of each city in the county to assert its right to manage its own program under this chapter, and the county shall monthly transmit to the city the funds due under ((this chapter)) RCW 36.22.179 and 36.22.1791 (as recodified by this act).~~

**Sec. 35** RCW 43.185C.090 and 2005 c 484 s 13 are each amended to read as follows:

The department shall allocate ending homelessness grant moneys from the ((homeless housing)) home security fund account to finance in whole or in part programs and projects in approved local ((homeless housing)) ending homelessness plans ((to assist homeless individuals and families gain access to adequate housing, prevent at-risk individuals from becoming homeless, address the root causes of homelessness, track and report on homeless-related data, and facilitate the movement of homeless or formerly homeless individuals along the housing continuum toward more stable and independent housing)) for programs directly related to addressing the root causes of homelessness, preventing homelessness, and collecting data and information on homeless individuals. The department may issue

FIFTY-NINTH DAY, MARCH 12, 2008

criteria or guidelines to guide local governments in the application process.

**Sec. 36** RCW 43.185C.100 and 2005 c 484 s 14 are each amended to read as follows:

The department shall provide technical assistance to any participating local government that requests such assistance. Technical assistance activities may include:

(1) Assisting local governments to identify appropriate parties to participate on local ~~((homeless housing))~~ ending homelessness task forces;

(2) Assisting local governments to identify appropriate service providers with which the local governments may subcontract for service provision and development activities, when necessary;

(3) Assisting local governments to implement or expand homeless census programs to meet ~~((homeless housing))~~ ending homelessness program requirements;

(4) Assisting local governments in the local implementation and updating of the homeless client management information system as required in RCW 43.185C.180;

~~(5) Assisting local governments to apply to the Washington state quality award program for an independent assessment of their quality management, accountability, and performance systems or apply to the full examination Washington state quality award program;~~

~~(6) Assisting local governments to strongly encourage all subcontractors to apply to the Washington state quality award program for an independent assessment of their quality management, accountability, and performance systems or apply to the full examination Washington state quality award program;~~

~~(7) Assisting local governments to create quality ending homelessness plans;~~

~~(8) Assisting in the identification of "best practices" from other areas;~~

~~((5))~~ (9) Assisting in identifying additional funding sources for specific projects; and

~~((6))~~ (10) Training local government and subcontractor staff, including quality management training.

**Sec. 37** RCW 43.185C.130 and 2005 c 484 s 17 are each amended to read as follows:

The department shall ensure that the state's interest is protected upon the development, use, sale, or change of use of projects constructed, acquired, or financed in whole or in part through the ~~((homeless housing))~~ ending homelessness grant program. These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project, or (2) requiring a lump sum repayment of the grant upon the sale or change of use of the project.

**Sec. 38** RCW 43.185C.160 and 2005 c 485 s 1 are each amended to read as follows:

(1) Each county shall create ~~((a homeless housing))~~ an ending homelessness task force to develop a ~~((ten-year homeless housing))~~ ending homelessness plan addressing short-term and long-term services and housing ~~((for homeless persons))~~ to prevent and reduce homelessness by seventy percent by July 1, 2015, and to achieve the ultimate goal of ending homelessness by December 31, 2018.

Membership on the task force may include representatives of the counties, cities, towns, housing authorities, civic and faith organizations, schools, community networks, human services providers, law enforcement personnel, criminal justice personnel, including prosecutors, probation officers, and jail administrators, substance abuse treatment providers, mental health care providers, emergency health care providers, businesses, at-large representatives of the community, and a homeless or formerly homeless individual.

In lieu of creating a new task force, a local government may designate an existing governmental or nonprofit body ~~((which))~~ that substantially conforms to this section and ~~((which))~~ includes at least one homeless or formerly homeless individual to serve

as its homeless representative. As an alternative to a separate plan, two or more local governments may work in concert to develop and execute a joint ~~((homeless housing))~~ local ending homelessness plan, or to contract with another entity to do so according to the requirements of this chapter. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the ~~((homeless housing))~~ ending homelessness program within its borders.

~~((A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If a county declines to participate, the department shall create and execute a local homeless housing plan for the county meeting the requirements of this chapter.))~~

(2) In addition to developing a ~~((ten-year homeless housing))~~ local ending homelessness plan, each task force shall establish guidelines consistent with the statewide ~~((homeless housing))~~ ending homelessness strategic plan, as needed, for the following:

- (a) Emergency shelters;
- (b) Short-term housing needs;
- (c) Temporary encampments;
- (d) Rental voucher programs;
- (e) Timely housing opportunities for unsheltered homeless;
- (f) Supportive housing for chronically homeless persons;

~~((and~~

~~(e))~~ (g) Long-term housing; and

~~(h) Prevention services.~~

Guidelines must include, when appropriate, standards for health and safety and notifying the public of proposed facilities to house the homeless.

(3) Each county ~~((including counties exempted from creating a new task force under subsection (1) of this section,))~~ shall report to the department of community, trade, and economic development ~~((such))~~ any information ~~((as may be))~~ needed to ensure compliance with this chapter.

**Sec. 39** RCW 43.185C.900 and 2005 c 484 s 2 are each amended to read as follows:

This chapter may be known and cited as the ending homelessness ~~((housing and assistance))~~ act.

**Sec. 40** RCW 36.22.179 and 2007 c 427 s 4 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178 ~~((as recodified by this act)), and except as provided in subsection (2) of this section, an additional surcharge of ten dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. The funds collected pursuant to this section are to be distributed and used as follows:~~

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of this chapter, six percent of which may be used by the county for administrative costs related to its ~~((homeless housing))~~ ending homelessness plan, and the remainder for programs which directly accomplish the goals of the county's local ~~((homeless housing))~~ ending homelessness plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local ~~((homeless housing))~~ ending homelessness program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local ~~((homeless housing))~~ ending homelessness plan; of the funds

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

received by the city, it may use six percent for administrative costs for its ~~((homeless housing))~~ ending homelessness program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide ~~((homeless housing))~~ ending homelessness strategic plan, measuring performance, providing technical assistance to local governments, and managing the ~~((homeless housing))~~ ending homelessness grant program. The remaining eighty-seven and one-half percent is to be used by the department to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and

(ii) Fund the ~~((homeless housing))~~ ending homelessness grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

**Sec. 41** RCW 36.22.1791 and 2007 c 427 s 5 are each amended to read as follows:

(1) In addition to the surcharges authorized in RCW 36.22.178 and 36.22.179 (as recodified by this act), and except as provided in subsection (2) of this section, the county auditor shall charge an additional surcharge of eight dollars for each document recorded, which is in addition to any other charge allowed by law. The funds collected under this section are to be distributed and used as follows:

(a) The auditor shall remit ninety percent to the county to be deposited into a fund six percent of which may be used by the county for administrative costs related to its ~~((homeless housing))~~ ending homelessness plan, and the remainder for programs that directly accomplish the goals of the county's local ~~((homeless housing))~~ ending homelessness plan, except that for each city in the county that elects, as authorized in RCW 43.185C.080, to operate its own ~~((homeless housing))~~ ending homelessness program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county must be transmitted at least quarterly to the city treasurer for use by the city for program costs that directly contribute to the goals of the city's ~~((homeless housing))~~ ending homelessness plan.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use the funds for administering the program established in RCW 43.185C.020, including the costs of creating and updating the statewide ~~((homeless housing))~~ ending homelessness strategic plan, measuring performance, providing technical assistance to local governments, and managing the ~~((homeless housing))~~ ending homelessness grant program. Remaining funds may also be used to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and

(ii) Fund the ~~((homeless housing))~~ ending homelessness grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

**Sec. 42** RCW 43.185C.170 and 2006 c 349 s 7 are each amended to read as follows:

(1) The interagency council on homelessness, as defined in RCW 43.185C.010, shall ~~((be convened not later than))~~ convene by August 31, 2006, and shall meet at least two times each year and report to the appropriate committees of the legislature annually by December 31st on its activities.

(2) The interagency council on homelessness shall work to create greater levels of interagency coordination and to coordinate state agency efforts with the efforts of state and local entities addressing homelessness.

(3) The interagency council on homelessness must respond to all state and local legislative and policy recommendations included in the state and local ending homelessness plans. The interagency council must annually present its strategy for addressing the issues raised to the appropriate committees of the legislature and must also include a report on the actions taken to date that address these issues.

(4) The interagency council shall seek to:

(a) Align homeless-related housing and supportive service policies among state agencies;

(b) Identify ways in which providing housing with appropriate services can contribute to cost savings for state agencies;

(c) Identify policies and actions that may contribute to homelessness or interfere with its reduction;

(d) Review and improve strategies for discharge from state institutions that contribute to homelessness;

(e) Recommend policies to either improve practices or align resources, or both, including those policies requested by the affordable housing advisory board or through state and local housing plans; and

(f) Ensure that the housing status of people served by state programs is collected in consistent formats available for analysis.

**Sec. 43** RCW 43.185C.180 and 2006 c 349 s 8 are each amended to read as follows:

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement the Washington homeless client management information system for the ongoing collection and updates of information about all homeless individuals in the state.

(2) Information about homeless individuals for the Washington homeless client management information system shall come from the Washington homeless census ~~((and))~~ and from state agencies, and from community organizations providing services to homeless individuals and families. Personally identifying information about homeless individuals for the Washington homeless client management system may only be collected after having obtained informed, reasonably time limited written consent from the homeless individual to whom the information relates. Data collection ~~((shall))~~ must be done in a manner consistent with federally informed consent guidelines regarding human research which, at a minimum, require that individuals be informed about the expected duration of their participation, an explanation of whom to contact for answers to pertinent questions about the data collection and their rights regarding their personal identifying information, an explanation regarding whom to contact in the event of injury to the individual related to the homeless client survey, a description of any reasonably foreseeable risks to the homeless individual, and a statement describing the extent to which confidentiality of records identifying the individual will be maintained.

(3) The Washington homeless client management information system shall serve as an online information and referral system to enable local governments and providers to connect homeless persons in the database with available housing and other support services. Local governments shall develop a capacity for continuous case management, including independent living plans, when appropriate, to assist homeless persons.

(4) The information in the Washington homeless client management information system will also provide the department with the information to consolidate and analyze data about the extent and nature of homelessness in Washington state, giving emphasis to information about the extent and nature

FIFTY-NINTH DAY, MARCH 12, 2008

of homelessness in Washington state among families with children.

(5) The system may be merged with other data gathering and reporting systems and shall:

(a) Protect the right of privacy of individuals;

(b) Provide for consultation and collaboration with all relevant state agencies, including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and

(c) Include related information held or gathered by other state agencies.

(6) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

(7) The Washington homeless client management information system ~~((shall))~~ must be implemented by December 31, 2009, and updated with new homeless client information at least ~~((annually))~~ twice each year.

**NEW SECTION. Sec. 44** A new section is added to chapter 43.185C RCW to read as follows:

The department shall contract with the employment security department to annually establish two self-sufficiency income standards based upon the cost of living, including housing costs, which include mortgage or rent payments and utilities other than telephone, for each county in the state. The self-sufficiency income standards must be based upon the costs needed to support: (1) One adult individual; and (2) two adult individuals and one preschool-aged child and one school-aged child. These income standards will be translated into an equivalent hourly wage rate assuming one full-year, full-time earner for the self-sufficiency income standards for each county. The self-sufficiency income standards must be presented to the legislature by December 31, 2009. The employment security department must spend no more than one hundred ten thousand dollars in creating the initial self-sufficiency income standards and no more than fifty-five thousand dollars annually to update the standards. The employment security department shall deliver a report to the department and the appropriate committees of the legislature that details the number and percentage of individuals statewide and in each county who do not have a good family wage job and, as a result, earn less than the self-sufficiency income standards, as well as the number and percentage of individuals statewide and in each county who have a good family wage job and, as a result, earn an amount equivalent to or more than the self-sufficiency income standards.

**Sec. 45** RCW 43.185B.030 and 1993 c 478 s 6 are each amended to read as follows:

The affordable housing advisory board shall:

(1) Analyze those solutions and programs that could begin to address the state's need for housing that is affordable for all economic segments of the state, and special needs populations, including but not limited to programs or proposals which provide for:

(a) Financing for the acquisition, rehabilitation, preservation, or construction of housing;

(b) Use of publicly owned land and buildings as sites for affordable housing;

(c) Coordination of state initiatives with federal initiatives and financing programs that are referenced in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended, and development of an approved housing strategy as required in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended;

(d) Identification and removal, where appropriate and not detrimental to the public health and safety, or environment, of state and local regulatory barriers to the development and placement of affordable housing;

(e) Stimulating public and private sector cooperation in the development of affordable housing; and

(f) Development of solutions and programs affecting housing, including the equitable geographic distribution of housing for all economic segments, as the advisory board deems necessary;

(2) Consider both homeownership and rental housing as viable options for the provision of housing. The advisory board shall give consideration to various types of residential construction and innovative housing options, including but not limited to manufactured housing;

(3) Review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives including but not limited to tax policies, land use policies, and financing programs. The advisory board shall provide recommendations to the director, along with the department's response in the annual housing report to the legislature required in RCW 43.185B.040 (as recodified by this act); and

(4) Prepare and submit to the director and to the legislature, by each December 1st, beginning December 1, 1993, a report ~~((detailing its))~~ that (a) details the board's findings and (b) discusses the measurable relationship between jobs paying less than the self-sufficiency standard, established under section 36 of this act, and housing affordability, and make specific program, legislative, and funding recommendations and any other recommendations it deems appropriate.

**NEW SECTION. Sec. 46** A new section is added to chapter 43.185C RCW to read as follows:

The joint legislative audit and review committee shall conduct two performance audits of the ending homelessness program. The first audit must be conducted by December 31, 2010. The second audit must be conducted by December 31, 2014. Each audit must take no longer than six months or one hundred thousand dollars to complete.

**Sec. 47** RCW 43.20A.790 and 1999 c 267 s 2 are each amended to read as follows:

(1) The department of social and health services shall collaborate with the department ~~((of community, trade, and economic development))~~ in the development of ~~((the))~~ a coordinated and comprehensive plan for homeless families with children ~~((required under RCW 43.63A.650, which designates the department of community, trade, and economic development as the state agency with primary responsibility for providing shelter and housing services to homeless families with children. In fulfilling its responsibilities to collaborate with the department of community, trade, and economic development pursuant to RCW 43.63A.650;))~~ that must be integrated into the state ending homelessness strategic plan created in RCW 43.185C.040. The department of social and health services shall develop, administer, supervise, and monitor its portion of the plan ~~((The department's portion of the plan shall))~~, which must contain at least the following elements:

(a) Coordination or linkage of services with shelter and housing;

(b) Accommodation and addressing the needs of homeless families in the design and administration of department programs;

(c) Participation of the department's local offices in the identification, assistance, and referral of homeless families; and

(d) Ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

(2) The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan.

~~((3) The duties under this section shall be implemented within amounts appropriated for that specific purpose by the legislature in the operating and capital budgets;))~~

**Sec. 48** RCW 36.18.010 and 2007 c 523 s 2 are each amended to read as follows:

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

County auditors or recording officers shall collect the following fees for their official services:

(1) For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

(2) For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(3) For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

(4) For administering an oath or taking an affidavit, with or without seal, two dollars;

(5) For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

(6) For searching records per hour, eight dollars;

(7) For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

(8) For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170;

(10) For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees;

(11) For recording instruments, a two-dollar surcharge to be deposited into the Washington state heritage center account created in RCW 43.07.129;

(12) For recording instruments, a surcharge as provided in RCW 36.22.178 (as recodified by this act); ~~(and)~~

(13) For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in RCW 36.22.179 (as recodified by this act); and

(14) For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in RCW 36.22.1791 (as recodified by this act).

**Sec. 49** RCW 43.185C.150 and 2005 c 484 s 21 are each amended to read as follows:

This chapter does not require either the department or any local government to expend any funds to accomplish the goals of this chapter other than the revenues authorized in chapter 484, Laws of 2005 and the revenues authorized in RCW 36.22.1791 (as recodified by this act). However, neither the

department nor any local government may use any funds authorized in chapter 484, Laws of 2005 or the revenues authorized in RCW 36.22.1791 (as recodified by this act) to supplant or reduce any existing expenditures of public money for the reduction or prevention of homelessness or services for homeless persons.

**NEW SECTION. Sec. 50** The department of community, trade, and economic development shall contract with the Washington institute for public policy to conduct a study to determine the most effective, accurate, and comprehensive way for counties and the state of Washington to measure and evaluate the societal cost of homelessness. The department shall not spend more than one hundred thousand dollars on the study, and the results of the study must be presented to the appropriate committees of the legislature by June 30, 2009.

**NEW SECTION. Sec. 51** (1) The transitional housing operating and rent program is created in the department to assist individuals and families who are homeless or who are at risk of becoming homeless to secure and retain safe, decent, and affordable housing. The department shall provide grants to eligible organizations, as described in RCW 43.185.060, to provide assistance to program participants. The eligible organizations must use grant moneys for:

(a) Rental assistance, which includes security or utility deposits, first and last month's rent assistance, and eligible moving expenses to be determined by the department;

(b) Case management services designed to assist program participants to secure and retain immediate housing and to transition into permanent housing and greater levels of self-sufficiency;

(c) Operating expenses of transitional housing facilities that serve homeless families with children; and

(d) Administrative costs of the eligible organization, which must not exceed limits prescribed by the department.

(2) Eligible to receive assistance through the transitional housing operating and rent program are:

(a) Families with children who are homeless or who are at risk of becoming homeless and who have household incomes at or below fifty percent of the median household income for their county;

(b) Families with children who are homeless or who are at risk of becoming homeless and who are receiving services under chapter 13.34 RCW;

(c) Individuals or families without children who are homeless or at risk of becoming homeless and who have household incomes at or below thirty percent of the median household income for their county;

(d) Individuals or families who are homeless or who are at risk of becoming homeless and who have a household with an adult member who has a mental health or chemical dependency disorder; and

(e) Individuals or families who are homeless or who are at risk of becoming homeless and who have a household with an adult member who is an offender released from confinement within the past eighteen months.

(3) All program participants must be willing to create and actively participate in a housing stability plan for achieving permanent housing and greater levels of self-sufficiency.

(4) Data on all program participants must be entered into and tracked through the Washington homeless client management information system as described in RCW 43.185C.180. For eligible organizations serving victims of domestic violence or sexual assault, compliance with this subsection must be accomplished in accordance with 42 U.S.C. Sec. 11383 (a)(8).

(5) Beginning in 2011, each eligible organization receiving over five hundred thousand dollars during the previous calendar year from the transitional housing operating and rent program and from sources including: (a) State housing-related funding sources; (b) the affordable housing for all surcharge in RCW 36.22.178 (as recodified by this act); (c) the home security fund

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

surcharges in RCW 36.22.179 and 36.22.1791 (as recodified by this act); and (d) any other surcharge imposed under chapter 36.22 or 43.185C RCW to fund homelessness programs or other housing programs, shall apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system, once every three years.

(6) The department may develop rules, requirements, procedures, and guidelines as necessary to implement and operate the transitional housing operating and rent program.

(7) The department shall produce an annual transitional housing operating and rent program report that must be included in the department's affordable housing for all plan as described in RCW 43.185B.040 (as recodified by this act). The report must include performance measures to be determined by the department that address, at a minimum, the following issue areas:

(a) The success of the program in helping program participants transition into permanent affordable housing and increase their levels of self-sufficiency;

(b) The financial performance of the program related to efficient program administration by the department and program operation by selected eligible organizations, including an analysis of the costs per program participant served;

(c) The quality, completeness, and timeliness of the information on program participants provided to the Washington homeless client management information system database; and

(d) The satisfaction of program participants in the assistance provided through the program.

**NEW SECTION. Sec. 52** The transitional housing operating and rent account is created in the custody of the state treasurer. All receipts from sources directed to the transitional housing operating and rent program must be deposited into the account. Expenditures from the account may be used solely for the purpose of the transitional housing operating and rent program as described in section 43 of this act. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 53** RCW 59.18.600 (Rental to offenders--Limitation on liability) and 2007 c 483 s 602 are each repealed.

**NEW SECTION. Sec. 54** RCW 36.22.179, 36.22.1791, 43.20A.790, and 43.63A.650 are each recodified as sections in chapter 43.185C RCW.

**NEW SECTION. Sec. 55** RCW 36.22.178, 43.185A.100, 43.185B.020, and 43.185B.040 are each recodified as sections in chapter 43.--- RCW (created in section 48 of this act).

**NEW SECTION. Sec. 56** Sections 1 through 4, 6 through 10, 12, 43, and 44 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 57** The code reviser shall alphabetize and renumber the definitions in RCW 43.185C.010.

**NEW SECTION. Sec. 58** If specific funding for the purposes of sections 1 through 13, 43, and 44 of this act, referencing sections 1 through 13, 43, and 44 of this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, sections 1 through 13, 43, and 44 of this act are null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5959.

#### REMARKS BY THE PRESIDENT

President Owen: "Senator Honeyford before you do, as we're probably going to may have a few of these, the President would remind the members that the President allows brief explanations of your position on these matters and I'd appreciate it if you'd honor that. We do allow an argument on each side. Senator Honeyford, please."

#### POINT OF ORDER

Senator Honeyford: "Well, thank you Mr. President. The underlying bill is addressing one item: codifying the traditional housing operation and rent program designed to assist homeless individuals and families by finding those individuals rental assistant and case management services. The program has been in existence and received funding since 1999. It's never been codified in statute. Mr. President, the underlying bill was short, specific and targeted. The House amendment regrettably is none of these. Expanding the bill far beyond it's original scope, new items in the bill include: directive to the Insurance Commissioner to make recommendations by which the housing trust fund can reduce liability and earthquake insurance cost for developers; creation of a new housing communities program directing CTED to provide technical assistance to help organizations serving communities of color and multi-lingual communities; creation of a new housing infrastructural program authorizing low interest loans to organizations for public works project such as roads, bridges, sidewalks and solid waste facilities to support affordable housing, creates the affordable housing for all program requiring states and local government plans to provide the affordable housing to all by 2020; and creates 'Ending Homelessness Act' directing CTED to annually conduct performance and evaluations of county plans and performance and requires counties to conduct a homeless census at least once a year. Thank you Mr. President."

Senator Hargrove spoke on the point of order.

#### MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 5959 was deferred and the bill held its place on the concurrence calendar.

#### MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 12, 2008."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 12, 2008.

#### MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

**EDITOR'S NOTE:** Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

## MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House receded from its amendment, and under suspension of rules SUBSTITUTE SENATE BILL NO. 6231 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6231-S AMH UPTH H6049.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** (1) The legislature finds that Washington contains an array of marine protected areas managed by state, federal, tribal, and local governments in both coastal areas and in the Puget Sound. The many entities managing marine protected areas have developed distinct goals for protected areas, criteria for protected area establishment, management practices, terminology, and monitoring practices for these areas. The legislature supports all efforts to protect, conserve, and sustainably manage marine life and resources. However, the legislature finds that additional coordination between marine protected areas managers will improve the collective resource protection capacity of marine protected areas in Washington. The legislature further finds that additional coordination between state agencies and local governments and citizens will increase local involvement in, and the success of, marine protected areas.

(2) The legislature further finds that many state agencies and local governments, in addition to marine protected areas, also administer aquatic preserves, conservation areas, and other similar geographically based area conservation designations that are a valuable means to protect and enhance Puget Sound's marine resources. Climate change impacts and increased population and development in the Puget Sound basin will place further stresses upon sustaining the biological diversity and ecosystem health of Puget Sound, underscoring the importance of conservation efforts.

(3) It is the intent of the legislature that state and local actions intended to protect, conserve, and manage marine life and resources be conducted in a coordinated manner, use the best available science, consider the projected impacts on Puget Sound's marine areas from climate change, and contribute to the recovery of the Puget Sound's environmental health by 2020.

(4) It is the purpose of this act to:

(a) Create a strategic network of marine managed areas that contribute to conserving the biological diversity and ecosystem health of coastal areas and the Puget Sound and that contribute to the recovery of Puget Sound's health by 2020;

(b) Strengthen the coordination of marine managed areas among multiple state agencies and local governments and align these efforts with the work of the Puget Sound partnership to recover the Puget Sound's health by 2020;

(c) Provide for management and designation of marine managed areas programs on an ecosystem basis and incorporate the best available scientific information into these programs;

(d) Adopt a plan that builds a comprehensive system of marine managed areas in Washington's waters, adopts goals and benchmarks for maintaining the diversity of marine life and resources in Washington's waters, and is based upon anticipated threats and stressors such as climate change impacts and population growth;

(e) Recognize the interrelationship of the marine ecosystem throughout the Pacific Northwest, and the multiple entities, including local, state, provincial, and federal governments, as well as tribal governments and first nations, that are involved in managing marine managed areas; and

(f) Adopt codified criteria and procedures applicable to the aquatic reserve program on state-owned aquatic lands.

**NEW SECTION. Sec. 2** (1) The coastal marine protected areas work group is established. The work group shall:

(a) Examine the current inventory and management of Washington's coastal marine protected areas;

(b) Develop recommendations to improve coordination and consistency among coastal marine protected areas and marine protected areas managers regarding goals for protected areas, criteria for protected area establishment, management practices, terminology, and monitoring practices;

(c) Develop recommendations to improve the integration of science into the establishment and management of coastal marine protected areas;

(d) Develop recommendations to further integrate local governments and nongovernmental organizations into the establishment and management of coastal marine protected areas; and

(e) Provide any other recommendations to improve the effectiveness of coastal marine protected areas in Washington.

(2)(a) The director of the department of fish and wildlife, or the director's designee, shall chair the work group created in this section. The chair is responsible for convening the work group and for directing the process of the work group.

(b) The chair of the work group shall invite a balanced composition of representatives from state agencies and local governments with jurisdiction over, or that manage, coastal marine protected areas in Washington to participate in the work group. These entities must include, but are not limited to:

(i) The department of fish and wildlife;

(ii) The department of natural resources;

(iii) The state parks and recreation commission;

(iv) Any appropriate marine resources committees; and

(v) Appropriate federal agencies and tribal governments.

(c) State agencies invited to participate in the work group must participate and work cooperatively with the department of fish and wildlife to carry out the requirements and purposes of this act.

(3) For the purposes of this section, "marine protected area" means a geographic marine or estuarine area located in coastal waters, as that term is defined in RCW 43.143.020, designated by a state, federal, tribal, or local government in order to provide long-term protection for part or all of the resources within that area.

(4) By December 1, 2009, the work group must provide the appropriate committees of the legislature with:

(a) An inventory of coastal marine protected areas in Washington; and

(b) A summary of the issues and recommendations identified under subsection (1)(b) through (e) of this section.

(5) The coastal marine protected areas work group established under this section shall coordinate with the marine managed areas work group established in section 6 of this act. The two work groups may share resources and expertise when appropriate.

**Sec. 3** RCW 90.71.010 and 2007 c 341 s 2 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Action agenda" means the comprehensive schedule of projects, programs, and other activities designed to achieve a healthy Puget Sound ecosystem that is authorized and further described in RCW 90.71.300 and 90.71.310.

(2) "Action area" means the geographic areas delineated as provided in RCW 90.71.260.

(3) "Benchmarks" means measurable interim milestones or achievements established to demonstrate progress towards a goal, objective, or outcome.

(4) "Board" means the ecosystem coordination board.

(5) "Council" means the leadership council.

FIFTY-NINTH DAY, MARCH 12, 2008

(6) "Environmental indicator" means a physical, biological, or chemical measurement, statistic, or value that provides a proximate gauge, or evidence of, the state or condition of Puget Sound.

(7) "Implementation strategies" means the strategies incorporated on a biennial basis in the action agenda developed under RCW 90.71.310.

(8) "Marine managed area" means a named, discrete geographic marine or estuarine area designated by statute, ordinance, resolution, or administrative action, whose designation is intended to protect, conserve, or otherwise manage the marine life and resources within the area.

(9) "Nearshore" means the area beginning at the crest of coastal bluffs and extending seaward through the marine photic zone, and to the head of tide in coastal rivers and streams. "Nearshore" also means both shoreline and estuaries.

~~((9))~~ (10) "Panel" means the Puget Sound science panel.

~~((10))~~ (11) "Partnership" means the Puget Sound partnership.

~~((11))~~ (12) "Plan" means the Puget Sound marine managed areas plan developed under section 4 of this act.

(13) "Puget Sound" means Puget Sound and related inland marine waters, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas 1 through 19 in WAC 173-500-040 as it exists on July 1, 2007.

~~((12))~~ (14) "Puget Sound partner" means an entity that has been recognized by the partnership, as provided in RCW 90.71.340, as having consistently achieved outstanding progress in implementing the 2020 action agenda.

~~((13))~~ (15) "Watershed groups" means all groups sponsoring or administering watershed programs, including but not limited to local governments, private sector entities, watershed planning units, watershed councils, shellfish protection areas, regional fishery enhancement groups, marine ~~((resource))~~ resources committees including those working with the Northwest straits commission, nearshore groups, and watershed lead entities.

~~((14))~~ (16) "Watershed programs" means and includes all watershed-level plans, programs, projects, and activities that relate to or may contribute to the protection or restoration of Puget Sound waters. Such programs include jurisdiction-wide programs regardless of whether more than one watershed is addressed.

**NEW SECTION. Sec. 4** A new section is added to chapter 90.71 RCW to read as follows:

(1) The partnership shall prepare a Puget Sound marine managed areas plan to coordinate and strengthen all of the marine managed areas programs managed by state agencies and local governments. The plan must be incorporated into the Puget Sound action agenda adopted under RCW 90.71.310.

(2) The plan required by this section must include, but not be limited to:

(a) Guidelines for identifying key species of concern, threats to these species, and threshold levels of protected habitat needed to recover these species and Puget Sound as a whole to health by 2020;

(b) Guidelines for incorporating the best available scientific information when designating and managing marine managed areas;

(c) Guidelines for managing areas on an ecosystem basis and for coordinating multiple programs and areas within the same biogeographical regions to achieve ecosystem-based management;

(d) Benchmarks to measure progress toward the recovery of species and protected habitat;

(e) Recommendations for adequate levels of funding for the designation, long-term management, and monitoring of the marine managed areas in the network;

(f) Strategies to address the projected impacts to marine managed areas from population growth, existing and proposed upland and aquatic lands development, and storm water discharges to Puget Sound;

(g) Strategies to prepare for and manage the impacts of climate change, including impacts due to sea level changes, salinity changes, water temperature, increased acidification, and changes in frequency and intensity of precipitation events affecting storm water discharges to marine waters;

(h) An adaptive management component in which new information on the progress of implementing management goals for the individual marine managed areas and overall goals for all marine managed areas, including the consideration and integration of the contribution these areas are making toward the goals of recovering the health of Puget Sound by 2020, and climate change impacts; and

(i) Methodologies for synthesizing monitoring results with programmatic goals to inform decision making on subsequent designation and marine managed areas strategies and any necessary changes in implementation strategies to increase the effectiveness of the marine managed areas program in achieving the goal of recovering the Puget Sound's health by 2020.

(3) The plan required by this section must also include comprehensive objectives for coordinating existing marine managed areas and designating additional areas to achieve a network of marine managed areas contributing to long-term conservation of important biota and marine ecosystems and recovery of Puget Sound by and consider activities and uses within or adjacent to marine managed areas that are allowed under existing leases of state-owned aquatic lands issued under chapter 79.105 RCW.

(4) The plan required by this section must be completed by July 1, 2010, and submitted to the council for its review and approval. The council shall provide for public review and comment on the plan in a manner comparable to the other provisions of the Puget Sound action agenda. The council may amend the plan from time to time using public review and comment procedures comparable to those that apply when other elements of the Puget Sound action agenda are revised.

**NEW SECTION. Sec. 5** The Puget Sound partnership shall provide the plan required by section 4 of this act to the appropriate committees of the legislature by December 1, 2010, together with its recommendations for further policy legislation and budget recommendations to enhance Puget Sound marine managed areas programs.

**NEW SECTION. Sec. 6** (1) The Puget Sound marine managed areas plan required by section 4 of this act must be developed with the assistance of a work group on marine managed areas. The chair of the Puget Sound partnership leadership council is responsible for convening the work group, inviting participation on the work group, and for directing the process of the work group.

(2)(a) The work group created in this section must include one or more members of the Puget Sound science panel, one of whom must serve as chair of the work group.

(b) The chair of the Puget Sound partnership leadership council must also invite the participation of the following:

(i) State agencies and local governments with regulatory jurisdiction over, or that manage, marine managed areas including, but not limited to, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and the department of ecology;

(ii) The state biodiversity council, created by executive order 04-02, or the biodiversity council's successor entity;

(iii) Representatives of tribal governments, federal agencies, cities, counties, marine resources committees, and nongovernmental organizations that have designated or have

FIFTY-NINTH DAY, MARCH 12, 2008

significant interests in the management of Puget Sound marine managed areas; and

(iv) Any other individuals or representatives of entities with expertise, perspective, or knowledge deemed beneficial by the chair of the Puget Sound partnership leadership council in assisting the work group to achieve its goals and responsibilities.

(c) The chair of the Puget Sound partnership leadership council may also invite representatives from other states, provinces, first nations, and tribal governments with interests in marine managed areas in the Pacific Northwest to participate on the work group as observers.

(3) In developing the objectives required by section 4(3) of this act, the work group must rely primarily upon existing plans and objectives relating to the conservation of marine life in Puget Sound and the program plans prepared by state agencies and local governments administering marine managed areas programs.

(4) The marine managed areas work group established under this section shall coordinate with the coastal marine protected areas work group established in section 2 of this act. The two work groups may share resources and expertise when appropriate.

**Sec. 7** RCW 79.105.210 and 2005 c 155 s 143 are each amended to read as follows:

(1) The management of state-owned aquatic lands shall preserve and enhance water-dependent uses. Water-dependent uses shall be favored over other uses in state-owned aquatic land planning and in resolving conflicts between competing lease applications. In cases of conflict between water-dependent uses, priority shall be given to uses which enhance renewable resources, water-borne commerce, and the navigational and biological capacity of the waters, and to statewide interests as distinguished from local interests.

(2) Nonwater-dependent use of state-owned aquatic lands is a low-priority use providing minimal public benefits and shall not be permitted to expand or be established in new areas except in exceptional circumstances where it is compatible with water-dependent uses occurring in or planned for the area.

(3)(a) The department shall consider the natural values of state-owned aquatic lands as wildlife habitat, natural area preserve, representative ecosystem, or spawning area prior to issuing any initial lease or authorizing any change in use.

(b) The department may withhold from leasing lands which it finds to have significant natural values, or may provide within any lease for the protection of such values. When withdrawing lands from leasing for the purposes of managing an aquatic reserve, the department shall be guided by the procedures and criteria of sections 8 through 14 of this act.

(4) The power to lease state-owned aquatic lands is vested in the department, which has the authority to make leases upon terms, conditions, and length of time in conformance with the state Constitution and chapters 79.105 through 79.140 RCW.

(5) State-owned aquatic lands shall not be leased to persons or organizations which discriminate on the basis of race, color, creed, religion, sex, age, or physical or mental handicap.

**NEW SECTION. Sec. 8** A new section is added to chapter 79.105 RCW under a new subchapter heading of "aquatic reserve system" to read as follows:

The aquatic reserve system is established for the purpose of aiding Washington with its goals of supporting and coordinating marine protected areas. The aquatic reserve system is comprised of those areas of state-owned aquatic lands designated by the department prior to the effective date of this section and any areas added to the system under this chapter by order of the commissioner after the effective date of this section.

**NEW SECTION. Sec. 9** A new section is added to chapter 79.105 RCW under a new subchapter heading of "aquatic reserve system" to read as follows:

State-owned aquatic lands that have one or more of the following characteristics may be included by order of the commissioner as an aquatic reserve:

2008 REGULAR SESSION

(1) The lands have been identified as having high priority for conservation, natural systems, wildlife, or low-impact public use values;

(2) The lands have flora, fauna, geological, recreational, archaeological, cultural, scenic, or similar features of critical importance and have retained to some degree or reestablished its natural character;

(3) The lands provide significant examples of native ecological communities;

(4) The lands have significant sites or features threatened with conversion to incompatible uses; and

(5) The lands have been identified by the Puget Sound science panel created in RCW 90.71.270 as critical to achieving recovery of Puget Sound by 2020.

**NEW SECTION. Sec. 10** A new section is added to chapter 79.105 RCW under a new subchapter heading of "aquatic reserve system" to read as follows:

(1) The commissioner shall adopt procedures for submission of aquatic reserve nominations and for public participation in the review of proposed aquatic reserves.

(2) If, consistent with the best available scientific information, an aquatic reserve no longer meets the goals and objectives for which it was designated, and adaptive management has not been successful to meet the goals and objectives, the commissioner may by order modify the aquatic reserve boundaries or remove the area from aquatic reserve status.

(3) The commissioner shall provide public participation procedures for proposals relating to the nomination, designation, and removal of aquatic reserve status.

**NEW SECTION. Sec. 11** A new section is added to chapter 79.105 RCW under a new subchapter heading of "aquatic reserve system" to read as follows:

In the designation and management of aquatic reserves within Puget Sound, as geographically defined in RCW 90.71.010, the commissioner shall be guided by the marine managed areas plan adopted under section 4 of this act. The commissioner shall accord substantial weight to any recommendations provided by the Puget Sound partnership regarding the designation and management of aquatic reserves within Puget Sound.

**NEW SECTION. Sec. 12** A new section is added to chapter 79.105 RCW under a new subchapter heading of "aquatic reserve system" to read as follows:

Where the commissioner determines that management of the taking of fish, shellfish, or wildlife within or adjacent to an aquatic reserve would enhance the objectives for which the aquatic reserve has been created, the commissioner shall request that the fish and wildlife commission act pursuant to section 16 of this act to adopt supporting rules.

**NEW SECTION. Sec. 13** A new section is added to chapter 79.105 RCW under a new subchapter heading of "aquatic reserve system" to read as follows:

The aquatic reserve system must be coordinated with other marine managed areas, federally recognized marine protected areas, and related regulatory programs. To further this goal, the department shall:

(1) Cooperate with other state agencies and local governments to manage state-owned aquatic lands consistently with the management of uses and activities in the same geographic areas by the state parks and recreation commission, the department of fish and wildlife, the department of ecology, and other appropriate state agencies; and

(2) Provide recommendations to local governments in updating their shoreline master programs under chapter 90.58 RCW and in sponsoring local marine park reserves or voluntary stewardship areas to seek consistent planning and management activities in areas adjacent to designated reserves.

FIFTY-NINTH DAY, MARCH 12, 2008

**NEW SECTION. Sec. 14** A new section is added to chapter 79.105 RCW under a new subchapter heading of "aquatic reserve system" to read as follows:

(1) State agencies with authority over construction activities or water discharges in state waters or that otherwise implement programs that affect a designated aquatic reserve shall give special consideration to increasing protection and reducing and preventing pollution of these areas, consistent with the management objectives of the aquatic reserve.

(2) The department should participate in any public processes regarding water discharge or construction permitting affecting aquatic reserves to aid other agencies in their understanding of the provisions of this subsection.

**NEW SECTION. Sec. 15** Within twenty-four months of the adoption of the marine managed areas plan under section 4 of this act, the department of natural resources shall complete a review of existing management plans and pending aquatic reserve nominations for consistency with the guidelines and recommendations in the marine managed areas plan.

**NEW SECTION. Sec. 16** A new section is added to chapter 77.12 RCW to read as follows:

(1) The commission may adopt rules governing the taking of fish, shellfish, or wildlife within or adjacent to an aquatic reserve designated by the department of natural resources under section 12 of this act, or other marine managed areas, as that term is defined in RCW 90.71.010. The commission shall give consideration within sixty days to any rule changes requested by the commissioner of public lands to support the purposes of an aquatic reserve.

(2) This section is in addition to and does not limit the commission's authority to establish rules governing the taking of fish, shellfish, or wildlife under any other authority.

**Sec. 17** RCW 90.71.300 and 2007 c 341 s 12 are each amended to read as follows:

(1) The action agenda shall consist of the goals and objectives in this section, implementation strategies to meet measurable outcomes, benchmarks, ~~((and))~~ identification of responsible entities, and the marine managed areas plan adopted under section 4 of this act. By 2020, the action agenda shall strive to achieve the following goals:

(a) A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;

(b) A quality of human life that is sustained by a functioning Puget Sound ecosystem;

(c) Healthy and sustaining populations of native species in Puget Sound, including a robust food web;

(d) A healthy Puget Sound where freshwater, estuary, nearshore, marine, and upland habitats are protected, restored, and sustained;

(e) An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, and wildlife, and the natural functions of the environment;

(f) Fresh and marine waters and sediments of a sufficient quality so that the waters in the region are safe for drinking, swimming, shellfish harvest and consumption, and other human uses and enjoyment, and are not harmful to the native marine mammals, fish, birds, and shellfish of the region.

(2) The action agenda shall be developed and implemented to achieve the following objectives:

(a) Protect existing habitat and prevent further losses;

(b) Restore habitat functions and values;

(c) Significantly reduce toxics entering Puget Sound fresh and marine waters;

(d) Significantly reduce nutrients and pathogens entering Puget Sound fresh and marine waters;

(e) Improve water quality and habitat by managing storm water runoff;

(f) Provide water for people, fish and wildlife, and the environment;

(g) Protect ecosystem biodiversity and recover imperiled species; and

(h) Build and sustain the capacity for action.

**Sec. 18** RCW 90.71.310 and 2007 c 341 s 13 are each amended to read as follows:

(1) The council shall develop a science-based action agenda that leads to the recovery of Puget Sound by 2020 and achievement of the goals and objectives established in RCW 90.71.300. The action agenda shall:

(a) Address all geographic areas of Puget Sound including upland areas and tributary rivers and streams that affect Puget Sound;

(b) Describe the problems affecting Puget Sound's health using supporting scientific data, and provide a summary of the historical environmental health conditions of Puget Sound so as to determine past levels of pollution and restorative actions that have established the current health conditions of Puget Sound;

(c) Meet the goals and objectives described in RCW 90.71.300, including measurable outcomes for each goal and objective specifically describing what will be achieved, how it will be quantified, and how progress towards outcomes will be measured. The action agenda shall include near-term and long-term benchmarks designed to ensure continuous progress needed to reach the goals, objectives, and designated outcomes by 2020. The council shall consult with the panel in developing these elements of the plan;

(d) Identify and prioritize the strategies and actions necessary to restore and protect Puget Sound and to achieve the goals and objectives described in RCW 90.71.300;

(e) Identify the agency, entity, or person responsible for completing the necessary strategies and actions, and potential sources of funding;

(f) Include prioritized actions identified through the assembled proposals from each of the seven action areas and the identification and assessment of ecosystem scale programs as provided in RCW 90.71.260;

(g) Include specific actions to address aquatic rehabilitation zone one, as defined in RCW 90.88.010;

(h) Incorporate any additional goals adopted by the council; and

(i) Incorporate appropriate actions to carry out the biennial science work plan created in RCW 90.71.290.

(2) In developing the action agenda and any subsequent revisions, the council shall, when appropriate, incorporate the following:

(a) Water quality, water quantity, sediment quality, watershed, marine resource, and habitat restoration plans created by governmental agencies, watershed groups, and marine and shoreline groups. The council shall consult with the board in incorporating these plans;

(b) Recovery plans for salmon, orca, and other species in Puget Sound listed under the federal endangered species act;

(c) Existing plans and agreements signed by the governor, the commissioner of public lands, other state officials, or by federal agencies;

(d) Appropriate portions of the Puget Sound water quality management plan existing on July 1, 2007.

(3) Until the action agenda is adopted, the existing Puget Sound management plan and the 2007-09 Puget Sound biennial plan shall remain in effect. The existing Puget Sound management plan shall also continue to serve as the comprehensive conservation and management plan for the purposes of the national estuary program described in section 320 of the federal clean water act, until replaced by the action agenda and approved by the United States environmental protection agency as the new comprehensive conservation and management plan.

(4) The council shall adopt the action agenda by ~~((September))~~ December 1, 2008. The council shall revise the action agenda as needed, and revise the implementation strategies every two years using an adaptive management process informed by tracking actions and monitoring results in Puget Sound. In revising the action agenda and the

FIFTY-NINTH DAY, MARCH 12, 2008

implementation strategies, the council shall consult the panel and the board and provide opportunity for public review and comment. Biennial updates shall:

(a) Contain a detailed description of prioritized actions necessary in the biennium to achieve the goals, objectives, outcomes, and benchmarks of progress identified in the action agenda;

(b) Identify the agency, entity, or person responsible for completing the necessary action; and

(c) Establish biennial benchmarks for near-term actions.

(5) The action agenda shall be organized and maintained in a single document to facilitate public accessibility to the plan.

**Sec. 19** RCW 90.71.370 and 2007 c 341 s 19 are each amended to read as follows:

(1) By ~~((September 1st))~~ December 1, 2008, and by the first weekday in September of each even-numbered year beginning in ~~((2008))~~ 2010, the council shall provide to the governor and the appropriate fiscal committees of the ~~((senate and house of representatives))~~ legislature its recommendations for the funding necessary to implement the action agenda in the succeeding biennium. The recommendations shall:

(a) Identify the funding needed by action agenda element;

(b) Address funding responsibilities among local, state, and federal governments, as well as nongovernmental funding; and

(c) Address funding needed to support the work of the partnership, the panel, the ecosystem work group, and entities assisting in coordinating local efforts to implement the plan.

(2) In the 2008 report required under subsection (1) of this section, the council shall include recommendations for projected funding needed through 2020 to implement the action agenda; funding needs for science panel staff; identify methods to secure stable and sufficient funding to meet these needs; and include proposals for new sources of funding to be dedicated to Puget Sound protection and recovery. In preparing the science panel staffing proposal, the council shall consult with the panel.

(3) By the first weekday in November ~~((1st))~~ of each odd-numbered year beginning in 2009, the council shall produce a state of the Sound report that includes, at a minimum:

(a) An assessment of progress by state and nonstate entities in implementing the action agenda, including accomplishments in the use of state funds for action agenda implementation;

(b) A description of actions by implementing entities that are inconsistent with the action agenda and steps taken to remedy the inconsistency;

(c) The comments by the panel on progress in implementing the plan, as well as findings arising from the assessment and monitoring program;

(d) A review of citizen concerns provided to the partnership and the disposition of those concerns;

(e) A review of the expenditures of funds to state agencies for the implementation of programs affecting the protection and recovery of Puget Sound, and an assessment of whether the use of the funds is consistent with the action agenda; and

(f) An identification of all funds provided to the partnership, and recommendations as to how future state expenditures for all entities, including the partnership, could better match the priorities of the action agenda.

(4)(a) The council shall review state programs that fund facilities and activities that may contribute to action agenda implementation. By November 1, 2009, the council shall provide initial recommendations regarding program changes to the governor and appropriate fiscal and policy committees of the ~~((senate and house of representatives))~~ legislature. By November 1, 2010, the council shall provide final recommendations regarding program changes, including proposed legislation to implement the recommendation, to the governor and appropriate fiscal and policy committees of the ~~((senate and house of representatives))~~ legislature.

(b) The review in this subsection shall be conducted with the active assistance and collaboration of the agencies administering

2008 REGULAR SESSION

these programs, and in consultation with local governments and other entities receiving funding from these programs:

(i) The water quality account, chapter 70.146 RCW;

(ii) The water pollution control revolving fund, chapter 90.50A RCW;

(iii) The public works assistance account, chapter 43.155 RCW;

(iv) The aquatic lands enhancement account, RCW 79.105.150;

(v) The state toxics control account and local toxics control account and clean-up program, chapter 70.105D RCW;

(vi) The acquisition of habitat conservation and outdoor recreation land, chapter 79A.15 RCW;

(vii) The salmon recovery funding board, RCW 77.85.110 through 77.85.150;

(viii) The community economic revitalization board, chapter 43.160 RCW;

(ix) Other state financial assistance to water quality-related projects and activities; and

(x) Water quality financial assistance from federal programs administered through state programs or provided directly to local governments in the Puget Sound basin.

(c) The council's review shall include but not be limited to:

(i) Determining the level of funding and types of projects and activities funded through the programs that contribute to implementation of the action agenda;

(ii) Evaluating the procedures and criteria in each program for determining which projects and activities to fund, and their relationship to the goals and priorities of the action agenda;

(iii) Assessing methods for ensuring that the goals and priorities of the action agenda are given priority when program funding decisions are made regarding water quality-related projects and activities in the Puget Sound basin and habitat-related projects and activities in the Puget Sound basin;

(iv) Modifying funding criteria so that projects, programs, and activities that are inconsistent with the action agenda are ineligible for funding;

(v) Assessing ways to incorporate a strategic funding approach for the action agenda within the outcome-focused performance measures required by RCW 43.41.270 in administering natural resource-related and environmentally based grant and loan programs.

**Sec. 20** RCW 36.125.030 and 2007 c 344 s 4 are each amended to read as follows:

(1) The Puget Sound ~~((action team, or its successor organization,))~~ partnership shall serve as the regional coordinating entity for marine resources committees created in the southern Puget Sound and the department of fish and wildlife shall serve as the regional coordinating entity for marine resources committees created for the outer coast.

(2) The regional coordinating entity shall serve as a resource to, at a minimum:

(a) Coordinate and pool grant applications and other funding requests for marine resources committees;

(b) Coordinate communications and information among marine resources committees;

(c) Assist marine resources committees to measure themselves against regional performance benchmarks;

(d) Assist marine resources committees with coordinating local projects to complement regional priorities;

(e) Assist marine resources committees to interact with and complement other marine resources committees, and other similar groups, constituted under a different authority; and

(f) Coordinate with the Northwest Straits commission on issues common to marine resources committees statewide.

**Sec. 21** RCW 36.125.020 and 2007 c 344 s 3 are each amended to read as follows:

(1) A marine resources committee, as described in RCW 36.125.010, may be created by the legislative authority of any county bordering the marine waters of the outer coast or Puget Sound, in cooperation with all appropriate cities and special

FIFTY-NINTH DAY, MARCH 12, 2008

districts within their boundaries. Adjacent county legislative authorities shall coordinate their efforts whenever there is a mutual interest in creating a marine resources committee.

(2) A county may delegate the management and oversight of a marine resources committee created by the county under RCW 36.125.010 to a city, or cities, within its jurisdiction, if the city or cities are located on the marine waters of the outer coast or southern Puget Sound and are willing to accept the delegation.

(3)(a) Participating county legislative authorities must select members of the marine resources committee, ensuring balanced representation from: Local government; local residents; scientific experts; affected economic interests; affected recreational interests; and environmental and conservation interests. Additionally, participating county legislative authorities must invite tribal representatives to participate in the marine resources committee.

(b) In lieu of creating a new entity, participating county legislative authorities may designate a lead entity created under RCW 77.85.050 to also serve as a marine resources committee. County legislative authorities may only make this designation where the lead entity consents in writing to also serve as a marine resources committee.

(c) An initiating county may delegate its appointment authority to a city or cities that have received from the county the delegated responsibilities of managing and overseeing the marine resources committee.

(4) County residents may petition the county legislative authority to create a marine resources committee. Upon receipt of a petition, the county legislative authority must respond in writing within sixty days as to whether they will authorize the creation of a marine resources committee as well as the reasons for their decision.

NEW SECTION. Sec. 22 A new section is added to chapter 36.125 RCW to read as follows:

(1) The outer coast marine resources committee program is created to provide support for the development, administration, and coordination of outer coast marine resources committees and their projects, including projects relating to marine protected areas.

(2) The director of the department of fish and wildlife, pursuant to section 23 of this act, shall serve as the administrator of the outer coast marine resources committee program. As the administrator of the program, the director of the department of fish and wildlife shall:

(a) Provide each outer coast marine resources committee with a coordinator to support the administration and work of the committee; and

(b) Distribute grants to outer coast marine resources committees for projects that benefit Washington's coastal marine resources. The director of the department of fish and wildlife shall develop procedures and criteria for allocating funds for projects, which may include annual allocation of funding to each committee.

(3) Each outer coast marine resources committee shall prepare and deliver an annual report to the director of the department of fish and wildlife by October 31st of each year. The report must include, but is not limited to, a summary of actions taken that year and prioritized recommendations for future action. The director of the department of fish and wildlife shall compile the individual outer coast marine resources committee reports into a consolidated biennial report, and provide the consolidated report to the governor and appropriate committees of the legislature by December 31st of every other year.

NEW SECTION. Sec. 23 A new section is added to chapter 77.12 RCW to read as follows:

To support the goals of outer coast marine protected areas, the department shall serve as the administrator of the outer coast marine resources committee program established in section 22 of this act.

2008 REGULAR SESSION

NEW SECTION. Sec. 24 (1) Sections 2, 5, and 6 of this act expire July 1, 2011.

(2) Section 15 of this act expires July 1, 2013.

NEW SECTION. Sec. 25 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6231.

POINT OF ORDER

Senator Honeyford: "Thank you Mr. President. I believe that the House amendment is beyond the scope and object of the bill as it left the Senate. I have some arguments that I will present to you in writing."

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6231 was deferred and the bill held its place on the concurrence calendar.

MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House receded from its amendment, under suspension of rules SUBSTITUTE SENATE BILL NO. 6277 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6277-S AMH CLIB H6061.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 47.04 RCW to read as follows:

(1) Any local transit agency that has received state funding for a park and ride lot shall make reasonable accommodation for use of that lot by auto transportation companies regulated under chapter 81.68 RCW and private, nonprofit transportation providers regulated under chapter 81.66 RCW, that intend to provide or already provide regularly scheduled service at that lot. The accommodation must be in the form of an agreement between the applicable local transit agency and private transit provider regulated under chapter 81.68 or 81.66 RCW. The transit agency may require that the agreement include provisions to recover costs and fair market value for the use of the lot and its related facilities and to provide adequate insurance and indemnification of the transit agency, and other reasonable provisions to ensure that the private transit provider's use does not unduly burden the transit agency. No accommodation is required, and any agreement may be terminated, if the park and ride lot is at or exceeds ninety percent capacity.

(2) A local transit agency described under subsection (1) of this section may enter into a cooperative agreement with a taxicab company regulated under chapter 81.72 RCW in order to accommodate the taxicab company at the agency's park and ride lot, provided the taxicab company must agree to provide service with reasonable availability, subject to schedule coordination provisions as agreed to by the parties."

Correct the title.

FIFTY-NINTH DAY, MARCH 12, 2008  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6277.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6277.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6277 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6277, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6277, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator Benton - 1

SUBSTITUTE SENATE BILL NO. 6277, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House receded from its amendment, and under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 6295 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6295-S.E AMH WALL H6044.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION, Sec. 1** The legislature finds that there are many working adults in Washington that need additional postsecondary educational opportunities to further develop their employability. The legislature further finds that many of these people postpone or call off their personal educational plans because they are busy working and raising their families. Because the largest portion of our workforce over the next thirty years is already employed but in need of skill development, and

2008 REGULAR SESSION

because many low-wage, low-skilled, and mid-skilled individuals cannot take advantage of postsecondary educational opportunities as they currently exist, the legislature intends to identify and test additional postsecondary educational opportunities tailored to make postsecondary education accessible to working adults through the use of campuses extended to include workplace-based educational offerings.

**NEW SECTION, Sec. 2** A new section is added to chapter 28C.18 RCW to read as follows:

(1) To the extent funds are appropriated specifically for this purpose and in partnership with the state board for community and technical colleges, the board shall convene a work group that includes representatives from the prosperity partnership, the technology alliance, the higher education coordinating board, a private career or vocational school, a four-year public institution of higher education, the council of faculty representatives, the united faculty of Washington state, community and technical college faculty, and a community and technical college student, to take the following actions related to electronically distributed learning:

(a) Identify and evaluate current national private employer workplace-based educational programs with electronically distributed learning components provided by public colleges and universities. The evaluation shall include:

(i) A review of the literature and interviews of practitioners about promising practices and results;

(ii) An initial determination of feasibility based on targeted populations served, subject matter, and level of education;

(iii) An overview of technological considerations and adult learning strategies for distribution of learning to employer sites; and

(iv) An overview of cost factors, including shared costs or coinvestments by public and private partners;

(b) Review and, to the extent necessary, establish standards and best practices regarding electronically distributed learning and related support services including online help desk support, advising, mentoring, counseling, and tutoring;

(c) Recommend methods to increase student access to electronically distributed learning programs of study and identify barriers to programs of study participation and completion;

(d) Determine methods to increase the institutional supply and quality of open course materials, with a focus on the OpenCourseWare initiative at the Massachusetts Institute of Technology;

(e) Recommend methods to increase the availability and use of digital open textbooks; and

(f) Review and report demographic information on electronically distributed learning programs of study enrollments, retention, and completions.

(2) The board shall work in cooperation with the state board for community and technical colleges to report the preliminary results of the studies to the appropriate committees of the legislature by December 1, 2008, and a final report by December 1, 2009.

**NEW SECTION, Sec. 3** A new section is added to chapter 28C.18 RCW to read as follows:

(1) To the extent funds are appropriated specifically for this purpose, the board shall use a matching fund strategy to select and evaluate up to eight pilot projects operated by Washington institutions of higher education. By September 2008, the board shall select up to eight institutions of higher education as defined in RCW 28B.92.030 including at least four community or technical colleges to develop and offer a pilot project providing employer workplace-based educational programs with distance learning components. The board shall convene a task force that includes representatives from the state board for community and technical colleges and the higher education coordinating board to select the participant institutions. At a minimum, the criteria for selecting the educational institutions shall address:

FIFTY-NINTH DAY, MARCH 12, 2008

(a) The ability to demonstrate a capacity to make a commitment of resources to build and sustain a high quality program;

(b) The ability to readily engage faculty appropriately qualified to develop and deliver a high quality curriculum;

(c) The ability to demonstrate demand for the proposed program from a sufficient number of interested employees within its service area to make the program cost-effective and feasible to operate; and

(d) The identification of employers that demonstrate a commitment to host an on-site program. Employers shall demonstrate their commitment to provide:

(i) Access to educational coursework and educational advice and support for entry-level and semiskilled workers, including paid and unpaid release time, and adequate classroom space that is equipped appropriately for the selected technological distance learning methodologies to be used;

(ii) On-site promotion and encouragement of worker participation, including employee orientations, peer support and mentoring, educational tutoring, and career planning;

(iii) Allowance of a reasonable level of worker choice in the type and level of coursework available;

(iv) Commitment to work with college partner to ensure the relevance of coursework to the skill demands and potential career pathways of the employer host site and other participating employers;

(v) Willingness to participate in an evaluation of the pilot to analyze the net benefit to the employer host site, other employer partners, the worker-students, and the colleges; and

(vi) In firms with union representation, the mandatory establishment of a labor-management committee to oversee design and participation.

(2) Institutions of higher education may submit an application to become a pilot college under this section. An institution of higher education selected as a pilot college shall develop the curriculum for and design and deliver courses. However, the programs developed under this section are subject to approval by the state board for technical and community colleges under RCW 28B.50.090 and by the higher education coordinating board under RCW 28B.76.230.

(3) The board shall evaluate the pilot project and report the outcomes to students and employers by December 1, 2012.

**NEW SECTION. Sec. 4** A new section is added to chapter 28C.18 RCW to read as follows:

The board may receive and expend federal funds and private gifts or grants, which funds must be expended in accordance with any conditions upon which the funds are contingent.

**NEW SECTION. Sec. 5** Sections 2 through 4 of this act expire December 31, 2012."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6295.

#### MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6295.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6295 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6295, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6295, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 6295, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House receded from its amendment, and under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 6371 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6371-S.E AMH HASE H6034.1, and passed the bill as amended by the House.

On page 4, after line 2, insert the following:

"(10) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall report to the higher education committees of the legislature by November 15, 2010, and every two years thereafter, regarding the status of implementation of the waivers under subsection (4) of this section. The reports shall include the following data and information:

(a) Total number of waivers;

(b) Total amount of tuition waived;

(c) Total amount of fees waived;

(d) Average amount of tuition and fees waived per recipient;

(e) Recipient demographic data that is disaggregated by distinct ethnic categories within racial subgroups; and

(f) Recipient income level, to the extent possible."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6371.

Senator Shin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6371.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6371 by voice vote.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6371, as amended by the House.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6404, as amended by the House.

## ROLL CALL

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6371, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6404, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Fraser, Prentice and Regala - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6371, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 6404, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

## PARLIAMENTARY INQUIRY

March 11, 2008

MR. PRESIDENT:

Senator Honeyford: "We just received the copy of the operating budget and its dated March 12, 2008, 11:00 a.m. The receiving stamp is dated March 11. I believe this may cause some confusion."

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 6404 was returned to second reading for the purpose of an amendment. The committee amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. The House adopted the following amendment: 6404-S AMH CODY KNUT 096 to the committee amendment, and passed the bill as amended by the House.

## REPLY BY THE PRESIDENT

President Owen: "Thank you Senator Honeyford. You note that there are two dates on there. The first date is when they actually received. The date that counts here is the date, the 12<sup>th</sup>, where it's the report when we actually present the report on desk."

On page 18, line 12 of the amendment, after "provide" strike all material through "network" on line 15 and insert the following: "one hundred eighty days' notice of any issue that may cause either party to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to act as a regional support network. If either party decides to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to serve as a regional support network they shall provide ninety days' advance notice in writing to the other party"

## PARLIAMENTARY INQUIRY

Senator Honeyford: "You're saying they received this on March 11 and we received it on March 12?"

and the same is herewith transmitted.

## REPLY BY THE PRESIDENT

President Owen: "I'm sorry, that was my mistake. The mistake is they hadn't changed the date on the stamp. That was an incorrect stamp and now as you can see it's written on there with a proper date on it which is the 12<sup>th</sup>."

BARBARA BAKER, Chief Clerk

## MOTION

## MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6404.

Senator Hargrove spoke in favor of the motion.

On motion of Senator Holmquist, Senator Brandland was excused.

## MOTION

## MOTION

On motion of Senator Hobbs, Senators Fraser, Prentice, Pridemore and Regala were excused.

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6404.

## MESSAGE FROM THE HOUSE

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6404 by voice vote.

March 11, 2008

MR. PRESIDENT:

FIFTY-NINTH DAY, MARCH 12, 2008

The House receded from its amendment, and under suspension of rules ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6438 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6438-S2.E AMH MCCO H6046.1, and passed the bill as amended by the House.

Beginning on page 1, line 3 of the amendment, strike everything through "other authority." on page 6 and insert the following:

**"NEW SECTION. Sec. 1** (1) The legislature finds and declares the following:

(a) The deployment and adoption of high-speed internet services and information technology has resulted in enhanced economic development and public safety for the state's communities, improved health care and educational opportunities, and a better quality of life for the state's residents;

(b) Continued progress in the deployment and adoption of high-speed internet services and other advanced telecommunications services, both land-based and wireless, is vital to ensuring Washington remains competitive and continues to create business and job growth; and

(c) That the state must encourage and support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology for state residents and businesses.

(2) Therefore, in order to begin advancing the state towards further growth and development of high-speed internet in the state, and to ensure a better quality of life for all state residents, it is the legislature's intent to conduct a statewide needs assessment of broadband internet resources through an open dialogue with all interested parties, including providers, unions, businesses, community organizations, local governments, and state agencies. The legislature intends to use this needs assessment in guiding future plans on how to ensure that every resident in Washington state may gain access to high-speed internet services and, as part of this effort, to address digital literacy and technology training needs of low-income and technology underserved residents of the state through state support of community technology programs.

**NEW SECTION. Sec. 2** (1) After the broadband study authorized by the legislature in 2007 has been completed, or by July 15, 2008, the department of information services, in coordination with the department of community, trade, and economic development and the utilities and transportation commission, shall convene a work group to develop a high-speed internet deployment and adoption strategy for the state.

(2) The department of information services shall invite representatives from the following organizations to participate in the work group:

(a) Representatives of public, private, and nonprofit agencies and organizations representing economic development, local community development, local government, community planning, technology planning, education, and health care;

(b) Representatives of telecommunications providers, technology companies, telecommunications unions, public utilities, and relevant private sector entities;

(c) Representatives of community-based organizations; and

(d) Representatives of other relevant entities as the department of information services may deem appropriate.

(3) The department of information services shall, in consultation with the work group, develop a high-speed internet deployment and adoption strategy to accomplish the following objectives:

(a) Create and regularly update a detailed, geographic information system map at the census block level of the high-speed internet services and other relevant telecommunications and information technology services owned or leased by public entities in the state with instructions on how proprietary and competitively sensitive data will be handled, stored, and used. Development of this geographic information system map may

include collaboration with students and faculty at community colleges and universities in the state. The statewide inventory must, at a minimum, detail:

(i) The physical location of all high-speed internet infrastructure owned or leased by public entities;

(ii) The amount of excess capacity available; and

(iii) Whether the high-speed internet infrastructure is active or inactive;

(b) Work collaboratively with telecommunications providers and internet service providers to assess, create, and regularly update a geographic information system map at the census block level of the privately owned high-speed internet infrastructure in the state, with instructions on how proprietary and competitively sensitive data will be handled, stored, and used;

(c) Combine the geographic information system map of high-speed internet infrastructure owned by public entities with the geographic information system map of high-speed internet infrastructure owned by private entities to create and regularly update a statewide inventory of all high-speed internet infrastructure in the state;

(d) Use the geographic information system map of all high-speed internet infrastructure in the state, both public and privately owned or leased, to identify and regularly update the geographic gaps in high-speed internet service, including an assessment of the population located in each of the geographic gaps;

(e) Spur the development of high-speed internet resources in the state, which may include, but is not limited to, soliciting funding in the form of grants or donations; establishing technology literacy programs in conjunction with institutions of higher education; establishing low-cost hardware and software purchasing programs; and developing loan programs targeting small businesses or businesses located in underserved areas;

(f) Track statewide residential and business adoption of high-speed internet, computers, and related information technology, including an identification of barriers to adoption;

(g) Build and facilitate local technology planning teams and partnerships with members representing cross-sections of the community, which may include participation from the following organizations: Representatives of business, telecommunications unions, K-12 education, community colleges, local economic development organizations, health care, libraries, universities, community-based organizations, local governments, tourism, parks and recreation, and agriculture;

(h) Use the local technology planning teams and partnerships to:

(i) Conduct a needs assessment; and

(ii) Work collaboratively with high-speed internet providers and technology companies across the state to encourage deployment and use, especially in unserved areas, through use of local demand aggregation, mapping analysis, and creation of market intelligence to improve the investment rationale and business case; and

(i) Work with Washington State University extension pursuant to section 6 of this act to establish low-cost programs to improve computer ownership, technology literacy, and high-speed internet access for disenfranchised or unserved populations across the state.

(4) By September 1, 2008, the department of information services shall provide a status update to the telecommunications committees in the house of representatives and the senate, outlining the progress made to date by the work group and the issues remaining to be considered.

(5) By December 1, 2008, the department of information services shall complete the high-speed internet deployment and adoption strategy and provide a report to the fiscal and telecommunications committees in the house of representatives and the senate, the governor, and the office of financial management. The main objective of the report is to outline, based on the efforts of the work group, what legislation is needed in order to implement the high-speed internet

FIFTY-NINTH DAY, MARCH 12, 2008

deployment and adoption strategy, including a range of potential funding requests to accompany the legislation. Specifically, the report shall include the following:

(a) Benchmarks, performance measures, milestones, deliverables, timelines, and such other indicators of performance and progress as are necessary to guide development and implementation of the high-speed internet deployment and adoption strategy, both short term and long term, including an assessment of the amount of funding needed to accomplish a baseline assessment of the high-speed internet infrastructure owned by public and private entities of the state in an eighteen-month period; and

(b) Ways to structure and appropriately scale and phase development and implementation of the high-speed internet deployment and adoption strategy so as to link to, leverage, and otherwise synchronize with other relevant and related funding, technology, capital initiatives, investments, and opportunities.

**NEW SECTION. Sec. 3** A new section is added to chapter 43.105 RCW to read as follows:

(1) For purposes of compliance with section 2 of this act or any subsequent high-speed internet deployment and adoption initiative, the department of information services, the department of community, trade, and economic development, the utilities and transportation commission, and any other government agent or agency shall not gather or request any information related to high-speed internet infrastructure or service from providers of telecommunications or high-speed internet services that is classified by the provider as proprietary or competitively sensitive.

(2) Nothing in this section may be construed as limiting the authority of a state agency or local government to gather or request information from providers of telecommunications or high-speed internet services for other purposes pursuant to its statutory authority.

**NEW SECTION. Sec. 4** Nothing in this act may be construed as giving the department of information services or any other entities any additional authority, regulatory or otherwise, over providers of telecommunications and information technology.

**NEW SECTION. Sec. 5** A new section is added to chapter 43.105 RCW to read as follows:

(1) By January 1, 2009, the department, in consultation with Washington State University, shall identify and make publicly available a web directory of public facilities that provide community technology programs throughout the state.

(2) For the purposes of this section, "community technology program" has the same meaning as in section 7 of this act.

**NEW SECTION. Sec. 6** The community technology opportunity program is created to support the efforts of community technology programs throughout the state. The community technology opportunity program must be administered by the Washington State University extension, in consultation with the department of information services. The Washington State University extension may contract for services in order to carry out the extension's obligations under this section.

(1) In implementing the community technology opportunity program the administrator must, to the extent funds are appropriated for this purpose:

(a) Provide organizational and capacity building support to community technology programs throughout the state, and identify and facilitate the availability of other public and private sources of funds to enhance the purposes of the program and the work of community technology programs. No more than fifteen percent of funds received by the administrator for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to provide training and skill-building opportunities; access to hardware and software; internet connectivity; assistance in the adoption of information and communication technologies in low-income and

2008 REGULAR SESSION

underserved areas of the state; and development of locally relevant content and delivery of vital services through technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

(e) Provide evidence of matching funds and resources, which are equivalent to at least one-quarter of the grant amount committed to the applicant's strategy;

(f) Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this program and to increase the applicant's level of effort beyond the current level; and

(g) Comply with such other requirements as the administrator establishes.

(3) The administrator may use no more than ten percent of funds received for the community technology opportunity program to cover administrative expenses.

(4) The administrator must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes.

**NEW SECTION. Sec. 7** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the community technology opportunity program administrator designated by the Washington State University extension.

(2) "Community technology program" means a program, including a digital inclusion program, engaged in diffusing information and communications technology in local communities, particularly in underserved areas. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, and development of locally relevant content and delivery of vital services through technology.

**NEW SECTION. Sec. 8** The Washington community technology opportunity account is established in the state treasury. Donated funds from private and public sources may be deposited into the account. Expenditures from the account may be used only for the operation of the community technology opportunity program as provided in section 6 of this act. Only the administrator or the administrator's designee may authorize expenditures from the account.

**NEW SECTION. Sec. 9** Sections 6 through 8 of this act constitute a new chapter in Title 28B RCW.

**NEW SECTION. Sec. 10** If sections 1 through 5 of this act become null and void, the department of information services shall include high-speed internet adoption and deployment in its 2009-2011 strategic plan.

**NEW SECTION. Sec. 11** If specific funding for the purposes of sections 1 through 5 of this act, referencing sections 1 through 5 of this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, sections 1 through 5 of this act are null and void."

Correct the title.  
and the same are herewith transmitted.

FIFTY-NINTH DAY, MARCH 12, 2008

BARBARA BAKER, Chief Clerk

2008 REGULAR SESSION

## MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6438.

Senators Kohl-Welles and Jacobsen spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6438.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6438 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6438, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6438, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brandland, Brown, Fraser and Regala - 4  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6438, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House receded from its amendment, under suspension of rules ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6673 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6673-S2.E AMH Sulp H6058.2, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** The legislature finds that high school students need to graduate with the skills necessary to be successful in college and work. The state graduation requirements help to ensure that Washington high school graduates have the basic skills to be competitive in a global economy. Under education reform started in 1993, time was to be the variable, obtaining the skills was to be the constant. Therefore, students who need additional time to gain the academic skills needed for college and the workplace should have the opportunities they need to reach high academic achievement, even if that takes more than the standard four years of high school.

Different students face different challenges and barriers to their academic success. Some students struggle to meet the standard on a single portion of the Washington assessment of student learning while excelling in the other subject areas; other students struggle to complete the necessary state or local graduation credits; while still others have their knowledge tested on the assessments and have completed all the credit requirements but are struggling because English is not their first language. The legislature finds that many of these students need additional time and support to achieve academic proficiency and meet all graduation requirements.

**Sec. 2** RCW 28A.655.061 and 2007 c 355 s 5 and 2007 c 354 s 2 are each reenacted and amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter

FIFTY-NINTH DAY, MARCH 12, 2008

28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the scholastic assessment test (SAT) or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected (~~advance placement~~) AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the (~~advance placement~~) AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of

2008 REGULAR SESSION

the Washington assessment of student learning. A score of three on the (~~advance placement~~) AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the (~~advance placement~~) AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

(i) The student's results on the Washington assessment of student learning;

(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

(iii) Any credit deficiencies;

(iv) The student's attendance rates over the previous two years;

(v) The student's progress toward meeting state and local graduation requirements;

(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation(~~— If applicable, the plan shall also include the high school completion pilot program created under RCW 28B.50.534.~~

(i) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary);

(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;

(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(x) Available programs offered through skill centers or community and technical colleges.

(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington

FIFTY-NINTH DAY, MARCH 12, 2008

assessment of student learning shall have a student learning plan.

(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

**NEW SECTION. Sec. 3** A new section is added to chapter 28A.320 RCW to read as follows:

(1) The extended learning opportunities program is created for eligible eleventh and twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who may not be on track to meet the standard on the Washington assessment of student learning or need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

(2) Under the extended learning opportunities program, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under RCW 28A.150.220(3).

(3) Under the extended learning program, instructional services for eligible students can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

(a) Individual or small group instruction;

(b) Instruction in English language arts and/or mathematics that eligible students need to pass all or part of the Washington assessment of student learning;

(c) Attendance in a public high school or public alternative school classes or at a skill center;

(d) Inclusion in remediation programs, including summer school;

(e) Language development instruction for English language learners;

(f) Online curriculum and instructional support, including programs for credit retrieval and Washington assessment of student learning preparatory classes; and

(g) Reading improvement specialists available at the educational service districts to serve eighth, eleventh, and twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to continue a fifth year in a high school program who are still struggling with basic reading skills.

**Sec. 4** RCW 28A.165.035 and 2004 c 20 s 4 are each amended to read as follows:

Use of best practices magnifies the opportunities for student success. The following are services and activities that may be supported by the learning assistance program:

(1) Extended learning time opportunities occurring:

(a) Before or after the regular school day;

(b) On Saturday; and

(c) Beyond the regular school year;

(2) Services under section 3 of this act;

(3) Professional development for certificated and classified staff that focuses on:

(a) The needs of a diverse student population;

(b) Specific literacy and mathematics content and instructional strategies; and

(c) The use of student work to guide effective instruction;

~~((3))~~ (4) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

~~((4))~~ (5) Tutoring support for participating students; and

~~((5))~~ (6) Outreach activities and support for parents of participating students.

**NEW SECTION. Sec. 5** If funding is appropriated for this purpose, the office of the superintendent of public instruction shall explore online curriculum support in languages other than English that are currently available. By December 1, 2008, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature recommendations for other online support in other languages that would most appropriately assist Washington's English language learners. Included in the recommendations shall be the actions that would need to be taken to access the recommended online support and the cost.

**NEW SECTION. Sec. 6** A new section is added to chapter 28A.655 RCW to read as follows:

(1) If funding is appropriated for this purpose, school districts shall provide all tenth graders enrolled in the district the option of taking the PSAT at no cost to the student.

(2) The office of the superintendent of public instruction shall enter into an agreement with the firm that administers the PSAT to reimburse the firm for the testing fees of students who take the test.

**NEW SECTION. Sec. 7** (1) The legislature intends to build on the lessons learned in the Lorraine Wojahn dyslexia pilot reading program, which the legislature has funded since 2005.

(2) By September 15, 2008, each of the grant recipients shall report to the office of the superintendent of public instruction on the lessons learned in the pilot program regarding effective assessment and intervention programs to help students with dyslexia or characteristics of dyslexia, best practices for professional development, and strategies to build capacity and sustainability among teaching staff.

(3) By December 31, 2008, the office of the superintendent of public instruction shall aggregate the reports from the grant recipients and provide a report and recommendations to the appropriate committees of the legislature. The recommendations shall include how the lessons learned through the pilot program are best shared with school districts and how the best practices can be implemented statewide.

**NEW SECTION. Sec. 8** (1) The legislature finds that educators are faced with the complex responsibility of educating an increasing population of English language learners who speak a wide variety of languages and dialects and may come with varying levels of formal schooling, students who come from low-income households, and students who have learning disabilities. These educators struggle to provide meaningful instruction that helps students meet high content standards while overcoming their challenges. The 2007 legislature directed the professional educator standards board to begin the process of adopting new certification requirements and revising the higher education teacher preparation program requirements. Additionally, the office of the superintendent of public instruction was directed to contract with the northwest regional educational laboratory to review and report on the ongoing English as a second language pilot projects and best practices related to helping students who are English language learners. It is therefore the intent of the legislature to build upon the work started in 2007 by requiring that the professional educator standards board consider the findings of the northwest regional educational laboratory and incorporate into its ongoing work a review of how to revise the current certification requirements and teacher preparation programs in order to better serve the needs of English language learners.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

(2) The professional educator standards board shall convene a work group to develop recommendations for increasing teacher knowledge, skills, and competencies to address the needs of English language learner students. The work group shall include representatives from the Washington association of colleges for teacher education, school districts with significant populations of English language learner students who speak a single language, school districts with significant populations of English language learner students who speak multiple languages, classroom teachers, English as a second language teachers, bilingual education teachers, principals, the migrant and bilingual education office in the office of the superintendent of public instruction, and the higher education coordinating board. In making its selections, the professional educator standards board must include members from diverse cultural backgrounds and strive to promote geographic balance. The professional educator standards board shall invite participation by the northwest regional educational laboratory.

(3) The work group shall identify gaps and weaknesses in the current knowledge and skills standards for teacher preparation and teacher competencies regarding understanding how students acquire language, how to teach academic content in English to non-English speakers, and how to demonstrate cultural competence. The work group shall look to the English as a second language demonstration projects under RCW 28A.630.058 and the accompanying research and evaluation by the northwest regional educational laboratory.

(4) The work group shall submit a report by December 1, 2008, to the governor and the education and higher education committees of the legislature with findings and recommendations to improve the teacher preparation knowledge and skills standards and teacher competencies in the areas identified under subsection (2) of this section. Recommendations shall also include what professional development program components are most effective for existing educators of English language learners.

**Sec. 9** RCW 28B.118.010 and 2007 c 405 s 2 are each amended to read as follows:

The higher education coordinating board shall design the Washington college bound scholarship program in accordance with this section.

(1) "Eligible students" are those students who qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3) To be eligible for a Washington college bound scholarship, a student must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. Students who were in the eighth grade during the 2007-08 school year may sign the pledge during the 2008-09 school year. The pledge must be witnessed by a parent or guardian and forwarded to the higher education coordinating board by mail or electronically, as indicated on the pledge form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

**Sec. 10** RCW 28A.165.055 and 2005 c 489 s 1 are each amended to read as follows:

(1) Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with the biennial appropriations act. The distribution formula is for school district allocation purposes only. The distribution formula shall be based on one or more family income factors measuring economic need.

(2) In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.

(a) If, in the prior school year, a district's percent of October headcount student enrollment in grades kindergarten through twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program headcount taken in October and May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(b) The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this

FIFTY-NINTH DAY, MARCH 12, 2008

subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.

(c) School districts are only eligible for the enhanced funds under this subsection if their percentage of October headcount enrollment in grades kindergarten through twelve eligible for free or reduced price lunch exceeded forty percent in the prior school year.

**NEW SECTION. Sec. 11** A new section is added to chapter 28A.310 RCW to read as follows:

Educational service districts shall develop and provide a program of outreach to community-based programs and organizations within the district that are serving non-English speaking segments of the population as well as those programs that target subgroups of students that may be struggling academically, including to the extent possible, African-American, Native American, Asian, Pacific Islander, Hispanic, low income, and special education. Educational service districts shall consult and coordinate with the governor's minority commissions and the governor's office of Indian affairs in order to efficiently conduct this outreach and are encouraged to enter into partnerships with representatives of the local business communities in order to develop a coordinated outreach plan. The purpose of the outreach activities shall be to inform students via the various community-based programs and organizations of the educational opportunities available under chapter . . . , Laws of 2008 (this act) and to engage them in the process as appropriate. Outreach shall at a minimum include information about the availability of dropout and credit retrieval programs, remediation programs, and extended learning opportunities, including fifth year opportunities.

**NEW SECTION. Sec. 12** A new section is added to chapter 28A.300 RCW to read as follows:

Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grant funds to school districts to provide summer school funding for middle and high schools for all students to explore career opportunities rich in math, science, and technology using career and technical education as the delivery model.

**NEW SECTION. Sec. 13** A new section is added to chapter 28A.300 RCW to read as follows:

Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall contract with a national organization to establish, maintain, and operate an endowment for the promotion of geography education in Washington state. The national organization must have experience operating geography education endowments in other states and must provide equal nonstate matching funds to the state funds provided in the contract. All funds in and any interest earned on the endowment shall be used exclusively for geography education programs including, but not limited to, curriculum materials, resource collections, and professional development institutes for teachers and administrators. The national organization must have an established affiliated advisory committee in the state to recommend local projects to be funded by the endowment. The contract shall require that the organization report annually to the superintendent on the recipients of endowment funds and the amounts and purposes of expenditures from the fund.

**NEW SECTION. Sec. 14** Of the amounts appropriated in the omnibus appropriations act of 2008 for implementation of chapter . . . (Second Substitute Senate Bill No. 6377), Laws of 2008, referencing that act by bill or chapter number, the superintendent of public instruction shall allocate funds as follows, unless otherwise specified in the omnibus appropriations act of 2008:

(1) \$1,700,000 is provided to implement section 105 of Second Substitute Senate Bill No. 6377, grants for high demand programs;

(2) \$350,000 is provided to implement section 107 of Second Substitute Senate Bill No. 6377, development of model programs of study, including costs that may be incurred by the

2008 REGULAR SESSION

state board for community and technical colleges to be paid through interagency agreement;

(3) \$400,000 is provided to implement section 201 of Second Substitute Senate Bill No. 6377, support for course equivalencies and grants for integrated curriculum;

(4) \$25,000 is provided to implement section 205 of Second Substitute Senate Bill No. 6377, career and technical education collection of evidence;

(5) \$150,000 is provided to implement sections 301 and 303 of Second Substitute Senate Bill No. 6377, campaign for career and technical education and navigation 101 curriculum;

(6) \$50,000 is provided to implement section 302 of Second Substitute Senate Bill No. 6377, certification exam fees; and

(7) \$75,000 is provided to implement section 308 of Second Substitute Senate Bill No. 6377, technical high school study."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6673.

Senator McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6673.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6673 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6673, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6673, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brandland, Brown, Fraser and Regala - 4  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6673, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 6776 was returned to second reading for the purpose of an amendment. The House adopted the

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

March 8, 2008

following amendment: 6776-S.E AMH HUNS TAYT 243, and passed the bill as amended by the House.

On page 2, line 4 of the striking amendment, after "knowingly" strike ", or reasonably ought to know, provides or reports" and insert "provides or reports, or who reasonably ought to know he or she is providing or reporting,"

On page 3, line 15 of the striking amendment, after "designees;" insert "the director, or equivalent thereof in the agency where the employee works;" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6776.

Senators Kline and Benton spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6776.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6776 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6776, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6776, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brandland, Fraser and Regala - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6776, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House concurred in Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2844,

SUBSTITUTE HOUSE BILL NO. 3149,

SECOND SUBSTITUTE HOUSE BILL NO. 3168,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1273 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Berkey moved that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1273.

The President declared the question before the Senate to be motion by Senator Berkey that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1273.

The motion by Senator Berkey carried and the Senate receded from its position in the Senate amendment(s) to Second Substitute House Bill No. 1273 by voice vote.

MOTION

On motion of Senator Berkey, the rules were suspended and Second Substitute House Bill No. 1273 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1273, by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Roach, Ericks, Hurst, Kirby, Strow, Newhouse, Simpson, Williams, Haler, O'Brien, Moeller, Pearson, VanDeWege, McCune, Kenney, Rolfes and Morrell)

Authorizing fraud alert networks.

The measure was read the second time.

MOTION

Senator Berkey moved that the following striking amendment by Senators Berkey and Benton be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 43.330 RCW to read as follows:

(1) The financial fraud and identity theft crimes investigation and prosecution program is created in the department of community, trade, and economic development. The department shall:

(a) Appoint members of the financial fraud task forces created in subsection (2) of this section;

(b) Administer the account created in subsection (3) of this section; and

(c) By December 31st of each year submit a report to the appropriate committees of the legislature and the governor regarding the progress of the program and task forces. The report must include recommendations on changes to the program, including expansion.

(2)(a) The department shall establish two regional financial fraud and identity theft crime task forces that include a central Puget Sound task force that includes King and Pierce counties,

FIFTY-NINTH DAY, MARCH 12, 2008

and a Spokane county task force. Each task force must be comprised of local law enforcement, county prosecutors, representatives of the office of the attorney general, financial institutions, and other state and local law enforcement.

(b) The department shall appoint: (i) Representatives of local law enforcement from a list provided by the Washington association of sheriffs and police chiefs; (ii) representatives of county prosecutors from a list provided by the Washington association of prosecuting attorneys; and (iii) representatives of financial institutions.

(c) Each task force shall:

(i) Hold regular meetings to discuss emerging trends and threats of local financial fraud and identity theft crimes;

(ii) Set priorities for the activities for the task force;

(iii) Apply to the department for funding to (A) hire prosecutors and/or law enforcement personnel dedicated to investigating and prosecuting financial fraud and identity theft crimes; and (B) acquire other needed resources to conduct the work of the task force;

(iv) Establish outcome-based performance measures; and

(v) Twice annually report to the department regarding the activities and performance of the task force.

(3) The financial fraud and identity theft crimes investigation and prosecution account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenue to the account may include appropriations, revenues generated by the surcharge imposed in section 2 of this act, federal funds, and any other gifts or grants. Expenditures from the account may be used only to support the activities of the financial fraud and identity theft crime investigation and prosecution task forces and the program administrative expenses of the department, which may not exceed ten percent of the amount appropriated.

(4) For purposes of this section, "financial fraud and identity theft crimes" includes those that involve: Check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments such as checks or documents, organized counterfeit check rings, and organized identification theft rings.

**Sec. 2** RCW 62A.9A-525 and 2000 c 250 s 9A-525 are each amended to read as follows:

(a) **Filing with department of licensing.** Except as otherwise provided in subsection (b) or (e) of this section, the fee for filing and indexing a record under this part is the fee set by department of licensing rule pursuant to subsection (f) of this section. Without limitation, different fees may be charged for:

(1) A record that is communicated in writing and consists of one or two pages;

(2) A record that is communicated in writing and consists of more than two pages, which fee may be a multiple of the fee described in (1) of this subsection; and

(3) A record that is communicated by another medium authorized by department of licensing rule, which fee may be a fraction of the fee described in (1) of this subsection.

(b) **Filing with other filing offices.** Except as otherwise provided in subsection (e) of this section, the fee for filing and indexing a record under this part that is filed in a filing office described in RCW 62A.9A-501(a)(1) is the fee that would otherwise be applicable to the recording of a mortgage in that filing office, as set forth in RCW 36.18.010.

(c) **Number of names.** The number of names required to be indexed does not affect the amount of the fee in subsections (a) and (b) of this section.

(d) **Response to information request.** The fee for responding to a request for information from a filing office, including for issuing a certificate showing, or otherwise communicating, whether there is on file any financing statement naming a particular debtor, is the fee set by department of licensing rule pursuant to subsection (f) of this section; provided however, if the request is to a filing office described in RCW 62A.9A-501(a)(1) and that office charges a different fee, then

2008 REGULAR SESSION

that different fee shall apply instead. Without limitation, different fees may be charged:

(1) If the request is communicated in writing;

(2) If the request is communicated by another medium authorized by filing-office rule; and

(3) If the request is for expedited service.

(e) **Record of mortgage.** This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under RCW 62A.9A-502(c). However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

(f) **Filing office rules.** (1) The department of licensing shall by rule set the fees called for in this section for filing with, and obtaining information from, the department of licensing. The director shall set fees at a sufficient level to defray the costs of administering the program. All receipts from fees collected under this title, except fees for services covered under RCW 62A.9A-501(a)(1), shall be deposited to the uniform commercial code fund in the state treasury. Moneys in the fund may be spent only after appropriation and may be used only to administer the uniform commercial code program.

(2) In addition to fees on filings authorized under this section, the department of licensing shall impose a surcharge of eight dollars per filing for paper filings and a surcharge of three dollars per filing for electronic filings. The department shall deposit the proceeds from these surcharges in the financial fraud and identity theft crimes investigation and prosecution account created in section 1 of this act.

(g) **Transition.** This section continues the fee-setting authority conferred on the department of licensing by former RCW 62A.9-409 and nothing herein shall invalidate fees set by the department of licensing under the authority of former RCW 62A.9-409.

**NEW SECTION. Sec. 3** The sum of four hundred eighty-eight thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2009, from the financial fraud and identity theft crimes investigation and prosecution account to the department of community, trade, and economic development for the purposes of this act.

**NEW SECTION. Sec. 4** This act expires July 1, 2015."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Berkey and Benton to Second Substitute House Bill No. 1273.

The motion by Senator Berkey carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "fraud;" strike the remainder of the title and insert "amending RCW 62A.9A-525; adding a new section to chapter 43.330 RCW; making an appropriation; and providing an expiration date."

MOTION

On motion of Senator Berkey, the rules were suspended, Second Substitute House Bill No. 1273 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1273 as amended by the Senate.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1273 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brandland, Fraser and Regala - 3

SECOND SUBSTITUTE HOUSE BILL NO. 1273 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5010,
- SUBSTITUTE SENATE BILL NO. 5254,
- ENGROSSED SENATE BILL NO. 5751,
- SENATE BILL NO. 5878,
- SUBSTITUTE SENATE BILL NO. 6195,
- SECOND SUBSTITUTE SENATE BILL NO. 6206,
- SENATE BILL NO. 6313,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6333,
- SUBSTITUTE SENATE BILL NO. 6339,
- ENGROSSED SENATE BILL NO. 6357,
- SECOND SUBSTITUTE SENATE BILL NO. 6377,
- SUBSTITUTE SENATE BILL NO. 6389,
- SENATE BILL NO. 6421,
- SECOND SUBSTITUTE SENATE BILL NO. 6468,
- SECOND SUBSTITUTE SENATE BILL NO. 6483
- SUBSTITUTE SENATE BILL NO. 6510,
- SUBSTITUTE SENATE BILL NO. 6527,
- SUBSTITUTE SENATE BILL NO. 6556,
- SUBSTITUTE SENATE BILL NO. 6583,
- SENATE BILL NO. 6722,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6809,
- SENATE BILL NO. 6818,
- ENGROSSED SENATE BILL NO. 6821,
- SENATE BILL NO. 6839,

MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2263 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate recede from its position in the Senate amendment(s) to House Bill No. 2263.

The President declared the question before the Senate to be motion by Senator Rockefeller that the Senate recede from its position in the Senate amendment(s) to House Bill No. 2263.

The motion by Senator Rockefeller carried and the Senate receded from its position in the Senate amendment(s) to House Bill No. 2263 by voice vote.

MOTION

On motion of Senator Rockefeller, the rules were suspended and House Bill No. 2263 was returned to second reading for the purposes of amendment.

SECOND READING

HOUSE BILL NO. 2263, by Representatives Blake, Moeller, Orcutt and Newhouse

Regarding the phosphorus content in dishwashing detergent.

The measure was read the second time.

MOTION

Senator Spanel moved that the following striking amendment by Senators Spanel and Brandland be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 70.95L.020 and 2006 c 223 s 2 are each amended to read as follows:

(1) After July 1, 1994, a person may not sell or distribute for sale a laundry detergent that contains 0.5 percent or more phosphorus by weight.

(2)(a) After July 1, 1994, and until the dates specified in ~~((b) of)~~ this subsection, a person may not sell or distribute for sale a dishwashing detergent that contains 8.7 percent or more ~~((phosphorus [phosphorus])) phosphorus~~ by weight.

(b) Beginning July 1, 2008, in counties located east of the crest of the Cascade mountains with populations greater than four hundred thousand, as determined by office of financial management population estimates, a person may not sell or distribute for sale a dishwashing detergent that contains 0.5 percent or more phosphorus by weight~~((~~

~~((i) Commencing)~~

(c) From July 1, 2008, to June 30, 2010, in counties located west of the crest of the Cascade mountains with populations~~((~~

as determined by office of financial management population estimates:  
~~((A)) greater than one hundred eighty thousand and less than two hundred twenty thousand~~~~((and~~

~~((B) Greater than three hundred ninety thousand and less than six hundred fifty thousand;)), as determined by office of financial management population estimates, a person may not sell or distribute for sale a dishwashing detergent that contains 0.5 percent or more phosphorus by weight except in a single-use package containing no more than 2.0 grams of phosphorus.~~

~~((ii) Commencing)~~ (d) Beginning July 1, 2010, ~~((throughout))~~ a person may not sell or distribute for sale a dishwashing detergent that contains 0.5 percent or more phosphorus by weight in the state.

(e) For purposes of this section, "single-use package" means a tablet or other form of dishwashing detergent that is constituted and intended for use in a single washing.

(3) This section does not apply to the sale or distribution of detergents for commercial and industrial uses."

Senator Spanel spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Spanel and Brandland to House Bill No. 2263.

The motion by Senator Spanel carried and the striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "detergent;" strike the remainder of the title and insert "and amending RCW 70.95L.020."

## MOTION

On motion of Senator Rockefeller, the rules were suspended, House Bill No. 2263 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2263 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2263 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senators Brown and Marr - 2

HOUSE BILL NO. 2263 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 10, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2624 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Fairley moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2624.

The President declared the question before the Senate to be motion by Senator Fairley that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2624.

The motion by Senator Fairley carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2624 by voice vote.

## MOTION

On motion of Senator Fairley, the rules were suspended and Engrossed Second Substitute House Bill No. 2624 was returned to second reading for the purposes of amendment.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2624, by House Committee on Appropriations (originally sponsored by Representatives McCoy, Kessler, Appleton, Ormsby, VanDeWege, Hunt, Kenney, Darneille and Chase)

Concerning human remains.

The measure was read the second time.

## MOTION

Senator Fairley moved that the following striking amendment by Senators Fairley, Hewitt and Roach be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** A new section is added to chapter 68.50 RCW to read as follows:

(1) It is the duty of every person who knows of the existence and location of skeletal human remains to notify the coroner and local law enforcement in the most expeditious manner possible, unless such person has good reason to believe that such notice has already been given. Any person knowing of the existence of skeletal human remains and not having good reason to believe that the coroner and local law enforcement has notice thereof and who fails to give notice to the coroner and local law enforcement, is guilty of a misdemeanor.

(2) Any person engaged in ground disturbing activity and who encounters or discovers skeletal human remains in or on the ground shall:

(a) Immediately cease any activity which may cause further disturbance;

(b) Make a reasonable effort to protect the area from further disturbance;

(c) Report the presence and location of the remains to the coroner and local law enforcement in the most expeditious manner possible; and

(d) Be held harmless from criminal and civil liability arising under the provisions of this section provided the following criteria are met:

(i) The finding of the remains was based on inadvertent discovery;

(ii) The requirements of the subsection are otherwise met; and

(iii) The person is otherwise in compliance with applicable law.

(3) The coroner must make a determination of whether the skeletal human remains are forensic or nonforensic within five business days of receiving notification of a finding of such human remains provided that there is sufficient evidence to make such a determination within that time period. The coroner will retain jurisdiction over forensic remains.

(a) Upon determination that the remains are nonforensic, the coroner must notify the department of archaeology and historic preservation within two business days. The department will have jurisdiction over such remains until provenance of the remains is established. A determination that remains are nonforensic does not create a presumption of removal or nonremoval.

(b) Upon receiving notice from a coroner of a finding of nonforensic skeletal human remains, the department must notify

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

the appropriate local cemeteries, and all affected Indian tribes via certified mail to the head of the appropriate tribal government, and contact the appropriate tribal cultural resources staff within two business days of the finding. The determination of what are appropriate local cemeteries to be notified is at the discretion of the department. A notification to tribes of a finding of such nonforensic skeletal human remains does not create a presumption that the remains are Indian.

(c) The state physical anthropologist must make an initial determination of whether nonforensic skeletal human remains are Indian or non-Indian to the extent possible based on the remains within two business days of notification of a finding of nonforensic remains. If the remains are determined to be Indian, the department must notify all affected Indian tribes via certified mail to the head of the appropriate tribal government within two business days and contact the appropriate tribal cultural resources staff.

(d) The affected tribes have five business days to respond via telephone or writing to the department as to their interest in the remains.

(4) For the purposes of this section:

(a) "Affected tribes" are:

(i) Those federally recognized tribes with usual and accustomed areas in the jurisdiction where the remains were found;

(ii) Those federally recognized tribes that submit to the department maps that reflect the tribe's geographical area of cultural affiliation; and

(iii) Other tribes with historical and cultural affiliation in the jurisdiction where the remains were found.

(b) "Forensic remains" are those that come under the jurisdiction of the coroner pursuant to RCW 68.50.010.

(c) "Inadvertent discovery" has the same meaning as used in RCW 27.44.040.

(5) Nothing in this section constitutes, advocates, or otherwise grants, confers, or implies federal or state recognition of those tribes that are not federally recognized pursuant to 25 C.F.R. part 83, procedures for establishing that an American Indian group exists as an Indian tribe.

**NEW SECTION. Sec. 2** A new section is added to chapter 27.44 RCW to read as follows:

(1) Any person who discovers skeletal human remains must notify the coroner and local law enforcement in the most expeditious manner possible. Any person knowing of the existence of human remains and not having good reason to believe that the coroner and local law enforcement has notice thereof and who fails to give notice thereof is guilty of a misdemeanor.

(2) Any person engaged in ground disturbing activity and who encounters or discovers skeletal human remains in or on the ground shall:

(a) Immediately cease any activity which may cause further disturbance;

(b) Make a reasonable effort to protect the area from further disturbance;

(c) Report the presence and location of the remains to the coroner and local law enforcement in the most expeditious manner possible; and

(d) Be held harmless from criminal and civil liability arising under the provisions of this section provided the following criteria are met:

(i) The finding of the remains was based on inadvertent discovery;

(ii) The requirements of the subsection are otherwise met; and

(iii) The person is otherwise in compliance with applicable law.

(3) The coroner must make a determination whether the skeletal human remains are forensic or nonforensic within five business days of receiving notification of a finding of such remains provided that there is sufficient evidence to make such a

determination within that time period. The coroner will retain jurisdiction over forensic remains.

(a) Upon determination that the remains are nonforensic, the coroner must notify the department of archaeology and historic preservation within two business days. The department will have jurisdiction over such remains until provenance of the remains is established. A determination that remains are nonforensic does not create a presumption of removal or nonremoval.

(b) Upon receiving notice from a coroner of a finding of nonforensic skeletal human remains, the department must notify the appropriate local cemeteries, and all affected Indian tribes via certified mail to the head of the appropriate tribal government, and contact the appropriate tribal cultural resources staff within two business days of the finding. The determination of what are appropriate local cemeteries to be notified is at the discretion of the department. A notification to tribes of a finding of nonforensic skeletal human remains does not create a presumption that the remains are Indian.

(c) The state physical anthropologist must make an initial determination of whether nonforensic skeletal human remains are Indian or non-Indian to the extent possible based on the remains within two business days of notification of a finding of such nonforensic remains. If the remains are determined to be Indian, the department must notify all affected Indian tribes via certified mail to the head of the appropriate tribal government within two business days and contact the appropriate tribal cultural resources staff.

(d) The affected tribes have five business days to respond via telephone or writing to the department as to their interest in the remains.

(4) For the purposes of this section:

(a) "Affected tribes" are:

(i) Those federally recognized tribes with usual and accustomed areas in the jurisdiction where the remains were found;

(ii) Those federally recognized tribes that submit to the department maps that reflect the tribe's geographical area of cultural affiliation; and

(iii) Other tribes with historical and cultural affiliation in the jurisdiction where the remains were found.

(b) "Forensic remains" are those that come under the jurisdiction of the coroner pursuant to RCW 68.50.010.

(c) "Inadvertent discovery" has the same meaning as used in RCW 27.44.040.

(5) Nothing in this section constitutes, advocates, or otherwise grants, confers, or implies federal or state recognition of those tribes that are not federally recognized pursuant to 25 C.F.R. part 83, procedures for establishing that an American Indian group exists as an Indian tribe.

**NEW SECTION. Sec. 3** A new section is added to chapter 68.60 RCW to read as follows:

(1) Any person who discovers skeletal human remains shall notify the coroner and local law enforcement in the most expeditious manner possible. Any person knowing of the existence of skeletal human remains and not having good reason to believe that the coroner and local law enforcement has notice thereof and who fails to give notice thereof is guilty of a misdemeanor.

(2) Any person engaged in ground disturbing activity and who encounters or discovers skeletal human remains in or on the ground shall:

(a) Immediately cease any activity which may cause further disturbance;

(b) Make a reasonable effort to protect the area from further disturbance;

(c) Report the presence and location of the remains to the coroner and local law enforcement in the most expeditious manner possible; and

FIFTY-NINTH DAY, MARCH 12, 2008

(d) Be held harmless from criminal and civil liability arising under the provisions of this section provided the following criteria are met:

(i) The finding of the remains was based on inadvertent discovery;

(ii) The requirements of the subsection are otherwise met; and

(iii) The person is otherwise in compliance with applicable law.

(3) The coroner must make a determination whether the skeletal human remains are forensic or nonforensic within five business days of receiving notification of a finding of such remains provided that there is sufficient evidence to make such a determination within that time period. The coroner will retain jurisdiction over forensic remains.

(a) Upon determination that the remains are nonforensic, the coroner must notify the department of archaeology and historic preservation within two business days. The department will have jurisdiction over such remains until provenance of the remains is established. A determination that remains are nonforensic does not create a presumption of removal or nonremoval.

(b) Upon receiving notice from a coroner of a finding of nonforensic skeletal human remains, the department must notify the appropriate local cemeteries, and all affected Indian tribes via certified mail to the head of the appropriate tribal government, and contact the appropriate tribal cultural resources staff within two business days of the finding. The determination of what are appropriate local cemeteries to be notified is at the discretion of the department. A notification to tribes of a finding of such nonforensic skeletal human remains does not create a presumption that the remains are Indian.

(c) The state physical anthropologist must make an initial determination of whether nonforensic skeletal human remains are Indian or non-Indian to the extent possible based on the remains within two business days of notification of a finding of such nonforensic remains. If the remains are determined to be Indian, the department must notify all affected Indian tribes via certified mail to the head of the appropriate tribal government within two business days and contact the appropriate tribal cultural resources staff.

(d) The affected tribes have five business days to respond via telephone or writing to the department as to their interest in the remains.

(4) For the purposes of this section:

(a) "Affected tribes" are:

(i) Those federally recognized tribes with usual and accustomed areas in the jurisdiction where the remains were found;

(ii) Those federally recognized tribes that submit to the department maps that reflect the tribe's geographical area of cultural affiliation; and

(iii) Other tribes with historical and cultural affiliation in the jurisdiction where the remains were found.

(b) "Forensic remains" are those that come under the jurisdiction of the coroner pursuant to RCW 68.50.010.

(c) "Inadvertent discovery" has the same meaning as used in RCW 27.44.040.

(5) Nothing in this section constitutes, advocates, or otherwise grants, confers, or implies federal or state recognition of those tribes that are not federally recognized pursuant to 25 C.F.R. part 83, procedures for establishing that an American Indian group exists as an Indian tribe.

**NEW SECTION. Sec. 4** A new section is added to chapter 43.334 RCW to read as follows:

(1) The director shall appoint a state physical anthropologist. At a minimum, the state physical anthropologist must have a doctorate in either archaeology or anthropology and have experience in forensic osteology or other relevant aspects of physical anthropology and must have at least one year of experience in laboratory reconstruction and analysis. A medical

degree with archaeological experience in addition to the experience required may substitute for a doctorate in archaeology or anthropology.

(2) The state physical anthropologist has the primary responsibility of investigating, preserving, and, when necessary, removing and reintering discoveries of nonforensic skeletal human remains. The state physical anthropologist is available to any local governments or any federally recognized tribal government within the boundaries of Washington to assist in determining whether discovered skeletal human remains are forensic or nonforensic.

(3) The director shall hire staff as necessary to support the state physical anthropologist to meet the objectives of this section.

(4) For the purposes of this section, "forensic remains" are those that come under the jurisdiction of the coroner pursuant to RCW 68.50.010.

**Sec. 5** RCW 27.53.030 and 2005 c 333 s 20 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Archaeology" means systematic, scientific study of man's past through material remains.

(2) "Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products.

(3) "Archaeological site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects.

(4) "Department" means the department of archaeology and historic preservation, created in chapter 43.334 RCW.

(5) "Director" means the director of the department of archaeology and historic preservation, created in chapter 43.334 RCW.

(6) "Historic" means peoples and cultures who are known through written documents in their own or other languages. As applied to underwater archaeological resources, the term historic shall include only those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(7) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(8) "Professional archaeologist" means a person (~~who has met the educational, training, and experience requirements of the society of professional archaeologists:~~

~~—(9) "Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists) with qualifications meeting the federal secretary of the interior's standards for a professional archaeologist. Archaeologists not meeting this standard may be conditionally employed by working under the supervision of a professional archaeologist for a period of four years provided the employee is pursuing qualifications necessary to meet the federal secretary of the interior's standards for a professional archaeologist. During this four-year period, the professional archaeologist is responsible for all findings. The four-year period is not subject to renewal.~~

~~((+))~~ (9) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

((++)) (10) "Historic archaeological resources" means those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

**NEW SECTION. Sec. 6** A new section is added to chapter 27.34 RCW to read as follows:

The department of archaeology and historic preservation shall develop and maintain a centralized database and geographic information systems spatial layer of all known cemeteries and known sites of burials of human remains in Washington state. The information in the database is subject to public disclosure, except as provided in RCW 42.56.300; exempt information is available by confidentiality agreement to federal, state, and local agencies for purposes of environmental review, and to tribes in order to participate in environmental review, protect their ancestors, and perpetuate their cultures.

Information provided to state and local agencies under this section is subject to public disclosure, except as provided in RCW 42.56.300.

**NEW SECTION. Sec. 7** A new section is added to chapter 43.334 RCW to read as follows:

The skeletal human remains assistance account is created in the custody of the state treasurer. All appropriations provided by the legislature for this purpose as well as any reimbursement for services provided pursuant to this act must be deposited in the account. Expenditures from the account may be used only for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 8** The department of archaeology and historic preservation must communicate with the appropriate committees of the legislature by November 15, 2009, and biennially thereafter, regarding the numbers of inadvertent discoveries of skeletal human remains and other associated activities pursuant to this act.

**NEW SECTION. Sec. 9** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Senator Fairley spoke in favor of adoption of the striking amendment.

Senator Honeyford spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fairley, Hewitt and Roach to Engrossed Second Substitute House Bill No. 2624.

The motion by Senator Fairley carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "remains;" strike the remainder of the title and insert "amending RCW 27.53.030; adding a new section to chapter 68.50 RCW; adding a new section to chapter 27.44 RCW; adding a new section to chapter 68.60 RCW; adding new sections to chapter 43.334 RCW; adding a new section to chapter 27.34 RCW; creating new sections; and prescribing penalties."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Second Substitute House Bill No. 2624 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2624 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2624 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Hewitt, Holmquist, Honeyford, King and Schoesler - 5

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2624 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. In my previous speech in opposition to this bill I didn't want to imply there's nothing good in it because there are a lot of good things in it. My opposition was it just didn't have an end line. Thank you."

MESSAGE FROM THE HOUSE

March 8, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2719 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate recede from its position in the Senate amendment(s) to House Bill No. 2719.

The President declared the question before the Senate to be motion by Senator Kline that the Senate recede from its position in the Senate amendment(s) to House Bill No. 2719.

The motion by Senator Kline carried and the Senate receded from its position in the Senate amendment(s) to House Bill No. 2719 by voice vote.

MOTION

FIFTY-NINTH DAY, MARCH 12, 2008

On motion of Senator Kline, the rules were suspended and House Bill No. 2719 was returned to second reading for the purposes of amendment.

SECOND READING

HOUSE BILL NO. 2719, by Representatives Priest, Hurst, Loomis and VanDeWege

Ensuring that offenders receive accurate sentences.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline, Hargrove and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** It is the legislature's intent to ensure that offenders receive accurate sentences that are based on their actual, complete criminal history. Accurate sentences further the sentencing reform act's goals of:

(1) Ensuring that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;

(2) Ensuring punishment that is just; and

(3) Ensuring that sentences are commensurate with the punishment imposed on others for committing similar offenses.

Given the decisions in *In re Cadwallader*, 155 Wn.2d 867 (2005); *State v. Lopez*, 147 Wn.2d 515 (2002); *State v. Ford*, 137 Wn.2d 472 (1999); and *State v. McCorkle*, 137 Wn.2d 490 (1999), the legislature finds it is necessary to amend the provisions in RCW 9.94A.500, 9.94A.525, and 9.94A.530 in order to ensure that sentences imposed accurately reflect the offender's actual, complete criminal history, whether imposed at sentencing or upon resentencing. These amendments are consistent with the United States supreme court holding in *Monge v. California*, 524 U.S. 721 (1998), that double jeopardy is not implicated at resentencing following an appeal or collateral attack.

**Sec. 2** RCW 9.94A.500 and 2006 c 339 s 303 are each amended to read as follows:

(1) Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW, a criminal solicitation to commit such a violation under chapter 9A.28 RCW, or any felony where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill

2008 REGULAR SESSION

person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

A criminal history summary relating to the defendant from the prosecuting authority or from a state, federal, or foreign governmental agency shall be prima facie evidence of the existence and validity of the convictions listed therein. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

(2) To prevent wrongful disclosure of information related to mental health services, as defined in RCW 71.05.445 and 71.34.345, a court may take only those steps necessary during a sentencing hearing or any hearing in which the department presents information related to mental health services to the court. The steps may be taken on motion of the defendant, the prosecuting attorney, or on the court's own motion. The court may seal the portion of the record relating to information relating to mental health services, exclude the public from the hearing during presentation or discussion of information relating to mental health services, or grant other relief to achieve the result intended by this subsection, but nothing in this subsection shall be construed to prevent the subsequent release of information related to mental health services as authorized by RCW 71.05.445, 71.34.345, or 72.09.585. Any person who otherwise is permitted to attend any hearing pursuant to chapter 7.69 or 7.69A RCW shall not be excluded from the hearing solely because the department intends to disclose or discloses information related to mental health services.

**Sec. 3** RCW 9.94A.525 and 2007 c 199 s 8 and 2007 c 116 s 1 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included

FIFTY-NINTH DAY, MARCH 12, 2008

in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), prior convictions of felony driving while under the influence of intoxicating liquor or any drug, felony physical control of a vehicle while under the influence of intoxicating liquor or any drug, and serious traffic offenses shall be included in the offender score if: (i) The prior convictions were committed within five years since the last date of release from confinement (including full-time residential treatment) or entry of judgment and sentence; or (ii) the prior convictions would be considered "prior offenses within ten years" as defined in RCW 46.61.5055.

(f) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing

2008 REGULAR SESSION

of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and ½ point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and ½ point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and ½ point for each juvenile prior conviction; count one point for each adult and ½ point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and ½ point for each juvenile prior conviction; count one point for each adult and ½ point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as ½ point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as ½ point.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130(~~((10))~~) (11), count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130(~~((10))~~) (11), which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community (~~(placement)~~) custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.-- RCW (the new chapter created in section 56 of this act).

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. ~~((Accordingly,))~~ Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

**Sec. 4** RCW 9.94A.530 and 2005 c 68 s 2 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the standard sentence range (see RCW 9.94A.510, (Table 1) and RCW 9.94A.517, (Table 3)). The additional time for deadly weapon findings or for other adjustments as specified in RCW 9.94A.533 shall be added to the entire standard sentence range. The court may impose any sentence within the range that it deems appropriate. All standard sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence other than a sentence above the standard range, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing, or proven pursuant to RCW 9.94A.537. Acknowledgment includes not objecting to information stated in the presentence reports and not objecting to criminal history presented at the time of sentencing. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The facts shall be deemed proved at the hearing by a preponderance of the evidence, except as otherwise specified in RCW 9.94A.537. On remand

for resentencing following appeal or collateral attack, the parties shall have the opportunity to present and the court to consider all relevant evidence regarding criminal history, including criminal history not previously presented.

(3) In determining any sentence above the standard sentence range, the court shall follow the procedures set forth in RCW 9.94A.537. Facts that establish the elements of a more serious crime or additional crimes may not be used to go outside the standard sentence range except upon stipulation or when specifically provided for in RCW 9.94A.535(~~((2))~~) (3) (d), (e), (g), and (h).

**NEW SECTION. Sec. 5** Sections 2 and 3 of this act apply to all sentencings and resentencings commenced before, on, or after the effective date of sections 1 through 4 of this act.

**NEW SECTION. Sec. 6** The existing sentencing reform act contains numerous provisions for supervision of different types of offenders. This duplication has caused great confusion for judges, lawyers, offenders, and the department of corrections, and often results in inaccurate sentences. The clarifications in this act are intended to support continued discussions by the sentencing guidelines commission with the courts and the criminal justice community to identify and propose policy changes that will further simplify and improve the sentencing reform act relating to the supervision of offenders. The sentencing guidelines commission shall submit policy change proposals to the legislature on or before December 1, 2008.

Sections 7 through 58 of this act are intended to simplify the supervision provisions of the sentencing reform act and increase the uniformity of its application. These sections are not intended to either increase or decrease the authority of sentencing courts or the department relating to supervision, except for those provisions instructing the court to apply the provisions of the current community custody law to offenders sentenced after July 1, 2009, but who committed their crime prior to the effective date of this section to the extent that such application is constitutionally permissible.

This will effect a change for offenders who committed their crimes prior to the offender accountability act, chapter 196, Laws of 1999. These offenders will be ordered to a term of community custody rather than community placement or community supervision. To the extent constitutionally permissible, the terms of the offender's supervision will be as provided in current law. With the exception of this change, the legislature does not intend to make, and no provision of sections 7 through 58 of this act may be construed as making, a substantive change to the supervision provisions of the sentencing reform act.

It is the intent of the legislature to reaffirm that section 3, chapter 379, Laws of 2003, expires July 1, 2010.

**NEW SECTION. Sec. 7** A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall impose a term of community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer:

- (a) A sex offense not sentenced under RCW 9.94A.712;
- (b) A violent offense;
- (c) A crime against persons under RCW 9.94A.411(2);
- (d) A felony offender under chapter 69.50 or 69.52 RCW.

(2) If an offender is sentenced to a term of confinement of one year or less for a violation of RCW 9A.44.130(11)(a), the court shall impose a term of community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer.

(3) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.660.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

(4) If an offender is sentenced under the special sexual offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

(5) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.

(6) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.712, the court shall impose community custody as provided in that section.

**NEW SECTION. Sec. 8** A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender is sentenced to a term of confinement for one year or less for one of the following offenses, the court may impose up to one year of community custody:

(a) A sex offense, other than failure to register under RCW 9A.44.130(1);

(b) A violent offense;

(c) A crime against a person under RCW 9.94A.411; or

(d) A felony violation of chapter 69.50 or 69.52 RCW, or an attempt, conspiracy, or solicitation to commit such a crime.

(2) If an offender is sentenced to a first-time offender waiver, the court may impose community custody as provided in RCW 9.94A.650.

**NEW SECTION. Sec. 9** A new section is added to chapter 9.94A RCW to read as follows:

When a court sentences a person to a term of community custody, the court shall impose conditions of community custody as provided in this section.

(1) **Mandatory conditions.** As part of any term of community custody, the court shall:

(a) Require the offender to inform the department of court-ordered treatment upon request by the department;

(b) Require the offender to comply with any conditions imposed by the department under section 10 of this act;

(c) If the offender was sentenced under RCW 9.94A.712 for an offense listed in RCW 9.94A.712(1)(a), and the victim of the offense was under eighteen years of age at the time of the offense, prohibit the offender from residing in a community protection zone.

(2) **Waivable conditions.** Unless waived by the court, as part of any term of community custody, the court shall order an offender to:

(a) Report to and be available for contact with the assigned community corrections officer as directed;

(b) Work at department-approved education, employment, or community restitution, or any combination thereof;

(c) Refrain from possessing or consuming controlled substances except pursuant to lawfully issued prescriptions;

(d) Pay supervision fees as determined by the department; and

(e) Obtain prior approval of the department for the offender's residence location and living arrangements.

(3) **Discretionary conditions.** As part of any term of community custody, the court may order an offender to:

(a) Remain within, or outside of, a specified geographical boundary;

(b) Refrain from direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) Participate in crime-related treatment or counseling services;

(d) Participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community;

(e) Refrain from consuming alcohol; or

(f) Comply with any crime-related prohibitions.

(4) **Special conditions.**

(a) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may order

the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

(b)(i) In sentencing an offender convicted of an alcohol or drug related traffic offense, the court shall require the offender to complete a diagnostic evaluation by an alcohol or drug dependency agency approved by the department of social and health services or a qualified probation department, defined under RCW 46.61.516, that has been approved by the department of social and health services. If the offense was pursuant to chapter 46.61 RCW, the report shall be forwarded to the department of licensing. If the offender is found to have an alcohol or drug problem that requires treatment, the offender shall complete treatment in a program approved by the department of social and health services under chapter 70.96A RCW. If the offender is found not to have an alcohol or drug problem that requires treatment, the offender shall complete a course in an information school approved by the department of social and health services under chapter 70.96A RCW. The offender shall pay all costs for any evaluation, education, or treatment required by this section, unless the offender is eligible for an existing program offered or approved by the department of social and health services.

(ii) For purposes of this section, "alcohol or drug related traffic offense" means the following: Driving while under the influence as defined by RCW 46.61.502, actual physical control while under the influence as defined by RCW 46.61.504, vehicular homicide as defined by RCW 46.61.520(1)(a), vehicular assault as defined by RCW 46.61.522(1)(b), homicide by watercraft as defined by RCW 79A.60.050, or assault by watercraft as defined by RCW 79A.60.060.

(iii) This subsection (4)(b) does not require the department of social and health services to add new treatment or assessment facilities nor affect its use of existing programs and facilities authorized by law.

**NEW SECTION. Sec. 10** A new section is added to chapter 9.94A RCW to read as follows:

(1) Every person who is sentenced to a period of community custody shall report to and be placed under the supervision of the department, subject to RCW 9.94A.501.

(2)(a) The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of community custody based upon the risk to community safety.

(b) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (2)(b).

(3) If the offender is supervised by the department, the department shall at a minimum instruct the offender to:

(a) Report as directed to a community corrections officer;

(b) Remain within prescribed geographical boundaries;

(c) Notify the community corrections officer of any change in the offender's address or employment;

(d) Pay the supervision fee assessment; and

(e) Disclose the fact of supervision to any mental health or chemical dependency treatment provider, as required by RCW 9.94A.722.

(4) The department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(5) If the offender was sentenced pursuant to a conviction for a sex offense, the department may impose electronic monitoring. Within the resources made available by the department for this purpose, the department shall carry out any electronic monitoring using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including,

FIFTY-NINTH DAY, MARCH 12, 2008

but not limited to, a system using radio frequency or active or passive global positioning system technology.

(6) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions.

(7)(a) The department shall notify the offender in writing of any additional conditions or modifications.

(b) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to the crime of conviction, the offender's risk of reoffending, or the safety of the community.

(8) The department may require offenders to pay for special services rendered including electronic monitoring, day reporting, and telephone reporting, dependent on the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(9)(a) When a sex offender has been sentenced pursuant to RCW 9.94A.712, the board shall exercise the authority prescribed in RCW 9.95.420 through 9.95.435.

(b) The department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions based upon the risk to community safety. The board must consider and may impose department-recommended conditions.

(c) If the department finds that an emergency exists requiring the immediate imposition of additional conditions in order to prevent the offender from committing a crime, the department may impose such conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board.

(10) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

**NEW SECTION. Sec. 11** A new section is added to chapter 9.94A RCW to read as follows:

No offender sentenced to a term of community custody under the supervision of the department may own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the violation process and sanctions under sections 15 and 21 of this act and RCW 9.94A.737.

"Constructive possession" as used in this section means the power and intent to control the firearm or ammunition. "Firearm" as used in this section has the same definition as in RCW 9.41.010.

**NEW SECTION. Sec. 12** A new section is added to chapter 9.94A RCW to read as follows:

(1) Community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) or (2); or (c) at the time of sentencing if no term of confinement is ordered.

(2) When an offender is sentenced to community custody, the offender is subject to the conditions of community custody as of the date of sentencing, unless otherwise ordered by the court.

(3) When an offender is sentenced to a community custody range pursuant to section 7 (1) or (2) of this act, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

**NEW SECTION. Sec. 13** A new section is added to chapter 9.94A RCW to read as follows:

(1) When an offender is under community custody, the community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

(2) An offender under community custody who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department for the duration of his or her period of community custody. During any period of inpatient mental health treatment that falls within the period of community custody, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

**NEW SECTION. Sec. 14** A new section is added to chapter 9.94A RCW to read as follows:

(1) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions of community custody for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody.

(2) If a violation of a condition extended under this section occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.631 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(3) If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

**NEW SECTION. Sec. 15** A new section is added to chapter 9.94A RCW to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned with up to sixty days' confinement for each violation.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728(2), the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the special sexual offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the offender committed to serve the original sentence of confinement.

(d) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

(e) If a sex offender was sentenced pursuant to RCW 9.94A.712, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

**NEW SECTION. Sec. 16** A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender has not completed his or her maximum term of total confinement and is subject to a third violation hearing pursuant to RCW 9.94A.737 for any violation of community custody and is found to have committed the violation, the department shall return the offender to total confinement in a state correctional facility to serve up to the remaining portion of his or her sentence, unless it is determined that returning the offender to a state correctional facility would substantially interfere with the offender's ability to maintain necessary community supports or to participate in necessary treatment or programming and would substantially increase the offender's likelihood of reoffending.

(2) The department may work with the Washington association of sheriffs and police chiefs to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody.

(3) Local governments, their subdivisions and employees, the department and its employees, and the Washington association of sheriffs and police chiefs and its employees are immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.

**NEW SECTION. Sec. 17** A new section is added to chapter 9.94A RCW to read as follows:

(1) If a sanction of confinement is imposed by the court, the following applies:

(a) If the sanction was imposed pursuant to section 15(1) of this act, the sanction shall be served in a county facility.

(b) If the sanction was imposed pursuant to section 15(2) of this act, the sanction shall be served in a state facility.

(2) If a sanction of confinement is imposed by the department, and if the offender is an inmate as defined by RCW 72.09.015, no more than eight days of the sanction, including any credit for time served, may be served in a county facility. The balance of the sanction shall be served in a state facility. In computing the eight-day period, weekends and holidays shall be excluded. The department may negotiate with local correctional authorities for an additional period of detention.

(3) If a sanction of confinement is imposed by the board, it shall be served in a state facility.

(4) Sanctions imposed pursuant to RCW 9.94A.670(3) shall be served in a county facility.

(5) As used in this section, "county facility" means a facility operated, licensed, or utilized under contract by the county, and "state facility" means a facility operated, licensed, or utilized under contract by the state.

**NEW SECTION. Sec. 18** A new section is added to chapter 9.94A RCW to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the special sexual offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

(3) If a sex offender was sentenced pursuant to RCW 9.94A.712, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

(4) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737.

(5) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to section 19 of this act.

**NEW SECTION. Sec. 19** A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the sanctions specified in section 15(1) of this act. Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement;

(ii) Convert community restitution obligation to total or partial confinement; or

(iii) Convert monetary obligations, except restitution and the crime victim penalty assessment, to community restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community restitution;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of legal financial obligations and regarding community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

(4) Nothing in this section prohibits the filing of escape charges if appropriate.

**Sec. 20** RCW 9.94A.737 and 2007 c 483 s 305 are each amended to read as follows:

(1) ~~(If an offender violates any condition or requirement of community custody, the department may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (3) of this section.~~

~~(2) If an offender has not completed his or her maximum term of total confinement and is subject to a third violation hearing for any violation of community custody and is found to have committed the violation, the department shall return the offender to total confinement in a state correctional facility to serve up to the remaining portion of his or her sentence, unless it is determined that returning the offender to a state correctional facility would substantially interfere with the offender's ability to maintain necessary community supports or to participate in~~

FIFTY-NINTH DAY, MARCH 12, 2008

necessary treatment or programming and would substantially increase the offender's likelihood of reoffending:

~~(3)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.670 who violates any condition of community custody, the department may impose a sanction of up to sixty days' confinement in a local correctional facility for each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.~~

~~(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.710 who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.~~

~~(c) For an offender sentenced to a term of community custody under RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545, for a crime committed on or after July 1, 2000, who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.~~

~~(d) For an offender sentenced to a term of community placement under RCW 9.94A.705 who violates any condition of community placement after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.~~

~~(4) If an offender has been arrested for a new felony offense while under community supervision, community custody, or community placement, the department shall hold the offender in total confinement until a hearing before the department as provided in this section or until the offender has been formally charged for the new felony offense, whichever is earlier. Nothing in this subsection shall be construed as to permit the department to hold an offender past his or her maximum term of total confinement if the offender has not completed the maximum term of total confinement or to permit the department to hold an offender past the offender's term of community supervision, community custody, or community placement.~~

~~(5) The department shall be financially responsible for any portion of the sanctions authorized by this section that are served in a local correctional facility as the result of action by the department.~~

~~(6)) If an offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and a structure of graduated sanctions.~~

~~((7)) (2) The hearing procedures required under subsection ((6)) (1) of this section shall be developed by rule and include the following:~~

~~(a) Hearing officers shall report through a chain of command separate from that of community corrections officers;~~

2008 REGULAR SESSION

(b) The department shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the department;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours, after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours, after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; and (v) question witnesses who appear and testify; and

(e) The sanction shall take effect if affirmed by the hearing officer. Within seven days after the hearing officer's decision, the offender may appeal the decision to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

~~((8)) (3) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.~~

~~((9) The department shall work with the Washington association of sheriffs and police chiefs to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody. Between January 1, 2006, and December 31, 2006, the department shall endeavor to place at least one hundred low-risk community custody violators on the electronic monitoring program per day if there are at least that many low-risk offenders who qualify for the electronic monitoring program.~~

~~(10) Local governments, their subdivisions and employees, the department and its employees, and the Washington association of sheriffs and police chiefs and its employees shall be immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.)~~

**NEW SECTION. Sec. 21** (1) The secretary may issue warrants for the arrest of any offender who violates a condition of community custody. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending disposition of the alleged violation.

(2) A community corrections officer, if he or she has reasonable cause to believe an offender has violated a condition of community custody, may suspend the person's community custody status and arrest or cause the arrest and detention in total confinement of the offender, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community custody status.

(3) If an offender has been arrested for a new felony offense while under community custody the department shall hold the offender in total confinement until a hearing before the department as provided in this section or until the offender has been formally charged for the new felony offense, whichever is earlier. Nothing in this subsection shall be construed as to permit the department to hold an offender past his or her

FIFTY-NINTH DAY, MARCH 12, 2008

maximum term of total confinement if the offender has not completed the maximum term of total confinement or to permit the department to hold an offender past the offender's term of community custody.

(4) A violation of a condition of community custody shall be deemed a violation of the sentence for purposes of RCW 9.94A.631. The authority granted to community corrections officers under this section shall be in addition to that set forth in RCW 9.94A.631.

**Sec. 22** RCW 9.94A.740 and 1999 c 196 s 9 are each amended to read as follows:

(1) ~~((The secretary may issue warrants for the arrest of any offender who violates a condition of community placement or community custody. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending disposition of the alleged violation.))~~ When an offender is arrested pursuant to section 21 of this act, the department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance with RCW 70.48.440. ~~((A community corrections officer, if he or she has reasonable cause to believe an offender in community placement or community custody has violated a condition of community placement or community custody, may suspend the person's community placement or community custody status and arrest or cause the arrest and detention in total confinement of the offender, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community placement or community custody status. A violation of a condition of community placement or community custody shall be deemed a violation of the sentence for purposes of RCW 9.94A.631. The authority granted to community corrections officers under this section shall be in addition to that set forth in RCW 9.94A.631.))~~

(2) Inmates, as defined in RCW 72.09.015, who have been transferred to community custody and who are detained in a local correctional facility are the financial responsibility of the department of corrections, except as provided in subsection (3) of this section. ~~((The community custody inmate shall be removed from the local correctional facility, except as provided in subsection (3) of this section, not later than eight days, excluding weekends and holidays, following admittance to the local correctional facility and notification that the inmate is available for movement to a state correctional institution.))~~

(3) ~~((The department may negotiate with local correctional authorities for an additional period of detention; however, sex offenders sanctioned for community custody violations under RCW 9.94A.737(2) to a term of confinement shall remain in the local correctional facility for the complete term of the sanction.))~~ For confinement sanctions imposed by the department under RCW ~~((9.94A.737(2)(a)))~~ 9.94A.670, the local correctional facility shall be financially responsible. ~~((For confinement sanctions imposed under RCW 9.94A.737(2)(b), the department of corrections shall be financially responsible for that portion of the sanction served during the time in which the sex offender is on community custody in lieu of earned release, and the local correctional facility shall be financially responsible for that portion of the sanction served by the sex offender after the time in which the sex offender is on community custody in lieu of earned release.))~~

(4) The department, in consultation with the Washington association of sheriffs and police chiefs and those counties in which the sheriff does not operate a correctional facility, shall establish a methodology for determining the department's local correctional facilities bed utilization rate, for each county in calendar year 1998, for offenders being held for violations of conditions of community custody ~~((community placement, or~~

2008 REGULAR SESSION

~~community supervision)). ((For confinement sanctions imposed under RCW 9.94A.737(2)(c) or (d))~~

(5) ~~Except as provided in subsections (1) and (2) of this section, the local correctional facility shall continue to be financially responsible to the extent of the calendar year 1998 bed utilization rate for confinement sanctions imposed by the department pursuant to RCW 9.94A.737. If the department's use of bed space in local correctional facilities of any county for such confinement sanctions ((imposed on offenders sentenced to a term of community custody under RCW 9.94A.737(2)(c) or (d))) exceeds the 1998 bed utilization rate for the county, the department shall compensate the county for the excess use at the per diem rate equal to the lowest rate charged by the county under its contract with a municipal government during the year in which the use occurs.~~

**Sec. 23** RCW 9.94A.030 and 2006 c 139 s 5, 2006 c 124 s 1, 2006 c 122 s 7, 2006 c 73 s 5, and 2005 c 436 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed ~~((pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545.))~~ as part of a sentence and served in the community subject to controls placed on the offender's movement and activities by the department. ~~((For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.))~~

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850 ~~((for crimes committed on or after July 1, 2000)).~~

(7) ~~((Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.~~

~~((8)))~~ "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

~~((9)))~~ (8) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((10))~~ "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court

FIFTY-NINTH DAY, MARCH 12, 2008

~~pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.~~

~~((11))~~ (9) "Confinement" means total or partial confinement.  
~~((12))~~ (10) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((13))~~ (11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

~~((14))~~ (12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

~~((15))~~ (13) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

~~((16))~~ (14) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

~~((17))~~ (15) "Department" means the department of corrections.

~~((18))~~ (16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community ~~(supervision)~~ custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((19))~~ (17) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

2008 REGULAR SESSION

~~((20))~~ (18) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

~~((21))~~ (19) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((22))~~ (20) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

~~((23))~~ (21) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((24))~~ (22) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((25))~~ (23) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((26))~~ (24) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((27))~~ (25) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

~~((28))~~ (26) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((29))~~ (27) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

- (c) Assault of a child in the second degree;
  - (d) Child molestation in the second degree;
  - (e) Controlled substance homicide;
  - (f) Extortion in the first degree;
  - (g) Incest when committed against a child under age fourteen;
  - (h) Indecent liberties;
  - (i) Kidnapping in the second degree;
  - (j) Leading organized crime;
  - (k) Manslaughter in the first degree;
  - (l) Manslaughter in the second degree;
  - (m) Promoting prostitution in the first degree;
  - (n) Rape in the third degree;
  - (o) Robbery in the second degree;
  - (p) Sexual exploitation;
  - (q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;
  - (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
  - (s) Any other class B felony offense with a finding of sexual motivation;
  - (t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;
  - (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;
  - (v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
  - (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.
- ~~((30))~~ (28) "Nonviolent offense" means an offense which is not a violent offense.
- ~~((31))~~ (29) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.
- ~~((32))~~ (30) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.
- ~~((33))~~ (31) "Persistent offender" is an offender who:
- (a)(i) Has been convicted in this state of any felony considered a most serious offense; and
  - (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of

- felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or
  - (b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((33))~~ (31)(b)(i); and
  - (ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.
- ~~((34))~~ "Postrelease supervision" is that portion of an offender's community placement that is not community custody.
- ~~((35))~~ (32) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.
- ~~((36))~~ (33) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.
- ~~((37))~~ (34) "Public school" has the same meaning as in RCW 28A.150.010.
- ~~((38))~~ (35) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.
- ~~((39))~~ (36) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.
- ~~((40))~~ (37) "Serious traffic offense" means:
- (a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating

FIFTY-NINTH DAY, MARCH 12, 2008

liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

((41)) (38) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or
- (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

((42)) (39) "Sex offense" means:

- (a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130((41)) (12);
- (ii) A violation of RCW 9A.64.020;
- (iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

((43)) (40) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

((44)) (41) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

((45)) (42) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

((46)) (43) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

((47)) (44) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

((48)) (45) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

((49)) (46) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

((50)) (47) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

((51)) (48) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

((52)) (49) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

((53)) (50) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 24 RCW 9.94A.501 and 2005 c 362 s 1 are each amended to read as follows:

(1) When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender or a probationer sentenced in superior court into one of at least four risk categories.

(2) The department shall supervise every offender sentenced to a term of community custody(~~community placement, or community supervision~~) and every misdemeanor and gross misdemeanor probationer ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Whose risk assessment places that offender or probationer in one of the two highest risk categories; or

(b) Regardless of the offender's or probationer's risk category if:

(i) The offender's or probationer's current conviction is for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

- (ii) The offender or probationer has a prior conviction for:
    - (A) A sex offense;
    - (B) A violent offense;
    - (C) A crime against persons as defined in RCW 9.94A.411;
    - (D) A felony that is domestic violence as defined in RCW 10.99.020;
    - (E) A violation of RCW 9A.52.025 (residential burglary);
    - (F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or
    - (G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
  - (iii) The conditions of the offender's community custody(~~;~~ ~~community placement, or community supervision~~) or the probationer's supervision include chemical dependency treatment;
  - (iv) The offender was sentenced under RCW 9.94A.650 or 9.94A.670; or
  - (v) The offender is subject to supervision pursuant to RCW 9.94A.745.
- (3) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody(~~;~~ ~~community placement, or community supervision~~) or any probationer unless the offender or probationer is one for whom supervision is required under subsection (2) of this section.

(4) This section expires July 1, 2010.

**Sec. 25** RCW 9.94A.505 and 2006 c 73 s 6 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, (~~the court shall impose~~) a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) (~~RCW 9.94A.700 and 9.94A.705, relating to community placement~~) Sections 7 and 8 of this act, relating to community custody;

(iii) (~~RCW 9.94A.710 and 9.94A.715, relating to community custody;~~

~~(iv) RCW 9.94A.545, relating to community custody for offenders whose term of confinement is one year or less;~~

~~(v) RCW 9.94A.570, relating to persistent offenders;~~  
~~((vii)) (iv) RCW 9.94A.540, relating to mandatory minimum terms;~~

~~((vii)) (v) RCW 9.94A.650, relating to the first-time offender waiver;~~

~~((viii)) (vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;~~

~~((ix)) (vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;~~

~~((x)) (viii) RCW 9.94A.712, relating to certain sex offenses;~~

~~((xi)) (ix) RCW 9.94A.535, relating to exceptional sentences;~~

~~((xii)) (x) RCW 9.94A.589, relating to consecutive and concurrent sentences;~~

~~((xiii)) (xi) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.~~

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; (~~until July 1, 2000,~~) a term of community (~~supervision~~) custody not to exceed one year (~~and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in RCW 9.94A.710 (2) and (3));~~ and/or

other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or (~~community supervision, community placement, or~~) community custody (~~which~~) that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) (~~The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.~~

~~((10))~~ In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

~~((11) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, community placement, or community custody, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.)~~

**Sec. 26** RCW 9.94A.610 and 2003 c 53 s 61 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than ten days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, community (~~placement~~) custody, work release placement, furlough, or escape about a specific inmate convicted of a serious drug offense to the following if such notice has been requested in writing about a specific inmate convicted of a serious drug offense:

(a) Any witnesses who testified against the inmate in any court proceedings involving the serious drug offense; and

(b) Any person specified in writing by the prosecuting attorney.

Information regarding witnesses requesting the notice, information regarding any other person specified in writing by

FIFTY-NINTH DAY, MARCH 12, 2008

the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate.

(2) If an inmate convicted of a serious drug offense escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses who are entitled to notice under this section. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The department of corrections shall send the notices required by this section to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section, "serious drug offense" means an offense under RCW 69.50.401(2) (a) or (b) or 69.50.4011(2) (a) or (b).

**Sec. 27** RCW 9.94A.612 and 1996 c 215 s 4 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community (~~placement~~) custody, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, to the following:

(a) The chief of police of the city, if any, in which the inmate will reside or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside or in which placement will be made in a work release program.

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110:

(a) The victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense;

(c) Any person specified in writing by the prosecuting attorney; and

(d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030 from the department of corrections at least sixty days prior to the expected release date of the offender.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(5) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(6) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(7) The department of corrections shall keep, for a minimum of two years following the release of an inmate, the following:

(a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and

(b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

(8) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, parents, siblings and children.

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

**Sec. 28** RCW 9.94A.625 and 2000 c 226 s 5 are each amended to read as follows:

(1) A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) Any term of community custody(~~(community placement, or community supervision))~~) shall be tolled by any period of time during which the offender has absented himself or herself from supervision without prior approval of the entity under whose supervision the offender has been placed.

(3) Any period of community custody(~~(community placement, or community supervision))~~) shall be tolled during any period of time the offender is in confinement for any reason. However, if an offender is detained pursuant to RCW 9.94A.740 or 9.94A.631 and is later found not to have violated a condition or requirement of community custody(~~(community placement, or community supervision))~~), time spent in confinement due to such detention shall not toll the period of community custody(~~(community placement, or community supervision))~~).

(4) For terms of confinement or community custody(~~(community placement, or community supervision))~~), the date for

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

the tolling of the sentence shall be established by the entity responsible for the confinement or supervision.

**Sec. 29** RCW 9.94A.650 and 2006 c 73 s 9 are each amended to read as follows:

(1) This section applies to offenders who have never been previously convicted of a felony in this state, federal court, or another state, and who have never participated in a program of deferred prosecution for a felony, and who are convicted of a felony that is not:

(a) Classified as a violent offense or a sex offense under this chapter;

(b) Manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV;

(c) Manufacture, delivery, or possession with intent to deliver a methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2);

(d) The selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana; or

(e) Felony driving while under the influence of intoxicating liquor or any drug or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(2) In sentencing a first-time offender the court may waive the imposition of a sentence within the standard sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. ~~(The sentence may also include a term of community supervision or community custody as specified in subsection (3) of this section, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:~~

~~(a) Devote time to a specific employment or occupation;~~

~~(b) Undergo available outpatient treatment for up to the period specified in subsection (3) of this section, or inpatient treatment not to exceed the standard range of confinement for that offense;~~

~~(c) Pursue a prescribed, secular course of study or vocational training;~~

~~(d) Remain within prescribed geographical boundaries and notify the community corrections officer prior to any change in the offender's address or employment;~~

~~(e) Report as directed to a community corrections officer; or~~

~~(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community restitution work.)~~

(3) ~~((The terms and statuses applicable to sentences under subsection (2) of this section are:~~

~~(a) For sentences imposed on or after July 25, 1999, for crimes committed before July 1, 2000, up to one year of community supervision. If treatment is ordered, the period of community supervision may include up to the period of treatment, but shall not exceed two years; and~~

~~(b) For crimes committed on or after July 1, 2000;)) The court may impose up to one year of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed two years. ~~((Any term of community custody imposed under this section is subject to conditions and sanctions as authorized in this section and in RCW 9.94A.715 (2) and (3).))~~~~

(4) ~~((The department shall discharge from community supervision any offender sentenced under this section before July 25, 1999, who has served at least one year of community supervision and has completed any treatment ordered by the court.)) As a condition of community custody, in addition to any conditions authorized in section 9 of this act, the court may order the offender to pay all court-ordered legal financial obligations and/or perform community restitution work.~~

**Sec. 30** RCW 9.94A.660 and 2006 c 339 s 302 and 2006 c 73 s 10 are each reenacted and amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. If the sentencing court determines that the offender is eligible for this alternative, the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from drug addiction;

(b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

(d) Whether the offender and the community will benefit from the use of the alternative.

(3) The examination report must contain:

(a) Information on the issues required to be addressed in subsection (2) of this section; and

(b) A proposed treatment plan that must, at a minimum, contain:

(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

(iii) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(iv) Recommended crime-related prohibitions and affirmative conditions.

(4) After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

(5) The prison-based alternative shall include:

(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

(b) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

(c) Crime-related prohibitions including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to ~~((RCW 9.94A.715))~~ section 7 of this act to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(6) The residential chemical dependency treatment-based alternative shall include:

(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. ~~((The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740.))~~ The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:

(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or

(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under ~~((RCW 9.94A.715))~~ section 7 of this act;

(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.

~~((7))~~ ~~((If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program.))~~ The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances. ~~((In addition:))~~

~~((8))~~ The court may impose any of the following conditions:

~~((a))~~ ~~((Devote time to a specific employment or training; (b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment; (c) Report as directed to a community corrections officer; (d))~~ Pay all court-ordered legal financial obligations; or ~~((e))~~ ~~((b))~~ Perform community restitution work; ~~((f))~~ Stay out of areas designated by the sentencing court; ~~((g))~~ Such other conditions as the court may require such as affirmative conditions).

~~((8))~~ ~~((9))~~ (a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the ~~((terms))~~ conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

~~((9))~~ ~~((10))~~ In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

~~((11))~~ If an offender sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

~~((10))~~ ~~((12))~~ An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

~~((11))~~ ~~((13))~~ Costs of examinations and preparing treatment plans under subsections (2) and (3) of this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

**Sec. 31** RCW 9.94A.670 and 2006 c 133 s 1 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider or a certified affiliate sex offender treatment provider as defined in RCW 18.155.020.

(b) "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the

FIFTY-NINTH DAY, MARCH 12, 2008

function of any body part or organ, or that causes a fracture of any body part or organ.

(c) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(2) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense. If the conviction results from a guilty plea, the offender must, as part of his or her plea of guilty, voluntarily and affirmatively admit he or she committed all of the elements of the crime to which the offender is pleading guilty. This alternative is not available to offenders who plead guilty to the offense charged under *North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970) and *State v. Newton*, 87 Wash.2d 363, 552 P.2d 682 (1976);

(b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state;

(c) The offender has no prior adult convictions for a violent offense that was committed within five years of the date the current offense was committed;

(d) The offense did not result in substantial bodily harm to the victim;

(e) The offender had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime; and

(f) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years.

(3) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The offender's version of the facts and the official version of the facts;

(ii) The offender's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The offender's social and employment situation; and

(v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) Frequency and type of contact between offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions and affirmative conditions, which must include, to the extent known, an identification of specific activities or behaviors that are precursors to the offender's offense cycle, including, but not limited to, activities or behaviors such as viewing or listening to pornography or use of alcohol or controlled substances.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court

2008 REGULAR SESSION

finds the defendant to be indigent in which case the state shall pay the cost.

(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative, consider whether the alternative is too lenient in light of the extent and circumstances of the offense, consider whether the offender has victims in addition to the victim of the offense, consider whether the offender is amenable to treatment, consider the risk the offender would present to the community, to the victim, or to persons of similar age and circumstances as the victim, and consider the victim's opinion whether the offender should receive a treatment disposition under this section. The court shall give great weight to the victim's opinion whether the offender should receive a treatment disposition under this section. If the sentence imposed is contrary to the victim's opinion, the court shall enter written findings stating its reasons for imposing the treatment disposition. The fact that the offender admits to his or her offense does not, by itself, constitute amenability to treatment. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence ~~((and impose the following conditions of suspension:))~~ as provided in this section.

(5) As conditions of the suspended sentence, the court must impose the following:

~~(a) ((The court shall order the offender to serve))~~ A term of confinement of up to twelve months or the maximum term within the standard range, whichever is less. The court may order the offender to serve a term of confinement greater than twelve months or the maximum term within the standard range based on the presence of an aggravating circumstance listed in RCW 9.94A.535(3). In no case shall the term of confinement exceed the statutory maximum sentence for the offense. The court may order the offender to serve all or part of his or her term of confinement in partial confinement. An offender sentenced to a term of confinement under this subsection is not eligible for earned release under RCW 9.92.151 or 9.94A.728.

~~(b) ((The court shall place the offender on))~~ A term of community custody ~~((for))~~ equal to the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under ~~((RCW 9.94A.720))~~ section 9 of this act.

~~(c) ((The court shall order))~~ Treatment for any period up to five years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

~~(d) ((As conditions of the suspended sentence, the court shall impose))~~ Specific prohibitions and affirmative conditions relating to the known precursor activities or behaviors identified in the proposed treatment plan under subsection (3)(b)(v) of this section or identified in an annual review under subsection ~~((7))~~ ~~(8)~~(b) of this section.

~~((5))~~ (6) As conditions of the suspended sentence, the court may impose one or more of the following:

(a) Crime-related prohibitions;

(b) Require the offender to devote time to a specific employment or occupation;

(c) Require the offender to remain within prescribed geographical boundaries and notify the court or the community

FIFTY-NINTH DAY, MARCH 12, 2008

corrections officer prior to any change in the offender's address or employment;

(d) Require the offender to report as directed to the court and a community corrections officer;

(e) Require the offender to pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

(f) Require the offender to perform community restitution work; or

(g) Require the offender to reimburse the victim for the cost of any counseling required as a result of the offender's crime.

~~((7))~~ (7) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

~~((8))~~ (8)(a) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

(b) The court shall conduct a hearing on the offender's progress in treatment at least once a year. At least fourteen days prior to the hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. At the hearing, the court may modify conditions of community custody including, but not limited to, crime-related prohibitions and affirmative conditions relating to activities and behaviors identified as part of, or relating to precursor activities and behaviors in, the offender's offense cycle or revoke the suspended sentence.

~~((8))~~ (9) At least fourteen days prior to the treatment termination hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. The court may order an evaluation regarding the advisability of termination from treatment by a sex offender treatment provider who may not be the same person who treated the offender under subsection ~~((4))~~ (5) of this section or any person who employs, is employed by, or shares profits with the person who treated the offender under subsection ~~((4))~~ (5) of this section unless the court has entered written findings that such evaluation is in the best interest of the victim and that a successful evaluation of the offender would otherwise be impractical. The offender shall pay the cost of the evaluation. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment in two-year increments for up to the remaining period of community custody.

~~((9))~~ (10)(a) If a violation of conditions other than a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection ~~((4))~~ (5)(d) or ~~((7))~~ (8)(b) of this section occurs during community custody, the department shall either impose sanctions as provided for in ~~((RCW 9.94A.737(2)(a)))~~ section 15(1) of this act or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections ~~((6))~~ (7) and ~~((8))~~ (9) of this section.

(b) If a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection ~~((4))~~ (5)(d) or ~~((7))~~ (8)(b) of this section occurs during community custody, the department shall refer the violation to the court and recommend revocation of the suspended sentence as provided in subsection ~~((4))~~ (11) of this section.

2008 REGULAR SESSION

~~((10))~~ (11) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

~~((11))~~ (12) If the offender violates a requirement of the sentence that is not a condition of the suspended sentence pursuant to subsection (5) or (6) of this section, the department may impose sanctions pursuant to section 15(1) of this act.

(13) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (3) of this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (3) of this section, unless the court has entered written findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. Examinations and treatment ordered pursuant to this subsection shall only be conducted by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

~~((12))~~ (14) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment.

**Sec. 32** RCW 9.94A.690 and 2006 c 73 s 11 are each amended to read as follows:

(1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:

(i) Is sentenced to a term of total confinement of not less than twelve months and one day or more than thirty-six months;

(ii) Has no current or prior convictions for any sex offenses or for violent offenses; and

(iii) Is not currently subject to a sentence for, or being prosecuted for, a violation of felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), a violation of physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), a violation of the uniform controlled substances act, or a criminal solicitation to commit such a violation under chapter 9A.28 or 69.50 RCW.

(b) The length of the work ethic camp shall be at least one hundred twenty days and not more than one hundred eighty days.

(2) If the sentencing court determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard sentence range and may recommend that the offender serve the sentence at a work ethic camp. In sentencing an offender to the work ethic camp, the court shall specify: (a) That upon completion of the work ethic camp the offender shall be released on community custody for any remaining time of total confinement; (b) the applicable conditions of ~~((supervision on))~~ community custody ~~((status))~~ as ~~((required by RCW 9.94A.700(4) and))~~ authorized by ~~((RCW 9.94A.700(5)))~~ section 9 of this act; and (c) that violation of the conditions may result in a return to total confinement for the balance of the offender's remaining time of confinement.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless: (a) The department

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

determines that the offender has physical or mental impairments that would prevent participation and completion of the program; (b) the department determines that the offender's custody level prevents placement in the program; (c) the offender refuses to agree to the terms and conditions of the program; (d) the offender has been found by the United States attorney general to be subject to a deportation detainer or order; or (e) the offender has participated in the work ethic camp program in the past.

(4) An offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court and shall be subject to all rules relating to earned release time.

(5) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

**Sec. 33** RCW 9.94A.712 and 2006 c 124 s 3, 2006 c 122 s 5, and 2005 c 436 s 2 are each reenacted and amended to read as follows:

(1) An offender who is not a persistent offender shall be sentenced under this section if the offender:

(a) Is convicted of:

(i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;

(ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or

(iii) An attempt to commit any crime listed in this subsection (1)(a);

~~((committed on or after September 1, 2001;))~~ or

(b) Has a prior conviction for an offense listed in RCW 9.94A.030(~~(33)~~) (31)(b), and is convicted of any sex offense ~~((which was committed after September 1, 2001;~~

~~For purposes of this subsection (1)(b;)) other than~~ failure to register ~~((is not a sex offense)).~~

(2) An offender convicted of rape of a child in the first or second degree or child molestation in the first degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section.

(3)(a) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term and a minimum term.

(b) The maximum term shall consist of the statutory maximum sentence for the offense.

(c)(i) Except as provided in (c)(ii) of this subsection, the minimum term shall be either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence.

(ii) If the offense that caused the offender to be sentenced under this section was rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree, and there has been a finding that the offense was predatory under RCW 9.94A.836, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section was rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding that the victim was under the age of fifteen at the time of the offense under RCW 9.94A.837, the minimum term shall be either the maximum of the standard sentence range for the offense or

twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding under RCW 9.94A.838 that the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, the minimum sentence shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater.

(d) The minimum terms in (c)(ii) of this subsection do not apply to a juvenile tried as an adult pursuant to RCW 13.04.030(1)(e) (i) or (v). The minimum term for such a juvenile shall be imposed under (c)(i) of this subsection.

(4) A person sentenced under subsection (3) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.

(5) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.

~~(6)(a)((i) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department and the board shall enforce such conditions pursuant to RCW 9.94A.713, 9.95.425, and 9.95.430.~~

~~((ii) If the offense that caused the offender to be sentenced under this section was an offense listed in subsection (1)(a) of this section and the victim of the offense was under eighteen years of age at the time of the offense, the court shall, as a condition of community custody, prohibit the offender from residing in a community protection zone.~~

~~((b)) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under RCW ((9.94A.713 and)) 9.95.420 through 9.95.435.~~

(b) An offender released by the board under RCW 9.95.420 is subject to the supervision of the department until the expiration of the maximum term of the sentence. The department shall monitor the offender's compliance with conditions of community custody imposed by the court, department, or board, and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board are subject to the provisions of RCW 9.95.425 through 9.95.440.

**Sec. 34** RCW 9.94A.728 and 2007 c 483 s 304 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release

FIFTY-NINTH DAY, MARCH 12, 2008

credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); (C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(E) Has not committed a new felony after July 22, 2007, while under ~~((community supervision, community placement, or))~~ community custody.

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify

each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

~~(2)(a) ((A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;~~

~~((b))~~ A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, ~~((committed on or after July 1, 2000;))~~ may become eligible, in accordance with a program developed by the department, for transfer to community custody ~~((status))~~ in lieu of earned release time pursuant to subsection (1) of this section;

~~((c))~~ (b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with ~~((community placement or))~~ community custody terms eligible for release to community custody ~~((status))~~ in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

~~((d))~~ (c) The department may deny transfer to community custody ~~((status))~~ in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody ~~((or community placement));~~

~~((e))~~ (d) If the department denies transfer to community custody ~~((status))~~ in lieu of earned early release pursuant to ~~((c))~~ (c) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;

~~((f))~~ (e) An offender serving a term of confinement imposed under RCW 9.94A.670~~((c))~~ (5)(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to subsection (2)(~~(e)~~) (d) of this section;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section; (~~and~~)

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870(-); ~~and~~

(10) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

**Sec. 35** RCW 9.94A.760 and 2005 c 263 s 1 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount. Upon receipt of an offender's monthly payment, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration, if incarcerated in a prison, or the court may require the offender to pay the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than one hundred dollars per day for

the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's

FIFTY-NINTH DAY, MARCH 12, 2008

jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of

the courts, whichever is providing the monthly billing for the offender.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94A.634 (as recodified by this act), 9.94A.737, or 9.94A.740.

(11)(a) Until January 1, 2004, the department shall mail individualized monthly billings to the address known by the department for each offender with an unsatisfied legal financial obligation.

(b) Beginning January 1, 2004, the administrative office of the courts shall mail individualized monthly billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(c) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(d) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(e) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(12) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection (4) of this section. The costs for collection services shall be paid by the offender.

(13) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

(14) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, (~~community placement, or community supervision,~~) and who remains under the jurisdiction of the court for payment of legal financial obligations.

**Sec. 36** RCW 9.94A.775 and 2003 c 379 s 17 are each amended to read as follows:

If an offender with an unsatisfied legal financial obligation is not subject to supervision by the department for a term of (~~community placement,~~) community custody, (~~or community supervision,~~) or has not completed payment of all legal financial obligations included in the sentence at the expiration of his or her term of (~~community placement,~~) community custody, (~~or community supervision,~~) the department shall notify the administrative office of the courts of the termination of the offender's supervision and provide information to the administrative office of the courts to enable the county clerk to monitor payment of the remaining obligations. The county clerk is authorized to monitor payment after such notification. The secretary of corrections and the administrator for the courts shall enter into an interagency agreement to facilitate the electronic transfer of information about offenders, unpaid obligations, and payees to carry out the purposes of this section.

**Sec. 37** RCW 9.94A.780 and 2003 c 379 s 18 are each amended to read as follows:

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

(1) Whenever a punishment imposed under this chapter requires supervision services to be provided, the offender shall pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the terms of supervision and which shall be considered as payment or part payment of the cost of providing supervision to the offender. The department may exempt or defer a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the department.

(d) The offender's age prevents him or her from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the department.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars.

(3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the dedicated fund established pursuant to RCW 72.11.040.

(4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

(5) If a county clerk assumes responsibility for collection of unpaid legal financial obligations under RCW 9.94A.760, or under any agreement with the department under that section, whether before or after the completion of any period of (~~community placement~~) community custody, (~~or community supervision~~) the clerk may impose a monthly or annual assessment for the cost of collections. The amount of the assessment shall not exceed the actual cost of collections. The county clerk may exempt or defer payment of all or part of the assessment based upon any of the factors listed in subsection (1) of this section. The offender shall pay the assessment under this subsection to the county clerk who shall apply it to the cost of collecting legal financial obligations under RCW 9.94A.760.

**Sec. 38** RCW 9.94A.820 and 2004 c 38 s 10 are each amended to read as follows:

(1) Sex offender examinations and treatment ordered as a special condition of (~~community placement or~~) community custody under this chapter shall be conducted only by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW unless the court or the department finds that: (a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (b) the treatment provider is employed by the department; or (c)(i) no certified sex offender treatment providers or certified affiliate sex offender treatment providers are available to provide treatment within a reasonable geographic distance of the offender's home, as determined in rules adopted by the secretary; and (ii) the evaluation and treatment plan comply with the rules adopted by the department of health. A treatment provider selected by an offender under (c) of this subsection, who is not certified by the department of

health shall consult with a certified sex offender treatment provider during the offender's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified sex offender treatment provider.

(2) A sex offender's failure to participate in treatment required as a condition of (~~community placement or~~) community custody is a violation that will not be excused on the basis that no treatment provider was located within a reasonable geographic distance of the offender's home.

**Sec. 39** RCW 4.24.556 and 2004 c 38 s 1 are each amended to read as follows:

(1) A certified sex offender treatment provider, or a certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a certified sex offender treatment provider, acting in the course of his or her duties, providing treatment to a person who has been released to a less restrictive alternative under chapter 71.09 RCW or to a level III sex offender on community custody as a court (~~or~~), department, or board ordered condition of sentence is not negligent because he or she treats a high risk offender; sex offenders are known to have a risk of reoffense. The treatment provider is not liable for civil damages resulting from the reoffense of a client unless the treatment provider's acts or omissions constituted gross negligence or willful or wanton misconduct. This limited liability provision does not eliminate the treatment provider's duty to warn of and protect from a client's threatened violent behavior if the client communicates a serious threat of physical violence against a reasonably ascertainable victim or victims. In addition to any other requirements to report violations, the sex offender treatment provider is obligated to report an offender's expressions of intent to harm or other predatory behavior, whether or not there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment. This limited liability provision applies only to the conduct of certified sex offender treatment providers, and certified affiliate sex offender treatment providers who have completed at least fifty percent of the required hours under the supervision of a certified sex offender treatment provider, and not the conduct of the state.

(2) Sex offender treatment providers who provide services to the department of corrections by identifying risk factors and notifying the department of risks for the subset of high risk offenders who are not amenable to treatment and who are under court order for treatment or supervision are practicing within the scope of their profession.

**Sec. 40** RCW 9.95.017 and 2003 c 218 s 2 are each amended to read as follows:

(1) The board shall cause to be prepared criteria for duration of confinement, release on parole, and length of parole for persons committed to prison for crimes committed before July 1, 1984.

The proposed criteria should take into consideration RCW 9.95.009(2). Before submission to the governor, the board shall solicit comments and review on their proposed criteria for parole release.

(2) Persons committed to the department of corrections and who are under the authority of the board for crimes committed on or after September 1, 2001, are subject to the provisions for duration of confinement, release to community custody, and length of community custody established in RCW 9.94A.712, (~~9.94A.713~~) section 10 of this act, 72.09.335, and 9.95.420 through 9.95.440.

**Sec. 41** RCW 9.95.064 and 2001 2nd sp.s. c 12 s 326 are each amended to read as follows:

(1) In order to minimize the trauma to the victim, the court may attach conditions on release of an offender under RCW 9.95.062, convicted of a crime committed before July 1, 1984,

FIFTY-NINTH DAY, MARCH 12, 2008

regarding the whereabouts of the defendant, contact with the victim, or other conditions.

(2) Offenders released under RCW 9.95.420 are subject to crime-related prohibitions and affirmative conditions established by the court, the department of corrections, or the board pursuant to RCW ~~((9.94A.715 and))~~ 9.94A.712, ~~((9.94A.713))~~ section 10 of this act, 72.09.335, and 9.95.420 through 9.95.440.

**Sec. 42** RCW 9.95.110 and 2003 c 218 s 7 are each amended to read as follows:

(1) The board may permit an offender convicted of a crime committed before July 1, 1984, to leave the buildings and enclosures of a state correctional institution on parole, after such convicted person has served the period of confinement fixed for him or her by the board, less time credits for good behavior and diligence in work: PROVIDED, That in no case shall an inmate be credited with more than one-third of his or her sentence as fixed by the board.

The board may establish rules and regulations under which an offender may be allowed to leave the confines of a state correctional institution on parole, and may return such person to the confines of the institution from which he or she was paroled, at its discretion.

(2) The board may permit an offender convicted of a crime committed on or after September 1, 2001, and sentenced under RCW 9.94A.712, to leave a state correctional institution on community custody according to the provisions of RCW 9.94A.712, ~~((9.94A.713))~~ section 10 of this act, 72.09.335, and 9.95.420 through 9.95.440. The person may be returned to the institution following a violation of his or her conditions of release to community custody pursuant to the hearing provisions of RCW 9.95.435.

**Sec. 43** RCW 9.95.123 and 2001 2nd sp.s. c 12 s 336 are each amended to read as follows:

In conducting on-site parole hearings or community custody revocation ~~((hearings or community custody))~~ or violations hearings, the board shall have the authority to administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas for the compulsory attendance of witnesses and the production of evidence for presentation at such hearings. Subpoenas issued by the board shall be effective throughout the state. Witnesses in attendance at any on-site parole or community custody revocation hearing shall be paid the same fees and allowances, in the same manner and under the same conditions as provided for witnesses in the courts of the state in accordance with chapter 2.40 RCW. If any person fails or refuses to obey a subpoena issued by the board, or obeys the subpoena but refuses to testify concerning any matter under examination at the hearing, the board may petition the superior court of the county where the hearing is being conducted for enforcement of the subpoena: PROVIDED, That an offer to pay statutory fees and mileage has been made to the witness at the time of the service of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the board. The court, upon such petition, shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he or she has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey the order, the witness shall be dealt with as for contempt of court.

**Sec. 44** RCW 9.95.420 and 2007 c 363 s 2 are each amended to read as follows:

(1)(a) Except as provided in (c) of this subsection, before the expiration of the minimum term, as part of the end of sentence review process under RCW 72.09.340, 72.09.345, and where appropriate, 72.09.370, the department shall conduct, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(b) The board may contract for an additional, independent examination, subject to the standards in this section.

(c) If at the time the sentence is imposed by the superior court the offender's minimum term has expired or will expire within one hundred twenty days of the sentencing hearing, the department shall conduct, within ninety days of the offender's arrival at a department of corrections facility, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(2) The board shall impose the conditions and instructions provided for in ~~((RCW 9.94A.720))~~ section 10 of this act. The board shall consider the department's recommendations and may impose conditions in addition to those recommended by the department. The board may impose or modify conditions of community custody following notice to the offender.

(3)(a) Except as provided in (b) of this subsection, no later than ninety days before expiration of the minimum term, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term as provided in RCW 9.95.011.

(b) If at the time the offender's minimum term has expired or will expire within one hundred twenty days of the offender's arrival at a department of correction's facility, then no later than one hundred twenty days after the offender's arrival at a department of corrections facility, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term as provided in RCW 9.95.011.

(4) In a hearing conducted under subsection (3) of this section, the board shall provide opportunities for the victims of any crimes for which the offender has been convicted to present oral, video, written, or in-person testimony to the board. The procedures for victim input shall be developed by rule. To facilitate victim involvement, county prosecutor's offices shall

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

ensure that any victim impact statements and known contact information for victims of record are forwarded as part of the judgment and sentence.

**Sec. 45** RCW 9.95.440 and 2003 c 218 s 6 are each amended to read as follows:

In the event the board suspends the release status of an offender released under RCW 9.95.420 by reason of an alleged violation of a condition of release, or pending disposition of a new criminal charge, the board may nullify the suspension order and reinstate release under previous conditions or any new conditions the board determines advisable under ~~((RCW 9.94A.713(5)))~~ section 10 of this act. Before the board may nullify a suspension order and reinstate release, it shall determine that the best interests of society and the offender shall be served by such reinstatement rather than return to confinement.

**Sec. 46** RCW 46.61.524 and 2006 c 73 s 16 are each amended to read as follows:

~~((1)) A person convicted under RCW 46.61.502(6), 46.61.504(6), 46.61.520(1)(a), or 46.61.522(1)(b) shall, as a condition of community custody imposed under RCW 9.94A.545 or community placement imposed under RCW 9.94A.660, complete a diagnostic evaluation by an alcohol or drug dependency agency approved by the department of social and health services or a qualified probation department, as defined under RCW 46.61.516 that has been approved by the department of social and health services. This report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem that requires treatment, the person shall complete treatment in a program approved by the department of social and health services under chapter 70.96A RCW. If the person is found not to have an alcohol or drug problem that requires treatment, he or she shall complete a course in an information school approved by the department of social and health services under chapter 70.96A RCW. The convicted person shall pay all costs for any evaluation, education, or treatment required by this section, unless the person is eligible for an existing program offered or approved by the department of social and health services. Nothing in chapter 348, Laws of 1991 requires the addition of new treatment or assessment facilities nor affects the department of social and health services use of existing programs and facilities authorized by law.~~

~~((2)) As provided for under RCW 46.20.285, the department shall revoke the license, permit to drive, or a nonresident privilege of a person convicted of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522. The department shall determine the eligibility of a person convicted of vehicular homicide under RCW 46.61.520(1)(a) or vehicular assault under RCW 46.61.522(1)(b) to receive a license based upon the report provided by the designated alcoholism treatment facility or probation department designated pursuant to section 9(4)(b) of this act, and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified.~~

**Sec. 47** RCW 72.09.015 and 2007 c 483 s 202 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Adult basic education" means education or instruction designed to achieve general competence of skills in reading, writing, and oral communication, including English as a second language and preparation and testing services for obtaining a high school diploma or a general equivalency diploma.

(2) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(3) "Community custody" has the same meaning as that provided in RCW 9.94A.030 and also includes community placement and community supervision as defined in section 52 of this act.

~~((4))~~ (4) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

~~((4))~~ (5) "County" means a county or combination of counties.

~~((5))~~ (6) "Department" means the department of corrections.

~~((6))~~ (7) "Earned early release" means earned release as authorized by RCW 9.94A.728.

~~((7))~~ (8) "Evidence-based" means a program or practice that has had multiple-site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective in reducing recidivism for the population.

~~((8))~~ (9) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

~~((9))~~ (10) "Good conduct" means compliance with department rules and policies.

~~((10))~~ (11) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

~~((11))~~ (12) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

~~((12))~~ (13) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

~~((13))~~ (14) "Individual reentry plan" means the plan to prepare an offender for release into the community. It should be developed collaboratively between the department and the offender and based on an assessment of the offender using a standardized and comprehensive tool to identify the ~~((offenders'~~ offender's risks and needs. The individual reentry plan describes actions that should occur to prepare individual offenders for release from prison or jail, specifies the supervision and services they will experience in the community, and describes an offender's eventual discharge to aftercare upon successful completion of supervision. An individual reentry plan is updated throughout the period of an offender's incarceration and supervision to be relevant to the offender's current needs and risks.

~~((14))~~ (15) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released from such facility on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

~~((15))~~ (16) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

~~((16))~~ (17) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

~~((17))~~ (18) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

~~((18))~~ (19) "Secretary" means the secretary of corrections or his or her designee.

~~((19))~~ (20) "Significant expansion" includes any expansion into a new product line or service to the class I business that

FIFTY-NINTH DAY, MARCH 12, 2008

results from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

~~((20))~~ (21) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

~~((21))~~ (22) "Unfair competition" means any net competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the correctional industries board shall review and quantify any expenses unique to operating a for-profit business inside a prison.

~~((22))~~ (23) "Vocational training" or "vocational education" means "vocational education" as defined in RCW 72.62.020.

~~((23))~~ (24) "Washington business" means an in-state manufacturer or service provider subject to chapter 82.04 RCW existing on June 10, 2004.

~~((24))~~ (25) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

**Sec. 48** RCW 72.09.270 and 2007 c 483 s 203 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every offender who is committed to the jurisdiction of the department except:

(a) Offenders who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Offenders who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all offenders using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each offender. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the offender, including any learning disabilities, substance abuse or mental health issues, and social or behavior deficits.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty-five days of being sentenced to the jurisdiction of the department of corrections.

(b) The offender's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the offender's children and family;

(b) An individualized portfolio for each offender that includes the offender's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) Prior to discharge of any offender, the department shall:

(i) Evaluate the offender's needs and, to the extent possible, connect the offender with existing services and resources that meet those needs; and

(ii) Connect the offender with a community justice center and/or community transition coordination network in the area in which the offender will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an offender's individual reentry plan, the department shall maximize the period of partial confinement for the offender as allowed pursuant to RCW 9.94A.728 to facilitate the offender's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the offender's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an offender released to community custody (~~or community placement~~), the department may not approve a residence location that is not in the offender's county of origin unless it is determined by the department that the offender's return to his or her county of origin would be inappropriate considering any court-ordered condition of the offender's sentence, victim safety concerns, negative influences on the offender in the community, or the location of family or other sponsoring persons or organizations that will support the offender.

(b) If the offender is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the offender is placed with a written explanation.

(c) For purposes of this section, the offender's county of origin means the county of the offender's first felony conviction in Washington.

(9) Nothing in this section creates a vested right in programming, education, or other services.

**Sec. 49** RCW 72.09.345 and 1997 c 364 s 4 are each amended to read as follows:

(1) In addition to any other information required to be released under this chapter, the department is authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public concerning offenders convicted of sex offenses.

(2) In order for public agencies to have the information necessary to notify the public as authorized in RCW 4.24.550, the secretary shall establish and administer an end-of-sentence review committee for the purposes of assigning risk levels, reviewing available release plans, and making appropriate referrals for sex offenders. The committee shall assess, on a case-by-case basis, the public risk posed by sex offenders who are: (a) Preparing for their release from confinement for sex offenses committed on or after July 1, 1984; and (b) accepted from another state under a reciprocal agreement under the interstate compact authorized in chapter 72.74 RCW.

(3) Notwithstanding any other provision of law, the committee shall have access to all relevant records and information in the possession of public agencies relating to the offenders under review, including police reports; prosecutors' statements of probable cause; presentence investigations and reports; complete judgments and sentences; current classification referrals; criminal history summaries; violation and disciplinary reports; all psychological evaluations and psychiatric hospital reports; sex offender treatment program reports; and juvenile records. Records and information obtained under this subsection shall not be disclosed outside the committee unless otherwise authorized by law.

(4) The committee shall review each sex offender under its authority before the offender's release from confinement or start of the offender's term of (~~community placement or~~) community custody in order to: (a) Classify the offender into a risk level for the purposes of public notification under RCW 4.24.550; (b)

FIFTY-NINTH DAY, MARCH 12, 2008

where available, review the offender's proposed release plan in accordance with the requirements of RCW 72.09.340; and (c) make appropriate referrals.

(5) The committee shall classify as risk level I those sex offenders whose risk assessments indicate a low risk of reoffense within the community at large. The committee shall classify as risk level II those offenders whose risk assessments indicate a moderate risk of reoffense within the community at large. The committee shall classify as risk level III those offenders whose risk assessments indicate a high risk of reoffense within the community at large.

(6) The committee shall issue to appropriate law enforcement agencies, for their use in making public notifications under RCW 4.24.550, narrative notices regarding the pending release of sex offenders from the department's facilities. The narrative notices shall, at a minimum, describe the identity and criminal history behavior of the offender and shall include the department's risk level classification for the offender. For sex offenders classified as either risk level II or III, the narrative notices shall also include the reasons underlying the classification.

**Sec. 50** RCW 72.09.580 and 1999 c 196 s 12 are each amended to read as follows:

Except as specifically prohibited by other law, and for purposes of determining, modifying, or monitoring compliance with conditions of community custody (~~community placement, or community supervision as authorized under RCW 9.94A.505 and 9.94A.545~~), the department:

(1) Shall have access to all relevant records and information in the possession of public agencies relating to offenders, including police reports, prosecutors' statements of probable cause, complete criminal history information, psychological evaluations and psychiatric hospital reports, sex offender treatment program reports, and juvenile records; and

(2) May require periodic reports from providers of treatment or other services required by the court or the department, including progress reports, evaluations and assessments, and reports of violations of conditions imposed by the court or the department.

**NEW SECTION. Sec. 51** (1) This chapter codifies sentencing provisions that may be applicable to sentences for crimes committed prior to July 1, 2000.

(2) This chapter supplements chapter 9.94A RCW and should be read in conjunction with that chapter.

**NEW SECTION. Sec. 52** In addition to the definitions set out in RCW 9.94A.030, the following definitions apply for purposes of this chapter:

(1) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(2) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(3) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

**NEW SECTION. Sec. 53** The court may order an offender whose sentence includes community placement or community

2008 REGULAR SESSION

supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

**NEW SECTION. Sec. 54** A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to RCW 9.94A.728(1).

**NEW SECTION. Sec. 55** (1) Sections 6 through 58 of this act apply to all sentences imposed or reimposed on or after August 1, 2009, for any crime committed on or after the effective date of this section.

(2) Sections 6 through 58 of this act also apply to all sentences imposed or reimposed on or after August 1, 2009, for crimes committed prior to the effective date of this section, to the extent that such application is constitutionally permissible.

(3) To the extent that application of sections 6 through 58 of this act is not constitutionally permissible with respect to any offender, the sentence for such offender shall be governed by the law as it existed before the effective date of this section, or on such prior date as may be constitutionally required, notwithstanding any amendment or repeal of provisions of such law.

(4) If application of sections 6 through 58 of this act is not constitutionally permissible with respect to any offender, the judgment and sentence shall specify the particular sentencing provisions that will not apply to such offender. Whenever practical, the judgment and sentence shall use the terminology set out in this act.

(5) The sentencing guidelines commission shall prepare a summary of the circumstances under which application of sections 6 through 58 of this act is not constitutionally permissible. The summary should include recommendations of conditions that could be included in judgments and sentences in order to prevent unconstitutional application of the act. This summary shall be incorporated into the *Adult Sentencing Guidelines Manual*.

(6) Sections 6 through 58 of this act shall not affect the enforcement of any sentence that was imposed prior to August 1, 2009, unless the offender is resentenced after that date.

**NEW SECTION. Sec. 56** (1) The following sections are recodified as part of a new chapter in Title 9 RCW: RCW 9.94A.628, 9.94A.634, 9.94A.700, 9.94A.705, and 9.94A.710.

(2) RCW 9.94A.610 (as amended by this act), 9.94A.612 (as amended by this act), 9.94A.614, 9.94A.616, 9.94A.618, and 9.94A.620 are each recodified as sections in chapter 72.09 RCW.

(3) Sections 51 through 54 of this act are added to the new chapter created in subsection (1) of this section.

(4) The code reviser is authorized to improve the organization of chapter 9.94A RCW by renumbering existing sections and adding subchapter headings.

(5) The code reviser shall correct any cross-references to sections affected by this section in other sections of the code.

**NEW SECTION. Sec. 57** The following acts or parts of acts are each repealed:

FIFTY-NINTH DAY, MARCH 12, 2008

1 RCW 9.94A.545 (Community custody) and 2006 c 128 s 4, 2003 c 379 s 8, 2000 c 28 s 13, 1999 c 196 s 10, 1988 c 143 s 23, & 1984 c 209 s 22;

2 RCW 9.94A.713 (Nonpersistent offenders--Conditions) and 2006 c 130 s 1 & 2001 2nd sp.s. c 12 s 304;

3 RCW 9.94A.715 (Community custody for specified offenders--Conditions) and 2006 c 130 s 2, 2006 c 128 s 5, 2003 c 379 s 6, 2001 2nd sp.s. c 12 s 302, 2001 c 10 s 5, & 2000 c 28 s 25;

4 RCW 9.94A.720 (Supervision of offenders) and 2003 c 379 s 7, 2002 c 175 s 14, & 2000 c 28 s 26;

5 RCW 9.94A.800 (Sex offender treatment in correctional facility) and 2000 c 28 s 34;

6 RCW 9.94A.830 (Legislative finding and intent--Commitment of felony sexual offenders after July 1, 1987) and 1987 c 402 s 2 & 1986 c 301 s 1; and

7 RCW 79A.60.070 (Conviction under RCW 79A.60.050 or 79A.60.060--Community supervision or community placement--Conditions) and 2000 c 11 s 96 & 1998 c 219 s 3.

**NEW SECTION. Sec. 58** The repealers in section 57 of this act shall not affect the validity of any sentence that was imposed prior to the effective date of this section or the authority of the department of corrections to supervise any offender pursuant to such sentence.

**NEW SECTION. Sec. 59** The code reviser shall report to the 2009 legislature on any amendments necessary to accomplish the purposes of this act.

**NEW SECTION. Sec. 60** Section 24 of this act expires July 1, 2010.

**NEW SECTION. Sec. 61** Sections 6 through 60 of this act take effect August 1, 2009.

**NEW SECTION. Sec. 62** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Kline spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline, Hargrove and McCaslin to House Bill No. 2719.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "sentences;" strike the remainder of the title and insert "amending RCW 9.94A.500, 9.94A.530, 9.94A.737, 9.94A.740, 9.94A.501, 9.94A.505, 9.94A.610, 9.94A.612, 9.94A.625, 9.94A.650, 9.94A.670, 9.94A.690, 9.94A.728, 9.94A.760, 9.94A.775, 9.94A.780, 9.94A.820, 4.24.556, 9.95.017, 9.95.064, 9.95.110, 9.95.123, 9.95.420, 9.95.440, 46.61.524, 72.09.015, 72.09.270, 72.09.345, and 72.09.580; reenacting and amending RCW 9.94A.525, 9.94A.030, 9.94A.660, and 9.94A.712; adding new sections to chapter 9.94A RCW; adding new sections to chapter 72.09 RCW; adding a new chapter to Title 9 RCW; creating new sections; recodifying RCW 9.94A.628, 9.94A.634, 9.94A.700, 9.94A.705, 9.94A.710, 9.94A.610, 9.94A.612, 9.94A.614, 9.94A.616, 9.94A.618, and 9.94A.620; repealing RCW 9.94A.545, 9.94A.713, 9.94A.715, 9.94A.720, 9.94A.800, 9.94A.830, and 79A.60.070; providing an effective date; and providing an expiration date."

#### MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2719 as amended by the Senate was advanced to

third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2719 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2719 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2719 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The Speaker ruled the Senate amendment beyond the Scope & Object of the bill. The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2788 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Jacobsen moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 2788.

The President declared the question before the Senate to be motion by Senator Jacobsen that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 2788.

The motion by Senator Jacobsen carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 2788 by voice vote.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended and Substitute House Bill No. 2788 was returned to second reading for the purposes of amendment.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2788, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives VanDeWege, Blake, Orcutt,

FIFTY-NINTH DAY, MARCH 12, 2008

Kretz, Nelson, Grant, Williams, Eickmeyer, Linville and McCoy)

Organizing definitions in Title 77 RCW.

The measure was read the second time.

#### MOTION

Senator Jacobsen moved that the following striking amendment by Senator Jacobsen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 The code reviser is directed to put the defined terms in RCW 77.08.010 in alphabetical order.

Sec. 2 RCW 77.08.010 and 2007 c 350 s 2 and 2007 c 254 s 1 are each reenacted and amended to read as follows:

~~((As used in))~~ The definitions in this section apply throughout this title or rules adopted under this title~~(s))~~ unless the context clearly requires otherwise~~(s))~~.

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not

2008 REGULAR SESSION

otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(28) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(29) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(30) "Senior" means a person seventy years old or older.

(31) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(32) "Saltwater" means those marine waters seaward of river mouths.

(33) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

(34) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(35) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(36) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(37) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

(38) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(39) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(40) "Commercial" means related to or connected with buying, selling, or bartering.

(41) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(42) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(43) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(44) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(45) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(46) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(47) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(48) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(49) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(50) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(51) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(52) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(53) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(54) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(55) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (48) through (53) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(56) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors."

Senator Jacobsen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Jacobsen to Substitute House Bill No. 2788.

The motion by Senator Jacobsen carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "RCW;" strike the remainder of the title and insert "reenacting and amending RCW 77.08.010; and creating a new section."

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2788 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2788 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2788 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmner, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Fraser - 1

SUBSTITUTE HOUSE BILL NO. 2788 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Fairley: "Thank you Mr. President. Well, as I came in to the Leg Building today I realized that we do some bills that really make a change in our lives that are little things but matter

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

a whole lot and that's the gift shop down stairs. I wanted to say how nice it is to walk in and instead of being faced with this dark, marble, big, awesome thing that just feels oppressive. Now we're, it's a very beautifully done gift shop and it has provided a lot of shopping opportunities for a certain Senator who's in front of me here. Senator McAuliffe, not to name names. Some of us find it very enjoyable to go in and buy a card that we forgotten to get for somebody or buy a little present. It holds items that you can't get anywhere else and I know the tourists coming here are going to really enjoy shopping there. I just wanted to say that it's little things like that that make a big deal of difference."

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you. I'd like to speak up in support of the gift shop as well. I am their best customer..."

REMARKS BY THE PRESIDENT

President Owen: "They don't sell shoes but maybe they would?"

PERSONAL PRIVILEGE

Senator McAuliffe: "I'm going to suggest they do. In the future they will. But I do want people to know they have many wonderful gifts, tribal jewelry and it's very exciting so, also the Sine Die shirts, so ya all go down there. Thank you so much."

REMARKS BY THE PRESIDENT

President Owen: "Thank you and Ladies and Gentlemen this portion of the Washington State Senate has been brought to you by the Legislative Gift Shop. Now, a word from our sponsor. The Legislative Gift Shop will be open year round."

PARLIAMENTARY INQUIRY

Senator Honeyford: "Well, thank you Mr. President, in Rotary we fine for commercials. Is that permissible in the legislature?"

REMARKS BY THE PRESIDENT

President Owen: "It certainly would be a good rule to put up for consideration."

MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6760 and again asks Senate to concur therein. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate recede from it's do not Concur position and concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6760.

The President declared the question before the Senate to be motion by Senator Regala that the Senate recede from it's do not

concur position and concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6760.

The motion by Senator Regala carried and the Senate receded from it's do not concur position and concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6760.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6760, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6760, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 6760, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by the President Pro Tempore.

MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SENATE BILL NO. 6375,  
SENATE BILL NO. 6628,  
ENGROSSED SENATE BILL NO. 6629,  
SUBSTITUTE SENATE BILL NO. 6828,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5100,  
SUBSTITUTE SENATE BILL NO. 5104,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5261,  
SUBSTITUTE SENATE BILL NO. 5524,  
SECOND SUBSTITUTE SENATE BILL NO. 5642,

FIFTY-NINTH DAY, MARCH 12, 2008

SUBSTITUTE SENATE BILL NO. 5651,  
 SENATE BILL NO. 5868,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 6111,  
 SENATE BILL NO. 6187,  
 SENATE BILL NO. 6215,  
 SENATE BILL NO. 6261,  
 SENATE BILL NO. 6289  
 SUBSTITUTE SENATE BILL NO. 6297,  
 SENATE BILL NO. 6310,  
 SUBSTITUTE SENATE BILL NO. 6328,  
 SENATE BILL NO. 6381,  
 SUBSTITUTE SENATE BILL NO. 6400,  
 SUBSTITUTE SENATE BILL NO. 6439,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6442,  
 SENATE BILL NO. 6447,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6560,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6570,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6580,  
 SUBSTITUTE SENATE BILL NO. 6596,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6606,  
 SUBSTITUTE SENATE BILL NO. 6607,  
 SECOND SUBSTITUTE SENATE BILL NO. 6626,  
 SUBSTITUTE SENATE BILL NO. 6711,  
 SECOND SUBSTITUTE SENATE BILL NO. 6732,  
 SENATE BILL NO. 6739,  
 SUBSTITUTE SENATE BILL NO. 6743,  
 SUBSTITUTE SENATE BILL NO. 6751,  
 SUBSTITUTE SENATE BILL NO. 6761,  
 SUBSTITUTE SENATE BILL NO. 6804,  
 SUBSTITUTE SENATE BILL NO. 6805,  
 SUBSTITUTE SENATE BILL NO. 6807,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 6874,  
 SUBSTITUTE SENATE BILL NO. 6932,  
 SUBSTITUTE SENATE BILL NO. 6933,  
 SENATE BILL NO. 6941,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House has adopted the report of Conference Committee on  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2878, and has  
 passed the bill as recommended by the Conference Committee.  
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth  
 order of business.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No.  
 9273, David Valdez, as a member of the Board of Trustees,  
 Central Washington University, be confirmed.  
 Senator Berkey spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Delvin and  
 Holmquist were excused.

APPOINTMENT OF DAVID VALDEZ

The President Pro Tempore declared the question before the  
 Senate to be the confirmation of Gubernatorial Appointment No.  
 9273, David Valdez as a member of the Board of Trustees,  
 Central Washington University.

The Secretary called the roll on the confirmation of  
 Gubernatorial Appointment No. 9273, David Valdez as a  
 member of the Board of Trustees, Central Washington  
 University and the appointment was confirmed by the following  
 vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown,  
 Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,  
 Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen,  
 Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr,  
 McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig,  
 Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach,  
 Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens,  
 Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senators Haugen and Keiser - 2

Gubernatorial Appointment No. 9273, David Valdez, having  
 received the constitutional majority was declared confirmed as  
 a member of the Board of Trustees, Central Washington  
 University.

MOTION

On motion of Senator Brandland, Senator Zarelli was  
 excused.

MOTION

On motion of Senator Regala, Senators Haugen and Keiser  
 were excused.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment  
 No. 9274, Paul Winters, as a member of the Board of Trustees,  
 The Evergreen State College, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF PAUL WINTERS

The President Pro Tempore declared the question before the  
 Senate to be the confirmation of Gubernatorial Appointment No.  
 9274, Paul Winters as a member of the Board of Trustees, The  
 Evergreen State College.

The Secretary called the roll on the confirmation of  
 Gubernatorial Appointment No. 9274, Paul Winters as a  
 member of the Board of Trustees, The Evergreen State College  
 and the appointment was confirmed by the following vote:  
 Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown,  
 Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,  
 Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen,  
 Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr,

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Haugen and Keiser - 2

Gubernatorial Appointment No. 9274, Paul Winters, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9373, Martina Whelshula, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Marr spoke in favor of the motion.

APPOINTMENT OF MARTINA WHELSHULA

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9373, Martina Whelshula as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9373, Martina Whelshula as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9373, Martina Whelshula, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Delvin moved that Gubernatorial Appointment No. 9298, Renee Finke, as a member of the Board of Trustees, Columbia Basin Community College District No. 19, be confirmed.

Senator Delvin spoke in favor of the motion.

APPOINTMENT OF RENEE FINKE

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9298, Renee Finke as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9298, Renee Finke as a member of the Board of Trustees, Columbia Basin Community College

District No. 19 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9298, Renee Finke, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9346, Barbara Rofkar, as a member of the Board of Trustees, Whatcom Community College District No. 21, be confirmed.

Senator Spanel spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Fraser, McDermott and Murray were excused.

APPOINTMENT OF BARBARA ROFKAR

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9346, Barbara Rofkar as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9346, Barbara Rofkar as a member of the Board of Trustees, Whatcom Community College District No. 21 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senator Honeyford - 1

Absent: Senator McAuliffe - 1

Excused: Senators Fraser, McDermott and Murray - 3

Gubernatorial Appointment No. 9346, Barbara Rofkar, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

MOTION

At 1:59 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:30 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
SUBSTITUTE HOUSE BILL NO. 1141,  
THIRD SUBSTITUTE HOUSE BILL NO. 2053,  
HOUSE BILL NO. 2460,  
HOUSE BILL NO. 2467,  
ENGROSSED HOUSE BILL NO. 2476,  
SECOND SUBSTITUTE HOUSE BILL NO. 2479,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2480,  
SUBSTITUTE HOUSE BILL NO. 2482,  
HOUSE BILL NO. 2542,  
HOUSE BILL NO. 2544,  
SUBSTITUTE HOUSE BILL NO. 2551,  
SECOND SUBSTITUTE HOUSE BILL NO. 2635,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2647,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2668,  
HOUSE BILL NO. 2678,  
SUBSTITUTE HOUSE BILL NO. 2679,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2712,  
SECOND SUBSTITUTE HOUSE BILL NO. 2722,  
SUBSTITUTE HOUSE BILL NO. 2729,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2783,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2817,  
SUBSTITUTE HOUSE BILL NO. 3120,  
SUBSTITUTE HOUSE BILL NO. 3144,  
SUBSTITUTE HOUSE BILL NO. 3149,  
SECOND SUBSTITUTE HOUSE BILL NO. 3168,  
HOUSE BILL NO. 3188,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
3205,  
SUBSTITUTE HOUSE BILL NO. 3212,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
3254,  
HOUSE BILL NO. 3375,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 3381, by House Committee on Appropriations (originally sponsored by Representative Sommers)

Relating to fees to implement programs that protect and improve Washington's health, safety, education, employees, and consumers.

The measure was read the second time.

MOTION

Senator Rasmussen moved the amendment by Senators Rasmussen and Schoesler on page 15, line 26 to Engrossed House Bill No. 3381 be withdrawn.

MOTION

Senator Schoesler moved that the following amendment by Senators Rasmussen and Schoesler be adopted.

On page 15, line 26, after "INSPECTION." strike all material through line 3 on page 16 and insert the following:

"(1) The director may adopt rules establishing fees for conducting special inspections of poultry or poultry facilities that the director may provide at the request of the poultry owner or individual managing such animals.

(2) The fees shall, as closely as practical, cover the cost of the service provided.

(3) Persons requesting facility approval or inspections under this section are responsible for payment of fees for requested services. All fees collected under this section shall be deposited in an account in the agricultural local fund and used to carry out the purposes of this chapter."

Senators Schoesler and Rasmussen spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Schoesler on page 15, line 26 to Engrossed House Bill No. 3381.

The motion by Senator Schoesler failed and the amendment was not adopted by voice vote.

POINT OF ORDER

Senator Schoesler: "Thank you Mr. President. I believe that this bill is not properly before us and I have some arguments to offer. Initiative 960 provides that no fee may be imposed or increased in any fiscal year without prior legislative approval. It appears that several sections of this bill authorize agencies to increase fees beyond a fiscal year in violation of Initiative 960. For example; section thirteen of the bill allows the Department of Health to annually increase application and renewal fees. In addition, several sections of the bill direct an agency to establish or increase fees as necessary. Mr. President, it appears to me that this allows an agency to increase fees beyond the fiscal year in violation of Initiative 960. I have remarks I can submit to you."

Senator Prentice spoke against the point of order.

REMARKS BY THE PRESIDENT

President Owen: "The President, and bear with the President because I'm going to try to state this correctly, Senator Schoesler's point of order was, specifically, whether or not the issue is properly before us. His argument were really not pertinent to the matter about whether or not this bill is properly before us at this time. It is the Senate's prerogative to bring any measure before the body to deal with. His arguments are more appropriate at a later point in the process. Therefore, Senator Schoesler, your point of order is not well taken and the measure is appropriately before us at this time."

FIFTY-NINTH DAY, MARCH 12, 2008  
MOTION

2008 REGULAR SESSION  
MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Benton be adopted.

On page 16, after line 26, insert the following:

"NEW SECTION. Sec. 31. In accordance with RCW 43.135.055, authorization to impose fee increases under this act expires June 30, 2009."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Zarelli, Benton and Pflug spoke in favor of adoption of the amendment.

Senators Prentice, Pridemore and Brown spoke against adoption of the amendment.

Senator Zarelli demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Benton on page 16, after line 26 to Substitute House Bill No. 3381.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Zarelli and Benton and the amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kilmer, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 3381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of bill.

POINT OF ORDER

Senator Schoesler: "I believe that this bill is not properly before us for final passage and I have arguments to offer. Mr. President, Initiative 960 provides that no fee may be imposed or increased in any fiscal year without prior legislative approval. It appears that several sections of this bill authorizes agencies to increase fees beyond a fiscal year it clear violation of Initiative 960. For example; section thirteen of the bill allows the Department of Health to annually increase application and renewal fees. In addition several sections of the bill directing agencies to establish or increase fees as necessary. Mr. President, it appears to me this allows agencies to increase fees beyond the fiscal year in violation of Initiative 960. It also seems clear to me that it would require a two-thirds vote as it would amend Initiative 960."

Senator Brown spoke against the point of order.

On motion of Senator Eide, further consideration of Engrossed House Bill No. 3381 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 6657, by Senators Murray, Fraser and Rasmussen

Including salary bonuses for individuals certified by the national board for professional teaching standards as earnable compensation.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Prentice spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6657.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6657 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1141,  
THIRD SUBSTITUTE HOUSE BILL NO. 2053,  
HOUSE BILL NO. 2460,  
HOUSE BILL NO. 2467,  
ENGROSSED HOUSE BILL NO. 2476,  
SECOND SUBSTITUTE HOUSE BILL NO. 2479,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2480,  
SUBSTITUTE HOUSE BILL NO. 2482,  
HOUSE BILL NO. 2542,  
HOUSE BILL NO. 2544,  
SUBSTITUTE HOUSE BILL NO. 2551,  
SECOND SUBSTITUTE HOUSE BILL NO. 2635,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2647,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2668,

FIFTY-NINTH DAY, MARCH 12, 2008

HOUSE BILL NO. 2678,  
 SUBSTITUTE HOUSE BILL NO. 2679,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2712,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2722,  
 SUBSTITUTE HOUSE BILL NO. 2729,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2783,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2817,  
 SUBSTITUTE HOUSE BILL NO. 3120,  
 SUBSTITUTE HOUSE BILL NO. 3144,  
 SUBSTITUTE HOUSE BILL NO. 3149,  
 SECOND SUBSTITUTE HOUSE BILL NO. 3168,  
 HOUSE BILL NO. 3188,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 3205,  
 SUBSTITUTE HOUSE BILL NO. 3212,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 3254,  
 HOUSE BILL NO. 3375

#### MOTION

On motion of Senator Eide, Senate Bill No. 6657 was immediately transmitted to the House of Representatives.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Honeyford that the House amendments to Substitute Senate Bill 6231 are beyond the scope and object of the underlying bill, the President finds and rules as follows:

The President begins with the argument that the geographic limitations of the original bill are very different from those found in the House amendments. The President believes that the geographic description in the Senate version is sufficiently open so as to encompass the House's language. This may have policy significance, but it is not dispositive in deciding scope and object. Instead, the President looks at the four-corners of the bill as it left the Senate and compares this with the changes made in the House.

The bill as it left the Senate establishes a work group to study and make recommendation as to marine protected areas. The House changes essentially keep this work group, but also contain some substantive provisions relating to the Puget Sound Partnership, including directing the Partnership to develop a plan that will have the force and effect of law. While it is permissible for the Partnership to be a part of the work group and make recommendations, adoption of a plan which will make substantive law goes beyond simply studying marine protection areas and making recommendations back to the legislature. It is these substantive provisions of law which are impermissibly broad.

For these reasons, the President finds that the House amendments are beyond the scope and object of the underlying bill, and Senator Honeyford's point is well-taken.

#### MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6231 was deferred and the bill held its place on the concurrence calendar.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by

Senator Honeyford that the House amendments to Engrossed Substitute Senate Bill 5959 are beyond the scope and object of the underlying bill, the President finds and rules as follows:

The underlying bill as it left the Senate essentially codifies the Transitional Housing Operating and Rent, or "THOR," program to operate within the Department of Community, Trade and Economic Development. The House amendments codify the THOR program, but also, among other things, create an Affordable Housing for All Program, address the affordability of earthquake insurance, provide low income housing relocation funds, create a loan program for affordable housing, and set forth Ending Homelessness Act provisions.

THOR, at its heart, is generally a grant, treatment, and transitional program, not a comprehensive affordable housing plan. Many of the provisions of the House amendments—for example, the housing communities program, housing infrastructure program, and strategies to reduce construction liability and earthquake insurance costs—go far beyond the scope and object of the Senate bill's codification of the THOR program.

The President is mindful that certain members have requested that this ruling address the individual provisions or policies within the amendments that might be within the scope and object of the original bill. It is very difficult, and would be very time consuming, to analyze each and every section. In general, however, the President would offer this guidance: Very generally, the THOR program is aimed at providing practical and immediate assistance to the homeless or those at risk of becoming homeless, and this is the program contained within the Senate bill. Additional provisions which are similarly aimed at practical and immediate assistance would likely be within the scope and object of the Senate bill.

By contrast, many of the provisions added by the House amendments are aimed more at systemic causes of homelessness, such as affordable housing or insurance costs. While these are related subjects, these affordable housing and insurance concerns, for example, are insufficiently related to the Senate bill than the more immediate assistance provided by the THOR program. Such comprehensive and systemic plans are less likely to fit within the Senate bill.

For these reasons the President finds that the House amendments are beyond the scope and object of the underlying bill and Senator Honeyford's point is well taken."

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 5959 which had been deferred earlier in the day.

#### MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5959 and ask the House to recede therefrom.

Senators Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5959 and ask the House to recede therefrom.

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5959 and asked the House to recede

FIFTY-NINTH DAY, MARCH 12, 2008  
therefrom by voice vote.

2008 REGULAR SESSION

MESSAGE FROM THE HOUSE

March 10, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3145 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 3145.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 3145.

The motion by Senator Hargrove carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 3145 by voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed Second Substitute House Bill No. 3145 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3145, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Haler, Roberts, Walsh, Pettigrew, Dickerson, Conway, Green, Goodman, Kenney, Wood and Ormsby)

Implementing a tiered classification system for foster parent licensing.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 74.13 RCW to read as follows:

The legislature finds that out-of-home care providers are an essential partner in the child welfare system, with responsibility for the care of vulnerable children whose families are unable to meet their needs. Because children who enter the out-of-home care system have experienced varying degrees of stress and trauma before placement, providers sometimes are called upon to provide care for children with significant behavioral challenges and intensive developmental needs. Other children who enter out-of-home care may require extraordinary care due to health care needs or medical fragility. The legislature also

finds that providers with specialized skills and experience, or professional training and expertise, can contribute significantly to a child's well-being by promoting placement stability and supporting the child's developmental growth while in out-of-home care. The legislature intends to implement an intensive resource home pilot to enhance the continuum of care options and to promote permanency and positive outcomes for children served in the child welfare system by authorizing the department to contract for intensive resource home services on a pilot basis.

NEW SECTION. Sec. 2 A new section is added to chapter 74.13 RCW to read as follows:

(1) The department shall select two geographic areas with high concentrations of children with significant needs in out-of-home care for implementing an intensive resource home pilot. In choosing the pilot sites, the department shall: (a) Examine areas where there are concentrations of children with significant behavioral challenges and intensive developmental or medical needs who are being served in family foster homes; (b) consider sites of appropriate size that will allow for careful analysis of the impact of the intensive resource home pilot on the array of out-of-home care providers, including providers of behavioral rehabilitation services; and (c) determine the number of children to be served in these selected sites. Implementation of the program at the pilot sites also shall be structured to support the long-term goal of eventual expansion of the pilot statewide.

(2) Based on the information gathered by the work group convened under chapter 413, Laws of 2007, and the additional information gathered pursuant to this section, the department shall work collaboratively in:

(a) Seeking recommendations from foster parents and other out-of-home service providers, including child placing agencies, regarding the qualifications and requirements of intensive resource home providers, the needs of the children to be served, and the desired outcomes to be measured or monitored at the respective pilot sites; and

(b) Consulting with experts in child welfare, children's mental health, and children's health care to identify the evidence-based or promising practice models to be employed in the pilot and the appropriate supports to ensure program fidelity, including, but not limited to, the necessary training and clinical consultation and oversight to be provided to intensive resource homes.

(3) Using the recommendations from foster parents, the consultations with professionals as required in subsection (2)(a) and (b) of this section, and the information provided in the report to the legislature under chapter 413, Laws of 2007, including the information presented to the work group convened to prepare and present the report, the department shall implement the pilot by entering into contracts with no more than seventy-five providers who are determined by the department to meet the eligibility criteria for the intensive resource home pilot. The department shall:

(a) Define the criteria for intensive resource home providers, which shall include a requirement that the provider be licensed by the department as a foster parent, as well as meet additional requirements relating to relevant experience, education, training, and professional expertise necessary to meet the high needs of children identified as eligible for this pilot;

(b) Define criteria for identifying children with high needs who may be eligible for placement with an intensive resource home provider. Such criteria shall be based on the best interests of the child and include an assessment of the child's past and current level of functioning as well as a determination that the child's treatment plan and developmental needs are consistent with the placement plan;

(c) Establish a policy for placement of children with high needs in intensive resource homes, including a process for matching the child's needs with the provider's skills and expertise;

(d) Establish a limit on the number and ages of children with high needs that may be placed in an intensive resource home

FIFTY-NINTH DAY, MARCH 12, 2008

pursuant to the pilot contract. Such limitation shall recognize that children with externalizing behaviors are most likely to experience long-term improvements in their behavior when care is provided in settings that minimize exposure to peers with challenging behaviors;

(e) Identify one or more approved models of skill building for use by intensive resource home providers, with the assistance of other child welfare experts;

(f) Specify the training and consultation requirements that support the models of service;

(g) Establish a system of supports, including clinical consultation and oversight for intensive resource homes;

(h) Develop a tiered payment system, by September 30, 2008, which may include a stipend to the provider, which takes into account the additional responsibilities intensive resource home providers have with regard to the children placed in their care. Until such time as the department has developed the tiered payment system, money for exceptional cost plans shall be used only for special services or supplies provided to the child and shall not be used to reimburse the provider for services he or she provides to the child. A stipend of not more than five hundred dollars per month may be used to reimburse the provider for services he or she provides directly to the child;

(i) Establish clearly defined responsibilities of intensive resource home providers, who have an intensive resource home contract including responsibilities to promote permanency and connections with birth parents; and

(j) Develop a process for annual performance reviews of intensive resource home providers.

(4) Contracts between the department and an intensive resource home provider shall include a statement of work focusing on achieving stability in placement and measuring improved permanency outcomes and shall specify at least the following elements:

(a) The model of treatment and care to be provided;

(b) The training and ongoing professional consultation to be provided;

(c) The method for determining any additional supports to be provided to an eligible child or the intensive resource home provider;

(d) The desired outcomes to be measured;

(e) A reasonable and efficient process for seeking a modification of the contract;

(f) The rate and terms of payment under the contract; and

(g) The term of the contract and the processes for an annual performance review of the intensive resource home provider and an annual assessment of the child.

(5) Beginning on or before October 1, 2008, the department shall begin the selection of, and negotiation of contracts with, intensive resource home providers in the selected pilot sites.

(6) Nothing in this act gives a provider eligible under this section the right to a contract under the intensive resource home pilot, and nothing in this act gives a provider that has a contract under the pilot a right to have a child or children placed in the home pursuant to the contract.

(7) "Intensive resource home provider" means a provider who meets the eligibility criteria developed by the department under this section and who has an intensive resource home pilot contract with the department.

(8) The department shall report to the governor and the legislature by January 30, 2009, on the implementation of the pilot, including how the pilot fits within the continuum of out-of-home care options. Based on the experiences and lessons learned from implementation of the pilot, the department shall recommend a process and timeline for expanding the pilot and implementing it statewide. The department shall report to the governor and the appropriate members of the legislature by September 1, 2009, on the expansion, and shall identify the essential elements of the intensive resource home pilot that should be addressed or replicated if the pilot is expanded.

2008 REGULAR SESSION

(9) The department shall operate this pilot using only funds appropriated specifically for the operation of this pilot. The term "specifically for the operation of this pilot" includes only those costs associated with the following: The administration of the pilot, the stipend to eligible intensive resource home providers, training for the providers, consultation for the providers, and program review consultation.

NEW SECTION, Sec. 3 If any part of this act is found to be in conflict with federal requirements that are a prescribed condition of federal funds which support the operations and services provided by the department of social and health services, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION, Sec. 4 Of the amounts appropriated in the omnibus appropriations act of 2008 for implementation of this act, referencing this act by bill or chapter number, the department shall allocate two hundred thousand dollars to contract with an agency which is working in partnership with, and has been evaluated by, the University of Washington school of social work to implement promising practice constellation hub models of foster care support in areas of the state not currently served by this model, unless otherwise specified in the omnibus appropriations act of 2008."

Senators Hargrove and Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Engrossed Second Substitute House Bill No. 3145.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "licensing;" strike the remainder of the title and insert "adding new sections to chapter 74.13 RCW; and creating new sections."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 3145 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 3145 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 3145 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama,

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Delvin - 1

Excused: Senator Brown - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3145 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator McCaslin, Senator Delvin was excused.

The Senate resumed consideration of Substitute Senate Bill No. 6231 which had been deferred earlier in the day.

#### MOTION

Senator Jacobsen moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6231 and ask the House to recede therefrom.

Senators Jacobsen and Morton spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Jacobsen that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6231 and ask the House to recede therefrom.

The motion by Senator Jacobsen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6231 and asked the House to recede therefrom by voice vote.

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3303, by House Committee on Finance (originally sponsored by Representatives Grant, Walsh, Haler and Linville)

Providing a business and occupation tax credit for qualified preproduction development expenditures for polysilicon manufacturers. Revised for 1st Substitute: Concerning tax incentives for certain polysilicon manufacturers.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 3303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3303.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3303 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:35 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 5:41 p.m. by President Owen.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the points of order raised by Senator Schoesler as to the application of Initiative Number 960 to Engrossed House Bill 3381, the President finds and rules as follows:

The President believes it is appropriate to restate the arguments made by Senator Schoesler, because there was some confusion on the Floor. Senator Schoesler does not argue that this measure takes a 2/3 vote because it raises taxes under I-960. Instead, he argues, first, that a 2/3 vote is needed because this measure amends I-960 within two years of its enactment; and second, that the measure violates I-960 because certain provisions impose or increase fees beyond the current fiscal year.

With respect to amending the initiative, the President finds that no statutory language of I-960 is amended by this measure. Senator Schoesler's argument as to an indirect amendment is a legal argument, and the President has consistently refrained from making legal decisions.

Likewise, with respect to the imposition of fees beyond the fiscal year, it is debatable whether this measure does or does not impose some fees beyond the current fiscal year. Whatever the merits of this argument, however, this would again be a legal determination, not a parliamentary question.

For these reasons, Senator Schoesler's points are not well-taken, the measure is properly before us and will take only a simple majority vote for final passage."

#### MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

The Senate resumed consideration of Engrossed House Bill No. 3381 which had been deferred earlier in the day.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 3381.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3381 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 28

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Kilmer, King, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

ENGROSSED HOUSE BILL NO. 3381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### REPORT OF THE CONFERENCE COMMITTEE

Engrossed Second Substitute House Bill No. 3139

March 11, 2008

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Second Substitute House Bill No. 3139, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 51.52.050 and 2004 c 243 s 8 are each amended to read as follows:

(1) Whenever the department has made any order, decision, or award, it shall promptly serve the worker, beneficiary, employer, or other person affected thereby, with a copy thereof by mail, which shall be addressed to such person at his or her last known address as shown by the records of the department. The copy, in case the same is a final order, decision, or award, shall bear on the same side of the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award shall become final within sixty days from the date the order is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia(~~(-PROVIDED, That)~~). However, a department order or decision making demand, whether with or without penalty, for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker, shall state that such order or decision shall become final within twenty days from the date the order or decision is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia.

(2)(a) Whenever the department has taken any action or made any decision relating to any phase of the administration of this title the worker, beneficiary, employer, or other person aggrieved thereby may request reconsideration of the department, or may appeal to the board. In an appeal before the board, the appellant shall have the burden of proceeding with the evidence to establish a prima facie case for the relief sought in such appeal(~~(-PROVIDED, That)~~).

(b) An order by the department awarding benefits shall become effective and benefits due on the date issued. Subject to (b)(i) and (ii) of this subsection, if the department order is appealed the order shall not be stayed pending a final decision on the merits unless ordered by the board. Upon issuance of the order granting the appeal, the board will provide the worker with notice concerning the potential of an overpayment of benefits paid pending the outcome of the appeal and the requirements for interest on unpaid benefits pursuant to RCW 51.52.135. A worker may request that benefits cease pending appeal at any time following the employer's motion for stay or the board's order granting appeal. The request must be submitted in writing to the employer, the board, and the department. Any employer may move for a stay of the order on appeal, in whole or in part. The motion must be filed within fifteen days of the order granting appeal. The board shall conduct an expedited review of the claim file provided by the department as it existed on the date of the department order. The board shall issue a final decision within twenty-five days of the filing of the motion for stay or the order granting appeal, whichever is later. The board's final decision may be appealed to superior court in accordance with RCW 51.52.110. The board shall grant a motion to stay if the moving party demonstrates that it is more likely than not to prevail on the facts as they existed at the time of the order on appeal. The board shall not consider the likelihood of recoupment of benefits as a basis to grant or deny a motion to stay. If a self-insured employer prevails on the merits, any benefits paid may be recouped pursuant to RCW 51.32.240.

(i) If upon reconsideration requested by a worker or medical provider, the department has ordered an increase in a permanent partial disability award from the amount reflected in an earlier order, the award reflected in the earlier order shall not be stayed pending a final decision on the merits. However, the increase is stayed without further action by the board pending a final decision on the merits.

(ii) If any party appeals an order establishing a worker's wages or the compensation rate at which a worker will be paid temporary or permanent total disability or loss of earning power benefits, the worker shall receive payment pending a final decision on the merits based on the following:

(A) When the employer is self-insured, the wage calculation or compensation rate the employer most recently submitted to the department; or

(B) When the employer is insured through the state fund, the highest wage amount or compensation rate uncontested by the parties.

Payment of benefits or consideration of wages at a rate that is higher than that specified in (b)(i)(A) or (B) of this subsection is stayed without further action by the board pending a final decision on the merits.

(c) In an appeal from an order of the department that alleges willful misrepresentation, the department or self-insured employer shall initially introduce all evidence in its case in chief. Any such person aggrieved by the decision and order of the board may thereafter appeal to the superior court, as prescribed in this chapter.

**Sec. 2** RCW 51.32.240 and 2004 c 243 s 7 are each amended to read as follows:

(1)(a) Whenever any payment of benefits under this title is made because of clerical error, mistake of identity, innocent misrepresentation by or on behalf of the recipient thereof mistakenly acted upon, or any other circumstance of a similar

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

nature, all not induced by willful misrepresentation, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The department or self-insurer, as the case may be, must make claim for such repayment or recoupment within one year of the making of any such payment or it will be deemed any claim therefor has been waived.

(b) Except as provided in subsections (3), (4), and (5) of this section, the department may only assess an overpayment of benefits because of adjudicator error when the order upon which the overpayment is based is not yet final as provided in RCW 51.52.050 and 51.52.060. "Adjudicator error" includes the failure to consider information in the claim file, failure to secure adequate information, or an error in judgment.

(c) The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise his or her discretion to waive, in whole or in part, the amount of any such timely claim where the recovery would be against equity and good conscience.

(2) Whenever the department or self-insurer fails to pay benefits because of clerical error, mistake of identity, or innocent misrepresentation, all not induced by recipient willful misrepresentation, the recipient may request an adjustment of benefits to be paid from the state fund or by the self-insurer, as the case may be, subject to the following:

(a) The recipient must request an adjustment in benefits within one year from the date of the incorrect payment or it will be deemed any claim therefore has been waived.

(b) The recipient may not seek an adjustment of benefits because of adjudicator error. Adjustments due to adjudicator error are addressed by the filing of a written request for reconsideration with the department of labor and industries or an appeal with the board of industrial insurance appeals within sixty days from the date the order is communicated as provided in RCW 51.52.050. "Adjudicator error" includes the failure to consider information in the claim file, failure to secure adequate information, or an error in judgment.

(3) Whenever the department issues an order rejecting a claim for benefits paid pursuant to RCW 51.32.190 or 51.32.210, after payment for temporary disability benefits has been paid by a self-insurer pursuant to RCW 51.32.190(3) or by the department pursuant to RCW 51.32.210, the recipient thereof shall repay such benefits and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The director, under rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(4) Whenever any payment of benefits under this title has been made pursuant to an adjudication by the department or by order of the board or any court and timely appeal therefrom has been made where the final decision is that any such payment was made pursuant to an erroneous adjudication, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim (~~with the state fund or self-insurer, as the case may be~~) whether state fund or self-insured.

(a) The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise (~~his~~) discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience. However, if the director waives in whole or in part any such payments due a self-insurer, the self-insurer shall be reimbursed the amount waived from the self-insured employer overpayment reimbursement fund.

(b) The department shall collect information regarding self-insured claim overpayments resulting from final decisions of the board and the courts, and recoup such overpayments on behalf of the self-insurer from any open, new, or reopened state fund or self-insured claims. The department shall forward the amounts collected to the self-insurer to whom the payment is owed. The department may provide information as needed to any self-insurers from whom payments may be collected on behalf of the department or another self-insurer. Notwithstanding RCW 51.32.040, any self-insurer requested by the department to forward payments to the department pursuant to this subsection shall pay the department directly. The department shall credit the amounts recovered to the appropriate fund, or forward amounts collected to the appropriate self-insurer, as the case may be.

(c) If a self-insurer is not fully reimbursed within twenty-four months of the first attempt at recovery through the collection process pursuant to this subsection and by means of processes pursuant to subsection (6) of this section, the self-insurer shall be reimbursed for the remainder of the amount due from the self-insured employer overpayment reimbursement fund.

(d) For purposes of this subsection, "recipient" does not include health service providers whose treatment or services were authorized by the department or self-insurer.

(e) The department or self-insurer shall first attempt recovery of overpayments for health services from any entity that provided health insurance to the worker to the extent that the health insurance entity would have provided health insurance benefits but for workers' compensation coverage.

(5)(a) Whenever any payment of benefits under this title has been induced by willful misrepresentation the recipient thereof shall repay any such payment together with a penalty of fifty percent of the total of any such payments and the amount of such total sum may be recouped from any future payments due to the recipient on any claim with the state fund or self-insurer against whom the willful misrepresentation was committed, as the case may be, and the amount of such penalty shall be placed in the supplemental pension fund. Such repayment or recoupment must be demanded or ordered within three years of the discovery of the willful misrepresentation.

(b) For purposes of this subsection (5), it is willful misrepresentation for a person to obtain payments or other benefits under this title in an amount greater than that to which the person otherwise would be entitled. Willful misrepresentation includes:

(i) Willful false statement; or

(ii) Willful misrepresentation, omission, or concealment of any material fact.

(c) For purposes of this subsection (5), "willful" means a conscious or deliberate false statement, misrepresentation, omission, or concealment of a material fact with the specific intent of obtaining, continuing, or increasing benefits under this title.

(d) For purposes of this subsection (5), failure to disclose a work-type activity must be willful in order for a misrepresentation to have occurred.

(e) For purposes of this subsection (5), a material fact is one which would result in additional, increased, or continued benefits, including but not limited to facts about physical restrictions, or work-type activities which either result in wages or income or would be reasonably expected to do so. Wages or income include the receipt of any goods or services. For a work-type activity to be reasonably expected to result in wages or income, a pattern of repeated activity must exist. For those activities that would reasonably be expected to result in wages or produce income, but for which actual wage or income information cannot be reasonably determined, the department shall impute wages pursuant to RCW 51.08.178(4).

(6) The worker, beneficiary, or other person affected thereby shall have the right to contest an order assessing an overpayment

FIFTY-NINTH DAY, MARCH 12, 2008

pursuant to this section in the same manner and to the same extent as provided under RCW 51.52.050 and 51.52.060. In the event such an order becomes final under chapter 51.52 RCW and notwithstanding the provisions of subsections (1) through (5) of this section, the director, director's designee, or self-insurer may file with the clerk in any county within the state a warrant in the amount of the sum representing the unpaid overpayment and/or penalty plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the worker, beneficiary, or other person mentioned in the warrant, the amount of the unpaid overpayment and/or penalty plus interest accrued, and the date the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the worker, beneficiary, or other person against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department or self-insurer in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee under RCW 36.18.012(10), which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the worker, beneficiary, or other person within three days of filing with the clerk.

The director, director's designee, or self-insurer may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice to withhold and deliver property of any kind if there is reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is due, owing, or belonging to any worker, beneficiary, or other person upon whom a warrant has been served for payments due the department or self-insurer. The notice and order to withhold and deliver shall be served by certified mail accompanied by an affidavit of service by mailing or served by the sheriff of the county, or by the sheriff's deputy, or by any authorized representative of the director, director's designee, or self-insurer. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired or in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property that may be subject to the claim of the department or self-insurer, such property shall be delivered forthwith to the director, the director's authorized representative, or self-insurer upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount, plus costs, claimed by the director, director's designee, or self-insurer in the notice. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner may be entitled.

This subsection shall only apply to orders assessing an overpayment which are issued on or after July 28, 1991: PROVIDED, That this subsection shall apply retroactively to all

orders assessing an overpayment resulting from fraud, civil or criminal.

(7) Orders assessing an overpayment which are issued on or after July 28, 1991, shall include a conspicuous notice of the collection methods available to the department or self-insurer.

**NEW SECTION. Sec. 3** A new section is added to chapter 51.32 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, each self-insured employer shall retain from the earnings of each of its workers that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. These moneys shall only be retained from employees and remitted to the department in such manner and at such intervals as the department directs and shall be placed in the self-insured employer overpayment reimbursement fund. The moneys so collected shall be used exclusively for reimbursement to the reserve fund and to self-insured employers for benefits overpaid during the pendency of board or court appeals in which the self-insured employer prevails and has not recovered, and shall be no more than necessary to make such payments on a current basis.

(2) None of the amount assessed for the employer overpayment reimbursement fund under this section may be retained from the earnings of workers covered under RCW 51.16.210.

**NEW SECTION. Sec. 4** A new section is added to chapter 51.44 RCW to read as follows:

The self-insured employer overpayment reimbursement fund is created in the custody of the state treasurer. Expenditures from the account may be used only for reimbursing the reserve fund and self-insured employers for benefits overpaid during the pendency of board or court appeals in which the self-insured employer prevails and has not recovered. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 5** A new section is added to chapter 51.52 RCW to read as follows:

(1) The department shall study appeals of workers' compensation cases and collect information on the impacts of this act on state fund and self-insured workers and employers. The study shall consider the types of benefits that may be paid pending an appeal, and shall include, but not be limited to:

- (a) The frequency and outcomes of appeals;
- (b) The duration of appeals and any procedural or process changes made by the board to implement this act and expedite the process;
- (c) The number of and amount of overpayments resulting from decisions of the board or court; and
- (d) The processes used and efforts made to recoup overpayments and the results of those efforts.

(2) State fund and self-insured employers shall provide the information requested by the department to conduct the study.

(3) The department shall report to the workers' compensation advisory committee by July 1, 2009, on the preliminary results of the study. By December 1, 2009, and annually thereafter, with the final report due by December 1, 2011, the department shall report to the workers' compensation advisory committee and the appropriate committees of the legislature on the results of the study. The workers' compensation advisory committee shall provide its recommendations for addressing overpayments resulting from this act, including the need for and ability to fund a permanent method to reimburse employer and state fund overpayment costs.

**NEW SECTION. Sec. 6** Section 2 of this act takes effect January 1, 2009.

**NEW SECTION. Sec. 7** This act applies to orders issued on or after the effective date of this section."

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION  
BARBARA BAKER, Chief Clerk

On page 9, line 18 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 51.52.050 and 51.32.240; adding a new section to chapter 51.32 RCW; adding a new section to chapter 51.44 RCW; adding a new section to chapter 51.52 RCW; creating a new section; and providing an effective date."

And the bill do pass as recommended by the conference committee.

Signed by Senators Kohl-Welles and Murray; Representatives Conway, Green and Condotta.

MOTION

Senator Kohl-Welles moved that the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 3139 be adopted.

Senators Kohl-Welles, Murray and Keiser spoke in favor of passage of the motion.

Senator Holmquist spoke against the motion.

MOTION

On motion of Senator Delvin, Senator McCaslin was excused.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 3139 be adopted.

The motion by Senator Kohl-Welles carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 3139, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 3139, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 35

Voting nay: Senators Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens and Zarelli - 14

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3139, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 6806,  
SECOND ENGROSSED SUBSTITUTE SENATE  
CONCURRENT RESOLUTION NO. 8407,  
and the same are herewith transmitted.

MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 2507,  
SECOND SUBSTITUTE HOUSE BILL NO. 2598,  
SECOND SUBSTITUTE HOUSE BILL NO. 2714,  
HOUSE BILL NO. 2791,  
SECOND SUBSTITUTE HOUSE BILL NO. 2822,  
SUBSTITUTE HOUSE BILL NO. 2858,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3329,  
ENGROSSED HOUSE BILL NO. 3360,  
HOUSE BILL NO. 3362,  
SUBSTITUTE HOUSE BILL NO. 3374,  
ENGROSSED SUBSTITUTE HOUSE CONCURRENT  
RESOLUTION NO. 4408,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5378,  
SENATE BILL NO. 6375,  
SENATE BILL NO. 6534,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6573,  
SENATE BILL NO. 6628,  
ENGROSSED SENATE BILL NO. 6629,  
SUBSTITUTE SENATE BILL NO. 6828,  
SENATE BILL NO. 6950,

MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House receded from its amendment to SECOND SUBSTITUTE SENATE BILL NO. 5596, Under suspension of rules SECOND SUBSTITUTE SENATE BILL NO. 5596 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5596-S2 AMH CODY H6064.1, and passed the bill as amended by the house.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 48.43 RCW to read as follows:

(1)(a) A health carrier may not pay a chiropractor less for a service or procedure identified under a particular physical medicine and rehabilitation code or evaluation and management code, as listed in a nationally recognized services and

FIFTY-NINTH DAY, MARCH 12, 2008

procedures code book such as the American medical association current procedural terminology code book, than it pays any other type of provider licensed under Title 18 RCW for a service or procedure under the same code, except as provided in (b) of this subsection. A carrier may not circumvent this requirement by creating a chiropractor-specific code not listed in the nationally recognized code book otherwise used by the carrier for provider payment.

(b) This section does not affect a health carrier's:

(i) Implementation of a health care quality improvement program to promote cost-effective and clinically efficacious health care services, including but not limited to pay-for-performance payment methodologies and other programs fairly applied to all health care providers licensed under Title 18 RCW that are designed to promote evidence-based and research-based practices;

(ii) Health care provider contracting to comply with the network adequacy standards;

(iii) Authority to pay in-network providers differently than out-of-network providers; and

(iv) Authority to pay a chiropractor less than another provider for procedures or services under the same code based upon geographic differences in the cost of maintaining a practice.

(c) This section does not, and may not be construed to:

(i) Require the payment of provider billings that do not meet the definition of a clean claim as set forth in rules adopted by the commissioner;

(ii) Require any health plan to include coverage of any condition; or

(iii) Expand the scope of practice for any health care provider.

(2) This section applies only to payments made on or after January 1, 2009.

**Sec. 2** RCW 41.05.017 and 2007 c 502 s 2 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 43.70.235, 48.43.545, 48.43.550, 70.02.110, 70.02.900, section 1 of this act, and 48.43.083.

**NEW SECTION. Sec. 3** A new section is added to chapter 48.43 RCW to read as follows:

(1) On or after January 1, 2010, the commissioner shall contract for an evaluation of the impact of section 1 of this act on the utilization and cost of health care services associated with physical medicine and rehabilitation payment or billing codes and evaluation and management payment or billing codes, and on the total cost of episodes of care for treatment associated with the use of these payment or billing codes.

(2) The commissioner shall require carriers to provide to the contractor such data as the contractor determines is necessary to complete the evaluation under subsection (1) of this section. Data may include, but need not be limited to, the following:

(a) Data on the utilization of physical medicine and rehabilitation services and evaluation and management services associated with payment or billing codes for those services;

(b) Data related to changes in the distribution or mix of health care providers providing services under physical medicine and rehabilitation payment or billing codes and evaluation and management payment or billing codes;

(c) Data related to trends in carrier expenditures for services associated with physical medicine and rehabilitation payment or billing codes and evaluation and management payment or billing codes; and

(d) Data related to trends in carrier expenditures for the total cost of health plan enrollee care for treatment of the presenting health problems associated with the use of physical medicine

2008 REGULAR SESSION

and rehabilitation payment or billing codes and evaluation and management payment or billing codes.

(3) Data, information, and documents provided by the carrier pursuant to this section are exempt from public inspection and copying under chapter 42.56 RCW.

(4) The commissioner shall submit the evaluation required in subsection (1) of this section to the appropriate committees of the senate and house of representatives by January 1, 2012.

**NEW SECTION. Sec. 4** This act expires June 30, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5596.

Senators Franklin, Keiser and Pflug spoke in favor of passage of the motion.

Senators Parlette and Rasmussen spoke against passage of the motion.

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5596.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5596 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5596, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5596, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Honeyford, Parlette and Rasmussen - 3

SECOND SUBSTITUTE SENATE BILL NO. 5596, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

I wish the Journal to reflect that I inadvertently voted "Yes" on the final passage of Second Substitute Senate Bill No. 5596, relating chiropractic services. I voted "No" on this measure earlier during the session and continue to oppose it's passage.

SENATOR RODNEY TOM, 48<sup>th</sup> Legislative District

#### MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

The House receded from its amendment, under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 5831 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5831-S.E AMH CONW REIN 067, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1)(a) Whereas it is necessary for the public health and safety to create statewide contractor registration and mechanic certification requirements, a joint legislative task force on the heating, ventilating, air conditioning, and refrigeration industry is established, with members as provided in this subsection.

(i) The chair and the ranking member of the senate labor, commerce, research and development committee.

(ii) The chair and the ranking member of the house commerce and labor committee.

(iii) The majority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(iv) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(v) Four members representing business, selected from nominations submitted by business organizations representing heating, ventilating, air conditioning, and refrigeration contractors and appointed jointly by the majority leader of the senate and the speaker of the house of representatives. At least one business representative shall be from a county that has a contiguous border with another state;

(vi) Four members representing labor, selected from nominations submitted by statewide labor organizations representing heating, ventilating, air conditioning, and refrigeration trades and appointed jointly by the majority leader of the senate and the speaker of the house of representatives. At least one labor representative shall be from a county that has a contiguous border with another state; and

(vii) One member representing the department of labor and industries.

(b) The cochairs of the task force shall be the chair of the senate labor, commerce, research and development committee, and the chair of the house commerce and labor committee.

(2) The joint legislative task force shall review the following issues in the context of the framework set forth in Senate Bill No. 5831 and Joint Legislative Audit and Review Committee Report No. 05-12 on HVAC/R licensing and testing requirements:

(a) Requirements for certifying heating, ventilating, air conditioning, and refrigeration mechanics;

(b) Methods of registering heating, ventilating, air conditioning, and refrigeration contractors who qualify for two or more registrations or licenses;

(c) Establishing at least three levels of heating, ventilating, air conditioning, and refrigeration mechanics, with the ability to be certified in several specialities including: (i) Heating, ventilating, and air conditioning; (ii) refrigeration; and (iii) gas piping;

(d) The experience requirements for each mechanic level;

(e) The methods by which apprentices and other persons learning to perform heating, ventilating, air conditioning, and refrigeration work obtain training certificates;

(f) Exemptions to the registration or certification requirements; and

(g) Such other factors the joint legislative task force deems necessary.

(3) Legislative members of the joint legislative task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and

43.03.060.

(4) The expenses of the joint legislative task force shall be paid jointly by the senate and the house of representatives.

(5) The joint legislative task force shall report its findings and recommendations to the legislature by December 1, 2008.

(6) This section expires January 1, 2009."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5831.

Senators Kohl-Welles and Franklin spoke in favor of passage of the motion.

Senators King and Holmquist spoke on the motion.

Senator Honeyford spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5831.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5831 by a rising vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5831, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5831, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 40

Voting nay: Senators Brandland, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Schoesler and Sheldon - 9

ENGROSSED SUBSTITUTE SENATE BILL NO. 5831, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House receded from its amendment, under suspension of rules SENATE BILL NO. 6332 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6332 AMH ORMS DUPU 054, and passed the bill as amended by the House.

On page 1, line 7, after "~~four~~" strike "six and one-half" and insert "five (~~and one-half~~)" and the same are herewith transmitted.

FIFTY-NINTH DAY, MARCH 12, 2008

BARBARA BAKER, Chief Clerk

## MOTION

Senator Kauffman moved that the Senate concur in the House amendment(s) to Senate Bill No. 6332.

Senator Kauffman spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kauffman that the Senate concur in the House amendment(s) to Senate Bill No. 6332.

The motion by Senator Kauffman carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6332 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6332, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6332, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senators Carrell and Schoesler - 2

SENATE BILL NO. 6332, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House receded from its amendment, under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 6665 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6665-S.E AMH DICK H6053.3, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 70.96A.800 and 2005 c 504 s 220 are each amended to read as follows:

(1) Subject to funds appropriated for this specific purpose, the secretary shall select and contract with counties to provide intensive case management for chemically dependent persons with histories of high utilization of crisis services at two sites. In selecting the two sites, the secretary shall endeavor to site one in an urban county, and one in a rural county; and to site them in counties other than those selected pursuant to RCW 70.96B.020, to the extent necessary to facilitate evaluation of pilot project results. Subject to funds appropriated for this specific purpose, the secretary may contract with additional counties to provide intensive case management.

(2) The contracted sites shall implement the pilot programs by providing intensive case management to persons with a primary chemical dependency diagnosis or dual primary

2008 REGULAR SESSION

chemical dependency and mental health diagnoses, through the employment of chemical dependency case managers. The chemical dependency case managers shall:

(a) Be trained in and use the integrated, comprehensive screening and assessment process adopted under RCW 70.96C.010;

(b) Reduce the use of crisis medical, chemical dependency and mental health services, including but not limited to, emergency room admissions, hospitalizations, detoxification programs, inpatient psychiatric admissions, involuntary treatment petitions, emergency medical services, and ambulance services;

(c) Reduce the use of emergency first responder services including police, fire, emergency medical, and ambulance services;

(d) Reduce the number of criminal justice interventions including arrests, violations of conditions of supervision, bookings, jail days, prison sanction day for violations, court appearances, and prosecutor and defense costs;

(e) Where appropriate and available, work with therapeutic courts including drug courts and mental health courts to maximize the outcomes for the individual and reduce the likelihood of reoffense;

(f) Coordinate with local offices of the economic services administration to assist the person in accessing and remaining enrolled in those programs to which the person may be entitled;

(g) Where appropriate and available, coordinate with primary care and other programs operated through the federal government including federally qualified health centers, Indian health programs, and veterans' health programs for which the person is eligible to reduce duplication of services and conflicts in case approach;

(h) Where appropriate, advocate for the client's needs to assist the person in achieving and maintaining stability and progress toward recovery;

(i) Document the numbers of persons with co-occurring mental and substance abuse disorders and the point of determination of the co-occurring disorder by quadrant of intensity of need; and

(j) Where a program participant is under supervision by the department of corrections, collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

~~((4) This section expires June 30, 2008.))~~

Sec. 2 RCW 70.96B.800 and 2005 c 504 s 217 are each amended to read as follows:

(1) The Washington state institute for public policy shall evaluate the pilot programs and make ((a)) preliminary reports to appropriate committees of the legislature by December 1, 2007, and June 30, 2008, and a final report by ~~((September 30, 2008))~~ June 30, 2010.

(2) The evaluation of the pilot programs shall include:

(a) Whether the designated crisis responder pilot program:

(i) Has increased efficiency of evaluation and treatment of persons involuntarily detained for seventy-two hours;

(ii) Is cost-effective;

(iii) Results in better outcomes for persons involuntarily detained;

(iv) Increased the effectiveness of the crisis response system in the pilot catchment areas;

(b) The effectiveness of providing a single chapter in the Revised Code of Washington to address initial detention of persons with mental disorders or chemical dependency, in crisis response situations and the likelihood of effectiveness of providing a single, comprehensive involuntary treatment act.

(3) The reports shall consider the impact of the pilot programs on the existing mental health system and on the persons served by the system.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

**Sec. 3** RCW 70.96B.010 and 2005 c 504 s 202 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital, an evaluation and treatment facility, or other inpatient facility, or a decision by a professional person in charge or his or her designee that a person should be detained as a patient for evaluation and treatment in a secure detoxification facility or other certified chemical dependency provider.

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department as meeting standards adopted under chapter 70.96A RCW.

(4) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(5) "Chemical dependency" means:

- (a) Alcoholism;
- (b) Drug addiction; or
- (c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(6) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(7) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(8) "Conditional release" means a revocable modification of a commitment that may be revoked upon violation of any of its terms.

(9) "Custody" means involuntary detention under either chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(10) "Department" means the department of social and health services.

(11) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and this chapter, and qualified to do so by meeting standards adopted by the department.

(12) "Designated crisis responder" means a person designated by the county or regional support network to perform the duties specified in this chapter.

(13) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(14) "Detention" or "detain" means the lawful confinement of a person under this chapter, or chapter 70.96A or 71.05 RCW.

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with individuals with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(16) "Developmental disability" means that condition defined in RCW 71A.10.020.

(17) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(18) "Evaluation and treatment facility" means any facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and that is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility that is part of, or operated by, the department or any federal agency does not require certification. No correctional institution or facility, or jail, may be an evaluation and treatment facility within the meaning of this chapter.

(19) "Facility" means either an evaluation and treatment facility or a secure detoxification facility.

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(21) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(22) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

(23) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

~~((23))~~ (24) "Judicial commitment" means a commitment by a court under this chapter.

~~((24))~~ (25) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

~~((25))~~ (26) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts.

~~((26))~~ (27) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive or volitional functions.

~~((27))~~ (28) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

~~((28))~~ (29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

~~((29))~~ (30) "Person in charge" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program

FIFTY-NINTH DAY, MARCH 12, 2008

with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

~~((30))~~ (31) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved treatment program, that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent.

~~((31))~~ (32) "Professional person" means a mental health professional or chemical dependency professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter.

~~((32))~~ (33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

~~((33))~~ (34) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

~~((34))~~ (35) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

~~((35))~~ (36) "Registration records" means all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

~~((36))~~ (37) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW or this chapter.

~~((37))~~ (38) "Secretary" means the secretary of the department or the secretary's designee.

~~((38))~~ (39) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that serves the purpose of providing evaluation and assessment, and acute and/or subacute detoxification services for intoxicated persons and includes security measures sufficient to protect the patients, staff, and community.

~~((39))~~ (40) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

~~((40))~~ (41) "Treatment records" means registration records and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

~~((41))~~ (42) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

**Sec. 4** RCW 70.96B.020 and 2005 c 504 s 203 are each amended to read as follows:

(1) Subject to funds appropriated for this specific purpose, the secretary, after consulting with the Washington state association of counties, shall select and contract with regional support networks or counties to provide two integrated crisis response and involuntary treatment pilot programs for adults and shall allocate resources for both integrated services and secure

detoxification services in the pilot areas. In selecting the two regional support networks or counties, the secretary shall endeavor to site one in an urban and one in a rural regional support network or county; and to site them in counties other than those selected pursuant to RCW 70.96A.800, to the extent necessary to facilitate evaluation of pilot project results. Subject to funds appropriated for this specific purpose, the secretary may contract with additional regional support networks or counties to provide integrated crisis response and involuntary treatment pilot programs to adults.

(2) The regional support networks or counties shall implement the pilot programs by providing integrated crisis response and involuntary treatment to persons with a chemical dependency, a mental disorder, or both, consistent with this chapter. The pilot programs shall:

(a) Combine the crisis responder functions of a designated mental health professional under chapter 71.05 RCW and a designated chemical dependency specialist under chapter 70.96A RCW by establishing a new designated crisis responder who is authorized to conduct investigations and detain persons up to seventy-two hours to the proper facility;

(b) Provide training to the crisis responders as required by the department;

(c) Provide sufficient staff and resources to ensure availability of an adequate number of crisis responders twenty-four hours a day, seven days a week;

(d) Provide the administrative and court-related staff, resources, and processes necessary to facilitate the legal requirements of the initial detention and the commitment hearings for persons with a chemical dependency;

(e) Participate in the evaluation and report to assess the outcomes of the pilot programs including providing data and information as requested;

(f) Provide the other services necessary to the implementation of the pilot programs, consistent with this chapter as determined by the secretary in contract; and

(g) Collaborate with the department of corrections where persons detained or committed are also subject to supervision by the department of corrections.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

**Sec. 5** RCW 70.96B.050 and 2007 c 120 s 1 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at either an evaluation and treatment facility, a detoxification facility, or other certified chemical dependency provider.

(2)(a) An order to detain to an evaluation and treatment facility, a detoxification facility, or other certified chemical dependency provider for not more than a seventy-two hour evaluation and treatment period may be issued by a judge upon request of a designated crisis responder: (i) Whenever it appears to the satisfaction of a judge of the superior court, district court, or other court permitted by court rule, that there is probable cause to support the petition, and (ii) that the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury or sworn telephonic testimony, may be considered by the

FIFTY-NINTH DAY, MARCH 12, 2008

court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order to appear, together with a notice of rights and a petition for initial detention. After service on the person, the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility or secure detoxification facility and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider. If requested by the detained person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may be continued subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours. The person may be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other person accompanying the person may be present during the admission evaluation. The facility may exclude the person if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take the person or cause the person to be taken into custody and placed in an evaluation and treatment facility, a secure detoxification facility, or other certified chemical dependency provider. At the time the person is taken into custody there shall commence to be served on the person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of detention, a notice of rights, and a petition for initial detention.

**Sec. 6** RCW 70.96B.100 and 2005 c 504 s 211 are each amended to read as follows:

~~(If a person is detained for additional treatment beyond fourteen days under RCW 70.96B.090, the professional staff of the agency or facility may petition for additional treatment under RCW 70.96A.140-))~~ (1) A person detained for fourteen days of involuntary chemical dependency treatment under RCW 70.96B.090 or subsection (6) of this section shall be released from involuntary treatment at the expiration of the period of commitment unless the professional staff of the agency or facility files a petition for an additional period of involuntary treatment under RCW 70.96A.140, or files a petition for sixty days less restrictive treatment under this section naming the detained person as a respondent. Costs associated with the obtainment or revocation of an order for less restrictive treatment and subsequent involuntary commitment shall be provided for within current funding.

(2) A petition for less restrictive treatment must be filed at least three days before expiration of the fourteen-day period of intensive treatment, and comport with the rules contained in RCW 70.96B.090(2). The petition shall state facts that support the finding that the respondent, as a result of a chemical dependency, presents a likelihood of serious harm or is gravely disabled, and that continued treatment pursuant to a less restrictive order is in the best interest of the respondent or others. At the time of filing such a petition, the clerk shall set a time for the respondent to come before the court on the next judicial day after the day of filing unless such appearance is waived by the respondent's attorney.

2008 REGULAR SESSION

(3) At the time set for appearance the respondent must be brought before the court, unless such appearance has been waived and the court shall advise the respondent of his or her right to be represented by an attorney. If the respondent is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent the respondent. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the respondent to examine and testify on behalf of the respondent.

(4) The court shall conduct a hearing on the petition for sixty days less restrictive treatment on or before the last day of the confinement period. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The respondent shall be present at such proceeding. The rules of evidence shall apply, and the respondent shall have the right to present evidence on his or her behalf, to cross-examine witnesses who testify against him or her, to remain silent, and to view and copy all petitions and reports in the court file. The physician-patient privilege or the psychologist-client privilege shall be deemed waived in accordance with the provisions under RCW 71.05.360(9). Involuntary treatment shall continue while a petition for less restrictive treatment is pending under this section.

(5) The court may impose a sixty-day less restrictive order if the evidence shows that the respondent, as a result of a chemical dependency, presents a likelihood of serious harm or is gravely disabled, and that continued treatment pursuant to a less restrictive order is in the best interest of the respondent or others. The less restrictive order may impose treatment conditions and other conditions which are in the best interest of the respondent and others. A copy of the less restrictive order shall be given to the respondent, the designated crisis responder, and any program designated to provide less restrictive treatment. A program designated to provide less restrictive treatment and willing to supervise the conditions of the less restrictive order may modify the conditions for continued release when the modification is in the best interests of the respondent, but must notify the designated crisis responder and the court of such modification.

(6) If a program approved by the court and willing to supervise the conditions of the less restrictive order or the designated crisis responder determines that the respondent is failing to adhere to the terms of the less restrictive order or that substantial deterioration in the respondent's functioning has occurred, then the designated crisis responder shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the respondent should be returned to more restrictive care. The designated crisis responder may cause the respondent to be immediately taken into custody of the secure detoxification facility pending the hearing if the alleged noncompliance causes the respondent to present a likelihood of serious harm. The designated crisis responder shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The respondent shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released respondent did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the respondent's functioning has occurred and whether the conditions of release should be modified or the respondent should be returned to a more restrictive setting. The hearing may be waived by the respondent and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. If the court finds in favor of the petitioner, or the respondent waives a hearing, the court may order the respondent to be committed to a secure detoxification facility for fourteen days of involuntary chemical

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION  
BARBARA BAKER, Chief Clerk

dependency treatment, or may order the respondent to be returned to less restrictive treatment on the same or modified conditions.

NEW SECTION. Sec. 7 RCW 70.96B.900 (Expiration date--2005 c 504 §§ 202-216) and 2005 c 504 s 219 are each repealed.

Sec. 8 2007 c 120 s 4 (uncodified) is repealed.

NEW SECTION. Sec. 9 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6665.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6665.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6665 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6665, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6665, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 6665, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6851, with the following amendment: 6851-S AMH FIN H5848.1

On page 2, line 12, after "surviving spouse" insert "or surviving domestic partner"

On page 2, line 14, after "surviving spouse" insert "or surviving domestic partner" and the same are herewith transmitted.

#### MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6851.

Senator Prentice spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6851.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6851 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6851, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6851, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senators Hargrove and Morton - 2

SUBSTITUTE SENATE BILL NO. 6851, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House receded from its amendment, under suspension of rules SECOND SUBSTITUTE SENATE BILL NO. 6855 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6855-S2 AMH ORMS H6068.2, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"**Sec. 1** RCW 43.160.010 and 1999 c 164 s 101 and 1999 c 94 s 5 are each reenacted and amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. ~~((Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs~~

FIFTY-NINTH DAY, MARCH 12, 2008

~~Additionally advances the state's purpose to improve economic vitality.)~~ Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways, county roads, or city streets for industries considering locating or expanding in this state.

~~((a))~~ (3) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

~~((b))~~ All transportation improvements on state highways must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280.

~~((3))~~ (4) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in ~~((rural natural resources impact areas and rural counties of))~~ the state.

~~((4))~~ (5) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

~~((5))~~ (6) The legislature finds that sharing economic growth statewide is important to the welfare of the state. ~~((Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region.))~~ The ability of ~~((these))~~ communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure are critical ingredients for economic development. ~~((Rural counties and rural natural resources impact areas generally lack these necessary tools and resources to diversify and revitalize their economies.))~~ It is, therefore, the intent of the legislature to increase the amount of funding available through the community economic revitalization board ~~((for rural counties and rural natural resources impact areas,))~~ and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and

facilities and sites that foster economic vitality and diversification.

Sec. 2 RCW 43.160.020 and 2004 c 252 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

~~((2))~~ ("Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

~~((3))~~ "Department" means the department of community, trade, and economic development.

~~((4))~~ "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

~~((5))~~ "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

~~((6))~~ "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

~~((7))~~ (3) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

~~((8))~~ "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

~~((9))~~ "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

~~((10))~~ "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

~~((11))~~ (4) "Public facilities" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

~~((12))~~ (5) "Rural county" means a county with a population density of fewer than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

~~((13))~~ "Rural natural resources impact area" means:

~~((a))~~ A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (14) of this section;

~~((b))~~ A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (14) of this section; or

~~((c))~~ A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (14) of this section.

(14) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

FIFTY-NINTH DAY, MARCH 12, 2008

~~(a) A lumber and wood products employment location quotient at or above the state average;~~

~~(b) A commercial salmon fishing employment location quotient at or above the state average;~~

~~(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;~~

~~(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and~~

~~(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.))~~

**Sec. 3** RCW 43.160.030 and 2004 c 252 s 2 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of one member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The board shall also consist of the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of a federally recognized Indian tribe; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor. The members of the board shall elect one of their members to serve as vice-chair. The director of community, trade, and economic development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter ~~((and the allocation of private activity bonds)).~~

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(6) A member appointed by the governor may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the governor.

(7) A majority of members currently appointed constitutes a quorum.

**Sec. 4** RCW 43.160.050 and 1996 c 51 s 4 are each amended to read as follows:

The board may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business.

(2) Adopt an official seal and alter the seal at its pleasure.

(3) Utilize the services of other governmental agencies.

(4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants.

(5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers.

(6) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter.

~~(7) ((Exercise all the powers of a public corporation under chapter 39.84 RCW.~~

~~(8) Invest any funds received in connection with industrial development revenue bond financing not required for immediate use, as the board considers appropriate, subject to any agreements with owners of bonds.~~

~~(9) Arrange for lines of credit for industrial development revenue bonds from and enter into participation agreements with any financial institution.~~

~~(10) Issue industrial development revenue bonds in one or more series for the purpose of defraying the cost of acquiring or improving any industrial development facility or facilities and securing the payment of the bonds as provided in this chapter.~~

~~((11)) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.~~

~~((12) Sell, purchase, or insure loans to finance the costs of industrial development facilities.~~

~~(13) Service, contract, and pay for the servicing of loans for industrial development facilities.~~

~~(14) Provide financial analysis and technical assistance for industrial development facilities when the board reasonably considers it appropriate.~~

~~(15) Collect, with respect to industrial development revenue bonds, reasonable interest, fees, and charges for making and servicing its lease agreements, loan agreements, mortgage loans, notes, bonds, commitments, and other evidences of indebtedness. Interest, fees, and charges are limited to the amounts required to pay the costs of the board, including operating and administrative expenses and reasonable allowances for losses that may be incurred.~~

~~(16) Procure insurance or guarantees from any party as allowable under law, including a governmental agency, against any loss in connection with its lease agreements, loan agreements, mortgage loans, and other assets or property.~~

~~((17)) (8) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.~~

~~((18)) (9) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.~~

**Sec. 5** RCW 43.160.060 and 2007 c 231 s 3 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that,

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, ~~((at least ten))~~ no more than twenty-five percent of all financial assistance ~~((provided))~~ approved by the board in any biennium ~~((shall))~~ may consist of grants to political subdivisions and federally recognized Indian tribes.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:  
 (a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

~~((For the acquisition of real property, including buildings and other fixtures which are a part of real property:~~

~~((d))~~ For a project the primary purpose of which is to facilitate or promote gambling.

~~((d))~~ For a project located outside the jurisdiction of the applicant political subdivision or federally recognized Indian tribe.

(2) The board shall only provide financial assistance:

(a) For ~~((those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, deinking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.~~

~~((b) For projects which it finds))~~ a project demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:

~~((i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted; and~~

~~((ii) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities(;~~

~~((c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made);~~

~~((b) For a project that cannot meet the requirement of (a) of this subsection but is a project that:~~

~~((i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted;~~

~~((ii) Is part of a local economic development plan consistent with applicable state planning requirements;~~

~~((iii) Can demonstrate project feasibility using standard economic principles; and~~

~~((iv) Is located in a rural community as defined by the board, or a rural county;~~

~~((c) For site-specific plans, studies, and analyses that address environmental impacts, capital facilities, land use, permitting, feasibility, marketing, project engineering, design, site planning, and project debt and revenue impacts, as grants not to exceed fifty thousand dollars.~~

~~((3) The board shall develop guidelines for local participation and allowable match and activities.~~

~~((4) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.~~

~~((5) An application must be approved by the political subdivision and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.~~

~~((6) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.~~

~~((7) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.~~

~~((8) The board shall prioritize each proposed project according to:~~

~~((a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed ((and according)), but also giving consideration to the unemployment rate in the area in which the jobs would be located;~~

~~((b) The rate of return of the state's investment, ((that includes the)) including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project; ((and))~~

~~((c) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;~~

~~((d) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements; and~~

~~((e) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.~~

~~((+))~~ (9) A responsible official of the political subdivision or the federally recognized Indian tribe shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 6 RCW 43.160.070 and 1999 c 164 s 104 are each amended to read as follows:

Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account ~~((and the distressed county public facilities construction loan account))~~ shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter ~~((or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature)).~~ The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the account~~((s)). ((The total amount of~~

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

~~outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board under this chapter without reference to financial assistance provided under RCW 43.160.220.)~~

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural communities as defined by the board, or rural counties ~~((or rural natural resources impact areas, as the board determines))~~. The loans shall not exceed twenty years in duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. ~~((Repayments of loans made from the distressed county public facilities construction loan account under the contracts for public facilities construction loans shall be paid into the distressed county public facilities construction loan account.))~~ Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

**Sec. 7** RCW 43.160.074 and 1985 c 433 s 5 are each amended to read as follows:

(1) An application to the board from a political subdivision may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the department of transportation ~~((commission))~~.

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving approval, as submitted or amended or disapproval from the department of transportation ~~((commission))~~ as specified in RCW 47.01.280. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or highways without the approval as submitted or amended of the department of transportation ~~((commission))~~ as specified in RCW 47.01.280.

(4) The board shall notify the department of transportation ~~((commission))~~ of its decision regarding any application made under this section.

**Sec. 8** RCW 43.160.076 and 1999 c 164 s 105 are each reenacted and amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter ~~((without reference to financial assistance provided under RCW 43.160.220))~~, the board shall ~~((spend))~~ approve at least seventy-five percent of the first twenty million dollars of funds available and at least fifty percent of any additional funds for financial assistance for projects in rural counties ~~((or rural natural resources impact areas))~~.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in rural counties ~~((or rural natural resources impact areas))~~ are clearly insufficient to use up the ~~((seventy-five percent))~~ allocations under subsection (1) of this section,

then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in rural counties ~~((or rural natural resources impact areas))~~.

**Sec. 9** RCW 43.160.900 and 1993 c 320 s 8 are each amended to read as follows:

(1) The community economic revitalization board shall ~~((report to the appropriate standing committees of the legislature biennially on the implementation of))~~ conduct biennial outcome-based evaluations of the financial assistance provided under this chapter. The ~~((report))~~ evaluations shall include information on the number of applications for community economic revitalization board assistance ~~((; the number and types of projects approved~~ ~~((; the grant or loan amount awarded each project~~ ~~((; the projected number of jobs created or retained by each project~~ ~~((; the actual number and cost of jobs created or retained by each project~~ ~~((; the wages and health benefits associated with the jobs; the amount of state funds and total capital invested in projects; the number and types of businesses assisted by funded projects; the location of funded projects; the transportation infrastructure available for completed projects; the local match and local participation obtained; the number of delinquent loans~~ ~~((; and the number of project terminations. The~~ ~~((report))~~ evaluations may also include additional performance measures and recommendations for programmatic changes. ~~((The first report shall be submitted by December 1, 1994.))~~

(2)(a) By September 1st of each even-numbered year, the board shall forward its draft evaluation to the Washington state economic development commission for review and comment, as required in section 10 of this act. The board shall provide any additional information as may be requested by the commission for the purpose of its review.

(b) Any written comments or recommendations provided by the commission as a result of its review shall be included in the board's completed evaluation. The evaluation must be presented to the governor and appropriate committees of the legislature by December 31st of each even-numbered year. The initial evaluation must be submitted by December 31, 2010.

**NEW SECTION. Sec. 10** A new section is added to chapter 43.162 RCW to read as follows:

The Washington state economic development commission shall review and provide written comments and recommendations for inclusion in the biennial evaluation conducted by the community economic revitalization board under RCW 43.160.900.

**Sec. 11** RCW 43.160.080 and 1998 c 321 s 30 are each amended to read as follows:

There shall be a fund in the state treasury known as the public facilities construction loan revolving account, which shall consist of all moneys collected under this chapter ~~((except moneys of the board collected in connection with the issuance of industrial development revenue bonds and moneys deposited in the distressed county public facilities construction loan account under RCW 43.160.220;))~~ and any moneys appropriated to it by law ~~((PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the account under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184))~~. Disbursements from the revolving account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account shall be subject in all respects to chapter 43.88 RCW.

**NEW SECTION. Sec. 12** (1) The legislature recognizes that although many regions of the state are thriving, there are still distressed communities throughout rural and urban Washington where capital investments in community services initiatives could create vibrant local business districts and prosperous neighborhoods.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

(2) The legislature also recognizes that nonprofit organizations provide a variety of community services that serve the needs of the citizens of Washington, including many services implemented under contract with state agencies. The legislature also finds that the efficiency and quality of these services may be enhanced by the provision of safe, reliable, and sound facilities, and that, in certain cases, it may be appropriate for the state to assist in the development of these facilities.

(3) The legislature finds that providing these capital investments is critical for the economic health of local distressed communities, helps build strong relationships with the state, and expands life opportunities for underserved, low-income populations.

**NEW SECTION. Sec. 13** A new section is added to chapter 43.63A RCW to read as follows:

The definitions in this section apply throughout RCW 43.63A.125, this section, and sections 14 and 16 of this act unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Distressed community" means: (a) A county that has an unemployment rate that is twenty percent above the state average for the immediately previous three years; (b) an area within a county that the department determines to be a low-income community, using as guidance the low-income community designations under the community development financial institutions fund's new markets tax credit program of the United States department of the treasury; or (c) a school district in which at least fifty percent of local elementary students receive free and reduced-price meals.

(3) "Nonprofit organization" means an organization that is tax exempt, or not required to apply for an exemption, under section 501(c)(3) of the federal internal revenue code of 1986, as amended.

(4) "Technical assistance" means professional services provided under contract to nonprofit organizations for feasibility studies, planning, and project management related to acquiring, constructing, or rehabilitating nonresidential community services facilities.

**NEW SECTION. Sec. 14** A new section is added to chapter 43.63A RCW to read as follows:

The building communities fund account is created in the state treasury. The account shall consist of legislative appropriations and gifts, grants, or endowments from other sources as permitted by law. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for capital and technical assistance grants as provided in RCW 43.63A.125.

**Sec. 15** RCW 43.63A.125 and 2006 c 371 s 233 are each amended to read as follows:

(1) The department shall establish ~~((a competitive process to solicit proposals for and prioritize projects that assist nonprofit organizations in))~~ the building communities fund program. Under the program, capital and technical assistance grants may be made to nonprofit organizations for acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential ~~((social))~~ community services, including social service centers and multipurpose community centers, including those serving a distinct or ethnic population. Such facilities must be located in a distressed community or serve a substantial number of low-income or disadvantaged persons.

(2) The department shall establish a competitive process to ~~((prioritize))~~ solicit and evaluate applications for the ~~((assistance))~~ building communities fund program as follows:

(a) The department shall conduct a statewide solicitation of project applications from ~~((local governments,))~~ nonprofit organizations ~~((, and other entities, as determined by the department)).~~

(b) The department shall evaluate ~~((and rank))~~ applications in consultation with a citizen advisory committee using objective criteria. ~~((At a minimum))~~ To be considered qualified,

applicants must demonstrate that the ~~((requested assistance))~~ proposed project:

~~((i))~~ (i) Will increase the range, efficiency, or quality of the ~~((social))~~ services ~~((it provides))~~ provided to citizens;

~~((ii))~~ (ii) Will be located in a distressed community or will serve a substantial number of low-income or disadvantaged persons;

~~((iii))~~ (iii) Will offer a diverse set of activities that meet multiple community service objectives, including but not limited to: Providing social services; expanding employment opportunities for or increasing the employability of community residents; or offering educational or recreational opportunities separate from the public school system or private schools, as long as recreation is not the sole purpose of the facility;

~~((iv))~~ (iv) Reflects a long-term vision for the development of the community, shared by residents, businesses, leaders, and partners;

~~((v))~~ (v) Requires state funding to accomplish a discrete, usable phase of the project;

~~((vi))~~ (vi) Is ready to proceed and will make timely use of the funds;

~~((vii))~~ (vii) Is sponsored by one or more entities that have the organizational and financial capacity to fulfill the terms of the grant agreement and to maintain the project into the future;

~~((viii))~~ (viii) Fills an unmet need for community services;

~~((ix))~~ (ix) Will achieve its stated objectives; and

~~((x))~~ (x) Is a community priority as shown through tangible commitments of existing or future assets made to the project by community residents, leaders, businesses, and government partners.

~~((c))~~ (c) The evaluation ~~((and ranking))~~ process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project, except, under exceptional circumstances, the department may reduce the amount of nonstate match required. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

~~((b))~~ The department shall submit a prioritized list of recommended projects to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project.

~~((a))~~ The total amount of recommended state funding for projects on a biennial project list shall not exceed ten million dollars. Except for the 1999-2001 biennium, the department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

~~((e))~~ (d) The department may not set a monetary limit to funding requests.

~~((3))~~ (3) The department shall submit annually to the governor and the legislature in the department's capital budget request an unranked list of the qualified eligible projects for which applications were received. The list must include a description of each project, its total cost, and the amount of state funding requested. The appropriate fiscal committees of the legislature shall use this list to determine building communities fund projects that may receive funding in the capital budget. The total amount of state capital funding available for all projects on the annual list shall be determined by the capital budget beginning with the 2009-2011 biennium and thereafter. In addition, if cash funds have been appropriated, up to three million dollars may be used for technical assistance grants. The department shall not sign contracts or otherwise financially

FIFTY-NINTH DAY, MARCH 12, 2008

obligate funds under this section until the legislature has approved a specific list of projects.

(4) In addition to the list of qualified eligible projects, the department shall submit to the appropriate fiscal committees of the legislature a summary report that describes the solicitation and evaluation processes, including but not limited to the number of applications received, the total amount of funding requested, issues encountered, if any, and any recommendations for process improvements.

(5) After the legislature has approved a specific list of projects in law, the department shall develop and manage appropriate contracts with the selected applicants; monitor project expenditures and grantee performance; report project and contract information; and exercise due diligence and other contract management responsibilities as required.

(6) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

NEW SECTION. Sec. 16 A new section is added to chapter 43.63A RCW to read as follows:

(1) The department shall develop accountability and reporting standards for grant recipients. At a minimum, the department shall use the criteria listed in RCW 43.63A.125(2)(b) to evaluate the progress of each grant recipient.

(2) Beginning January 1, 2011, the department shall submit an annual report to the appropriate committees of the legislature, including:

(a) A list of projects currently under contract with the department under the building communities fund program; a description of each project, its total cost, the amount of state funding awarded and expended to date, the project status, the number of low-income people served, and the extent to which the project has met the criteria in RCW 43.63A.125(2)(b); and

(b) Recommendations, if any, for policy and programmatic changes to the building communities fund program to better achieve program objectives.

NEW SECTION. Sec. 17 The following acts or parts of acts are each repealed:

1 RCW 43.160.100 (Status of board) and 1984 c 257 s 3;

2 RCW 43.160.120 (Commingling of funds prohibited) and 1984 c 257 s 5;

3 RCW 43.160.130 (Personal liability) and 1984 c 257 s 6;

4 RCW 43.160.140 (Accounts) and 1987 c 422 s 8 & 1984 c 257 s 7;

5 RCW 43.160.150 (Faith and credit not pledged) and 1984 c 257 s 8;

6 RCW 43.160.160 (Security) and 1984 c 257 s 9;

7 RCW 43.160.170 (Special reserve account) and 1984 c 257 s 10;

8 RCW 43.160.200 (Economic development account--Eligibility for assistance) and 2004 c 252 s 4, 1999 c 164 s 107, 1996 c 51 s 9, & 1995 c 226 s 16;

9 RCW 43.160.210 (Distressed counties--Twenty percent of financial assistance) and 1998 c 321 s 31 & 1998 c 55 s 5;

10 RCW 43.160.220 (Distressed county public facilities construction loan account) and 1998 c 321 s 9;

11 RCW 43.160.230 (Job development fund program) and 2007 c 231 s 4 & 2005 c 425 s 2;

12 RCW 43.160.240 (Job development fund program--Maximum grants) and 2005 c 425 s 3; and

13 RCW 44.28.801 (State public infrastructure programs and funds--Inventory--Report) and 2006 c 371 s 229 & 2005 c 425 s 5.

2008 REGULAR SESSION

NEW SECTION. Sec. 18 Sections 1, 2, 4 through 11, and 17 of this act take effect July 1, 2009.

NEW SECTION. Sec. 19 Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6855.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6855.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6855 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6855, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6855, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE SENATE BILL NO. 6855, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2585, by House Committee on Finance (originally sponsored by Representatives McIntire and Kessler)

Concerning the business and occupation taxation of newspaper-labeled supplements.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

FIFTY-NINTH DAY, MARCH 12, 2008

2008 REGULAR SESSION

Strike everything after the enacting clause and insert the following:

**"Sec. 1** RCW 82.04.214 and 1994 c 22 s 1 are each amended to read as follows:

(1)(a) Until June 30, 2011, "newspaper" means:

(i) A publication issued regularly at stated intervals at least twice a month and printed on newsprint in tabloid or broadsheet format folded loosely together without stapling, glue, or any other binding of any kind, including any supplement of a printed newspaper; and

(ii) An electronic version of a printed newspaper that:

(A) Shares content with the printed newspaper; and

(B) Is prominently identified by the same name as the printed newspaper or otherwise conspicuously indicates that it is a complement to the printed newspaper.

(b) For purposes of this section, "supplement" means a printed publication, including a magazine or advertising section, that is:

(i) Labeled and identified as part of the printed newspaper; and

(ii) Circulated or distributed:

(A) As an insert or attachment to the printed newspaper; or

(B) Separate and apart from the printed newspaper so long as the distribution is within the general circulation area of the newspaper.

(2) Beginning July 1, 2011, "newspaper" means a publication issued regularly at stated intervals at least twice a month and printed on newsprint in tabloid or broadsheet format folded loosely together without stapling, glue, or any other binding of any kind.

NEW SECTION. Sec. 2 This act takes effect July 1, 2008."

MOTION

Senator Prentice moved that the following amendment by Senator Prentice to the committee striking amendment be adopted.

On page 1, line 25 of the amendment, after "kind" insert "including any supplement of a printed newspaper as defined in subsection (1)(b) of this section"

Senator Prentice spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 1, line 25 to the committee striking amendment to Substitute House Bill No. 2585.

The motion by Senator Prentice carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Substitute House Bill No. 2585.

The motion by Senator Prentice carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "supplements;" strike the remainder of the title and insert "amending RCW 82.04.214; and providing an effective date."

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2585 as amended by the Senate was

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2585 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2585 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 48

Voting nay: Senator Tom - 1

SUBSTITUTE HOUSE BILL NO. 2585 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:47 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Thursday, March 13, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

**SIXTIETH DAY**

Referred to Committee on Natural Resources, Ocean &amp; Recreation.

**MORNING SESSION**

Senate Chamber, Olympia, Thursday, March 13, 2008

SCR 8413 by Senators Brown and Hewitt

Adjourning sine die.

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Hewitt, Holmquist and Pflug.

The Sergeant at Arms Color Guard consisting of Pages John Rogers and Molly Zweig, presented the Colors. Pastor Steve Carpenter of the South Sound Community Church offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

March 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

J. A. BRICKER, reappointed April 4, 2008, for the term ending April 3, 2012, as Member of the State Board for Community and Technical Colleges.

Sincerely,  
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

**MOTION**

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

**MOTION**

On motion of Senator Eide, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**SB 6956 by Senator Jacobsen

AN ACT Relating to convening a conference on enhancing marketing opportunities for local agricultural products; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6957 by Senator Jacobsen

AN ACT Relating to the state indigenous mammal; adding a new section to chapter 1.20 RCW; and creating a new section.

**MOTION**

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Concurrent Resolution No. 8413 which was placed on the second reading calendar under suspension of the rules.

**MOTION**

On motion of Senator Eide, the Senate reverted to the fourth order of business.

**MESSAGE FROM THE HOUSE**

March 12, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5010,  
SUBSTITUTE SENATE BILL NO. 5254,  
SUBSTITUTE SENATE BILL NO. 5378,  
ENGROSSED SENATE BILL NO. 5751,  
SENATE BILL NO. 5878,  
SUBSTITUTE SENATE BILL NO. 6195,  
SECOND SUBSTITUTE SENATE BILL NO. 6206,  
SENATE BILL NO. 6313,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6333,  
SUBSTITUTE SENATE BILL NO. 6339,  
ENGROSSED SENATE BILL NO. 6357,  
SENATE BILL NO. 6375,  
SECOND SUBSTITUTE SENATE BILL NO. 6377,  
SUBSTITUTE SENATE BILL NO. 6389,  
SENATE BILL NO. 6421,  
SECOND SUBSTITUTE SENATE BILL NO. 6468,  
SECOND SUBSTITUTE SENATE BILL NO. 6483,  
SUBSTITUTE SENATE BILL NO. 6510,  
SUBSTITUTE SENATE BILL NO. 6527,  
SENATE BILL NO. 6534,  
SUBSTITUTE SENATE BILL NO. 6556,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6573,  
SUBSTITUTE SENATE BILL NO. 6583,  
SENATE BILL NO. 6628,  
ENGROSSED SENATE BILL NO. 6629,  
SENATE BILL NO. 6722,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6809,  
SENATE BILL NO. 6818,  
ENGROSSED SENATE BILL NO. 6821,  
SUBSTITUTE SENATE BILL NO. 6828,  
SENATE BILL NO. 6839,  
SENATE BILL NO. 6950,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

March 12, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2844,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2878,  
and the same are herewith transmitted.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SECOND SUBSTITUTE SENATE BILL NO. 6227,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House has passed the following bills:  
SENATE BILL NO. 6657,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9343, Philip A. Parker, as a member of the Transportation Commission, be confirmed.

Senator Pridemore spoke in favor of the motion.

## MOTION

On motion of Senator Brandland, Senators Holmquist and Pflug were excused.

## APPOINTMENT OF PHILIP A. PARKER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9343, Philip A. Parker as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9343, Philip A. Parker as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senators Brown and Hewitt - 2

Excused: Senators Holmquist and Pflug - 2

Gubernatorial Appointment No. 9343, Philip A. Parker, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

## MOTION

On motion of Senator Delvin, Senator Benton was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Kauffman moved that Gubernatorial Appointment No. 9304, Sherry Gates, as a member of the Board of Trustees, Green River Community College District No. 10, be confirmed. Senator Kauffman spoke in favor of the motion.

## MOTION

On motion of Senator Regala, Senator Brown was excused.

## APPOINTMENT OF SHERRY GATES

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9304, Sherry Gates as a member of the Board of Trustees, Green River Community College District No. 10.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9304, Sherry Gates as a member of the Board of Trustees, Green River Community College District No. 10 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Benton, Brown, Holmquist and Pflug - 4

Gubernatorial Appointment No. 9304, Sherry Gates, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Green River Community College District No. 10.

## MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

## MOTION

Senator Hargrove moved adoption of the following resolution:

SENATE RESOLUTION  
8725

By Senators Hargrove, Kilmer, Jacobsen, Rasmussen, Prentice, Fraser, Morton, McCaslin, Spanel, Franklin, Haugen, Honeyford, Swecker, Tom, and Schoesler

WHEREAS, The Washington State Legislature recognizes the thirty-five years of strong and devoted service provided by former House and Senate member Paul Conner; and

WHEREAS, Mr. Conner, born in 1925, was a lifelong resident of the 24th District, residing in the Port Angeles and Sequim area; and

WHEREAS, Paul Conner was an orphan in his youth who was gratefully taken in by many families in the Port Angeles area; and

SIXTIETH DAY, MARCH 13, 2008

WHEREAS, Paul Conner has attributed the efforts of these families to his personal commitment to public service; and

WHEREAS, Paul Conner was first appointed to the Senate in 1957 where he served the 24th District until 1959; and

WHEREAS, Paul Conner was then elected to the House of Representatives in 1958 to serve the 24th District from 1959 until 1977 as House Majority Whip, House Caucus Chairman, and Chairman of the House of Transportation Committee; and

WHEREAS, Paul Conner fell only one vote shy of being elected Speaker of the House of Representatives in the early 1970s; and

WHEREAS, Paul Conner was elected in 1977 to the Senate continuing his service to the 24th District until 1993; and

WHEREAS, Paul Conner was very passionate and very committed to transportation and natural resource issues in his district; and

WHEREAS, Paul Conner was amazingly successful in the battle to remove tolls on the Hood Canal Bridge, instrumental in the authorization of the year-round state ferry service between Port Townsend and Keystone, and in drafting a 29 million dollar salmon enhancement program; and

WHEREAS, Paul Conner was also legendary for his constituent work, sending out letters to constituents on their birthdays and combing through the newly distributed district phone books to call people he had not yet met; and

WHEREAS, Paul Conner was also famous for the postsession letters he would send to staff and lobbyists thanking them for their good works on his behalf, as well as on behalf of the state and its citizens; and

WHEREAS, Paul Conner worked in Port Angeles outside of his legislative position for Clallam County Public Utility District, and later as a longshoreman in the International Longshoremen's Union Local 27; and

WHEREAS, In 2001 Mr. Conner was inducted into the Washington State Eagles Hall of Fame after many years of serving as a member and officer of the Fraternal Order of Eagles; and

WHEREAS, Paul Conner was a skilled statesman and inspirational leader; and

WHEREAS, In his passing on January 27, 2008, we all mourn the loss of Paul Conner and will miss his contributions to the entire state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, on behalf of the residents of the state of Washington, honor the service and devotion of all thirty-five years that Paul Conner contributed and extend its deepest condolences to his wife Thelma, his family, friends, and community; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to his wife Thelma, and the family and friends of Paul Conner.

Senators Hargrove, Prentice, Kilmer, Jacobsen, McCaslin and Haugen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8725.

The motion by Senator Hargrove carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Paul Conners family, wife Thelma Conner; son Kevin Conner and his wife Christy; daughter Paula Smith; her husband Dennis Smith; sister-in-law Betty Chase; and brother-in-law Leroy Chase who were seated in the gallery.

#### PERSONAL PRIVILEGE

Senator Schoesler: "Mr. President, I've tried to limit my floor resolutions this year but I feel compelled to talk about another passing in the past year and that was former Senator Gene Prince. Gene Prince started as a staff member in the other body about the time I was born and he was there through that career in the capacities of staff up through Clerk, member and

caucus chair. He served in this body, finishing his career as a Transportation Chair, moving on to Liquor Board. Gene's funeral was an interesting event, to have a Republican Senator from Eastern Washington eulogized by a former Democratic Governor. That doesn't happen very often. I think of those memories and those little expressions like, 'What'd you know,' that stuck with me so long. The love for a bowl of ice cream that was legendary with his family and friends. His love of Higher Education, Transportation, his farm and his wife Patsy. It was a sad event for Higher Education, Agriculture and the sad event for all the passing of Eugene Prince last fall. Thank you."

#### PERSONAL PRIVILEGE

Senator Jacobsen: "I'd also have to, I went to Gene's funeral and when I got elected in '83 and Gary Locke was in the class and I was Vice Chair of House Higher Ed and Bill Burns was the Chair and Gene was the Ranking Minority that year. He ended up really mentoring me well and he worked in a bi-partisan fashion and I think I still have some of that style that maybe we don't see here everyday now. Gene was inclined to let the committee vote on all the amendments and whatever passed he felt that's how you represent the bill on the floor because it reflected the thinking of the committee. He was always very conscientious public policy but the other thing Gene placed highest of all was the integrity of this institution. He started out as a bill clerk here, worked with Ralph Munro and Sid was, I don't know where Sid Snyder was, but they were like friends and they grew up in this place. He just felt that it was so important. He was way into conference committees, I will tell you that. He liked to go back to five signatures. We'd gone to four but he felt the more you had on the conference committee the more reflected the bi-partisan approach to things. He was a heck of a guy. I'm going to miss him."

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6657,  
SUBSTITUTE SENATE BILL NO. 6806,  
SECOND ENGROSSED SUBSTITUTE SENATE  
CONCURRENT RESOLUTION NO. 8407,

#### SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2844,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2878,

#### MOTION

At 10:07 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:32 a.m. by President Owen.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### REPORT OF THE CONFERENCE REPORT

Engrossed Substitute House Bill No. 2687

March 12, 2008

MR. PRESIDENT:

MR. SPEAKER:

SIXTIETH DAY, MARCH 13, 2008

We of your conference committee, to whom was referred Engrossed Substitute House Bill No. 2687, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I  
GENERAL GOVERNMENT**

**Sec. 101** 2007 c 522 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund--State Appropriation (FY 2008)	<del>((34,522,000))</del>
	\$34,807,000
General Fund--State Appropriation (FY 2009)	<del>((35,598,000))</del>
	\$36,010,000
Pension Funding Stabilization Account	
Appropriation	\$560,000
TOTAL APPROPRIATION	<del>((70,680,000))</del>
	\$71,377,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$52,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Third Substitute House Bill No. 1741 (oral history). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(3) \$194,000 of the general fund--state appropriation for fiscal year 2008 and \$194,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the legislature to contract for an independent economic and actuarial analysis of health care reform proposals pursuant to Engrossed Substitute Senate Bill No. 6333. The results of this evaluation will be submitted to the governor, the health and fiscal policy committees of the legislature, and the work group by December 15, 2008.

**Sec. 102** 2007 c 522 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund--State Appropriation (FY 2008)	<del>((26,483,000))</del>
	\$26,990,000
General Fund--State Appropriation (FY 2009)	<del>((29,196,000))</del>
	\$29,434,000
Pension Funding Stabilization Account	
Appropriation	\$467,000
TOTAL APPROPRIATION	<del>((56,146,000))</del>
	\$56,891,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$52,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Third Substitute House Bill No. 1741 (oral history). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(3) \$194,000 of the general fund--state appropriation for fiscal year 2008 and \$194,000 of the general fund--state

2008 REGULAR SESSION

appropriation for fiscal year 2009 are provided solely for the legislature to contract for an independent economic and actuarial analysis of health care reform proposals pursuant to Engrossed Substitute Senate Bill No. 6333. The results of this evaluation will be submitted to the governor, the health and fiscal policy committees of the legislature, and the work group by December 15, 2008.

**Sec. 103** 2007 c 522 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund--State Appropriation (FY 2008)	<del>((3,377,000))</del>
	\$3,378,000
General Fund--State Appropriation (FY 2009)	<del>((3,155,000))</del>
	\$3,355,000
Pension Funding Stabilization Account	
Appropriation	\$36,000
TOTAL APPROPRIATION	<del>((6,568,000))</del>
	\$6,769,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2007-09 work plan as necessary to efficiently manage workload.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine lease rates for state-owned aquatic lands. The review shall include classification of current lease base and lease rates by category of use such as marinas; a review of previous studies of formulas for state-owned aquatic land leases; and identification of pros and cons of alternative approaches to calculating aquatic lands lease rates. The committee shall complete the review by June 2008.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the joint legislative audit and review committee to conduct an evaluation and comparison of the cost efficiency of rental housing voucher programs versus other housing projects intended to assist low-income households, including construction and rehabilitation of housing units. The study will consider factors including administrative costs, capital costs, and other operating costs involved in operating voucher and other housing programs. The study will compare the number of households that can be served by voucher and other housing programs, given a set amount of available funds. The department of community, trade, and economic development, the housing finance commission, housing authorities, community action agencies, and local governments shall provide the joint legislative audit and review committee with information necessary for the study. The joint legislative audit and review committee shall solicit input regarding the study from interested parties, including representatives from the affordable housing advisory board, the department of community, trade, and economic development, the housing finance commission, representatives from the private rental housing industry, housing authorities, community action agencies, county and city governments, and nonprofit and for-profit housing developers. The joint legislative audit and review committee shall present the results of the study to the legislature by December 31, 2008.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a cost analysis of the programs and activities administered by the department of fish and wildlife. In conducting the study, the committee shall specifically identify the total costs that support both hunting and fishing programs as well as nongame programs, including

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

appropriate shares of the agency's administrative and indirect costs. The committee shall compare the cost analysis to revenues that currently support the programs, including the level of support received from game licenses and fees. The committee shall base its analysis on available management information and shall provide the results of its analysis to the legislature by January 2008.

(5) \$164,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families act as directed by Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct an analysis of the qualifications required to become a social worker I, II, III, or IV within the department of social and health services children's administration. The committee shall conduct an analysis of the qualifications used by other states for equivalent categories of social workers. The committee shall analyze the strengths and weaknesses of Washington's qualifications relative to the other states. The findings shall be reported to the legislature by December 1, 2007.

(7) Within amounts provided in this section, the committee shall conduct a review of the eligibility requirements and eligibility review processes that apply to any state program that offers individual health care coverage for qualified recipients.

(8) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 1488 (oil spill program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) Within the amounts provided in this section, the committee shall review the constitutional, case law, and statutory objectives and obligations of the department of natural resources' management of state-owned aquatic lands. The review will include an assessment of the degree to which the management practices of the department and other agencies are meeting these objectives and complying with legal obligations.

(11) \$38,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed House Bill No. 2641 (education performance agreements). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct a preaudit for a comprehensive review of boards and commissions. The preaudit study will inventory the existing boards/commissions, identify criteria for selecting entities for further review, propose the scope and objectives of those reviews, and identify resource and schedule options for the committee to consider before proceeding.

(13) The joint legislative audit and review committee shall develop a framework for future efforts to quantify and analyze health care spending across all sectors of the state. This effort would focus on identifying the relevant types of spending in the public and private sectors, the availability of information on each of those types of spending, and the extent to which that available information could be tracked over time. In conducting this work, the committee shall work with the legislative evaluation and accountability program committee and the University of Washington's institute for health metrics and evaluation, as appropriate. The committee shall provide a report by January 2009.

(14) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for beginning a cost-benefit analysis of a state-supported recreational facility. The objective of this analysis will be to compare the total capital and operating costs for the facility to the total benefits that have accrued over time and identify which parties have borne the costs and which parties have received the benefits.

Sec. 104 2007 c 522 s 104 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund--State Appropriation (FY 2008) . . . .	\$1,843,000
General Fund--State Appropriation (FY 2009) . . . .	<del>(\$2,068,000)</del>
	<u>\$2,038,000</u>
Pension Funding Stabilization Account	
Appropriation . . . . .	\$41,000
TOTAL APPROPRIATION . . . . .	<del>(\$3,952,000)</del>
	<u>\$3,922,000</u>

Sec. 105 2007 c 522 s 105 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

General Fund--State Appropriation (FY 2009) . . . . .	\$25,000
Department of Retirement Systems Expense Account--	
State Appropriation . . . . .	<del>(\$3,517,000)</del>
	<u>\$3,491,000</u>
TOTAL APPROPRIATION . . . . .	<u>\$3,516,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for 2009 is provided solely for the purchase of actuarial services to assist in the evaluation of the fiscal impact of health benefit proposals.

Sec. 106 2007 c 522 s 106 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$9,023,000)</del>
	<u>\$9,057,000</u>
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$9,198,000)</del>
	<u>\$9,151,000</u>
Pension Funding Stabilization Account	
Appropriation . . . . .	\$92,000
TOTAL APPROPRIATION . . . . .	<del>(\$18,313,000)</del>
	<u>\$18,300,000</u>

Sec. 107 2007 c 522 s 107 (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$4,810,000)</del>
	<u>\$4,811,000</u>
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$5,301,000)</del>
	<u>\$5,220,000</u>
Pension Funding Stabilization Account	
Appropriation . . . . .	\$75,000
TOTAL APPROPRIATION . . . . .	<del>(\$10,186,000)</del>
	<u>\$10,106,000</u>

Sec. 108 2007 c 522 s 109 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$7,255,000)</del>
	<u>\$7,392,000</u>
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$7,510,000)</del>
	<u>\$7,598,000</u>

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

TOTAL APPROPRIATION . ((~~\$14,765,000~~))  
\$14,990,000

Appropriation . . . . . ((~~\$39,437,000~~))  
\$40,923,000

TOTAL APPROPRIATION ((~~\$153,240,000~~))  
\$158,136,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement the task force on domestic violence as requested by section 306 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 109 2007 c 522 s 110 (uncodified) is amended to read as follows:

**FOR THE LAW LIBRARY**

General Fund--State Appropriation (FY 2008) . ((~~\$2,231,000~~))  
\$2,268,000  
General Fund--State Appropriation (FY 2009) . ((~~\$2,259,000~~))  
\$2,269,000  
TOTAL APPROPRIATION . . ((~~\$4,490,000~~))  
\$4,537,000

Sec. 110 2007 c 522 s 111 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund--State Appropriation (FY 2008) ((~~\$15,779,000~~))  
\$16,092,000  
General Fund--State Appropriation (FY 2009) ((~~\$16,819,000~~))  
\$17,145,000  
TOTAL APPROPRIATION . ((~~\$32,598,000~~))  
\$33,237,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for chapter 34, Laws of 2007 (Senate Bill No. 5351, court of appeals judges' travel).

Sec. 111 2007 c 522 s 112 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund--State Appropriation (FY 2008) . . . \$1,117,000  
General Fund--State Appropriation (FY 2009) . ((~~\$1,148,000~~))  
\$1,134,000  
TOTAL APPROPRIATION . . ((~~\$2,265,000~~))  
\$2,251,000

Sec. 112 2007 c 522 s 113 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2008) ((~~\$29,011,000~~))  
\$30,659,000  
General Fund--State Appropriation (FY 2009) ((~~\$30,148,000~~))  
\$33,447,000  
Public Safety and Education Account--State  
Appropriation (FY 2008) . . . . . ((~~\$24,071,000~~))  
\$22,558,000  
Public Safety and Education Account--State  
Appropriation (FY 2009) . . . . . ((~~\$24,223,000~~))  
\$24,199,000  
Equal Justice Subaccount of the Public Safety and  
Education Account--State Appropriation (FY 2008)  
. . . . . \$3,175,000  
Equal Justice Subaccount of the Public Safety and  
Education Account--State Appropriation (FY 2009)  
. . . . . \$3,175,000  
Judicial Information Systems Account--State

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs. Funding distributed in this subsection shall not be used to supplant existing local funding for the court-appointed special advocates program.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2008, \$300,000 of the general fund--state appropriation for fiscal year 2009, \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$1,640,000 of the general fund--state appropriation for fiscal year 2008, \$1,641,000 of the general fund--state appropriation for fiscal year 2009, \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2007-09 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate

SIXTIETH DAY, MARCH 13, 2008

reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) \$325,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of the juror pay pilot and research project.

(6) ~~(\$1,000,000)~~ \$830,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,000,000)~~ \$1,170,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving interpreter services at the trial court level.

(a) Of these amounts, ~~(\$340,000)~~ \$170,000 for fiscal year 2008 ~~(is)~~ and \$170,000 for fiscal year 2009 are provided solely to assist trial courts in developing and implementing language assistance plans. The administrator of the courts, in consultation with the interpreter commission, shall adopt language assistance plan standards consistent with chapters 2.42 and 2.43 RCW. The standards shall include guidelines on local community input, provisions on notifying court users on the right and methods to obtain an interpreter, information on training for judges and court personnel, procedures for identifying and appointing an interpreter, access to translations of commonly used forms, and processes to evaluate the development and implementation of the plan.

(b) Of these amounts, \$610,000 for fiscal year 2008 and \$950,000 for fiscal year 2009 are provided solely to assist trial courts with interpreter services. In order to be eligible for assistance, a trial court must have completed a language assistance plan consistent with the standards established in (a) of this subsection that is approved by the administrator of the courts and submit the amounts spent annually on interpreter services for fiscal years 2005, 2006, and 2007. The funding in this subsection (b) shall not be used to supplant existing funding and cannot be used for any purpose other than assisting trial courts with interpreter services. At the end of the fiscal year, recipients shall report to the administrator of the court the amount the trial court spent on interpreter services.

(c) \$50,000 for fiscal year 2008 and \$50,000 for fiscal year 2009 are provided solely to the administrator of the courts for administration of this subsection. By December 1, 2009, the administrator of the courts shall report to the appropriate policy and fiscal committees of the legislature: (i) The number of trial courts in the state that have completed a language assistance plan; (ii) the number of trial courts in the state that have not completed a language assistance plan; (iii) the number of trial courts in the state that received assistance under this subsection, the amount of the assistance, and the amount each trial court spent on interpreter services for fiscal years 2005 through 2008 and fiscal year 2009 to date.

(7) \$443,000 of the general fund--state appropriation for fiscal year 2008 and \$543,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Within the amounts provided:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for developing training materials for the family court liaisons.

(b) \$43,000 of the general fund--state appropriation for fiscal year 2008 and \$43,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for reimbursement costs related to the family law handbook;

(c) \$350,000 of the general fund--state appropriation for fiscal year 2008 and \$350,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties to provide guardian ad litem services for the indigent for a reduced or waived fee;

(d) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementing the data tracking provisions specified in sections

701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution).

(8)(a) \$20,458,000 of the judicial information systems account--state appropriation is provided solely for the development and implementation of the core case management system. In expending the funds provided within this subsection, the following conditions must first be satisfied before any subsequent funds may be expended:

(i) Completion of feasibility studies detailing linkages between the objectives of the core case management system and the following: The technology efforts required and the impacts of the new investments on existing infrastructure and business functions, including the estimated fiscal impacts to the judicial information systems account and the near general fund accounts; the alignment of critical system requirements of varying size courts at the municipal, district, and superior court level with their respective proposed business processes resulting from business process engineering, and detail on the costs and other impacts to the courts for providing critical business requirements not addressed by new common business processes; the specific requirements and business process needs of state agencies dependent on data exchange with the judicial information system; and the results from a proof of implementation phase; and

(ii) Discussion with and presentation to the department of information systems and the information services board regarding the impact on the state agencies dependent on successful data exchange with the judicial information system and the results of the feasibility studies.

(b) The judicial information systems committee shall provide quarterly updates to the appropriate committees of the legislature and the department of information systems on the status of implementation of the core case management system.

(c) The legislature respectfully requests the judicial information systems committee invite representatives from the state agencies dependent on successful data exchange to their regular meetings for consultation as nonvoting members.

~~((+9))~~ (9) \$534,000 of the general fund--state appropriation for fiscal year 2008 and \$949,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Substitute Senate Bill No. 5320 (public guardianship office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$29,000 of the general fund--state appropriation for fiscal year 2008 and \$102,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the twenty-third superior court judge position in Pierce county. The funds appropriated in this subsection shall be expended only if the judge is appointed and serving on the bench.

(11) \$800,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Second Substitute House Bill No. 2822 (family and juvenile court). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$90,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Second Substitute House Bill No. 2903 (access coordinator). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 113 2007 c 522 s 114 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2008)	<del>(\$18,014,000)</del>
	\$17,814,000
General Fund--State Appropriation (FY 2009)	<del>(\$18,016,000)</del>
	\$18,137,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$7,066,000
Public Safety and Education Account--State	

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Appropriation (FY 2009) . . . . . ((~~\$7,025,000~~))  
\$7,013,000

**FOR THE LIEUTENANT GOVERNOR**

Equal Justice Subaccount of the Public Safety and  
Education Account--State Appropriation (FY 2008)  
. . . . . \$2,250,000  
Equal Justice Subaccount of the Public Safety and  
Education Account--State Appropriation (FY 2009)  
. . . . . \$2,251,000  
TOTAL APPROPRIATION . . . . . ((~~\$54,622,000~~))  
\$54,531,000

General Fund--State Appropriation (FY 2008) . . . . . \$798,000  
General Fund--State Appropriation (FY 2009) . . . . . ((~~\$837,000~~))  
\$821,000  
General Fund--Private/Local Appropriation . . . . . \$90,000  
TOTAL APPROPRIATION . . . . . ((~~\$1,725,000~~))  
\$1,709,000

**Sec. 116** 2007 c 522 s 118 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2008) . . . . . \$2,546,000  
General Fund--State Appropriation (FY 2009) . . . . . ((~~\$2,499,000~~))  
\$2,448,000  
TOTAL APPROPRIATION . . . . . ((~~\$5,045,000~~))  
\$4,994,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 is for a feasibility study to determine the cost of designing, developing, implementing, and maintaining: (a) Software or other applications to accommodate electronic filing by lobbyists reporting under RCW 42.17.150 and 42.17.170, by lobbyist employers reporting under RCW 42.17.180, and by public agencies reporting under RCW 42.17.190; (b) a database and query system that results in data that is readily available to the public for review and analysis and that is compatible with current computer architecture, technology, and operating systems, including but not limited to Windows and Apple operating systems. The commission shall contract for the feasibility study and consult with the department of information services. The study may include other elements, as determined by the commission, that promote public access to information about lobbying activity reportable under chapter 42.17 RCW. The study shall be provided to the legislature by January 2008.

**Sec. 117** 2007 c 522 s 119 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2008) ((~~\$32,941,000~~))  
\$33,863,000  
General Fund--State Appropriation (FY 2009) ((~~\$21,774,000~~))  
\$21,816,000  
General Fund--Federal Appropriation . . . . . ((~~\$7,312,000~~))  
\$7,279,000  
General Fund--Private/Local Appropriation . . . . . ((~~\$134,000~~))  
\$132,000  
Archives and Records Management Account--State  
Appropriation . . . . . ((~~\$8,390,000~~))  
\$8,339,000  
Department of Personnel Service Account--State  
Appropriation . . . . . ((~~\$768,000~~))  
\$760,000  
Local Government Archives Account--State  
Appropriation . . . . . ((~~\$13,791,000~~))  
\$15,344,000  
Election Account--Federal Appropriation . . . . . ((~~\$39,103,000~~))  
\$31,511,000  
Charitable Organization Education Account--State  
Appropriation . . . . . \$122,000  
TOTAL APPROPRIATION ((~~\$124,335,000~~))  
\$119,166,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$13,104,000~~)) \$13,290,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided from the public safety and education account appropriations include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$398,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to expand the parents representation program into Whatcom county.

(3) Starting with fiscal year 2009, the office shall adjust its monthly, annual, and biennial accounting records so that the expenditures by fund, object, and subobject are attributed to the following programs: (a) Appellate indigent defense; (b) representation of indigent parents qualified for appointed counsel in dependency and termination cases; (c) trial court criminal indigent defense; (d) other grants or contracted services; and (e) costs for administering the office. The office may consult with the administrator for the courts, the office of financial management, and the legislative evaluation and accountability program committee for guidance in adjusting its accounting records.

(4) \$235,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 114** 2007 c 522 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2008) . . . . . ((~~\$6,614,000~~))  
\$6,615,000  
General Fund--State Appropriation (FY 2009) . . . . . ((~~\$6,758,000~~))  
\$6,959,000  
((~~General Fund--Federal Appropriation~~ . . . . . \$35,000))  
Economic Development Strategic Reserve Account--State  
Appropriation . . . . . ((~~\$4,000,000~~))  
\$6,000,000  
Oil Spill Prevention Account--State Appropriation . . . \$715,000  
TOTAL APPROPRIATION . . . . . ((~~\$18,122,000~~))  
\$20,289,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5224 (salmon office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(2) \$25,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Senate Bill No. 6313 (disability history). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(3) \$2,000,000 of the economic development and strategic reserve account--state appropriation for fiscal year 2009 is provided solely to provide support and assistance to victims of the December 2007 storms and floods in Chehalis and Centralia.

**Sec. 115** 2007 c 522 s 117 (uncodified) is amended to read as follows:

SIXTIETH DAY, MARCH 13, 2008

on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) (~~(\$2,421,000)~~) \$2,556,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$3,893,000)~~) \$3,965,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$118,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for legal advertising of state measures under RCW 29A.52.330.

(4)(a) \$2,465,000 of the general fund--state appropriation for fiscal year 2008 and \$2,501,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2007-09 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for humanities Washington's "we the people" community conversations program.

(6) \$122,000 of the charitable organization education account--state appropriation is provided solely for implementation of Substitute House Bill No. 1777 (charitable organizations). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) \$575,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for settlement costs and attorney fees resulting from the resolution of *Washington Association of Churches, et al. v. Reed*, United States District Court Western District of Washington at Seattle, Case No. CV06-0726RSM.

**Sec. 118** 2007 c 522 s 120 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

2008 REGULAR SESSION

General Fund--State Appropriation (FY 2008) . . . . .	\$348,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$317,000)</del>
	\$463,000
TOTAL APPROPRIATION . . . . .	<del>(\$665,000)</del>
	\$811,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the office to engage a contractor to conduct a detailed analysis of the achievement gap for Native American students; analyze the progress in developing effective government-to-government relations and identification and adoption of curriculum regarding tribal history, culture, and government as provided under RCW 28A.345.070; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the tribal leader congress on education, the Washington state school directors association, and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

**Sec. 119** 2007 c 522 s 121 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2008) . . . . .	\$257,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$252,000)</del>
	\$548,000
TOTAL APPROPRIATION . . . . .	<del>(\$509,000)</del>
	\$805,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the commission to engage a contractor to conduct a detailed analysis of the achievement gap for Asian American students; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the former members of the Asian Pacific Islander American think tank and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the commission to engage a contractor to conduct a detailed analysis of the achievement

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

gap for Pacific Islander American students; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the former members of the Asian Pacific Islander American think tank and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

Sec. 120 2007 c 522 s 122 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State
Appropriation . . . . . ((\$15,687,000))
\$15,539,000

The appropriation in this section is subject to the following conditions and limitations: \$183,000 of the state treasurer's service account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1512 (linked deposit program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 121 2007 c 522 s 123 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2008) . . . . . \$794,000
General Fund--State Appropriation (FY 2009) . . . ((\$829,000))
\$806,000
State Auditing Services Revolving Account--State
Appropriation . . . . . ((\$15,188,000))
\$15,312,000
TOTAL APPROPRIATION . ((\$16,811,000))
\$16,912,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$752,000 of the general fund--state appropriation for fiscal year 2008 and \$762,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$1,000 of the appropriation from the auditing services revolving account--state is provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes Center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes Center effective July 1, 2007.

(4) \$313,000 of the auditing services revolving account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6776

(whistleblower protections). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 122 2007 c 522 s 124 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2008) . . . . . \$159,000
General Fund--State Appropriation (FY 2009) . . . ((\$229,000))
\$225,000
TOTAL APPROPRIATION . . . . . ((\$388,000))
\$384,000

Sec. 123 2007 c 522 s 125 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2008) . ((\$6,250,000))
\$6,262,000
General Fund--State Appropriation (FY 2009) . ((\$6,656,000))
\$6,973,000
General Fund--Federal Appropriation . . . . . ((\$3,951,000))
\$3,960,000
Public Safety and Education Account--State
Appropriation (FY 2008) . . . . . \$1,143,000
Public Safety and Education Account--State
Appropriation (FY 2009) . . . . . ((\$1,199,000))
\$1,228,000
New Motor Vehicle Arbitration Account--State
Appropriation . . . . . ((\$1,323,000))
\$1,312,000
Legal Services Revolving Account--State
Appropriation . . . . . ((\$224,635,000))
\$229,849,000
Tobacco Prevention and Control Account--State
Appropriation . . . . . \$270,000
TOTAL APPROPRIATION ((\$245,427,000))
\$250,997,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$9,446,000 of the legal services revolving account--state appropriation is provided solely for increases in salaries and benefits of assistant attorneys general effective July 1, 2007. This funding is provided solely for increases to address critical recruitment and retention problems, and shall not be used for the performance management program or to fund general administration. The attorney general shall report to the office of financial management and the fiscal committees of the senate and house of representatives by October 1, 2008, and provide detailed demographic information regarding assistant attorneys general who received increased salaries and benefits as a result of the appropriation. The report shall include a minimum information regarding the years of service, division assignment within the attorney general's office, and client agencies represented by assistant attorneys general receiving increased salaries and benefits as a result of the amount provided in this subsection. The report shall include a proposed salary schedule for all assistant attorneys general using the same factors used to

SIXTIETH DAY, MARCH 13, 2008

determine increased salaries under this section. The report shall also provide initial findings regarding the effect of the increases on recruitment and retention of assistant attorneys general.

(4) \$69,000 of the legal services revolving fund--state appropriation is provided solely for Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$44,000 of the legal services revolving fund--state appropriation is provided solely for Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$170,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2479 (wireless number disclosure). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(7) \$110,000 of the legal services revolving account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 3274 (port district contracting). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(8) \$346,000 of the legal services revolving account--state appropriation is provided solely for implementation of sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(9) \$492,000 of the legal services revolving account--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) The agency shall submit a staffing model that supports the need for increased resources due to casework associated with the sexually violent predator population to the office of financial management and the fiscal committees of the legislature by October 31, 2008.

(11) The attorney general shall deposit to the health services account at least \$680,000 from the *cy pres* monetary portion of the consent decree in settlement of the consumer protection act litigation against Caremark Rx, LLC (King county superior court cause no. 08-2- 06098-5). These moneys shall be expended pursuant to legislative appropriation consistent with the terms of the consent decree.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the attorney general to review the implementation of Substitute Senate Bill No. 6385 (real property). At a minimum, the attorney general shall collect data related to the number of actions filed and their disposition. The office shall report its findings and any recommendations for statutory changes to the appropriate committees of the legislature by December 1, 2008. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 124** 2007 c 522 s 126 (uncodified) is amended to read as follows:

**FOR THE CASELOAD FORECAST COUNCIL**

General Fund--State Appropriation (FY 2008) . . .	<del>(\$756,000)</del>
	\$815,000
General Fund--State Appropriation (FY 2009) . . .	<del>(\$781,000)</del>
	\$793,000
TOTAL APPROPRIATION . . .	<del>(\$1,537,000)</del>
	\$1,608,000

**Sec. 125** 2007 c 522 s 127 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2008)	<del>(\$66,652,000)</del>	\$63,420,000
General Fund--State Appropriation (FY 2009)	<del>(\$67,867,000)</del>	\$73,998,000
General Fund--Federal Appropriation . . . . .	<del>(\$251,537,000)</del>	\$252,994,000
General Fund--Private/Local Appropriation . . .	<del>(\$14,680,000)</del>	\$14,657,000
Public Safety and Education Account--State Appropriation (FY 2008) . . . . .	\$2,775,000	
Public Safety and Education Account--State Appropriation (FY 2009) . . . . .	<del>(\$2,735,000)</del>	\$3,750,000
Public Works Assistance Account--State Appropriation . . . . .	<del>(\$2,977,000)</del>	\$2,956,000
Tourism Promotion and Development Account--State Appropriation . . . . .	\$1,000,000	
Drinking Water Assistance Administrative Account--State Appropriation . . . . .	<del>(\$415,000)</del>	\$405,000
Lead Paint Account--State Appropriation . . . . .	<del>(\$6,000)</del>	\$18,000
Building Code Council Account--State Appropriation . . . . .	<del>(\$1,180,000)</del>	\$1,211,000
Low-Income Weatherization Assistance Account--State Appropriation . . . . .	<del>(\$8,385,000)</del>	\$8,381,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008) . . . . .	\$3,644,000	
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009) . . . . .	<del>(\$3,660,000)</del>	\$3,650,000
Community and Economic Development Fee Account--State Appropriation . . . . .	<del>(\$1,840,000)</del>	\$1,837,000
Washington Housing Trust Account--State Appropriation . . . . .	<del>(\$32,327,000)</del>	\$26,777,000
<del>(Homeless Families Service Account--State Appropriation . . . . .)</del>	<del>(\$300,000)</del>	
Public Facility Construction Loan Revolving Account--State Appropriation . . . . .	<del>(\$635,000)</del>	\$630,000
Affordable Housing Account--State Appropriation . . . . .	<del>(\$15,200,000)</del>	\$14,650,000
Community Preservation and Development Authority Account--State Appropriation . . . . .	\$350,000	
Home Security Fund Account--State Appropriation . . . . .	<del>(\$16,200,000)</del>	\$16,700,000
Independent Youth Housing Account--State Appropriation . . . . .	\$1,000,000	
<del>Administrative Contingency Account--State Appropriation . . . . .</del>	<del>\$1,800,000</del>	
<del>Manufacturing Innovation and Modernization Account--State Appropriation . . . . .</del>	<del>\$306,000</del>	
TOTAL APPROPRIATION	<del>(\$495,365,000)</del>	\$496,909,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2008 and \$2,838,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect

SIXTIETH DAY, MARCH 13, 2008

charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$1,658,000 of the general fund--state appropriation for fiscal year 2008 and \$1,658,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for multijurisdictional drug task forces.

(3) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for domestic violence legal advocacy.

(4) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall ~~((contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter)) collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.~~

(5) \$145,000 of the general fund--state appropriation for fiscal year 2008 and \$144,000 of the general fund--state appropriation for fiscal year 2009 are provided to support a task force on human trafficking.

(6) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute Senate Bill No. 5092 (associate development organizations). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the community services block grant program.

(8) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to implement the innovation partnership zone program.

(a) The director shall designate innovation partnership zones on the basis of the following criteria:

(i) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(A) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(B) Dense proximity of globally competitive firms in a research-based industry or industries or of individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or other recognized evidence of international success; and

(C) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone;

(ii) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a

2008 REGULAR SESSION

workforce development council, and an associate development organization, port, or chamber of commerce;

(iii) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(iv) The innovation partnership zone shall designate a zone administrator, which must be an economic development council, port, workforce development council, city, or county.

(b) By October 1, 2007, and October 1, 2008, the director shall designate innovation partnership zones on the basis of applications that meet the criteria in this subsection, estimated economic impact of the zone, and evidence of forward planning for the zone.

(c) If the innovation partnership zone meets the other requirements of the fund sources, then the innovation partnership zone is encouraged to use the local infrastructure financing tool program, the sales and use tax for public facilities in rural counties, the job skills program and other state and local resources to promote zone development.

(d) The department shall convene at least one information sharing event for innovation partnership zone administrators and other interested parties.

(e) An innovation partnership zone shall provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation.

(9) \$430,000 of the general fund--state appropriation for fiscal year 2008 and ~~(((\$1,935,000))~~ \$2,200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the economic development commission to work with the higher education coordinating board and research institutions to:

(a) Develop a plan for recruitment of ten significant entrepreneurial researchers over the next ten years to lead innovation research teams, which plan shall be implemented by the higher education coordinating board; and (b) develop comprehensive entrepreneurial programs at research institutions to accelerate the commercialization process.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the cascade land conservancy to develop and demonstrate one or more transfer of development rights programs. These programs shall involve the purchase or lease of development rights or conservation easements from family forest landowners facing pressure to convert their lands and who desire to keep their land in active forest management. The grant shall require the conservancy to work in collaboration with family forest landowners and affected local governments, and to submit an interim written progress report to the department by September 15, 2008, and a final report by June 30, 2009. The department shall transmit the reports to the governor and the appropriate committees of the legislature.

(11) \$155,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 1422 (addressing children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$180,000 of the general fund--state appropriation for fiscal year 2008 and ~~(((\$180,000))~~ \$430,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for KCTS public television to support programming in the Spanish language. These funds are intended to support the addition of a bilingual outreach coordinator to serve Latino adults, families and children in western and central Washington;

SIXTIETH DAY, MARCH 13, 2008

multimedia promotion on Spanish-language media and website integration; the production of targeted public affairs programs that seek to improve education and the quality of life for Latinos; and to establish partnerships with city and county library systems to provide alternative access to the v-me Spanish language channel via the internet.

(13) \$1,000,000 of the tourism and promotion account--state appropriation is provided for Substitute House Bill No. 1276 (creating a public/private tourism partnership). Of this amount, \$280,000 is for the department of fish and wildlife's nature tourism infrastructure program; \$450,000 is for marketing the 2010 Olympic games; and \$50,000 is for the Washington state games.

~~((+5))~~ (14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the African chamber of commerce of the Pacific Northwest to support the formation of trade alliances between Washington businesses and African businesses and governments.

~~((+6))~~ (15) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the emergency food assistance program.

~~((+7))~~ ~~\$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department's individual development account program.~~

~~((+8))~~ (16) \$80,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the energy facility site evaluation council to contract for a review of the status of pipeline utility corridor capacity and distribution for natural gas, petroleum and biofuels in southwest Washington. The council shall submit its findings and recommendations to the legislature by December 1, 2007.

~~((+9))~~ (17) ~~(\$1,813,000)~~ \$513,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,813,000)~~ \$2,463,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot program to provide transitional housing assistance to offenders who are reentering the community and are in need of housing as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). The department shall operate the program through grants to eligible organizations as described in RCW 43.185.060. A minimum of two programs shall be established in two counties in which community justice centers are located. The pilot programs shall be selected through a request for proposal process in consultation with the department of corrections. The department shall select the pilot sites by January 1, 2008.

(a) The pilot program shall:

(i) Be operated in collaboration with the community justice center existing in the location of the pilot site;

(ii) Offer transitional supportive housing that includes individual support and mentoring available on an ongoing basis, life skills training, and close working relationships with community justice centers and community corrections officers. Supportive housing services can be provided directly by the housing operator, or in partnership with community-based organizations;

(iii) In providing assistance, give priority to offenders who are designated as high risk or high needs as well as those determined not to have a viable release plan by the department of corrections; and

(iv) Provide housing assistance for a period of up to twelve months for a participating offender.

(b) The department may also use up to twenty percent of the funds in this subsection to support the development of additional supportive housing resources for offenders who are reentering the community.

(c) The department shall collaborate with the department of corrections in the design of the program and development of

2008 REGULAR SESSION

criteria to determine who will qualify for housing assistance, and shall report to the legislature by November 1, 2008, on the number of offenders seeking housing, the number of offenders eligible for housing, the number of offenders who receive the housing, and the number of offenders who commit new crimes while residing in the housing.

~~((20))~~ (18) \$288,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for community transition coordination networks and county service inventories as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Funds are provided for: (a) Grants to counties to inventory services and resources available to assist offenders reentering the community; (b) a grant to the Washington institute for public policy to develop criteria for conducting the inventory; and (c) the department of community, trade, and economic development to assist with the inventory and implement a community transition coordination network pilot program.

~~((21))~~ ~~\$75,000~~ (19) \$150,000 of the general fund--state appropriation for fiscal year 2008 ~~(and \$75,000 of the general fund--state appropriation for fiscal year 2009 are)~~ is provided solely for a grant to the center for advanced manufacturing to assist domestic businesses to compete globally.

~~((22))~~ (20) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the developmental disabilities council to contract for legal services for individuals with developmental disabilities entering or currently residing in the department of social and health services division of developmental disabilities community protection program.

~~((23))~~ (21) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Safe Havens to provide supervised visitation for families affected by domestic violence and abuse.

~~((24))~~ (22) \$408,000 of the general fund--state appropriation for fiscal year 2008 and \$623,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts to expand the number of participants in juvenile drug courts consistent with the conclusions of the Washington state institute for public policy evaluation of effective programs to reduce future prison populations.

~~((25))~~ (23) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5652 (microenterprise development), including grants to microenterprise organizations for organizational capacity building and provision of training and technical assistance. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((26))~~ (24) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to ~~(establish the state economic development commission as an independent state agency consistent with)~~ implement Second Substitute Senate Bill No. 5995 (economic development commission). ~~(If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.)~~

~~((27))~~ (25) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support international trade fairs.

~~((28))~~ (26) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to survey best practices for smart meters/smart grid/smart appliance technology and the range of applications for smart meters around the country. The survey shall include, but is not limited to, utilities using smart meters to: (a) Meter responses to

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

time-of-use pricing, (b) meter savings from direct load control programs, (c) manage operations costs, (d) identify power outages, (e) meter voluntary interruptible power programs, (f) facilitate pay-as-you-go programs, and (g) enhance billing operations. The study will compare the survey results with Washington's electric utility power system including considerations of electricity price variations between peak and off-peak prices, seasonal price variations, forecast demand, conservation goals, seasonal or daily distribution or transmission constraints, etc., to identify the applications where smart meters may provide particular value to either individual consumers, individual Washington electric utility power systems, or the overall electric power grid in Washington, and to meeting state conservation and energy goals. The department shall complete the study and provide a report to the governor and the legislature by December 1, 2007.

~~((30)) (27)(a) \$500,000 of the general fund--state appropriation for fiscal year ((2008 is provided for a pilot program to provide assistance for three jurisdictions to enforce financial fraud and identity theft laws. Three pilot enforcement areas shall be established on January 1, 2008, two in the two largest counties by population west of the crest of the Cascade mountains and one in the largest county by population east of the crest of the Cascade mountains. Funding received for the purpose of this subsection through appropriations, gifts, and grants shall be divided equally between the three pilot enforcement areas. This funding is intended to provide for additional deputy prosecutors, law enforcement, clerical staff, and other support for the prosecution of financial fraud and identity theft crimes. The funding shall not be used to supplant existing funding and cannot be used for any purpose other than enforcement of financial fraud and identity theft laws. Appropriated state funds must be used to match gifts and grants of private-sector funds for the purposes of this subsection, and expenditure of appropriated state funds may not exceed expenditure of private funds.~~

~~(b) The department shall appoint a task force in each county with a pilot enforcement area. Each task force shall include the following members:~~

- ~~(i) Two members from financial institutions;~~
- ~~(ii) One member of the Washington association of county prosecutors;~~
- ~~(iii) One member of the Washington association of sheriffs and police chiefs;~~
- ~~(iv) One member of the Washington state association of municipal attorneys; and~~
- ~~(v) One law enforcement officer.~~

~~(c) The task force in each county shall provide advice and expertise in order to facilitate the prosecutor's efforts to prosecute and reduce the incidence of financial fraud and identity theft crimes, including check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments, organized counterfeit check rings, and organized identity theft rings.) 2009 is provided solely for the implementation of Second Substitute Senate Bill No. 1273 (financial fraud). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((31)) (28) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Grays Harbor county for activities associated with southwest Washington coastal erosion investigations and demonstrations.~~

~~((32)) (29) \$112,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the retired senior volunteer program.~~

~~((33)) (30) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely~~

for a grant to the Benton and Franklin county juvenile and drug courts. The grant is contingent upon the counties providing equivalent matching funds.

~~((34)) (31) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Seattle aquarium for a scholarship program for transportation and admission costs for classrooms with lower incomes, English as second language or special needs.~~

~~((35)) (32) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$256,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the long-term care ombudsman program.~~

~~((36)) (33) \$425,000 of the general fund--state appropriation for fiscal year 2008 and \$425,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Washington state association of counties for the county training program.~~

~~((37)) (34) \$495,000 of the general fund--state appropriation for fiscal year 2008 and \$495,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the northwest agriculture business center.~~

~~((38)) (35) ((200,000)) \$40,000 of the general fund appropriation for fiscal year 2008 ~~((is))~~ and \$160,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a program to build capacity and promote the development of nonprofit community land trust organizations in the state. Funds shall be granted through a competitive process to community land trusts with assets under one million dollars, and these funds shall be used for operating costs, technical assistance, and other eligible capacity building expenses to be determined by the department.~~

~~((39)) (36) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to centro latino to provide adult basic education that includes but is not limited to: English as a second language, Spanish literacy training, work-readiness training, citizenship classes, programs to promote school readiness, community education, and entrepreneurial services.~~

~~((40)) (37) \$500,000 of the general fund--state appropriation for fiscal year 2008 and ~~((500,000))~~ \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that all citizens have access to a low-cost resolution process as an alternative to litigation. Of the fiscal year 2009 funding, \$300,000 is to assist the centers in providing mediation services for parties with parenting plan disputes who either (a) are currently involved in dissolution proceedings or (b) completed a dissolution within the past year. The funding provided by this subsection does not constitute state funding to counties for the purposes of RCW 26.09.015(2)(b).~~

~~((41)) (38) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute House Bill No. 1303 (cleaner energy). Of these amounts, \$487,000 of the general fund--state appropriation for fiscal year 2008 is provided solely as pass-through funding to the department of ecology to conduct the climate advisory team stakeholder process and related staffing, analysis, and public outreach costs. The department shall retain ~~((1,500,000))~~ \$1,013,000 for expenditures related to the operations of the energy freedom authority, and the support of the vehicle workgroup and the carbon market stakeholder workgroup and any other activities required of the department by the bill. The department shall enter into interagency agreements with other agencies to implement the bill in the following amounts: (a) \$1,500,000 shall be provided to the climate impacts group at the University of Washington for~~

SIXTIETH DAY, MARCH 13, 2008

climate assessments; (b) \$200,000 shall be provided to the University of Washington college of forest resources for identification of barriers to using the state's forest resources for fuel production; and (c) \$800,000 shall be provided to the Washington State University for analyzing options for market incentives to encourage biofuels production. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((42))~~ (39) \$347,000 of the general fund--state appropriation for fiscal year 2008 and \$348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to Western Washington University to support small business development centers and underserved economic development councils with secondary research services. Of the amounts in this subsection, \$500,000 is intended for research services and shall be divided evenly between 25-50 small business development centers and underserved economic development councils and \$195,000 shall be used to develop infrastructure, training programs, and marketing materials.

~~((43))~~ (40) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study on improving the effectiveness of the growth management act. Topics may include but are not limited to: How best to meet and finance infrastructure and service needs of growing communities; how to provide incentives to accommodate projected growth and protect resource lands and critical areas; and how local governments are prepared to address land use changes associated with climate change.

~~((44))~~ (41) \$75,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$75,000)~~ \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Poulsbo marine science center.

~~((45))~~ (42) \$1,625,000 of the general fund--state appropriation for fiscal year 2008 and \$1,625,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating and capital equipment and facility grants to the following public television and radio stations: KPBX/KSFC, \$863,525; KPLU, \$733,525; KVTI, \$108,550; KDNA, \$29,205; KSER, \$338,325; KNHC, \$146,620; KSPS, \$568,750; and KBTC, \$461,500.

~~((46))~~ (43) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safe and drug free schools and communities program.

~~((47))~~ (44) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$103,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington's college of forest resources center for international trade in forest products.

~~((48))~~ (45) \$471,000 of the general fund--state appropriation for fiscal year 2008 and \$471,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as pass-through funding to Walla Walla community college for its water and environmental center.

~~((49))~~ (46) \$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

~~((50))~~ (47)(a) \$200,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to examine the fiscal health of counties. The study shall address spending and revenues, as well as the demographic, geographic, social, economic, and other factors contributing to or causing financial distress. The study shall also examine the financial efficiencies, cost savings, and improved levels of service that may be gained by authorizing noncharter counties greater flexibility in altering their forms of governance, including

consolidating or merging constitutional or statutory functions or structures.

(b) The department of community, trade, and economic development may contract or consult with any agency, organization, or other public or private entity as it deems necessary in order to complete the study required under this section. The study may contain options and actions for consideration by the governor and the legislature, but at minimum shall recommend the changes to constitutional and statutory law necessary to provide counties with the legal authority required to implement the changes in governmental structures and functions needed to promote optimum financial efficiency and improved services. The study shall be transmitted to the appropriate committees of the legislature and the governor by December 1, 2007.

~~((51))~~ (48) \$2,136,000 of the general fund--state appropriation for fiscal year 2008 and \$2,136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expense of the "closing the achievement gap-flight program" of the Seattle public schools during the 2007-09 biennium. The funds will be used in support of a collaboration model between the Seattle public schools and the community. The primary intent for this program is to close the academic achievement gap for students of color and students in poverty by promoting parent and family involvement and enhancing the social-emotional and the academic support for students. By June 30, 2009, the Seattle public schools will provide and evaluation of the impact of the activities funded on class size, graduation rates, student attendance, student achievement, and closing the achievement gap.

~~((52))~~ (49) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 ~~(and)~~ \$1,000,000 of the general fund--state appropriation for fiscal year 2009, and \$200,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for crime victim service centers.

~~((53))~~ (50) \$41,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for House Bill No. 1038 (electric transmission lines). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((54))~~ (51) \$1,000,000 of the independent youth housing account is provided for Second Substitute House Bill No. 1922 (youth housing program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((55))~~ (52) \$227,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year ~~(2008)~~ 2009 are provided solely for Second Substitute House Bill No. 1636 (development rights). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((56))~~ (53) \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for Substitute House Bill No. 1037 (electrical transmission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((57))~~ (54) \$131,000 of the general fund--state appropriation for fiscal year 2008 ~~(and \$62,000 of the general fund--state appropriation for fiscal year 2009 are)~~ is provided solely for Engrossed Second Substitute House Bill No. 1705 (health sciences and services). ~~(If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.)~~

~~((58))~~ (55) \$881,000 of the general fund--state appropriation for fiscal year 2008 and \$882,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to: (a) Work with a statewide asset building coalition to design, implement, and fund a public education and outreach campaign; and (b) initiate, expand, and strengthen community-based asset building coalitions by providing them

SIXTIETH DAY, MARCH 13, 2008

with technical assistance and grants. The department shall conduct an application process and select at least twelve sites by October 31, 2007. Of the amounts provided in this subsection, no more than 10 percent may be used by the department to administer the technical assistance and grant program. The department shall report to the appropriate committees of the legislature on the status of the grant and technical assistance program by December 1, 2008.

~~((59))~~ (56) \$15,200,000 of the affordable housing account--state appropriation and \$16,200,000 of the home security fund account--state appropriation are provided solely for Engrossed Second Substitute House Bill No. 1359 (affordable housing). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((60))~~ (57) \$350,000 of the community preservation and development authority account--state appropriation is provided solely for Substitute Senate Bill No. 6156 (development authorities). If this bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(58) \$600,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for distribution to community sexual assault programs by the office of crime victims advocacy for the purpose of enhancing services provided to child victims of sexual abuse and their families. Enhanced services may include expanded hours of medical and legal advocacy, expanded hours of therapy for the child victim, increased support to nonoffending family members, and the development of a standardized child-centered approach to service delivery.

(59) \$750,000 of the public safety and education account--state appropriation for fiscal year 2009 is provided solely to the office of crime victims advocacy. These funds shall be contracted with the 39 county prosecuting attorneys' offices to support victim-witness services. The funds must be prioritized to ensure a full-time victim-witness coordinator in each county. The office may retain only the amount currently allocated for this activity for administrative costs.

(60) \$75,000 of the public safety and education account appropriation for fiscal year 2009 is provided solely for the update of statewide sexual assault victim assistance protocols through a coordinated effort led by the Washington coalition of sexual assault programs.

(61) \$2,500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the transitional housing operating and rent program.

(62) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Airway Heights wastewater treatment plant and is contingent upon a capacity agreement with the Kalispel tribe that precludes the need to build multiple wastewater treatment facilities on the West Plains.

(63) \$344,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington New Americans program to provide naturalization assistance for legal permanent residents who are eligible to become citizens. The department shall conduct a competitive process to contract with an entity to provide this assistance, which shall include, but is not limited to: Curriculum design, counseling, outreach to immigrant communities, application processing and legal screening, and citizenship preparation services. The state funding is contingent upon receipt, by the contractor(s) of at least a twenty-five percent match of nonstate funding. The department and the contractor(s) shall develop performance measures for the program and within sixty days of the close of each fiscal year for which state funding is provided, shall report to the governor and the legislature on the outcome of the program and the performance measures. The department may retain up to five percent of the funds provided in this subsection to administer the competitive process and the contract. It is the intent of the legislature that \$2,000,000 be provided in the 2009-11 fiscal biennium to conclude this program.

2008 REGULAR SESSION

(64) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to the Island county associate development organization and is contingent upon the enactment of, and provides specific funding for, Substitute Senate Bill No. 6195 (definition of rural county for economic development purposes). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(65) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of sections 1 through 7 of Engrossed Second Substitute Senate Bill No. 6111 (tidal and wave energy). If these sections of this bill are not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(66) \$41,000 of the building code council account--state appropriation is provided solely for implementation of Substitute House Bill No. 2575 (fire sprinkler systems). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(67) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(68) \$207,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2815 (greenhouse gas emissions). The amount provided in this subsection includes \$50,000 for the analysis under section 9(3)(b) of the bill. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(69) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute House Bill No. 3120 (construction tax incentive). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(70) \$350,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Second Substitute Senate Bill No. 6483 (local farms and healthy kids). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(71) \$134,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Engrossed Second Substitute House Bill No. 2844 (urban forestry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(72) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the Lucy Lopez center for "the good citizen" bilingual radio programming pilot project.

(73) \$400,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the Pacific science center to support the "Lucy of Laetoli" exhibit.

(74) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the local organizing committee of 2008 Skate America to support the international skating union grand prix series at the Everett events center in October, 2008.

(75) \$225,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for development of the Lewis county watershed planning and economic development demonstration project. The purpose of the project is to identify lands and resources suitable for economic development within Lewis county and outside of the floodplains of Chehalis and Cowlitz river watersheds. It is the intent of the legislature that \$725,000 to complete this project will be provided in the 2009-11 fiscal biennium.

(a) Of this amount, the department shall provide \$75,000 each to the department of fish and wildlife and the department of ecology to develop a watershed characterization and to conduct

SIXTIETH DAY, MARCH 13, 2008

a local habitat assessment, develop recommendations, and provide technical assistance in support of a demonstration watershed planning and economic development project in Lewis county.

(b) \$75,000 of the amount provided in this subsection is provided solely for a grant to Lewis county to fund development of a subarea plan, consistent with the provisions of chapter 36.70A RCW, for rural economic development that is based on the watershed characterization and local habitat assessment funded in (a) of this subsection. The department may retain no more than thirty percent for grant administration and technical assistance.

(c) The subarea plan to be funded shall be developed by a broad-based local stakeholder group with state agency technical assistance, and shall include the following:

(i) Defined area or areas for future economic development outside the 100-year floodplain. Areas planned for economic development requiring urban levels of service must be designated on the land use map as an urban growth area consistent with RCW 36.70A.110;

(ii) Defined area or areas of designated agricultural, forestry, wildlife habitat, and other critical area lands;

(iii) Mechanisms to achieve long-term conservation of important aquatic and terrestrial resources in the subarea;

(iv) Defined mitigation and restoration areas;

(v) Identification of capital facility improvements needed to implement the plan, and a plan to finance such capital facilities within projected funding capacities;

(vi) Discussion of the relationship between the plan and other existing, adopted plans and regulations including but not limited to county and city comprehensive plans, as appropriate, critical areas and shoreline regulations, transportation, salmon recovery, watershed, and water resource inventory area plans;

(vii) A plan for monitoring and adaptive management; and

(viii) Adoption by the local government affected as an amendment to its comprehensive plan pursuant to chapter 36.70A RCW, after review and recommendations on the plan by a broad-based local stakeholder group.

(76) \$21,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to conduct a study of the provision of personal products (nonfoodstuffs) to low income residents of Washington. These items include, but are not limited to, hygiene products, cleaning supplies, and clothing. The study shall include: (a) An assessment of current services, including acquisition, donation, distribution, and delivery of personal products to those in need; (b) compilation of information of similar programs in other states; (c) identification and evaluation of options for improving efficiency of current services and expansion of programs to those not currently served; and (d) recommendations for consideration in the 2009-11 fiscal biennium. The department shall assemble an advisory group to guide the conduct of the study. The department shall provide a report of the study findings to the governor and the appropriate committees of the legislature by December 15, 2008.

(77) \$306,000 of the manufacturing innovation and modernization account--state appropriation is provided solely to implement Substitute Senate Bill No. 6510 (manufacturing extension services). \$75,000 of this amount shall be to develop a rural manufacturer export outreach program in collaboration with the small business export finance assistance center and to contract with the center to provide outreach services to rural manufacturing businesses in Washington to inform them of the importance of, and opportunities in, international trade and to inform them of the export assistance programs available to assist these businesses to become exporters. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(78) \$120,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the regional visitor/media

pavilion at the 2010 Olympic games in Vancouver, British Columbia.

(79) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to HistoryLink to develop Alaska-Yukon-Pacific exposition commemoration exhibits and programs.

(80) \$126,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed House Bill No. 3142 (rapid response loan program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(81) \$100,000 of the prostitution prevention and intervention account--nonappropriated is for distribution as grants by the office of crime victims advocacy. The grants shall be prioritized to law enforcement training including law enforcement training regarding the availability of services for minors under chapter 13.32A RCW, community outreach and education and treatment and services to address the problems of minors who have a history of engaging in sexual conduct for a fee or who are victims of commercial sexual abuse of a minor or both, including but not limited to mental health and chemical dependency services, parenting services, housing assistance, education and vocational training, or intensive case management services.

(82) \$5,000 of the general fund--state appropriation for fiscal year 2008 and \$20,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for tourism promotion in Keystone.

(83) \$5,000 of the general fund--state appropriation for fiscal year 2008 and \$20,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for tourism promotion in Port Townsend.

(84) \$126,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement sections 1 through 13, 43, and 44 of Engrossed Substitute Senate Bill No. 5959 (transitional housing). If these sections of this bill are not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(85) \$317,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Substitute Senate Bill No. 6580 (climate change), including sections 2 and 3 of the bill. If the bill and sections 2 and 3 are not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 126 2007 c 522 s 128 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2008) . . .	<del>(\$608,000)</del>
	\$726,000
General Fund--State Appropriation (FY 2009) . . .	<del>(\$631,000)</del>
	\$827,000
TOTAL APPROPRIATION . .	<del>(\$1,239,000)</del>
	\$1,553,000

The appropriations in this section are subject to the following conditions and limitations: The economic and revenue forecast council, in its quarterly revenue forecasts, shall forecast the total revenue for the state general fund and near general fund, as those funds are determined by the legislative evaluation and accountability program committee.

Sec. 127 2007 c 522 s 129 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2008) ( <del>\$24,175,000</del> )	\$24,110,000
General Fund--State Appropriation (FY 2009) ( <del>\$23,323,000</del> )	\$35,290,000
General Fund--Federal Appropriation . . . . .	<del>(\$23,588,000)</del>

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

	\$23,934,000
General Fund--Private/Local Appropriation . . . .	<del>(\$1,270,000)</del>
	<u>\$1,269,000</u>
State Auditing Services Revolving Account--State	
Appropriation . . . . .	\$25,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008) . . . . .	\$123,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009) . . . . .	\$123,000
<u>Economic Development Strategic Reserve Account--</u>	
<u>  State Appropriation . . . . .</u>	<u>\$175,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$72,627,000)</del>
	<u>\$85,049,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$75,000)~~ \$33,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$75,000)~~ \$58,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to continue the agricultural pilot programs that identify projects to enhance farm income and improve natural resource protection. Specific work will include project outreach and refinement, stakeholder support, staffing the oversight committee, seeking federal and private match funding, and further refining the list of projects to be recommended for funding.

(2) ~~(\$175,000)~~ \$155,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$175,000)~~ \$254,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to fund "proof-of-concept" model and projects recommended by the oversight committee, as provided in subsection (1) of this section.

(3) \$580,000 of the general fund--state appropriation for fiscal year 2008 and \$580,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the association of Washington cities and the Washington state association of counties for improving project permitting and mitigation processes.

(4) \$320,000 of the general fund--state appropriation for fiscal year 2008 and \$320,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of regulatory assistance to develop statewide multiagency permits for transportation infrastructure and other projects that integrate local, state, and federal permit requirements and mitigation standards.

(5) \$1,050,000 of the general fund--state appropriation for fiscal year 2008 and \$1,050,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5122 (regulatory assistance programs). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) ~~(\$165,000)~~ \$190,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$115,000)~~ \$90,000 of the general fund--state appropriation for fiscal year 2009 are provided solely ~~(for a study to develop)~~ to implement chapter 139, Laws of 2007 (student transportation funding) which requires development of two options for a new K-12 pupil transportation funding formula. ((The office of financial management shall contract with consultants with expertise in both pupil transportation and K-12 finance formulas. The office of financial management and the contractors shall consult with the legislative fiscal committees and the office of the superintendent of public instruction. The office of financial management shall submit a final report to the governor, the house of representatives appropriations committee, and senate ways and means committee by November 15, 2008.))

(7) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for financial assistance to local government agencies in counties representing populations of fewer than 350,000 residents for the

acquisition and development of streamlined permitting technology infrastructure through an integrated business portal approach. Grant awards may not exceed \$100,000 per local government agency per fiscal year. The funding must be used to acquire and implement permit tracking systems that can support and are compatible with a multijurisdictional, integrated approach. Prior to granting funds, the office of regulatory assistance shall ensure that the proposed systems and technology are based on open-industry standards, allow for future integration of processes and sharing of data, and are extendable.

(8) ~~(\$810,000)~~ \$474,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$495,000)~~ \$831,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of sections 50 through 57 (health resources strategy) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(9) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement section 3 of Substitute Senate Bill No. 5248 (preserving the viability of agricultural lands). Funds are provided for a contract with the Ruckelshaus center to examine conflicts between agriculture activities and critical areas ordinances. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) The education data center within the office of financial management may convene a work group to assess the feasibility, costs, and benefits of a higher education data system that uses privacy-protected student-level data.

(11) Within the appropriations in this section, specific funding is provided to implement Engrossed Second Substitute House Bill No. 2631 (regulatory assistance office).

(12) The department shall track all expenditures and FTE utilization in state government related to work on Initiative Measure No. 960 requirements, and shall provide a report to the fiscal committees of the legislature by November 1, 2008.

(13) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of financial management to establish and provide staff support for the Washington citizens' work group on health care reform, pursuant to Engrossed Substitute Senate Bill No. 6333.

(14) \$11,372,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development and implementation of the Washington assessment of student learning (WASL) and related activities and is in addition to the funding amounts provided in section 511 of this act. The funding provided in this subsection is subject to the following conditions and limitations: The office of financial management shall develop an interagency agreement with the office of the superintendent of public instruction for the expenditure of these funds based on a quarterly allotment schedule. Before releasing funds to the office of the superintendent of public instruction each quarter, the office of financial management shall ensure compliance with this subsection. Effective with the 2009 administration of the Washington assessment of student learning, while maintaining the reliability and validity of the assessment, the office of the superintendent of public instruction shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration, reducing the number of short answer and extended response questions, and potentially decreasing the number of items utilized in the assessment, particularly in grades tested under the requirements of the federal no child left behind act. In selecting and developing the new contractual obligations for the assessment contractor beginning in fiscal year 2009, the office of the superintendent of public instruction shall preserve legislative authority to set the student learning assessment policy and potentially make minor

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

or significant changes to that policy in the future with the least amount of adverse fiscal and other impacts to the state as possible. In doing this, the office of the superintendent of public instruction shall advise and consult with the appropriate policy and fiscal committees of the legislature and the Washington assessment of student learning work group created in this subsection. Within the amounts appropriated in this subsection, a legislative work group on the Washington assessment of student learning is established. The work group will consist of a maximum of nine members. Legislative members shall be appointed by the president of the senate and the speaker of the house of representatives and shall represent the two largest caucuses of both the senate and the house of representatives. The purpose of this work group is to review and evaluate the current assessment system by January 1, 2009, and potentially make recommendations to improve it. Of the amount provided in this section, \$150,000 is provided solely for costs associated with hiring independent technical experts to advise the Washington assessment of student learning work group created in this subsection.

(15) Through prior legislation, many state activities that protect the general public by safeguarding health, safety, employees, and consumers are supported by fees assessed on items such as licensing, registration, certification, and inspections. Moreover, higher education, workforce training, and a number of other government services are supported at least in part by fees assessed on those who participate in these programs. Therefore, the office of financial management shall conduct a review and analysis of all fees for which the legislature has delegated to state agencies and institutions of higher education the ability to establish and determine the amount, either upon initial establishment or subsequent increases. Fees, as used in this subsection, has the same meaning as used in RCW 43.135.055. The objective of the review and analysis is to document the level of fees paid over the past five years, the cost of those programs over that same time period, and, to the extent available, the effectiveness of the activity in meeting its performance targets. The review and analysis shall include the following information:

(a) Information about the program, including the statutory authority for the program, date enacted, and the parties that benefit from the program; and

(b) Information about the program fees, including name and description of the fees, the parties that bear the cost of the fees, the methodology for determining the fees, and whether the fees directly fund the program; and

(c) Financial related information, including an assessment of the program's fee amount assessed over the past five years, the scope of the program and related costs over the past 5 years, and whether the program's expenditures are subject to appropriation or allotment procedures under chapter 43.88 RCW; and

(d) To the extent available, information on the program activities and related performance measures that may assist in assessing the effectiveness of the program in achieving its goals.

The office of financial management shall report its findings to the governor and the fiscal committees of the legislature by October 1, 2008.

Sec. 128 2007 c 522 s 130 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State  
Appropriation . . . . . ((~~\$33,037,000~~))  
\$32,703,000

Sec. 129 2007 c 522 s 131 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF PERSONNEL**

General Fund--State Appropriation (FY 2008) . . . . . \$96,000

Department of Personnel Service Account--State  
Appropriation . . . . . ((~~\$30,106,000~~))  
\$23,618,000  
Higher Education Personnel Services Account--State  
Appropriation . . . . . ((~~\$1,794,000~~))  
\$1,780,000  
TOTAL APPROPRIATION . . . . . ((~~\$31,900,000~~))  
\$25,494,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 130 2007 c 522 s 132 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account--State  
Appropriation . . . . . ((~~\$26,382,000~~))  
\$26,086,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.

Sec. 131 2007 c 522 s 133 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund--State Appropriation (FY 2008) . . . . . \$261,000  
General Fund--State Appropriation (FY 2009) . . . . . ((~~\$276,000~~))  
\$422,000  
TOTAL APPROPRIATION . . . . . ((~~\$537,000~~))  
\$683,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the commission to engage a contractor to conduct a detailed analysis of the achievement gap for Hispanic students; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the Latino/a educational achievement project and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

Sec. 132 2007 c 522 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2008)\$257,000  
General Fund--State Appropriation (FY 2009) . . . . . ((~~\$266,000~~))  
\$262,000  
TOTAL APPROPRIATION . . . . . ((~~\$523,000~~))  
\$519,000

SIXTIETH DAY, MARCH 13, 2008

Sec. 133 2007 c 522 s 135 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

General Fund--State Appropriation (FY 2008) . . . . .	\$200,000
General Fund--State Appropriation (FY 2009) . . . . .	\$250,000
Dependent Care Administrative Account--State	
Appropriation . . . . .	<del>(\$448,000)</del>
	<u>\$237,000</u>
Department of Retirement Systems Expense Account--	
State Appropriation . . . . .	<del>(\$48,885,000)</del>
	<u>\$48,556,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$49,783,000)</del>
	<u>\$49,243,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1261 (duty disability service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$43,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1680 (emergency medical technician service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$72,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1649 (judges' past service credit purchases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$33,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1262 (plan 1 post retirement employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$315,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed House Bill No. 2391 (gainsharing revisions). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$12,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5014 (contribution rates). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) \$17,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5175 (retirement annual increases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to design a plan for the operation of a universal voluntary retirement accounts program, and then seek approval from the federal internal revenue service to offer the plan to workers and employers in Washington on a tax qualified basis. Features of Washington voluntary retirement accounts plan include a defined contribution plan with a limited pre-selected menu of investment options, administration by the department of retirement systems, investment oversight by the state investment board, tax-deferred payroll deductions, retirement account portability between jobs, and a two-tier system with workplace based individual retirement accounts open to all workers, and a deferred compensation 401(k)-type program or SIMPLE IRA-type program open to all employers who choose to participate for their employees. As part of this process, the director shall consult with the department of financial institutions, the state

2008 REGULAR SESSION

investment board, private sector retirement plan administrators and providers and other relevant sectors of the financial services industry, organizations promoting increased economic opportunities for individuals, employers, workers, and any other individuals or entities that the director determines relevant to the development of an effective and efficient method for implementing and operating the program. As part of this process, the director shall evaluate the most efficient methods for providing this service and ways to avoid competition with existing private sector vehicles. The director shall undertake the legal and development work to determine how to implement a universal voluntary retirement accounts program, managed through the department of retirement systems directly or by contract. By December 1, 2008, the director shall report to the legislature on the program's design and any required changes to state law that are necessary to implement the program.

(9) \$81,000 of the department of retirement systems expense account--state appropriation is provided solely for implementation of Engrossed House Bill No. 2887 (judges' service credit purchases). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) \$51,000 of the department of retirement systems expense account--state appropriation is provided solely for implementation of House Bill No. 3019 (partial year service credit for school district employees). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to contract with a skilled facilitator to mediate discussions to identify and document all outstanding issues related to the funding of retiree medical benefits in the law enforcement officers' and fire fighters' retirement system plan 1 and for staff resources to be used to conduct research in support of this effort. The stakeholder group shall include representatives of retired members of the law enforcement officers' and fire fighters' retirement system plan 1, local government employers, the department of retirement systems, and other groups as deemed necessary by the director of the department of retirement systems.

Sec. 134 2007 c 522 s 136 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2008) ( <del>(\$97,793,000)</del> )	
	<u>\$98,150,000</u>
General Fund--State Appropriation (FY 2009) ( <del>(\$101,158,000)</del> )	
	<u>\$105,951,000</u>
Timber Tax Distribution Account--State	
Appropriation . . . . .	<del>(\$5,846,000)</del>
	<u>\$5,788,000</u>
Waste Reduction/Recycling/Litter Control--State	
Appropriation . . . . .	<del>(\$130,000)</del>
	<u>\$128,000</u>
Waste Tire Removal Account--State Appropriation . . . . .	\$2,000
Real Estate Excise Tax Grant Account--State	
Appropriation . . . . .	\$3,900,000
State Toxics Control Account--State Appropriation ( <del>(\$88,000)</del> )	
	<u>\$87,000</u>
Oil Spill Prevention Account--State Appropriation . . . . .	\$16,000
Pension Funding Stabilization Account	
Appropriation . . . . .	\$2,370,000
TOTAL APPROPRIATION ( <del>(\$211,303,000)</del> )	
	<u>\$216,392,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Substitute House Bill No. 1002 (taxation of vessels). If the bill

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(2) \$31,000 of the general fund--state appropriation for fiscal year 2008 is for the implementation of Substitute House Bill No. 1891 (prescription drugs). If the bill is not enacted by June 30, 2007, the amount in this subsection shall lapse.

(3)(a) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to conduct a study of the taxation of electronically delivered products. The legislature recognizes that chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007, relates to specific types of electronically delivered products and does not address the taxation of numerous other types of electronically delivered products. Therefore, a policy question remains concerning the sales and use taxation of other electronically delivered products.

(b)(i) To perform the study, the department of revenue shall be assisted by a committee. The committee shall include four legislative members appointed as follows:

(A) The president of the senate shall appoint one member from each of the two largest caucuses of the senate; and

(B) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(ii) The department of revenue shall appoint additional members with balanced representation from different segments of government and industry, and shall consider representation from the following areas: Small and large businesses that generate, deliver, or use electronically delivered products; financial institutions; insurers; persons with expertise in tax law in an academic or private sector setting; and persons experienced in working with computers and electronically delivered products. The department of revenue shall appoint additional members from the department with expertise in the excise taxation of electronically delivered products.

(iii) The committee shall choose its chair from among its membership.

(iv) The department and committee shall review the following issues: The provision of explicit statutory definitions for electronically delivered products; the current excise tax treatment of electronically delivered products in the state of Washington and other states as well as the tax treatment of these products under the streamlined sales and use tax agreement; the administration, costs, and potential recipients of the tax exemptions provided in chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007; and alternatives to the excise taxation of electronically delivered products.

(v) Legislative members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the committee, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The department shall report its preliminary findings and recommendations to the appropriate fiscal committees of the legislature by November 30, 2007. The department shall provide the final report of its findings and recommendations to the appropriate fiscal committees of the legislature by September 1, 2008.

(4) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Engrossed Substitute Senate Bill No. 6809 (working families tax exemption). If the bill is not enacted by June 30, 2008, the amounts in this subsection shall lapse. This subsection does not constitute approval of the exemption under section 2, chapter . . . (ESSB 6809), Laws of 2008 or authorize payments of remittances.

(5) \$22,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Second Substitute House Bill No. 3104 (domestic partnerships). If the bill is not

enacted by June 30, 2008, the amounts in this subsection shall lapse.

Sec. 135 2007 c 522 s 137 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account--State  
Appropriation . . . . . ~~(\$19,266,000)~~  
\$24,333,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,500,000 of the state investment board expense account--state appropriation is provided solely for development of an investment data warehouse. This funding is intended to replace existing funding from nonbudgeted funds, with the intent that further expenditures for this project be made only by appropriation.

(2) \$1,791,000 of the state investment board expense account is for compensation and incentives for investment officers. Of this amount, \$852,000 is provided solely for implementation of Substitute House Bill No. 3149 (state investment board personnel compensation). The state investment board shall include funding for any future salary increases authorized under RCW 43.33A.100 in the agency's budget request submitted in accordance with chapter 43.88 RCW in advance of granting related salary increases. The biennial salary survey required under RCW 43.33A.100 shall also be provided to the office of financial management and to the fiscal committees of the legislature as part of the state investment board's biennial budget submittal.

Sec. 136 2007 c 522 s 138 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2008) . . . \$1,502,000  
General Fund--State Appropriation (FY 2009) . ~~(\$1,380,000)~~  
\$1,354,000  
TOTAL APPROPRIATION . . ~~(\$2,882,000)~~  
\$2,856,000

Sec. 137 2007 c 522 s 139 (uncodified) is amended to read as follows:

**FOR THE MUNICIPAL RESEARCH COUNCIL**

County Research Services Account--State Appropriation  
. . . . . \$847,000  
City and Town Research Services--State  
Appropriation . . . . . \$4,458,000  
General Fund--State Appropriation (FY 2008) . . . . \$200,000  
General Fund--State Appropriation (FY 2009) . . ~~(\$200,000)~~  
\$225,000  
TOTAL APPROPRIATION . . ~~(\$5,705,000)~~  
\$5,730,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute House Bill No. 3274 (port district contracting). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 138 2007 c 522 s 140 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account--State Appropriation  
. . . . . ~~(\$3,650,000)~~  
\$3,615,000

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

The appropriations in this section are subject to the following conditions and limitations: \$19,000 of the OMWBE enterprise account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1512 (linked deposit program). ~~(If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse--)~~

**Sec. 139** 2007 c 522 s 141 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 2008) . . .	<del>(\$577,000)</del>
	\$591,000
General Fund--State Appropriation (FY 2009) . . .	<del>(\$580,000)</del>
	\$590,000
General Fund--Federal Appropriation . . . . .	<del>(\$3,655,000)</del>
	\$3,651,000
General Administration Service Account--State Appropriation . . . . .	<del>(\$34,951,000)</del>
	\$36,929,000
<b>TOTAL APPROPRIATION . . . . .</b>	<del>(\$39,763,000)</del>
	\$41,761,000

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the temporary emergency food assistance program.

(2) Within the appropriations in this section, specific funding is provided to implement Second Substitute House Bill No. 1332 (affordable housing).

(3) \$391,000 of the general administration services account--state appropriation for fiscal year 2009 is provided solely for implementation of costs associated with the planning of agency moves out of the general administration building.

(4) The department shall work with the office of financial management to develop a plan that balances revenues and expenditures for each line of business within the general administration services account. State agency rates developed for the 2009-2011 biennium must equitably and reasonably reflect the actual cost of services provided to state agencies including the appropriate allocation of agency overhead costs. By August 31, 2008, the department shall submit to the office of financial management and the fiscal committees of the legislature financial statements for each line of business that shall inform the basis for agency rate development for the forthcoming biennium.

(5) The department shall submit a report to the office of financial management and the fiscal committees of the legislature that responds to each of the state auditor's motor pool audit recommendations by August 31, 2008. This report shall consist of recommendations that have been adopted by the department, progress made towards achieving those recommendations not yet completed, and justification for why the department is unable to fulfill any of the recommendations in the report.

**Sec. 140** 2007 c 522 s 142 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF INFORMATION SERVICES**

General Fund--State Appropriation (FY 2008) . . .	<del>(\$5,102,000)</del>
	\$2,762,000
General Fund--State Appropriation (FY 2009) . . .	<del>(\$2,088,000)</del>
	\$4,623,000
General Fund--Federal Appropriation . . . . .	<del>(\$700,000)</del>
	\$1,920,000
<del>(Health Services Account--State Appropriation (FY 2008)</del>	<del>(\$1,000,000)</del>
	\$1,000,000

<del>Health Services Account--State Appropriation (FY 2009)</del>	<del>(\$1,000,000)</del>
Public Safety and Education Account--State Appropriation (FY 2008) . . . . .	\$695,000
Public Safety and Education Account--State Appropriation (FY 2009) . . . . .	<del>(\$705,000)</del>
	\$698,000
Data Processing Revolving Account--State Appropriation . . . . .	<del>(\$6,400,000)</del>
	\$6,377,000
<b>TOTAL APPROPRIATION . . . . .</b>	<del>(\$17,690,000)</del>
	\$17,075,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,340,000 of the general fund--state appropriation for fiscal year ~~(2008)~~ 2009 is provided solely to connect eastern state hospital to the integrated hospital information system, which is intended to improve operations and allow greater interactions between the hospital and community clinics, including electronic transmission of inpatient data to outpatient clinics that will provide care following discharge. Connection to this network will allow consultation with specialists and provide access to training for staff. Prior to any purchase of goods or services, a feasibility plan must be approved by the information services board.

(2) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support the operations of the digital learning commons.

(3) ~~(\$1,000,000 of the health services account appropriation for fiscal year 2008 and \$1,000,000 of the health services account appropriation for fiscal year 2009 are provided solely to conduct a pilot project to develop an emergency medical response health management record system. The department shall contract to provide health management record services, such as those developed with patients in Whatcom county, to provide integrated care management that are web-services enabled. The record system developed by the pilot project will begin to provide services to emergency medical personnel within two years in at least King, Snohomish, Thurston, and Whatcom counties. The requirements of the pilot project contract shall require the initial development of specific evaluation criteria and a report on the performance of the system according to those criteria no later than June 30, 2009.~~

~~((4))~~ \$1,012,000 of the general fund--state appropriation for fiscal year 2008 and \$338,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of the information technology infrastructure capacity for institutions operated by the department of social and health services, department of veterans affairs, and department of corrections. The evaluation will detail the status of the participating institutions' infrastructure and recommend an improvement strategy that includes the use of electronic medical records. The department shall report back to the appropriate committees of the legislature on its findings by January 1, 2009.

~~((5))~~ (4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the data processing revolving account.

(5) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6438 (internet deployment/adoption), including sections 1 through 5 of the bill. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 141** 2007 c 522 s 143 (uncodified) is amended to read as follows:

**FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation . . . . .	<del>(\$1,574,000)</del>
	\$1,564,000

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Insurance Commissioners Regulatory Account--State

Appropriation . . . . .	(( <del>\$45,340,000</del> ))
	\$45,442,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>((<del>\$46,914,000</del>))</b>
	<b>\$47,006,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$464,000 of the insurance commissioners regulatory account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5717 (market conduct oversight). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$71,000 of the insurance commissioners regulatory account--state appropriation is provided solely for the implementation of section 17 (reduce health care administrative costs) in accordance with Senate Bill No. 5930 (blue ribbon commission on health care). If the section is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$286,000 of the insurance commissioner's regulatory account--state appropriation for fiscal year 2009 is provided solely for the insurance commissioner to convene a work group of health care providers, carriers, and payers, to identify and develop strategies to achieve savings through streamlining administrative requirements and procedures, as recommended in the report submitted pursuant to section 17, chapter 259, Laws of 2007. By December 1, 2008, the commissioner shall submit a report to the governor and the legislature that identifies the five highest priority goals for achieving significant efficiencies and reducing health care administrative costs, and a plan to accomplish these goals.

**Sec. 142** 2007 c 522 s 144 (uncodified) is amended to read as follows:

**FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account--State

Appropriation . . . . .	(( <del>\$2,596,000</del> ))
	\$2,575,000

**Sec. 143** 2007 c 522 s 146 (uncodified) is amended to read as follows:

**FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Operating Account--State

Appropriation . . . . .	(( <del>\$5,499,000</del> ))
	\$5,441,000

The appropriation in this section is subject to the following conditions and limitations: During the 2007-2009 fiscal biennium, the commission may increase license fees in excess of the fiscal growth factor as provided in RCW 43.135.055.

**Sec. 144** 2007 c 522 s 147 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2008) . . . . .	\$1,910,000
General Fund--State Appropriation (FY 2009) . . . . .	(( <del>\$1,953,000</del> ))
	\$1,912,000
Liquor Control Board Construction and Maintenance Account--State Appropriation . . . . .	(( <del>\$8,517,000</del> ))
	\$13,430,000
Liquor Revolving Account--State Appropriation . . . . .	(( <del>\$195,858,000</del> ))
	\$194,799,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>((<del>\$208,238,000</del>))</b>
	<b>\$212,051,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$91,000 of the liquor revolving account--state appropriation is provided solely for the implementation of

Engrossed Second Substitute Senate Bill No. 5859 (retail liquor licenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$2,070,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to operate an additional 29 state stores on Sundays by September 1, 2007. The board shall determine the impacts on sales as a result of operating the additional stores on Sunday. In doing so, the liquor control board shall also examine the sales of state and contract liquor stores in proximity to those stores opened on Sundays to determine whether Sunday openings have reduced the sales of other state and contract liquor stores that are not open on Sundays. The board shall present this information to the appropriate policy and fiscal committees of the legislature by January 31, 2009.

**Sec. 145** 2007 c 522 s 148 (uncodified) is amended to read as follows:

**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers' Administrative Account--State Appropriation ((~~\$1,051,000~~))

	\$1,042,000
--	-------------

The appropriation in this section is subject to the following conditions and limitations: \$9,000 of the volunteer firefighters' and reserve officers' administrative account appropriation is provided solely to implement House Bill No. 1475 (additional board members). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**Sec. 146** 2007 c 522 s 149 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund--State Appropriation (FY 2008) . . . . .	\$160,000
Public Service Revolving Account--State Appropriation . . . . .	(( <del>\$31,403,000</del> ))
	\$31,118,000
Pipeline Safety Account--State Appropriation . . . . .	(( <del>\$3,195,000</del> ))
	\$3,167,000
Pipeline Safety Account--Federal Appropriation . . . . .	\$1,535,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>((<del>\$36,293,000</del>))</b>
	<b>\$35,980,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 81.66.030, it is the policy of the state of Washington that the costs of regulating the companies transporting persons with special needs shall be borne by those companies. For each company or class of companies covered by RCW 81.66.030, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating the companies or classes of companies. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.

(2) In accordance with RCW 81.70.350, it is the policy of the state of Washington that the cost of regulating charter party carrier and excursion service carriers shall be borne by those entities. For each charter party carrier and excursion service carrier covered by RCW 81.70.350, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating such carriers. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of the program's supervision and regulation.

(3) The general fund--state appropriation for fiscal year 2008 is provided solely to conduct a survey to identify factors preventing the widespread availability and use of broadband

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

technologies. The survey must collect and interpret reliable geographic, demographic, cultural, and telecommunications technology information to identify broadband disparities in the state. The commission shall consult appropriate stakeholders in designing the survey. The names and identification data of any person, household, or business participating in the survey are exempt from public disclosure under chapter 42.56 RCW. The commission shall report its finding to the appropriate legislative committees by December 31, 2007.

**Sec. 147** 2007 c 522 s 150 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2008)	<del>(\$11,439,000)</del>
	\$12,430,000
General Fund--State Appropriation (FY 2009)	<del>(\$11,812,000)</del>
	\$13,195,000
General Fund--Federal Appropriation	<del>(\$107,611,000)</del>
	\$129,336,000
General Fund--Private/Local Appropriation	\$2,000
Enhanced 911 Account--State Appropriation	<del>(\$42,114,000)</del>
	\$42,293,000
Disaster Response Account--State Appropriation	<del>(\$12,852,000)</del>
	\$24,454,000
Disaster Response Account--Federal Appropriation	<del>(\$55,553,000)</del>
	\$86,757,000
Military Department Rent and Lease Account--State Appropriation	<del>(\$374,000)</del>
	\$814,000
Worker and Community Right-to-Know Account--State Appropriation	<del>(\$341,000)</del>
	\$337,000
Nisqually Earthquake Account--State Appropriation	\$556,000
Nisqually Earthquake Account--Federal Appropriation	\$1,269,000
<b>TOTAL APPROPRIATION</b>	<del>(\$243,923,000)</del>
	\$311,443,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$12,924,000)~~ \$24,454,000 of the disaster response account--state appropriation and ~~(\$55,769,000)~~ \$86,757,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(2) \$556,000 of the Nisqually earthquake account--state appropriation and \$1,269,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c)

the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(3) \$61,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) Within the funds appropriated in this section, the department shall implement Substitute House Bill No. 1507 (uniformed service shared leave).

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,000,000)~~ \$1,750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall not take any of the funds for administrative purposes.

(6) \$200,000 of the enhanced 911 account--state appropriation is provided solely for the department to recommend an appropriate funding mechanism for the implementation of next generation 911. The department shall consult with the utilities and transportation commission, the department of revenue, local governments, and representatives from companies providing telecommunications services in order to complete the report required under this subsection. The department may also consult with other public safety and medical associations in order to complete the study. The department shall submit the report to the finance committee and the technology, energy, and communications committee of the house of representatives, and the ways and means committee and the water, energy, and telecommunications committee of the senate, by December 1, 2008.

**Sec. 148** 2007 c 522 s 151 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund--State Appropriation (FY 2008)	<del>(\$3,246,000)</del>
	\$3,247,000
General Fund--State Appropriation (FY 2009)	<del>(\$3,353,000)</del>
	\$3,296,000
Department of Personnel Service Account--State Appropriation	<del>(\$3,315,000)</del>
	\$3,287,000
<b>TOTAL APPROPRIATION</b>	<del>(\$9,914,000)</del>
	\$9,830,000

The appropriations in this section are subject to the following conditions and limitations: \$112,000 of the general fund--state appropriation for fiscal year 2008 and \$107,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute House Bill No.

SIXTIETH DAY, MARCH 13, 2008

2361 (higher education exempt employees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 149 2007 c 522 s 152 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund--State Appropriation (FY 2008) .	<del>(\$1,087,000)</del>
	\$1,114,000
General Fund--State Appropriation (FY 2009) .	<del>(\$1,033,000)</del>
	\$1,755,000
General Fund--Federal Appropriation . . . . .	<del>(\$1,651,000)</del>
	\$1,641,000
General Fund--Private/Local Appropriation . . . . .	\$14,000
TOTAL APPROPRIATION . .	<del>(\$3,785,000)</del>
	\$4,524,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2115 (heritage barn preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(2) \$571,000 of the general fund--state appropriation for fiscal year 2009 and \$500,000 of the nonappropriated skeletal human remains assistance account are provided solely for implementation of Engrossed Second Substitute House Bill No. 2624 (human remains). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to conduct a preliminary assessment to determine the feasibility of seeking federal heritage area designation for Washington state's maritime regions. The department shall establish an advisory committee for the study. The department shall submit a report of the preliminary assessment findings to the appropriate policy and fiscal committees of the legislature and to the governor by January 1, 2010.

Sec. 150 2007 c 522 s 153 (uncodified) is amended to read as follows:

**FOR THE GROWTH MANAGEMENT HEARINGS BOARD**

General Fund--State Appropriation (FY 2008) .	<del>(\$1,890,000)</del>
	\$1,893,000
General Fund--State Appropriation (FY 2009) .	<del>(\$1,942,000)</del>
	\$1,928,000
TOTAL APPROPRIATION . .	<del>(\$3,832,000)</del>
	\$3,821,000

Sec. 151 2007 c 522 s 154 (uncodified) is amended to read as follows:

**FOR THE STATE CONVENTION AND TRADE CENTER**

State Convention and Trade Center Account--State	
Appropriation . . . . .	<del>(\$36,910,000)</del>
	\$44,773,000
State Convention and Trade Center Operating	
Account--State Appropriation . . . . .	\$53,750,000
TOTAL APPROPRIATION	<del>(\$90,660,000)</del>
	\$98,523,000

(End of part)

**PART II HUMAN SERVICES**

Sec. 201 2007 c 522 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of ~~((+3,000))~~ 6,000 persons, nor expand beyond one county, during the 2007-2009 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot project, times the number of clients enrolled in the pilot project. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(5)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2008, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2008 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

year 2008 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

**Sec. 202** 2007 c 522 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$313,898,000)</del>
	\$316,353,000
General Fund--State Appropriation (FY 2009)	<del>(\$327,462,000)</del>
	\$345,840,000
General Fund--Federal Appropriation . . . . .	<del>(\$468,668,000)</del>
	\$489,938,000
General Fund--Private/Local Appropriation . . . . .	<del>(\$500,000)</del>
	\$2,187,000
Domestic Violence Prevention Account--State	
Appropriation . . . . .	\$1,000,000
Public Safety and Education Account--State	
Appropriation (FY 2008) . . . . .	\$3,251,000
Public Safety and Education Account--State	
Appropriation (FY 2009) . . . . .	\$3,254,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2008) . . . . .	\$2,934,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2009) . . . . .	\$2,934,000
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$2,298,000
	<del>(\$1,126,199,000)</del>
	\$1,169,989,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,063,000 of the general fund--state appropriation for fiscal year 2008 and \$3,063,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the category of services titled "intensive family preservation services."

(2) \$945,000 of the general fund--state appropriation for fiscal year 2008 and \$993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to seventeen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three

nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a ~~(\$1,000)~~ \$1,020 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$429,000 of the general fund--federal appropriation are provided solely to increase services provided through children's advocacy centers.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a street youth program in Spokane.

(10) \$41,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$49,000)~~ \$37,000 of the general fund--state appropriation for fiscal year 2009, and ~~(\$41,000)~~ \$34,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1472 (child welfare). ~~(If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.)~~

(11) \$858,000 of the general fund--state appropriation for fiscal year 2008, \$809,000 of the general fund--state appropriation for fiscal year 2009, and \$715,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5774 (background checks), including sections 6 and 7. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$4,962,000 of the general fund--state appropriation for fiscal year 2008, \$4,586,000 of the general fund--state appropriation for fiscal year 2009, and \$9,548,000 of the general fund--federal appropriation are provided solely for development and implementation of a statewide automated child welfare information system.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2009 and \$55,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5321 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$707,000 of the general fund--state appropriation for fiscal year 2008, \$680,000 of the general fund--state appropriation for fiscal year 2009, and \$594,000 of the general fund--federal appropriation are provided solely for the

SIXTIETH DAY, MARCH 13, 2008

implementation of Second Substitute House Bill No. 1334 (child welfare proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$2,237,000 of the general fund--state appropriation for fiscal year 2008, \$2,238,000 of the general fund--state appropriation for fiscal year 2009, and \$1,918,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$137,000 of the general fund--state appropriation for fiscal year 2008, \$137,000 of the general fund--state appropriation for fiscal year 2009, and \$118,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1287 (foster children). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the Washington state institute for public policy to study evidence-based, cost-effective programs and policies to reduce the likelihood of children entering and remaining in the child welfare system, including both prevention and intervention programs. If the department does not receive \$100,000 in matching funds from a private organization for the purpose of conducting this study, the amount provided in this subsection shall lapse. The study shall be completed by April 30, 2008. The department shall cooperate with the institute in facilitating access to data in their administrative systems. The board of the Washington state institute for public policy may adjust the due date for this project as necessary to efficiently manage workload.

(18) \$103,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$98,000)~~ \$407,000 of the general fund--state appropriation for fiscal year 2009, and ~~(\$201,000)~~ \$48,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). This includes funding to develop, implement, and administer a program of educational transition planning for youth in foster care as specified in the bill. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) The department shall continue spending levels for continuum of care in region one at the same level allotted during the 2005-2007 biennium.

(20) Within the amounts provided, the department shall develop and implement a two-tiered reimbursement rate schedule for children from birth through twenty-four months of age and children twenty-five months of age through age five served by the medicaid treatment child care program. The department shall work in collaboration with contracted providers of the program to develop the rate schedule, taking into consideration such factors as higher staff level and small group size requirements for each age group. The department shall implement the rate schedule no later than January 1, 2008, and neither reimbursement rate in the two-tiered schedule shall be lower than the reimbursement rate level from the 2007 fiscal year.

(21) \$60,000 of the general fund--state appropriation for fiscal year 2008, \$20,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1624 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(22) \$49,000 of the general fund--state appropriation for fiscal year 2008, \$24,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 384, Laws of 2007.

(23) The department shall work with the exclusive bargaining representative for the children's administration social

2008 REGULAR SESSION

workers to prioritize social worker tasks and devise methods by which to alleviate from the social workers' workload lower priority tasks. Discussions on methods shall include the use of contracting services and home support specialists. The department and the bargaining representative shall jointly report their efforts to the appropriate committees of the legislature by submitting a progress report no later than July 1, 2008, and a final report by November 15, 2008.

(24) \$10,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with the largest nonprofit organization in the state conducting education and outreach on RCW 13.34.360, the safety of newborn children law.

(25) \$616,000 of the general fund--state appropriation for fiscal year 2009 and \$184,000 of the general fund--federal appropriation are provided solely to contract with medical professionals for comprehensive safety assessments of high-risk families. The safety assessments will use validated assessment tools to guide intervention decisions through the identification of additional safety and risk factors. \$400,000 of this amount is for comprehensive safety assessments for families receiving in-home child protective services or family voluntary services. \$400,000 of this amount is for comprehensive safety assessments of families with an infant age birth to fifteen days where the infant was, at birth, diagnosed as substance exposed and the department received an intake referral related to the infant due to the substance exposure.

(26) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a two-year pilot program in Clark county to develop a screening tool to identify reactive attachment disorder in children and provide them with appropriate and recommended intervention services. The pilot shall be open to children receiving services in Clark county from the department's children and family services division. The division shall contract with a provider currently providing services in Clark county to deliver a comprehensive approach to the assessment, diagnosis, and treatment of reactive attachment disorder. The goal of the pilot project is to develop an intake tool and evidence-based intervention services to permit early recognition and treatment of children with reactive attachment disorder served by the department's children and family services division. If the costs of the pilot exceeds the appropriation, the department shall adjust the eligibility of children participating in the pilot to conform to the appropriation and shall promptly notify the fiscal committees of the legislature. It is the intent of the legislature to provide additional resources in fiscal year 2010 for the second year of the pilot project.

(27) \$1,100,000 of the general fund--state appropriation for fiscal year 2009 and \$347,000 of the general fund--federal appropriation are provided solely for the hiring of twenty home support specialists, and respective supervisory and support staff, to be concentrated in counties experiencing an increase in dependency filings above the state average. Starting July 1, 2008, the home support specialists shall be allocated to the following field offices: Three to Bellingham, two to Shelton, eight to Spokane, two to Aberdeen, and five to Tacoma. It is the intent of the legislature for these specialists to be placed in addition to current staff and staff being hired under the department's phase-in of social workers provided in the 2007-09 biennial budget. The department shall not use the staff provided in this subsection to supplant existing staff or staff to be phased in according to the 2007-09 biennial budget. The department shall track the following data monthly within each of the field offices receiving the additional support specialists: (a) Number of case-carrying social workers; (b) number of case-carrying home support specialists; (c) date of hires of social workers and home support specialists; (d) number of families receiving services, where no petition for dependency, at risk youth, child in need of services, or truancy has been filed; and (e) number of families receiving services where a dependency petition has been filed. For a minimum of 10 days in February 2009, the

SIXTIETH DAY, MARCH 13, 2008

department shall use the workload study tool to measure the social worker workload in these five field offices and compare the results to the February 2007 data. The department shall provide the data and its findings to the appropriate committees of the legislature, with a preliminary report by December 15, 2008, and a final report by June 15, 2009.

(28) \$42,000 of the general fund--state appropriation for fiscal year 2009 and \$29,000 of the general fund--federal appropriation are provided solely for the department to implement Second Substitute Senate Bill No. 6206 (child fatality). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(29) \$857,000 of the general fund--state appropriation for fiscal year 2009 and \$140,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 3145 (foster parent licensing). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(30) \$415,000 of the general fund--state appropriation for fiscal year 2008, \$469,000 of the general fund--state appropriation for fiscal year 2009, and \$264,000 of the general fund--federal appropriation are provided solely for the hiring of staff to expedite the phase-in of the state's policy of a private and individual face-to-face visit each month with children in out-of-home care and in-home dependencies and their caregivers.

(31) \$109,000 of the general fund--state appropriation for fiscal year 2009 and \$35,000 of the general fund--federal appropriation are provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(32) The appropriations in this section provide specific funds to implement Engrossed Substitute Senate Bill No. 6792 (dependency matters).

(33) \$70,000 of the general fund--state appropriation for fiscal year 2009 and \$38,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 2679 (students in foster care). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(34) \$585,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for additional contracted educational advocacy coordinators to provide educational assistance to children in foster care.

(35) \$812,000 of the general fund--state appropriation for fiscal year 2009 and \$256,000 of the general fund--federal appropriation are provided solely for the department to hire additional staff to perform child health education and tracking screens.

(36) \$581,000 of the general fund--state appropriation for fiscal year 2009 and \$319,000 of the general fund--federal appropriation are provided solely for a multidimensional treatment foster care program to recruit foster homes to serve children with high behavioral and emotional needs.

(37) \$1,829,000 of the general fund--state appropriation for fiscal year 2009 and \$578,000 of the general fund--federal appropriation are provided solely for the department to contract with nonprofit organizations to facilitate twice-monthly visits between siblings living apart from each other in out-of-home care.

Sec. 203 2007 c 522 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$87,795,000)</del>
	\$87,822,000
General Fund--State Appropriation (FY 2009)	<del>(\$91,182,000)</del>
	\$88,715,000

2008 REGULAR SESSION

General Fund--Federal Appropriation	<del>(\$5,799,000)</del>
	\$5,662,000
General Fund--Private/Local Appropriation	<del>(\$1,098,000)</del>
	\$1,898,000
Reinvesting in Youth--State Appropriation	\$1,414,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$171,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2008)	<del>(\$21,458,000)</del>
	\$21,975,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2009)	<del>(\$21,568,000)</del>
	\$22,078,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	\$2,510,000
Pension Funding Stabilization Account--State	
Appropriation	\$2,200,000
<b>TOTAL APPROPRIATION</b>	<del><b>(\$235,195,000)</b></del>
	<b>\$234,445,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$2,669,000 of the general fund--state appropriation for fiscal year 2008 and \$3,066,000 of the general fund--state

SIXTIETH DAY, MARCH 13, 2008

appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2008 and \$1,287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7) The juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, of consolidated juvenile services funds, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition to county juvenile courts, or groups of courts, including the Pierce county juvenile court. The juvenile rehabilitation administration and the family policy council shall jointly write criteria for awarding and administering block grants to county juvenile courts. In developing the criteria, the juvenile rehabilitation administration and the family policy council shall seek the advice of the Washington state institute for public policy. The criteria shall address, but not be limited to:

(a) The selection of courts for participation in the block grant;

(b) The types of evidence-based programs and practices to which the funds will be applied. The evidence-based programs and practices shall either be consistent with those cost-beneficial options identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates," or be new approaches that have the potential to demonstrate positive returns for the taxpayer; and

(c) The protocols for participating courts to collect information on the effectiveness of programs funded under the block grant, including: (i) Developing intermediate client outcomes based on the risk assessment tool currently used by juvenile courts and in coordination with the juvenile rehabilitation administration; (ii) reporting treatment outcomes including a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2008, and an outcome evaluation of recidivism and benefit-cost results submitted within eighteen months of the initiation of the treatment, when follow-up data are available. The courts shall develop these evaluations in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy; and (iii) documenting the process for managing block grant funds on a quarterly basis and provide this report to the juvenile rehabilitation administration and the family policy council.

(8) \$73,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$98,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided

2008 REGULAR SESSION

solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$165,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to the juvenile rehabilitation administration for the purpose of establishing a single county pilot program to promote participation in offender programs for juveniles under the jurisdiction of a county juvenile court or the department, and their families. The pilot program shall provide incentives for families for consenting to, and participating in good faith, in a program recommended by the department as appropriate. The pilot location as well as the structure, amount, and disbursement of incentives shall be determined by the department in consultation with the University of Washington school of medicine's department of psychiatry and behavioral sciences division of public behavioral health and justice and the evidence-based program model developers. To be eligible, a county must have imposed the sales and use tax authorized by RCW 82.14.460. The pilot program shall be limited to evidence-based programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates" which have been identified as having a positive benefit-cost ratio. The pilot program shall be operational by December 1, 2008. The department, in cooperation with the University of Washington, shall evaluate the results of the pilot program, including any reduction in recidivism for a juvenile participating in the pilot program and shall provide a preliminary report to the governor and the legislature on the results of the pilot program by December 1, 2010, and a final report by December 1, 2012.

Sec. 204 2007 c 522 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 2008) (( <del>\$302,674,000</del> ))	\$305,747,000
General Fund--State Appropriation (FY 2009) (( <del>\$312,997,000</del> ))	\$328,783,000
General Fund--Federal Appropriation . . . . . (( <del>\$380,003,000</del> ))	\$382,032,000
General Fund--Private/Local Appropriation . . . (( <del>\$11,948,000</del> ))	\$16,157,000
TOTAL APPROPRIATION (( <del>\$1,007,622,000</del> ))	
\$1,032,719,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,989,000 of the general fund--state appropriation for fiscal year 2008 and \$104,080,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for persons and services not covered by the medicaid program. These funds shall be distributed proportionally to each regional support network's percentage of the total state population.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2008 and \$16,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 222

SIXTIETH DAY, MARCH 13, 2008

per day throughout fiscal year 2008. Beginning January 1, 2009, the number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 777 per day during the first and second quarters of fiscal year 2008, and 677 per day from January 2008 through August 2008. Beginning September 2008, the number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 647 per day until May 2009, at which time the bed allocation shall be 617 beds per day. Beginning January 2008, beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. Beginning that month, the department shall separately charge regional support networks for persons served in the PALS program ~~((and for use of state hospital beds for short-term commitments)).~~

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) ~~((Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.~~

~~((f))~~ At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

~~((g))~~ (f) \$5,000,000 of the general fund--state appropriation for fiscal year 2008 and \$5,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department is authorized to transfer up to \$418,000 of these amounts each fiscal year to the economic services program for purposes of facilitating prompt access after their release from confinement to medical and income assistance services for which defendants and offenders may be eligible.

~~((h))~~ (g) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

~~((i))~~ (h) The department is authorized to continue to expend federal block grant funds and special purpose federal grants through direct contracts, rather than through contracts with regional support networks, and to allocate such funds through such formulas as it shall adopt.

2008 REGULAR SESSION

~~((j))~~ (i) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

~~((k))~~ (j) \$2,250,000 of the general fund--state appropriation for fiscal year 2008, \$2,250,000 of the general fund--state appropriation for fiscal year 2009, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

~~((l))~~ (k) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

~~((m))~~ ~~\$2,979,000~~ (l) \$2,981,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$3,249,000)~~ \$3,248,000 of the general fund--state appropriation for fiscal year 2009, and ~~(\$2,040,000)~~ \$2,016,000 of the general fund--federal appropriation are provided solely to modify the department's proposed new payment rates for medicaid inpatient psychiatric services. Under the department's proposed rate system, effective August 1, 2007, each hospital's inpatient psychiatric payment rate would have been set at a percentage of that hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year. Within the amount provided in this subsection (l)(m), beginning August 1, 2007, each hospital's inpatient psychiatric payment rate shall instead be set at the greater of a percentage of: (i) The hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year; or (ii) the statewide average per diem cost for psychiatric inpatient care during the most recent rebasing year, adjusted for regional wage differences and for differences in medical education costs. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.

~~((n))~~ (m) \$6,267,000 of the general fund--state appropriation for fiscal year 2008 and \$6,462,000 of the general fund--~~(federal)~~ state appropriation for fiscal year 2009 are provided solely to increase nonmedicaid psychiatric inpatient payment rates over fiscal year 2005 levels. It is expected that nonmedicaid rates will be set at approximately 85 percent of each hospital's medicaid psychiatric inpatient rate. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.

~~((o))~~ ~~\$7,363,000~~ (n) \$7,396,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$15,028,000)~~ \$15,146,000 of the general fund--state appropriation for fiscal year 2009, and \$13,927,000 of the general fund--federal appropriation are

SIXTIETH DAY, MARCH 13, 2008

provided solely to increase regional support network medicaid capitation rates, or fee-for-service rates paid instead of those capitation rates, and nonmedicaid allocations by 3.0 percent effective July 1, 2007, and by an additional 3.0 percent effective July 1, 2008. The federal portion of these rate increases is contingent upon federal approval. (i) The legislature intends and expects that regional support networks and community mental health agencies will use at least 67 percent of the amounts provided in this subsection (1)(o) to increase compensation for direct care personnel above and beyond usual and customary wage increases. To this end, regional support networks shall report to the department by October 15, 2007, on planned uses of the rate increases within their network area. The report shall describe the direct care job classifications to which increases are to be provided; the number of full-time equivalent personnel employed in each classification; the annualized dollar and percentage increases to be provided each classification; the annualized dollar value of the direct care compensation increases provided, in total and as a percentage of the total rate increase; and the number of personnel in each job classification covered by a collective bargaining agreement. The department shall summarize and analyze the regional plans, and report findings, options, and recommendations to the legislature by December 1, 2007. (ii) Regional support networks shall maintain documentation of how the rate increases have been applied. Such documentation shall be subject to audit by the department. (iii) For purposes of this subsection (1)(o), "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness, or whose primary responsibility is providing direct support to such staff in areas such as client scheduling, client intake, client reception, client records-keeping, and facilities maintenance. In agencies that provide both mental health and chemical dependency services, nonmedicaid funds may also be used for compensation increases for direct care staff whose primary responsibility is direct care and treatment for people with chemical dependency problems.

~~((p))~~ (o) \$2,021,000 of the general fund--state appropriation for fiscal year 2008 and \$1,683,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1456 (mental health professionals). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. For purposes of organizing and delivering training as required by the bill, the department may retain up to fifteen percent of the amount appropriated for fiscal year 2008, and up to ten percent of the amount appropriated for fiscal year 2009. The remainders shall be distributed to regional support networks proportional to each network's percentage of the total state population.

(p) \$135,000 of the general fund--state appropriation for fiscal year 2008, \$3,031,000 of the general fund--state appropriation for fiscal year 2009, and \$1,289,000 of the general fund--private/local appropriation are provided solely to enable the department to contract with Pierce county human services for the provision of community mental health services to include crisis triage, evaluation and treatment, and mobile crisis services. The legislature intends this to be one-time funding while a replacement regional support network is being secured. The department is authorized to reserve \$402,000 general fund--state and \$201,000 general fund--local of these amounts for reasonable costs incurred by Pierce county for the provision of mental health crisis and related services that exceed reimbursement levels contracted by the department. In order to receive these funds, Pierce county must demonstrate to the department that the total cost of mental health services provided by the county in accordance with formal agreements has exceeded the revenues received from the department and third-party payers for these services. The department shall determine the documentation that is required.

(q) \$504,000 of the general fund--state appropriation for fiscal year 2008 and \$1,529,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(r) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Spokane regional support network to implement a comprehensive plan for reducing its utilization of eastern state hospital. Key elements of the plan, which shall be developed and implemented in consultation with and with the assistance of the department, may include but shall not be limited to development of additional crisis triage, crisis stabilization, and evaluation and treatment beds; provision of housing assistance for high-utilizers of hospital and jail services who are at risk of homelessness; implementation of an intensive outpatient treatment team for persons with co-occurring disorders and other special needs; and delivery of respite care to assist elderly individuals avoid or return home after hospitalization.

(s) \$6,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for regional support networks to increase and improve delivery of nonmedicaid services. These funds shall be distributed to regional support networks, other than Spokane and Pierce county, proportional to each network's share of total population among those networks.

(t) \$215,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to assist nongovernmental mental health agencies in Pierce county with start-up and other extraordinary administrative costs required by the conversion from a capitated to a unit fee-based service delivery and billing system.

(u) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$235,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for one-time grants for emergent financial relief for clubhouses. In order to receive these funds, the clubhouse must be able to demonstrate need to the department. The department shall develop and implement a simplified application form. The clubhouses shall provide financial documentation to the department as requested to support their application. The amounts and quantity of the individual grants shall be at the discretion of the department.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	<del>(\$142,545,000)</del>
	\$138,340,000
General Fund--State Appropriation (FY 2009)	<del>(\$139,286,000)</del>
	\$131,973,000
General Fund--Federal Appropriation . . . . .	<del>(\$146,401,000)</del>
	\$145,602,000
General Fund--Private/Local Appropriation . . . . .	<del>(\$57,064,000)</del>
	\$66,302,000
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$7,058,000
TOTAL APPROPRIATION	<del>(\$492,354,000)</del>
	\$489,275,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state ~~(mental)~~ psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(c) \$18,575,000 of the general fund--state appropriation for fiscal year 2008 and \$9,675,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to operate

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals.

(d) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for safety training and for protective equipment for staff at eastern and western state hospitals. Protective equipment shall include shields, helmets, gloves, and body protection.

(e) \$304,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(e) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(f) \$133,000 of the general fund--state appropriation for fiscal year 2008 and \$2,145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to pilot a direct care nurse staffing plan for two high incident wards at eastern state hospital and four high incident wards at western state hospital. The pilot provides funding to fully staff registered nurses, licensed practical nurses, and mental health technicians in accordance with the state psychiatric hospitals direct care staffing review and recommendations. The department shall have the authority to fill the positions with any mix of these direct care nursing staff so long as a good faith effort is made to first hire and recruit positions in accordance with the direct care nurse staffing plan. The department shall monitor outcomes for improved patient and staff safety and provide a written report to the legislature by October 1, 2009.

(g) \$617,000 of the general fund--state appropriation for fiscal year 2008 and \$334,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to cover additional operating costs related to the October 11, 2007, laundry fire at western state hospital.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008) . . . . .	(\$1,892,000)
	\$1,917,000
General Fund--State Appropriation (FY 2009) . . . . .	(\$2,192,000)
	\$2,319,000
General Fund--Federal Appropriation . . . . .	(\$3,195,000)
	\$3,276,000
TOTAL APPROPRIATION . . . . .	(\$7,279,000)
	\$7,512,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$877,000 of the general fund--state appropriation for fiscal year 2008, \$1,189,000 of the general fund--state appropriation for fiscal year 2009, and \$140,000 of the general fund--federal appropriation are provided solely for implementation of sections 4, 7, 10, and other provisions of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Funds are also appropriated in sections 207 and 209 of this act for implementation of 5, 8, and 11 of Second Substitute House Bill No. 1088.

(b) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington institute for mental illness research and training to study whether and the extent to which there is a greater concentration of people with severe and persistent mental illness in counties proximate to state psychiatric hospitals. The

institute shall report its findings to the department and the appropriate fiscal and policy committees of the legislature by October 30, 2008. To the extent indicated, the department and the regional support networks shall incorporate the results of the study into revisions of the formula used to allocate state hospital beds among the regional support networks.

(c) \$80,000 of the general fund--state appropriation for fiscal year 2009 and \$80,000 of the general fund--federal appropriation are provided solely as one-time funding to make available a mental health train the trainer first aid course consisting of twelve hours of instruction based upon a program created by the department of psychiatry, University of Melbourne in Australia. The course will provide training to members of the public related to: (i) Giving appropriate initial help and support to a person suffering from a mental disorder and responding to mental health crisis situations; and (ii) depression, anxiety disorders, psychosis, and substance use disorder, including recognizing symptoms, possible causes or risk factors, and evidenced-based treatment options. Participants in the first aid course will train others to provide the training.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008) . . . . .	\$4,966,000
General Fund--State Appropriation (FY 2009) . . . . .	(\$5,060,000)
	\$5,177,000
General Fund--Federal Appropriation . . . . .	(\$7,604,000)
	\$7,557,000
TOTAL APPROPRIATION . . . . .	(\$17,630,000)
	\$17,700,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders), and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to (i) implement those recommendations from the 2006 joint stakeholder paperwork reduction project that are permissible within federal and state law; and (ii) conduct a thorough review of community mental health paperwork procedures and requirements to identify opportunities for standardization and improved efficiency. The department shall report progress on these efforts to the appropriate policy and fiscal committees of the legislature by January 15, 2009.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with a facilitator to coordinate a review and make recommendations on:

- (i) Ward sizes at eastern and western state hospitals and patient case mix by ward;
- (ii) Discharge practices for state hospitals to include the child and study treatment center; and
- (iii) Community placements to include placements for adults and children.

By October 15, 2008, the department shall provide to the legislature recommendations for system improvement to include a cost/benefit analysis. The department shall include representation from regional support networks in the review and development of recommendations for discharge practices and community placements.

Sec. 205 2007 c 522 s 205 (uncodified) is amended to read as follows:

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation (FY 2008)	<del>(\$346,600,000)</del>	\$348,327,000
General Fund--State Appropriation (FY 2009)	<del>(\$373,776,000)</del>	\$380,811,000
General Fund--Federal Appropriation . . . . .	<del>(\$633,258,000)</del>	\$636,595,000
Health Services Account--State Appropriation (FY 2008)		\$452,000
Health Services Account--State Appropriation (FY 2009)		\$452,000
<b>TOTAL APPROPRIATION</b>	<del><b>(\$1,354,538,000)</b></del>	<b>\$1,366,637,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$615,000 of the general fund--state appropriation for fiscal year 2008, \$892,000 of the general fund--state appropriation for fiscal year 2009, and \$2,546,011 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 in fiscal year 2009.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$4,903,000 of the general fund--state appropriation for fiscal year 2008, \$9,295,000 of the general fund--state appropriation for fiscal year 2009, and \$15,016,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. First priority shall be given to children who are at risk of institutionalization. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) ~~(\$2,799,000)~~ \$2,399,000 of the general fund--state appropriation for fiscal year 2008, \$5,961,000 of the general fund--state appropriation for fiscal year 2009, and ~~(\$9,268,000)~~ \$8,849,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection

shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 in fiscal year 2008 and \$356 in fiscal year 2009. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) ~~(\$13,598,000)~~ \$13,198,000 of the general fund--state appropriation for fiscal year 2008, \$16,354,000 of the general fund--state appropriation for fiscal year 2009, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities. Of the amounts provided in this subsection (e), ~~(\$1,096,000)~~ \$696,000 of the general fund--state appropriation for fiscal year 2008 and \$3,852,000 of the general fund--state appropriation for fiscal year 2009 are for state-only services for individuals with developmental disabilities, as described in Second Substitute Senate Bill No. 5467 (developmental disabilities). By January 1, 2008, and by November 1, 2008, the department shall provide a status report to the appropriate policy and fiscal committees of the legislature on the individual and family services program for people with developmental disabilities, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(f) ~~(\$1,577,000)~~ \$1,692,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$3,480,000)~~ \$3,645,000 of the general fund--state appropriation for fiscal year 2009, and ~~(\$2,105,000)~~ \$2,397,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. The legislature finds that some waiver clients are not receiving employment services that are authorized under their waivers. Within the amounts appropriated in this section, waiver clients must receive services as authorized by their waiver, such as pathway to employment, while waiting for paid employment to be developed. The department shall work with the counties to establish a consistent proposed policy for minimum direct service hours for clients, minimum hours of support, time frames for seeking paid employment, and services provided under pathway to employment while paid employment is sought. The department shall report to the office of financial management and the appropriate committees of the legislature on this proposal by November 1, 2008, including estimated fiscal impacts and an option for making the policy budget neutral for the current level of clients served. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

projected carry-forward expenditures do not exceed the amounts estimated.

(g) \$160,000 of the general fund--state appropriation for fiscal year 2008 and \$140,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5467 (developmental disabilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) ~~(The department shall collect data from the counties related to employment services. This data shall include, but not necessarily be limited to, information pertaining to: (i) The average length of time clients utilize job coaching services, (ii) the percentage of clients utilizing job coaching services from zero to three months, four to six months, seven to nine months, ten to twelve months, and twelve months or more, (iii) within the monthly grouping, the percentage of clients utilizing job coaching services from zero to five hours per week, five to ten hours per week, ten to twenty hours per week, and twenty or more hours per week. This data shall be provided to the appropriate policy committees of the legislature by December 1, 2007.)~~

(i) Amounts appropriated in this subsection are sufficient to increase provider payment rates by 6.0 percent for boarding homes, effective July 1, 2007, ~~((and by an additional 2.0 percent, effective July 1, 2008, for boarding homes;))~~ including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, ~~((and by an additional 2.0 percent, effective July 1, 2008;))~~ for adult family homes, including those currently receiving exceptional care rates.

(ii) The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system. Effective July 1, 2008, the provider payment rate allocation for boarding homes contracted as assisted living shall be the provider's June 30, 2008, payment rate allocation, and the provider payment rate for boarding homes contracted as ARCs and EARCs shall be adjusted to reflect phase one of a seventeen CARE level payment system. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels.

(iii) Amounts provided in this section and in section 206 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance.

(i) \$921,000 of the general fund--state appropriation for fiscal year 2009 and \$963,000 of the general fund--federal appropriation are provided solely for the development and implementation of a federal home and community-based care waiver to provide intensive behavior support services to up to one hundred children with developmental disabilities who have intense behaviors, and their families.

(i) To receive services under the waiver, the child must have a developmental disability and: (A) Meet an acuity measure, as determined by the department, indicating that the child is at high risk of needing an out-of-home placement; (B) be eligible for developmental disabilities services and a home and community-based care waiver program; (C) reside in his or her family home or temporarily in an out-of-home placement with a plan to return home; and (D) have family that demonstrates the willingness to participate in the services offered through the waiver, and is not subject to a pending child protective services referral.

(ii) The department shall authorize, contract for, and evaluate the provision of intensive in-home services that support the ability of the child to remain at home with their parents or relatives. Intensive behavior support services under the waiver shall be provided directly or by contract, and may include, but

are not limited to: (A) Behavior consultation and management, therapies and respite care; (B) minor home or motor vehicle modifications and transportation; (C) specialized nutrition and clothing; (D) training of families and other individuals working with the child; and (E) inclusion in community activities.

(j) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the purpose of settling all claims in the *Washington Federation of State Employees, et al v. State of Washington*, Thurston County Superior Court Cause No. 05-2-02422-4. The expenditure of this appropriation is contingent on the release of all claims in this case, and total settlement costs shall not exceed the appropriation in this subsection (j). If settlement is not executed by June 30, 2008, the appropriation in this subsection (j) shall lapse.

(k) Within the amounts appropriated in this section, the department shall review current infant-toddler early intervention services statewide and report to the office of financial management by November 1, 2008, and the appropriate committees of the legislature on a recommended consistent funding approach per child for the 2009-11 biennium, recognizing the new level of funding anticipated by school district participation. The recommendations must also include a budget neutral option for the current level of clients served.

(l) \$325,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for state-only employment services for young adults with developmental disabilities who need employment opportunities and assistance after high school graduation.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	<del>(\$78,765,000)</del>
	\$80,469,000
General Fund--State Appropriation (FY 2009)	<del>(\$80,873,000)</del>
	\$80,668,000
General Fund--Federal Appropriation . . . . .	<del>(\$171,836,000)</del>
	\$172,332,000
General Fund--Private/Local Appropriation . . . . .	<del>(\$21,613,000)</del>
	\$22,203,000
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$5,614,000
TOTAL APPROPRIATION	<del>(\$358,701,000)</del>
	\$361,286,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for services provided to community clients provided by licensed professionals at the state rehabilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community to medical assistance or third-party health care coverage, as appropriate, and shall implement a system for billing clients without coverage.

(c) \$642,000 of the general fund--state appropriation for fiscal year 2008 and \$721,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$2,273,000)</del>
	\$2,262,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$2,377,000)</del>
	\$2,328,000
General Fund--Federal Appropriation . . . . .	<del>(\$2,821,000)</del>
	\$2,812,000

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

TOTAL APPROPRIATION . . . . . ~~(\$7,471,000)~~  
\$7,402,000

The appropriations in this subsection are subject to the following conditions and limitations: As part of the needs assessment instrument, the department shall collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is collected as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008) . . . . . \$17,000  
General Fund--State Appropriation (FY 2009) . . . . . \$15,000  
General Fund--Federal Appropriation . . . . . ~~(\$16,843,000)~~  
\$16,809,000  
TOTAL APPROPRIATION . . . . . ~~(\$16,875,000)~~  
\$16,841,000

Sec. 206 2007 c 522 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008) ~~(\$699,089,000)~~  
\$700,332,000  
General Fund--State Appropriation (FY 2009) ~~(\$741,478,000)~~  
\$753,881,000  
General Fund--Federal Appropriation . . . . . ~~(\$1,539,010,000)~~  
\$1,534,175,000  
General Fund--Private/Local Appropriation . . . . . ~~(\$19,563,000)~~  
\$19,525,000  
Pension Funding Stabilization Account--State  
Appropriation . . . . . \$1,448,000  
Health Services Account--State Appropriation (FY 2008)  
. . . . . \$2,444,000  
Health Services Account--State Appropriation (FY 2009)  
. . . . . \$2,444,000  
Traumatic Brain Injury Account--State Appropriation  
. . . . . ~~(\$440,000)~~  
\$1,212,000  
TOTAL APPROPRIATION ~~(\$3,005,916,000)~~  
\$3,015,461,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$10,456,000 of the general fund--state appropriation for fiscal year 2008, \$11,370,000 of the general fund--state appropriation for fiscal year 2009, and \$26,778,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 per month in fiscal year 2009.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed ~~(\$158.11)~~ \$159.34 for fiscal year 2008 and shall not exceed ~~(\$164.18)~~ \$165.04 for fiscal year 2009, including the rate add-on described in subsection (9) of this section. For all nursing facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.2 percent effective July 1, 2007. For all nursing facilities, adjustments for economic trends and conditions effective July 1, 2008, shall be as specified in subsection (10)(c) of this section.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2008; up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year

2009; and up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2010.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,840,000 of the general fund--state appropriation for fiscal year 2008 and \$1,877,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the volunteer chore services program.

(7) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPEs) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) ~~(\$8,755,000)~~ \$3,000,000 of the general fund--state appropriation for fiscal year 2009 and \$3,134,000 of the general fund--federal appropriation are provided solely to increase compensation for low-wage workers in nursing homes beginning July 1, 2008. Within the funds provided, the department shall provide an add-on per resident day per facility based on the total funding divided by the total number of fiscal year 2009 medicaid patient days as forecasted by the caseload forecast council, not to exceed \$1.57. The department may reduce the level of add-on if necessary to fit within this appropriation if the caseload forecasted days increase from the February 2008 forecast. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2006, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall implement reporting requirements and a settlement process to ensure that the funds are spent according to this subsection. The department shall adopt rules to implement the terms of this subsection.

(10) \$2,115,000 of the general fund--state appropriation for fiscal year 2008, \$6,640,000 of the general fund--state appropriation for fiscal year 2009, and ~~(\$9,348,000)~~

SIXTIETH DAY, MARCH 13, 2008

\$9,152,000 of the general fund--federal appropriation are provided solely to increase nursing facility payment rates.

~~((b))~~ \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--federal appropriation are provided solely for the department to contract with an outside entity to review the current medicaid payment methodology for nursing facilities and make recommendations for revisions to, restructuring of, or replacement of the existing payment methodology no later than October 1, 2007, to the governor and the appropriate fiscal and policy committees of the legislature.

~~(c)~~ A joint legislative task force on long-term care residential facility payment systems shall review and develop recommendations related to payment methodologies for the care of medicaid-eligible residents of nursing homes, boarding homes, and adult family homes in Washington state.

~~(i)~~ Membership of the task force shall consist of eight legislators. The president of the senate shall appoint two members from each of the two largest caucuses of the senate. The speaker of the house of representatives shall appoint two members of each of the two largest caucuses of the house of representatives. Each body shall select representatives from committees with jurisdiction over health and long-term care and fiscal matters.

~~(ii)~~ The task force shall give strong consideration to the following principles in the course of its deliberations:

~~(A)~~ A continuum of residential care settings should be available to medicaid-eligible vulnerable adults so as to honor consumer choice;

~~(B)~~ Payment methodologies for care provided in adult family homes, boarding homes, and nursing homes should be based upon resident acuity, with payment rates that recognize the impact of differing state and federal regulatory requirements upon facility costs, but also address current disparities in payments to facilities serving residents with similar nursing or personal care needs;

~~(C)~~ Payment methodologies should be designed to support retention of qualified direct care staff through training, wages, and benefits offered to direct care staff, with special consideration given to nursing homes, boarding homes, and adult family homes that care for a disproportionate number of medicaid-eligible residents relative to their peer facilities;

~~(D)~~ Performance measures related to critical issues such as staff retention and resident outcomes should be developed, with payment linked to facility performance on the measures; and

~~(E)~~ Payment methodologies should be simplified, with greater predictability and stability in payments.

~~(iii)~~ The task force shall:

~~(A)~~ Review and consider the recommendations submitted in accordance with (b) of this subsection;

~~(B)~~ Consider input from long-term care stakeholders with respect to the principles in (c)(ii) of this subsection;

~~(C)~~ Review the current payment methodologies for nursing homes, boarding homes, and adult family homes, giving strong consideration to the principles in (c)(ii) of this subsection, and make recommendations for revisions to, restructuring of, or replacement of existing payment methodologies. The recommendations related to payments made in fiscal year 2009 shall be consistent with the amounts appropriated in this subsection.

~~(iv)~~ The task force shall complete its review and submit its recommendations to the appropriate policy and fiscal committees of the legislature by December 31, 2007.

~~(v)~~ Staff support for the task force shall be provided by senate committee services and the house of representatives office of program research.

~~(vi)~~ Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

~~(vii)~~ The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force

2008 REGULAR SESSION

expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committees, or their successor committees.

~~(viii)~~ The task force expires December 31, 2007.)

~~(a)~~ Of the amounts provided in this subsection, \$297,000 of the general fund--state appropriation for fiscal year 2008, \$364,000 of the general fund--state appropriation for fiscal year 2009, and \$691,000 of the general fund--federal appropriation are provided solely to provide funding for direct care rates required by Senate Bill No. 6629 (nursing facility payment systems). If the bill is not enacted by June 30, 2008, then the amounts provided in this subsection (10)(a) shall lapse.

~~(b)~~ Of the amounts provided in this subsection, \$1,818,000 of the general fund--state appropriation for fiscal year 2008, \$1,552,000 of the general fund--state appropriation for fiscal year 2009, and \$3,526,000 of the general fund--federal appropriation are provided solely to fund projected increases in the weighted average nursing facility payment rates for fiscal years 2008 and 2009 due to appeals, client acuity, capital projects, bed changes, and other adjustments to cost projections deemed necessary by the department.

~~(c)~~ The remaining amounts provided in this subsection of \$4,724,000 general fund--state for fiscal year 2009 and \$4,935,000 general fund--federal are provided solely for an adjustment for economic trends and conditions of 1.99 percent for direct care, therapy care, support services, and operations effective July 1, 2008.

~~(11)~~ \$180,000 of the general fund--state appropriation for fiscal year 2009 and \$170,000 of the general fund--federal appropriation are provided solely for a review of the costs and benefits of a fair rental system to reimburse capital expenditures. The department must report its findings to the fiscal committees of the legislature and the office of financial management by July 1, 2009.

~~((10))~~ ~~(12)~~ Within amounts appropriated in this section, the department is authorized to expand the number of boarding homes and adult family homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 100 beds. Effective July 1, 2008, the department shall be authorized to provide adult family homes that specialize in caring for such conditions with exceptional care rates for up to 50 beds. The department will develop standards for adult family homes to qualify for such exceptional care rates in order to enhance consumer choice.

~~((11))~~ ~~(13)~~ \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$816,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2111 (adult family homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((12))~~ ~~\$440,000~~ ~~(14)~~ \$1,212,000 of the traumatic brain injury account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2055 (traumatic brain injury). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((13))~~ ~~(15)~~ Within amounts appropriated in this section and in section 205 of this act, the department of social and health services shall:

(a) Determine how geographic differences in community residential provider payments affect provider and workforce turnover;

(b) Examine alternative community residential provider payment systems that account for differences in direct care labor costs in various areas of the state, including alternative peer groupings in its payment systems that take such factors into account; and

SIXTIETH DAY, MARCH 13, 2008

(c) Submit a report of its findings and recommendations to the office of financial management and to the appropriate fiscal committees of the legislature by June 30, 2008.

~~((+4))~~ (16)(a) Amounts appropriated in this section are sufficient to increase provider payment rates by 6.0 percent for boarding homes, effective July 1, 2007, ~~((and by an additional 2.0 percent, effective July 1, 2008, for boarding homes,))~~ including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, ~~((and by an additional 2.0 percent, effective July 1, 2008,))~~ for adult family homes, including those currently receiving exceptional care rates.

(b) The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system. Effective July 1, 2008, the provider payment rate allocation for boarding homes contracted as assisted living shall be the provider's June 30, 2008, payment rate allocation, and the provider payment rate for boarding homes contracted as ARCs and EARCs shall be adjusted to reflect phase one of a seventeen CARE level payment system. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels.

(c) Amounts provided in this section and in section 205 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance.

~~((+5))~~ (17) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--federal appropriation are provided solely for the department contract for an evaluation of training requirements for long-term care workers as generally described in Second Substitute House Bill No. 2284 (training of care providers).

(18) The department shall contract for housing with service models, such as cluster care, to create efficiencies in service delivery and responsiveness to unscheduled personal care needs by clustering hours for clients that live in close proximity to each other.

(19) \$2,463,000 of the general fund--state appropriation for fiscal year 2009 and \$1,002,000 of the general fund--federal appropriation are provided solely to implement sections 4 and 8 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(20) \$40,000 of the general fund--state appropriation for fiscal year 2009 and \$40,000 of the general fund--federal appropriation are provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation) or sections 11 and 12 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If neither bill is enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(21) \$839,000 of the general fund--state appropriation for fiscal year 2009 and \$838,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 2693 (required basic training and certification of long-term care workers). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(22) Within the funds appropriated in the section, the department shall establish one statewide hourly rate to reimburse home care agencies for the costs related to state clients for hours worked by direct care workers in receiving mandatory training. The statewide hourly rate shall be based on the hourly wage paid to individual providers plus mandatory taxes plus an adjustment based on the formula created under RCW 74.39A.310.

**Sec. 207** 2007 c 522 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>((592,774,000))</del>
	\$586,369,000
General Fund--State Appropriation (FY 2009)	<del>((627,148,000))</del>
	\$619,066,000
General Fund--Federal Appropriation . . . . .	<del>((1,053,264,000))</del>
	\$1,037,038,000
General Fund--Private/Local Appropriation . . . . .	<del>((27,920,000))</del>
	\$30,833,000
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$4,592,000
TOTAL APPROPRIATION	<del>((2,305,698,000))</del>
	\$2,277,898,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((334,377,000))~~ \$344,694,000 of the general fund--state appropriation for fiscal year 2008, ~~((347,597,000))~~ \$363,284,000 of the general fund--state appropriation for fiscal year 2009, and ~~((827,774,000))~~ \$733,276,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. Within the amounts provided for the WorkFirst program, the department shall:

(a) Establish a ~~((post-TANF))~~ career services work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report by October 1, 2007, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2007-2009 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund--federal by activity;

(e) For fiscal year 2009, increase the temporary assistance for needy families grant standard by three percent to account for increased housing costs.

(2) Up to \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 of the amounts in subsection (1) of this section are for the WorkFirst pathway to engagement program. The department shall collaborate with community partners and represented staff to identify additional services needed for WorkFirst clients in sanction status. The department shall contract with qualified community-based organizations to deliver such services, provided that such services are complimentary to the work of the department and are not intended to supplant existing staff or services. The department shall also contract with community-based organizations for the provision of services for WorkFirst clients who have been terminated after six months of sanction. Contracts established pursuant to this subsection shall have a performance-based component and shall include both presanction termination and

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

postsanction termination services. Clients shall be able to choose whether or not to accept the services. The department shall develop outcome measures for the program related to outreach and reengagement, reduction of barriers to employment, and client feedback and satisfaction. Nothing in this subsection is intended to modify a collective bargaining agreement under chapter 41.80 RCW or to change the state's responsibility under chapter 41.80 RCW. The department shall report to the appropriate policy and fiscal committees of the legislature by December 1, 2007, on program implementation and outcomes. The department also shall report on implementation of specialized caseloads for clients in sanction status, including average caseload size, referral process and criteria, and expected outcomes for specialized caseloads.

(3) \$210,000 of the general fund--state appropriation for fiscal year 2008, \$187,000 of the general fund--state appropriation for fiscal year 2009, and \$396,000 of the general fund--federal appropriation are provided solely for implementation of section 8 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008, \$96,000 of the general fund--state appropriation for fiscal year 2009, and \$482,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (child support schedule). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase naturalization services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase limited English proficiency pathway services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$5,782,000 of the general fund--state appropriation for fiscal year 2009, and \$6,431,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5244 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) Within amounts appropriated in this section, the department shall: (a) Increase the state supplemental payment by \$1.77 per month beginning July 1, 2007, and by an additional \$1.83 per month beginning July 1, 2008, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance; and (b) decrease other state supplemental payments.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department for the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$1,552,000 of the general fund--state appropriation for fiscal year 2008 and \$1,552,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 6016 (workfirst program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the

department to award grants to small mutual assistance associations or small community-based organizations that contract with the department for immigrant and refugee assistance services. The funds shall be awarded to demonstrate the impact of providing funding for a case worker in the community organization on the refugees' economic self-sufficiency through the effective use of social services, and financial and medical assistance.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) \$1,100,000 of the general fund--state appropriation for fiscal year 2009 and \$850,000 of the general fund--federal appropriation are provided solely to increase the gross income limits for eligibility for programs authorized under RCW 74.04.500 and 74.08A.120 to 200 percent of the federal poverty level. The department shall adjust its rules and information technology systems to make the eligibility change effective October 1, 2008.

(14) The department, in conjunction with the House Bill No. 1290 work group, shall identify and analyze barriers preventing city, county, and state referrals of persons potentially eligible for expedited application processing authorized under RCW 74.09.555. The department, in conjunction with the House Bill No. 1290 work group, shall report its findings and recommendations to the appropriate committees of the legislature no later than November 15, 2008.

(15) \$656,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to the department to increase immigration and naturalization services. These funds shall not supplant state and federal resources currently provided by the department for this purpose.

Sec. 208 2007 c 522 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$69,445,000)</del>
	\$69,252,000
General Fund--State Appropriation (FY 2009)	<del>(\$69,663,000)</del>
	\$74,467,000
General Fund--Federal Appropriation . . . . .	<del>(\$138,942,000)</del>
	\$149,196,000
General Fund--Private/Local Appropriation . . . . .	<del>(\$632,000)</del>
	\$6,083,000
Criminal Justice Treatment Account--State Appropriation	
.....	<del>(\$17,752,000)</del>
	\$18,555,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2008) . . . . .	<del>(\$24,538,000)</del>
	\$22,186,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2009) . . . . .	<del>(\$24,538,000)</del>
	\$22,186,000
Problem Gambling Account--State	
Appropriation . . . . .	<del>(\$1,567,000)</del>
	\$1,464,000
Public Safety and Education Account--State	
Appropriation (FY 2008) . . . . .	<del>(\$1,044,000)</del>
	\$3,396,000
Public Safety and Education Account--State	
Appropriation (FY 2009) . . . . .	<del>(\$1,043,000)</del>
	\$3,395,000
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$146,000
<b>TOTAL APPROPRIATION</b>	<del><b>(\$349,310,000)</b></del>
	<b>\$370,326,000</b>

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,786,000 of the general fund--state appropriation for fiscal year 2008 and \$2,785,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$11,113,000 of the general fund--state appropriation for fiscal year 2008, \$14,490,000 of the general fund--state appropriation for fiscal year 2009, and \$14,269,000 of the general fund--federal appropriation are provided solely for the expansion of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients authorized under the 2005-07 biennial appropriations act. By September 30, 2007, the department shall submit an expenditure and program report relating to the patients receiving treatment and other services pursuant to the funding provided in this subsection (2), as well as to other patients receiving treatment funded by the department. The report shall be submitted to the office of financial management and the appropriate policy and fiscal committees of the legislature. Subsequent updates to this report shall be provided by January 31 and July 31 of each fiscal year of the 2007-09 biennium. The reports shall include, but not necessarily be limited to, the following information: (a) The number and demographics (including categories) of patients served; (b) geographic distribution; (c) modality of treatment services provided (i.e. residential or out-patient); (d) treatment completion rates; (e) funds spent; and (f) where applicable, the estimated cost offsets in medical assistance on a total and per patient basis.

(3) \$698,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$698,000)~~ \$1,060,000 of the general fund--state appropriation for fiscal year 2009, and \$154,000 of the general fund--federal appropriation are provided solely for the expansion authorized under the 2005-07 biennial appropriations act of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$250,000)~~ \$145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for the following: ~~((a) A pilot program in Pierce county for family therapeutic court services that include chemical dependency treatment with use of the prometa protocol; and (b) an independent evaluator to evaluate the efficacy of the treatment with the prometa protocol under the pilot program as compared to other drug treatment and to no treatment))~~ (a) To continue an existing pilot program in Pierce county limited to individuals who began chemical dependency treatment using the prometa protocol prior to March 11, 2008; and (b) to contract with an independent evaluator who will, to the extent possible, evaluate the Pierce county pilot, as well as summarize other research on the efficacy of the prometa protocol.

(5) \$4,449,000 of the general fund--state appropriation for fiscal year 2009 and \$1,000,000 of the criminal justice treatment account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6665 (crisis response), to continue existing pilot programs and to expand the intensive crisis response pilot to Spokane county. The continuation and expansion of the pilot programs expires June 30, 2009. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

**Sec. 209** 2007 c 522 s 209 (uncodified) is amended to read as follows:

General Fund--State Appropriation (FY 2008)	
.....	<del>(\$1,589,266,000)</del>
	<u>\$1,602,827,000</u>
General Fund--State Appropriation (FY 2009)	
.....	<del>(\$1,665,304,000)</del>
	<u>\$1,669,581,000</u>
General Fund--Federal Appropriation . . . . .	<del>(\$4,305,197,000)</del>
	<u>\$4,344,748,000</u>
General Fund--Private/Local Appropriation . . . . .	\$2,000,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation . . . . .	\$15,076,000
Health Services Account--State Appropriation (FY 2008)	
.....	<del>(\$350,259,000)</del>
	<u>\$388,946,000</u>
Health Services Account--State Appropriation (FY 2009)	
.....	<del>(\$385,215,000)</del>
	<u>\$421,762,000</u>
Tobacco Prevention and Control Account--State	
Appropriation . . . . .	<u>\$1,883,000</u>
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$646,000
	<del>(\$8,312,963,000)</del>
	<u>\$8,447,469,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(4) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(6) \$1,111,000 of the health services account appropriation for fiscal year 2008, \$1,110,000 of the health services account appropriation for fiscal year 2009, \$5,402,000 of the general fund--federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2008, and \$1,591,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$10,546,000 of the health services account appropriation for fiscal year 2008, \$10,546,000 of the health services account--state appropriation for fiscal year 2009, and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2007-2009 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit ~~((a))~~ reports to the governor and legislature by November 1, 2007, and by November 1, 2008, that evaluate ~~((s))~~ whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2008 and fiscal year 2009, hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount ~~((that is the total of (a) the total payment for claims for services rendered during the fiscal year calculated according to the methodology employed by the legislature in the omnibus appropriations act for implementation in fiscal year 2008)).~~ The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program, and (b) disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 that pertain to fiscal year 2005. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and ~~((s))~~ distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim ~~((cost))~~ settlement within eleven months after the end of the fiscal year. A final ~~((cost))~~ settlement shall be performed within two years after the end of the related fiscal year. To the extent that ~~((a final cost))~~ either settlement determines that a

hospital has received funds in excess of what it would have received ~~((under the methodology in place in fiscal year 2008))~~ as described in this subsection, the hospital must repay ~~((these))~~ the excess amounts to the state when requested. ((~~\$74,066,000~~) \$61,728,000 of the general fund--state appropriation for fiscal year 2008, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, and ~~((~~\$59,776,000~~) \$57,894,000~~ of the general fund--state appropriation for fiscal year 2009, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, are provided solely for state grants for the participating hospitals.

(9) ~~((~~\$7,314,000~~) \$4,399,000~~ of the general fund--state appropriation for fiscal year 2008, ~~((~~\$7,800,000~~) \$6,391,000~~ of the general fund--state appropriation for fiscal year 2009, and ~~((~~\$48,995,000~~) \$55,384,000~~ of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(12) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(13) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings.

(14) \$1,688,000 of the general fund--state appropriation for fiscal year 2008 and \$1,689,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to incorporate a mental health service component to the pilot project established pursuant to subsection (13) of this section. Addition of the mental health service component authorized in this subsection is contingent upon the managed care contractor or the participating counties providing, alone or in combination, matching funds in cash or in kind, in an amount equal to one-ninth of the amounts appropriated in this subsection. The mental health service component may include care coordination, mental health services, and integrated medical and mental health service delivery for general assistance clients with mental health disorders, as well as primary care provider training and education. The department shall provide a report to the appropriate committees of the legislature by January 1, 2009, on costs, savings, and any outcomes or quality measures associated with the pilot projects during calendar year 2007 and 2008. To the extent possible, the report shall address any impact that the mental health services component has had upon clients' use of medical services, including but not limited to primary care physician's visits, emergency room utilization, and prescription drug utilization.

(15) \$341,000 of the health services account appropriation for fiscal year 2008, \$1,054,000 of the health services account appropriation for fiscal year 2009, and \$1,461,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1201 (foster care youth medical). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) ~~((~~\$6,529,000~~) \$6,728,000~~ of the general fund--state appropriation for fiscal year 2008 and ~~((~~\$6,651,000~~)~~

SIXTIETH DAY, MARCH 13, 2008

\$8,563,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with chapter 3, Laws of 2007 (part D copayment drug program).

(17) The department shall conduct a study to determine the financial impact associated with continuing to cover brand name medications versus the same medication in its generic form. The study shall account for all rebates paid to the state on each product studied up until the point where the generic form is less expensive, net of federally required rebates. The department shall submit its report to the legislative fiscal committees by December 1, 2007.

(18) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$268,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the first two years of a four-year project by the Seattle-King county health department to improve management of symptoms and reduce complications related to asthma among medicaid eligible children. The department shall contract with the Seattle-King county health department to have trained community health workers visit medicaid eligible children in their homes to identify and reduce exposure to asthma triggers, improve clients' self-management skills, and coordinate clients' care with their primary care and specialty providers. The contract shall include an evaluation of the impact of the services provided under the contract on urgent physician's visits, emergency room utilization, and inpatient hospitalization.

(19) ~~(\$2,450,000)~~ \$1,529,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,950,000)~~ \$2,871,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development and implementation of an outreach program as provided in chapter 5, Laws of 2007 (Second Substitute Senate Bill No. 5093, health services for children).

(a) By December 15, 2007, the department shall provide a report to the appropriate committees of the legislature on the progress of implementing the following activities:

~~((+))~~ (i) Feasibility study and implementation plan to develop online application capability that is integrated with the department's automated client eligibility system;

~~((+))~~ (ii) Development of data linkages with the office of superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information;

~~((+))~~ (iii) Informing insurers and providers when their enrollees' eligibility is going to expire so insurers and providers can help families reenroll;

~~((+))~~ (iv) Outreach contracts with local governmental entities, community based organizations, and tribes;

~~((+))~~ (v) Results of data sharing with outreach contractors, and other contracted entities such as local governments, community-based organizations, tribes, health care providers, and insurers to engage, enroll, and reenroll identified children;

~~((+))~~ (vi) Results of efforts to maximize federal matching funds, wherever possible; and

~~((+))~~ (vii) Plans for sustaining outreach programs proven to be successful.

(b)(i) Within the amounts provided under this subsection (19), sufficient funding is provided to the department to develop and implement in conjunction with the employment security department a plan that would:

(A) Allow applicants and recipients of unemployment insurance to request assistance with obtaining health coverage for household members; and

(B) Authorize the exchange of information between the employment security department and the department of social and health services to more efficiently determine eligibility for health coverage under chapter 74.09 RCW.

(ii) The plan developed in (b)(i) of this subsection should address permissible uses of federal employment security funding

and infrastructure, identification of any necessary statutory changes, and cost information. The department shall submit the plan in a report to the governor and the appropriate committees of the legislature by November 15, 2008.

(20) \$640,000 of the general fund--state appropriation for fiscal year 2008 and \$616,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to:

(a) Pay the premiums associated with enrollment in a medicare advantage plan for those full benefit dual eligible beneficiaries, as defined in RCW 74.09.010, who were enrolled on or before November 14, 2006 in a medicare advantage plan sponsored by an entity accredited by the national committee for quality assurance and for whom the department had been paying Part C premium as of November 2006; and

(b) Undertake, directly or by contract, a study to determine the cost-effectiveness of paying premiums for enrollment of full benefit dual eligible beneficiaries in medicare advantage plans in lieu of paying full benefit dual eligible beneficiaries' medicare cost-sharing. The study shall compare the cost and health outcomes experience, including rates of nursing home placement and costs for groups of full benefit dual eligible beneficiaries who are enrolled in medicare advantage plans, in medicare special needs plan or in medicare fee-for-service. The study shall compare the health status and utilization of health and long-term care services for the three groups, and the impact of access to a medical home and specialty care, over a period of two years to determine any differences in health status, health outcomes, and state expenditures that result. The department shall submit the results of the study to the governor and the legislature by June 30, 2009. The department is authorized to accept private cash and in-kind donations and grants to support the study and evaluation.

(c) Track enrollment and expenditures for this population on department monthly management reports.

(21) The department may not transition to managed care delivery any population that has been primarily served under fee-for-service delivery unless the department first conducts a cost-effectiveness evaluation of the transition, including an evaluation of historical data on utilization patterns, and finds that the transition would result in a more effective and cost-efficient form of service delivery, pursuant to RCW 74.09.470. Any such finding must be provided to the governor and the legislature no less than ninety days before the transition begins.

(22) \$756,000 of the general fund--state appropriation for fiscal year 2008, \$1,193,000 of the general fund--state appropriation for fiscal year 2009, \$1,261,000 of the health services account--state appropriation for fiscal year 2009, and \$2,448,000 of the general fund--federal appropriation are provided solely to implement sections 5, 7, 8, and 11 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((22))~~ (23) \$288,000 of the general fund--state appropriation for fiscal year 2008, \$277,000 of the general fund--state appropriation for fiscal year 2009, and \$566,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon comm/health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((23) \$150,000)~~ (24) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department of social and health services, in consultation with the health care authority and the employment security department, to prepare and submit a report and recommendations to the governor and the legislature related to coverage of low-wage workers enrolled on state plans who are employed by employers with more than fifty employees. The report shall address multiple approaches, including but not limited to the proposal included in House Bill No. 2094 (taxpayer health care fairness act). The discussion of each approach included in the report

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

should identify how the approach would further the goal of shared responsibility for coverage of low-wage workers, obstacles to implementation and options to address them, and estimated implementation costs. The report shall be submitted on or before November 15, 2007. The agencies shall establish a workgroup, which shall be closely involved and consulted in the development of the report and recommendations under this subsection. The workgroup shall include the following participants: Persons or organizations representing large employers in the retail, agricultural and grocery trades, other large employers, organizations representing employees of large employers, organizations representing low-wage employees of large employers, state and local governmental entities as employers, and organizations representing employees of state and local governmental entities. In addition, the workgroup shall include three members from each of the two largest caucuses of the house of representatives, appointed by the speaker, and three members from each of the two largest caucuses of the senate, appointed by the president of the senate.

(25) \$1,883,000 of the tobacco prevention and control account--state appropriation and \$1,742,000 of the general fund--federal appropriation are for the provision of smoking cessation benefits pursuant to Senate Bill No. 6421 (smoking cessation). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(26) As part of the five-year plan on state purchasing to improve health care quality under chapter 259, Laws of 2007, the department, in collaboration with the department of health, shall provide a report to the appropriate committees of the legislature outlining a strategy to improve immunization rates for all children in the state, including but not limited to vaccine administration fee increases and pay-for-performance incentives. The department shall submit the report to the governor and the health policy and fiscal committees of the legislature by November 1, 2008.

(27) Within existing funds, the department shall evaluate the fiscal impact of the federal upper limits on medicaid reimbursement to pharmacies implemented under the federal deficit reduction act, and report its findings to the legislature by December 1, 2008.

(28)(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a feasibility study to examine processes and systems that would expeditiously link persons released from confinement in state and local correctional facilities and institutions for mental diseases to medical assistance benefits for which they qualify. The study shall present an analysis of the costs and benefits associated with:

(i) Suspending eligibility for persons who were receiving medical assistance at the time their confinement began, such that upon the person's release from confinement, medical assistance benefits would immediately resume without the filing of a new application. In the evaluation of eligibility suspension, the department shall examine process modifications that would allow confined persons to recertify eligibility before or immediately after release from confinement;

(ii) Improving the efficiency and expanding the scope of the expedited medical assistance reinstatement and eligibility determination process established under RCW 74.09.555, including extending the process to persons other than those with mental disorders, both for persons who had been previously eligible before confinement and for persons who had not been eligible before confinement;

(iii) Providing medical and mental health evaluations to determine disability for purposes of the medical assistance program before the person's release from confinement; and

(iv) Notifying the department in a timely manner when a person who has been enrolled in medical assistance is confined in a state correctional institution or institution for mental diseases or is released from confinement.

(b) In conducting the study, the department shall collaborate with the Washington association of sheriffs and police chiefs, the department of corrections, the regional support networks, department field offices, institutions for mental diseases, and correctional institutions. The department shall submit the study to the governor and the legislature by November 15, 2008.

(29) \$165,000 of the general fund--state appropriation for fiscal year 2009, \$269,000 of the health services account--state appropriation for fiscal year 2009, and \$425,000 of the general fund--federal appropriation are provided solely for lead blood level assessments under chapter 74.09 RCW for any eligible children younger than twenty-one years old in accordance with early and periodic screening and diagnostic treatment services as defined in section 1905 of Title XIX of the federal social security act and its implementing regulations and guidelines.

(30) \$50,000 of the general fund--state appropriation for fiscal year 2009 and \$50,000 of the general fund--federal appropriation are provided solely for implementation of the agency's responsibilities in Engrossed Second Substitute House Bill No. 2549 (patient-centered primary care). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(31) \$50,000 of the general fund--state appropriation for fiscal year 2009 and \$50,000 of the general fund--federal appropriation are provided solely for the senior dental access project pursuant to Engrossed Second Substitute House Bill No. 2668 (long term care programs). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

**Sec. 210** 2007 c 522 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$12,986,000)</del>
	\$11,543,000
General Fund--State Appropriation (FY 2009)	<del>(\$14,336,000)</del>
	\$12,323,000
General Fund--Federal Appropriation . . . . .	<del>(\$90,886,000)</del>
	\$92,975,000
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation . . . . .	<del>(\$1,793,000)</del>
	\$1,975,000
Pension Funding Stabilization Account--State Appropriation . . . . .	\$116,000
TOTAL APPROPRIATION	<del>(\$120,117,000)</del>
	\$118,932,000

**Sec. 211** 2007 c 522 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$51,103,000)</del>
	\$52,506,000
General Fund--State Appropriation (FY 2009)	<del>(\$54,219,000)</del>
	\$54,549,000
TOTAL APPROPRIATION	<del>(\$105,322,000)</del>
	\$107,055,000

The appropriations in this section are subject to the following conditions and limitations: \$83,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute House Bill No. 2756 (commitment center calls). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 212** 2007 c 522 s 212 (uncodified) is amended to read as follows:

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$35,438,000)</del>	\$40,502,000
General Fund--State Appropriation (FY 2009)	<del>(\$36,504,000)</del>	\$41,125,000
General Fund--Federal Appropriation	<del>(\$64,730,000)</del>	\$64,805,000
General Fund--Private/Local Appropriation	<del>(\$810,000)</del>	\$1,526,000
Public Safety and Education Account--State Appropriation (FY 2008)	<del>(\$1,226,000)</del>	\$700,000
Public Safety and Education Account--State Appropriation (FY 2009)	<del>(\$1,226,000)</del>	\$1,752,000
Pension Funding Stabilization Account--State Appropriation		\$1,408,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)		\$913,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	<del>(\$926,000)</del>	\$917,000
<b>TOTAL APPROPRIATION</b>	<del><b>(\$143,181,000)</b></del>	<b>\$153,648,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the expansion of the Washington state mentors program, which provides technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$1,750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington council for prevention of child abuse and neglect to expand its home visitation program.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the family policy council for distribution as grants to community networks in counties with county juvenile courts participating in decategorization of funding through the juvenile rehabilitation administration. The council shall provide grants of up to \$50,000 per fiscal year to the Pierce County-Tacoma urban community network and additional community networks supporting counties or groups of counties in evaluating programs funded through a block grant by the juvenile rehabilitation administration. Funds not used for grants to community networks supporting counties or groups of counties participating in the decategorization block grants shall lapse.

(4) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(5) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the continuation of the postpartum depression campaign, including the design and production of brochures in various languages, a radio public service announcement, and other outreach and training efforts.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand and enhance the juvenile detention alternatives initiative. This funding is intended to add three new program sites, support the

addition of a data analyst, and to provide resources for the state to participate in annual national conferences.

(7) ~~(\$144,000)~~ \$95,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$111,000)~~ \$87,000 of the general fund--state appropriation for fiscal year 2009, and ~~(\$136,000)~~ \$101,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) \$12,000 of the general fund--state appropriation for fiscal year 2009 and \$7,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 465, Laws of 2007.

(9) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$804,000 of the general fund--state appropriation for fiscal year 2009, and \$581,000 of the general fund--federal appropriation are provided solely for the development of a project plan, time line, and budget plan for a more flexible payment system for independent home care providers and others who collectively bargain for wages and benefits. The legislature finds the amounts provided are sufficient to fund the following related to a timely and expeditious transition to a more flexible provider payroll system: (a) An appropriate request for proposal; and (b) collection of the information necessary to develop the budget proposal needed to seek budget authority for the system.

(10) \$49,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the family policy council to establish a new network in Skagit county.

Sec. 213 2007 c 522 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$59,460,000)</del>	\$59,085,000
General Fund--State Appropriation (FY 2009)	<del>(\$59,497,000)</del>	\$60,121,000
General Fund--Federal Appropriation	<del>(\$57,255,000)</del>	\$57,438,000
<b>TOTAL APPROPRIATION</b>	<del><b>(\$176,212,000)</b></del>	<b>\$176,644,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$235,000 of the general fund--state appropriation for fiscal year 2009 and \$111,000 of the general fund--federal appropriation are provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 214 2007 c 522 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 2008)	<del>(\$500,000)</del>	\$1,000,000
<del>(General Fund--State Appropriation (FY 2009))</del>	<del>(\$500,000)</del>	
General Fund--Federal Appropriation	<del>(\$4,885,000)</del>	\$4,937,000
State Health Care Authority Administrative Account--State Appropriation	<del>(\$56,074,000)</del>	\$41,543,000
State Health Care Authority Administrative Account--Private/Local Appropriation		\$100,000
Medical Aid Account--State Appropriation	<del>(\$529,000)</del>	\$527,000

Health Services Account--State Appropriation

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(FY 2008).....	<del>(\$274,666,000)</del>
	\$271,478,000
Health Services Account--State Appropriation	
(FY 2009).....	<del>(\$300,580,000)</del>
	\$302,832,000
TOTAL APPROPRIATION	<del>(\$637,734,000)</del>
	\$622,417,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) ~~(\$1,984,000 of the health services account--state appropriation for fiscal year 2008 and \$6,315,000)~~ \$4,062,000 of the health services account--state appropriation for fiscal year 2009 ~~(are)~~ is provided solely for additional enrollment in the basic health plan. If available basic health plan slots are exceeded, the authority shall maintain a waiting list and provide for notification when slots become available.

(5) Appropriations in this act include specific funding for health records banking under section 10 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

(6) \$11,934,000 of the health services account--state appropriation for fiscal year 2008 and \$11,834,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for funding for health care services provided through local community clinics.

(7) \$784,000 of the health services account--state appropriation for fiscal year 2008, \$1,676,000 of the health service account--state appropriation for fiscal year 2009, \$540,000 of the general fund--federal appropriation, and ~~(\$22,480,000)~~ \$8,200,000 of the state health care authority administrative account--state appropriation are provided for the development of a new benefits administration and insurance accounting system.

(8) \$2,000,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for the authority to provide one-time competitive grants to community

health centers to increase the number of adults served on an ongoing basis. Each clinic receiving grant funding shall report annually, beginning December 2008, on key adult access indicators established by the authority, including but not limited to increases in the number of low-income adults served.

~~((8) \$2,137,000)~~ (9) \$1,639,000 of the health services account--state appropriation for fiscal year 2008 and ~~(\$1,000,000)~~ \$2,988,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for section 5 of Engrossed Second Substitute House Bill No. 1569 (health insurance partnership board) and related provisions of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). An additional \$750,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for premium subsidies to low-income employees of small employers participating in the health insurance partnership, as generally described in Second Substitute House Bill No. 2537 (modifications to the health insurance partnership).

~~((9))~~ (10) \$664,000 of the health services account--state appropriation for fiscal year 2008 and \$664,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the implementation of the Washington quality forum, pursuant to section 9 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

~~((10))~~ (11) \$600,000 of the state health care authority administrative account--state appropriation is provided solely for the implementation of the state employee health pilot, pursuant to section 41 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

~~((11))~~ (12) \$250,000 of the health services account--state appropriation for fiscal year 2008 and \$250,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for continuation of the community health collaborative grant program in accordance with chapter 67, Laws of 2006 (E2SSB 6459). The applicant organizations must assure measurable improvements in health access within their service region, demonstrate active collaboration with key community partners, and provide two dollars in matching funds for each grant dollar awarded.

~~((12))~~ (13) \$731,000 of the health services account--state appropriation for fiscal year 2008 and \$977,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the dental residency program, including maintenance of the existing residency positions and the establishment of six additional resident positions in fiscal year 2008 (four in eastern Washington and two in the Seattle area), and five additional positions in fiscal year 2009.

(14) Appropriations in this act include funding for sections 14 (reducing unnecessary emergency room use) and 40 (state employee health program) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

(15) \$100,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for implementation of the agency's responsibilities in Engrossed Second Substitute House Bill No. 2549 (patient-centered primary care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 215** 2007 c 522 s 215 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2008) .	<del>(\$3,444,000)</del>
	\$3,377,000
General Fund--State Appropriation (FY 2009) .	<del>(\$3,350,000)</del>
	\$3,699,000

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

General Fund--Federal Appropriation . . . . .	(\$1,345,000)
	\$1,523,000
TOTAL APPROPRIATION . . . . .	(\$8,139,000)
	\$8,599,000

The appropriations in this section are subject to the following conditions and limitations: \$115,000 of the general fund--state appropriation for fiscal year 2008 and \$190,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute Senate Bill No. 6776 (whistleblower protections). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 216 2007 c 522 s 216 (uncodified) is amended to read as follows:

**FOR THE BOARD OF INDUSTRIAL INSURANCE  
APPEALS**

Worker and Community Right-to-Know Account--State	
Appropriation . . . . .	\$20,000
Accident Account--State Appropriation . . . . .	(\$18,123,000)
	\$18,330,000
Medical Aid Account--State Appropriation . . . . .	(\$18,124,000)
	\$18,331,000
TOTAL APPROPRIATION . . . . .	(\$36,267,000)
	\$36,681,000

The appropriations in this section are subject to the following conditions and limitations: \$364,000 of the accident account--state appropriation and \$364,000 of the medical aid account--state appropriation are provided solely for the payment of benefits required by Second Substitute House Bill No. 3139 (industrial insurance orders). If the bill is not enacted by June 30, 2008, or if additional benefits are not required under the bill, the amounts provided in this subsection shall lapse.

Sec. 217 2007 c 522 s 217 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING  
COMMISSION**

General Fund--State Appropriation (FY 2009) . . . . .	\$306,000
Public Safety and Education Account--State	
Appropriation (FY 2008) . . . . .	(\$15,537,000)
	\$15,680,000
Public Safety and Education Account--State	
Appropriation (FY 2009) . . . . .	(\$14,340,000)
	\$21,464,000
Death Investigations Account--State Appropriation . . . . .	\$148,000
Municipal Criminal Justice Assistance Account--	
State Appropriation . . . . .	\$460,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation . . . . .	\$12,322,000
TOTAL APPROPRIATION . . . . .	(\$42,807,000)
	\$50,380,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2007-2009 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$2,390,000 of the public safety and education account--state appropriation for fiscal year 2008 and (~~(\$956,000)~~) \$1,809,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for ten additional basic law enforcement academies in fiscal year 2008 and (~~four~~) nine additional basic law enforcement academies in fiscal year 2009. (~~Continued funding for these additional academies is contingent upon the result of an office of financial~~

~~management forecast for future student demand for basic law enforcement academics at the criminal justice training centers in Burien and Spokane.~~)

(3) \$1,044,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,191,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(4) \$28,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of chapter 10, Laws of 2007 (SSB 5191, missing persons).

(5) \$5,400,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$6,922,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$150,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$150,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely (~~for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse~~) to deliver multi-disciplinary team training sessions aimed at improving the coordination of, and communication between, agencies involved in the investigation of child fatality, child sexual abuse, child physical abuse, and criminal neglect cases.

(7) \$25,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5987 (gang-related offenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$50,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$50,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(9) \$20,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5315 (forest fires/property access). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$5,000,000 of the public safety and education account--state appropriation for fiscal year 2009 is provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of all registered sex offenders and kidnapping offenders under RCW 9A.44.130. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with units of local government to ensure that registered offender address and residency are verified;

(A) For level I offenders, every twelve months;

(B) For level II offenders, every six months; and

(C) For level III offenders, every three months.

For the purposes of this subsection, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by September 1, 2009.

The Washington association of sheriffs and police chiefs may retain up to three percent of the amount provided in this subsection for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing to register offenses.

(11) \$750,000 of the public safety and education fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$306,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant program to pay for the costs of local law enforcement agencies participating in specialized crisis intervention training.

**Sec. 218** 2007 c 522 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2008)	. (( <del>\$8,711,000</del> ))
	\$8,716,000
General Fund--State Appropriation (FY 2009)	. (( <del>\$8,879,000</del> ))
	\$9,314,000
General Fund--Federal Appropriation	..... \$100,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	..... (( <del>\$15,386,000</del> ))
	\$15,393,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	..... (( <del>\$16,607,000</del> ))
	\$16,525,000
Public Safety and Education Account--Federal	
Appropriation	..... \$10,000,000
Asbestos Account--State Appropriation	..... (( <del>\$923,000</del> ))
	\$908,000
Electrical License Account--State Appropriation	(( <del>\$40,718,000</del> ))
	\$41,104,000
Farm Labor Revolving Account--Private/Local	
Appropriation	..... \$28,000
Worker and Community Right-to-Know Account--State	
Appropriation	..... (( <del>\$1,961,000</del> ))
	\$1,941,000
Public Works Administration Account--State	
Appropriation	..... (( <del>\$3,996,000</del> ))
	\$3,948,000
Manufactured Home Installation Training Account--	
State Appropriation	..... \$192,000
Accident Account--State Appropriation	..... (( <del>\$228,998,000</del> ))
	\$232,730,000
Accident Account--Federal Appropriation	..... \$13,622,000
Medical Aid Account--State Appropriation	.. (( <del>\$239,248,000</del> ))
	\$235,880,000
Medical Aid Account--Federal Appropriation	..... \$3,186,000
Plumbing Certificate Account--State Appropriation	..... (( <del>\$1,653,000</del> ))
	\$2,002,000
Pressure Systems Safety Account--State	
Appropriation	..... (( <del>\$3,667,000</del> ))
	\$3,646,000
<b>TOTAL APPROPRIATION</b>	(( <del>\$597,875,000</del> ))
	\$599,235,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,413,000 of the medical aid account--state appropriation is provided solely for conducting utilization reviews of physical and occupational therapy cases at the 24th

visit and the associated administrative costs, including those of entering data into the claimant's file. The department shall develop and report performance measures and targets for these reviews to the office of financial management. The reports are due September 30th of the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(2) \$2,247,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$822,000 of the medical aid account--state appropriation is provided solely for vocational services professional staff salary adjustments necessary to recruit and retain positions required for anticipated changes in work duties as a result of Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. Compensation for anticipated changes to work duties is subject to review and approval by the director of the department of personnel and is subject to collective bargaining.

(4) \$8,000,000 of the medical aid account--state appropriation is provided solely to establish a program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(5) \$600,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(6) \$181,000 of the accident account--state appropriation and \$181,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 5443 (workers' compensation claims). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$558,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5290 (workers' compensation advisory committees). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$104,000 of the public safety and education account--state appropriation for fiscal year 2008, \$104,000 of the public safety and education account--state appropriation for fiscal year 2009, \$361,000 of the accident account--state appropriation, and \$361,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5675 (workers' compensation benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$730,000 of the medical aid account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$437,000 of the accident account--state appropriation and \$437,000 of the medical aid account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5053 (industrial insurance ombudsman). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$74,000 of the accident account--state appropriation and \$74,000 of the medical aid--state appropriation are provided

SIXTIETH DAY, MARCH 13, 2008

solely for implementation of Engrossed Substitute Senate Bill No. 5915 (notices to employers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$605,000 of the accident account--state appropriation for fiscal year 2008 is provided solely for a study of the incidence of permanent total disability pensions in the state's workers' compensation system. To conduct the study, the department shall contract with an independent researcher that has demonstrated expertise in workers' compensation systems. When selecting the independent researcher, the department shall consult the labor and business members of the workers' compensation advisory committee and, if the labor and business members of the workers' compensation advisory committee agree on a particular independent researcher, the department shall select that independent researcher. The study must consider causes of the recent increase in permanent total disability cases, future anticipated permanent total disability trends, a comparison of Washington's permanent total disability claims experience and injured workers with other states and jurisdictions, the impact of the standard for finding workers employable on the incidence of permanent total disability pensions, and the impact of vocational rehabilitation under RCW 51.32.095 on the incidence of permanent total disability pensions. The department shall report to the workers' compensation advisory committee, the house of representatives commerce and labor committee, and the senate labor, commerce, research and development committee on the results of the study on or before July 1, 2008.

(13) \$1,089,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementation of chapter 27, Laws of 2007 (ESHB 2171, crane safety).

(14) \$100,000 of the general fund--federal appropriation and \$192,000 of the manufactured home installation training account--state appropriation are provided solely for Substitute House Bill No. 2118 (mobile/manufactured homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$107,000 of the accident account--state appropriation and \$107,000 of the medical aid account--state appropriation are provided solely to implement Senate Bill No. 6839 (workers' compensation coverage). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(16) \$224,000 of the general fund--state appropriation for fiscal year 2009, \$741,000 of the accident account--state appropriation, and \$741,000 of the medical aid account--state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(17) \$408,000 of the accident account--state appropriation and \$72,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 2602 (victims' employment leave). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(18) \$3,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$3,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 6246 (industrial insurance claims). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(19) \$368,000 of the plumbing certificate account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5831 (HVAC and refrigeration). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(20) \$256,000 of the accident account--state appropriation and \$256,000 of the medical aid account--state appropriation are provided solely for the payment of benefits required by Second

2008 REGULAR SESSION

Substitute House Bill No. 3139 (industrial insurance orders). If the bill is not enacted by June 30, 2008, or if additional benefits are not required under the bill, the amounts provided in this subsection shall lapse.

(21) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to conduct a review of the need for regulation of general and specialty contractors involved in the repair, alteration, or construction of single-family homes using the public interest criteria set forth in RCW 18.118.010 and as generally described in Second Substitute House Bill No. 3349 (residential contractors). By October 1, 2008, the department and the department of licensing shall report their findings to the appropriate committees of the legislature.

(22) The department of labor and industries shall enter into an interagency agreement with the employment security department to expend funds from the family leave insurance account for the implementation of the family leave insurance program.

(23) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section and by not more than 5.53 percent in fiscal year 2008: Boiler inspection permits and fees; boiler permit fees; plumbers' continuing education; and plumbers' licensing and examination fees.

**Sec. 219** 2007 c 522 s 219 (uncodified) is amended to read as follows:

**FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund--State Appropriation (FY 2008) . . . .	\$1,876,000
General Fund--State Appropriation (FY 2009) . . . .	<del>(\$1,907,000)</del>
	\$2,012,000
TOTAL APPROPRIATION . . . .	<del>(\$3,783,000)</del>
	\$3,888,000

The appropriations in this subsection are subject to the following conditions and limitations: \$224,000 of the general fund--state appropriation for fiscal year 2008 and \$210,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1220 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

**Sec. 220** 2007 c 522 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2008) . . . .	\$2,124,000
General Fund--State Appropriation (FY 2009) . . . .	<del>(\$2,183,000)</del>
	\$2,142,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation . . . . .	\$10,000
<del>(Veterans Innovations Program Account</del>	
<del>Appropriation . . . . .</del>	<del>\$1,437,000)</del>
TOTAL APPROPRIATION . . . . .	<del>(\$5,754,000)</del>
	\$4,276,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2008) . . . .	<del>(\$5,126,000)</del>
	\$5,264,000
General Fund--State Appropriation (FY 2009) . . . .	<del>(\$5,249,000)</del>
	\$5,593,000
General Fund--Federal Appropriation . . . . .	<del>(\$972,000)</del>
	\$1,025,000
General Fund--Private/Local Appropriation . . . .	<del>(\$2,987,000)</del>
	\$3,317,000
Veterans Innovations Program Account Appropriation . . . . .	\$1,437,000
Veteran Estate Management Account--Private/Local	

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Appropriation . . . . . \$1,062,000  
 TOTAL APPROPRIATION . . . . . ~~(\$15,396,000)~~  
 \$17,698,000

The appropriations in this subsection are subject to the following conditions and limitations: \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$560,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5164 (veterans' conservation corps). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008) . . . . . ~~(\$8,340,000)~~  
 \$7,948,000  
 General Fund--State Appropriation (FY 2009) . . . . . ~~(\$8,894,000)~~  
 \$5,984,000  
 General Fund--Federal Appropriation . . . . . ~~(\$41,333,000)~~  
 \$43,126,000  
 General Fund--Private/Local Appropriation . . . . . ~~(\$30,197,000)~~  
 \$31,574,000  
 TOTAL APPROPRIATION . . . . . ~~(\$88,764,000)~~  
 \$88,632,000

Sec. 221 2007 c 522 s 221 (uncodified) is amended to read as follows:

**FOR THE HOME CARE QUALITY AUTHORITY**

General Fund--State Appropriation (FY 2008) . . . . \$1,721,000  
 General Fund--State Appropriation (FY 2009) . . . . ~~(\$1,740,000)~~  
 \$1,731,000  
 TOTAL APPROPRIATION . . . . ~~(\$3,461,000)~~  
 \$3,452,000

Sec. 222 2007 c 522 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2008) ~~(\$81,288,000)~~  
 \$81,352,000  
 General Fund--State Appropriation (FY 2009) ~~(\$78,032,000)~~  
 \$86,258,000  
 General Fund--Federal Appropriation . . . . . ~~(\$480,735,000)~~  
 \$477,072,000  
 General Fund--Private/Local Appropriation . . . . . ~~(\$111,257,000)~~  
 \$119,919,000  
 Hospital Commission Account--State Appropriation  
 . . . . . ~~(\$1,247,000)~~  
 \$144,000  
 Health Professions Account--State Appropriation  
 . . . . . ~~(\$62,419,000)~~  
 \$68,877,000  
 Aquatic Lands Enhancement Account--State  
 Appropriation . . . . . \$600,000  
 Emergency Medical Services and Trauma Care Systems  
 Trust Account--State Appropriation . . . . . ~~(\$12,610,000)~~  
 \$12,606,000  
 Safe Drinking Water Account--State Appropriation  
 . . . . . ~~(\$3,064,000)~~  
 \$3,041,000  
Public Health Services Account--State Appropriation \$1,000,000  
 Drinking Water Assistance Account--Federal  
 Appropriation . . . . . ~~(\$16,991,000)~~  
 \$19,027,000  
 Waterworks Operator Certification--State  
 Appropriation . . . . . ~~(\$1,518,000)~~  
 \$1,513,000  
 Drinking Water Assistance Administrative Account--  
 State Appropriation . . . . . \$326,000  
 Water Quality Account--State Appropriation  
 (FY 2008) . . . . . \$1,975,000  
 Water Quality Account--State Appropriation

(FY 2009) . . . . . ~~(\$2,013,000)~~  
 \$1,983,000  
 State Toxics Control Account--State Appropriation  
 . . . . . ~~(\$3,415,000)~~  
 \$3,460,000  
 Medical Test Site Licensure Account--State  
 Appropriation . . . . . ~~(\$2,068,000)~~  
 \$2,057,000  
 Youth Tobacco Prevention Account--State Appropriation  
 . . . . . \$1,512,000  
 Public Health Supplemental Account--Private/Local  
 Appropriation . . . . . ~~(\$2,482,000)~~  
 \$3,918,000  
 Accident Account--State Appropriation . . . . . ~~(\$294,000)~~  
 \$291,000  
 Medical Aid Account--State Appropriation . . . . . \$48,000  
 Health Services Account--State  
 Appropriation (FY 2008) . . . . . \$42,122,000  
 Health Services Account--State  
 Appropriation (FY 2009) . . . . . ~~(\$46,663,000)~~  
 \$51,429,000  
 Tobacco Prevention and Control Account--State  
 Appropriation . . . . . ~~(\$52,870,000)~~  
 \$52,846,000  
 TOTAL APPROPRIATION ~~(\$1,005,773,000)~~  
 \$1,033,376,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to raise existing fees charged for its fee-supported programs in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. Pursuant to RCW 43.135.055 and RCW 43.70.250, the department is further authorized to increase fees in its fee-supported programs as necessary to meet the actual costs of conducting business and the appropriation levels in this section, as specifically authorized in LEAP Document DOH-2008, as developed by the legislative evaluation and accountability program on March 11, 2008.

(2) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) \$877,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1099 (dental professions). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 2304 (cardiac care services). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$138,000 of the general fund--state appropriation for fiscal year 2008 and \$220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of chronic care provider training.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(6) \$51,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (sex education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$103,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute House Bill No. 1837 (nonambulatory persons). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$201,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 2087 (health care facilities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$293,000 of the general fund--state appropriation for fiscal year 2008 and \$287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for public service announcements regarding childhood lead poisoning, information pamphlets, rule development, and for early identification of persons at risk of having elevated blood-lead levels, which includes systematically screening children under six years of age and other target populations identified by the department. Priority will be given to testing children and increasing the registry in the lead surveillance program.

(10) \$101,000 of the general fund--state appropriation for fiscal year 2008, \$81,000 of the general fund--state appropriation for fiscal year 2009, and \$6,000 of the general fund--private/local appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1414 (ambulatory surgical facilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$55,000 of the health professions account appropriation is provided solely for the implementation of Substitute House Bill No. 1397 (massage therapy). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$58,000 of the general fund--private/local appropriation is provided solely for the implementation of Senate Bill No. 5398 (specialty hospitals). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) \$34,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$224,000 of the oyster reserve land account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$571,000 of the general fund--state appropriation for fiscal year 2008 and \$458,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute House Bill No. 1106 (hospital acquired infections). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$4,000,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$1,000,000~~), \$5,000,000 of the general fund--state appropriation for fiscal year 2009, and \$1,000,000 of the public health services account--state appropriation are provided solely for department of health-funded family planning clinics to increase the capacity of the clinics to provide family planning and reproductive health services to low-income men and women who are not otherwise eligible for services through the department of social and health services medical assistance program and for clinical or other health services associated with sexually transmitted disease testing through the infertility prevention project. Funds appropriated and expended under this subsection for fiscal year 2009 shall be distributed in a manner

that allocates funding to department of health-funded family planning clinics based upon the percentage of medical assistance family planning waiver clients in calendar year 2005 who received services from a provider located in the geographic area served by the department of health-funded clinic. Of these amounts, the department is authorized to expend up to \$1,000,000 of its general fund--state appropriation for fiscal year 2009 for services provided in fiscal year 2008, if necessary, to offset reductions in federal funding.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is for one-time funding to purchase and store antiviral medications to be used in accordance with the state pandemic influenza response plan. These drugs are to be purchased through the United States department of health and human services to take advantage of federal subsidies.

(17) \$147,000 of the general fund--state appropriation for fiscal year 2008 and \$32,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of health to provide relevant information on measures taken to facilitate expanded use of reclaimed water pursuant to Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$550,000 of the general fund--state appropriation for fiscal year 2008 and \$550,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the lifelong AIDS alliance to restore lost federal funding.

(19) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for medical nutritional therapy for people with HIV/AIDS and other low-income residents in King county with chronic illnesses.

(20) \$645,000 of the general fund--state appropriation for fiscal year 2008 and \$645,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the neurodevelopmental center system, which provides therapy and medical services for young, low-income children with developmental disabilities.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to continue the autism task force established by chapter 259, Laws of 2005, through June 30, 2008. The task force shall:

(a) Review and continue to refine criteria for regional autism centers throughout Washington state based on community needs in each area, and address the role of autism centers within the larger context of developmental disabilities;

(b) Prioritize its December 2006 recommendations and develop an implementation plan for the highest priorities. The plan should detail how systems will coordinate to improve service and avoid duplication between state agencies including the department of social and health services, department of health, office of superintendent of public instruction, as well as school districts, autism centers, and local partners and providers. The plan shall also estimate the costs of the highest priority recommendations and report to the legislature and governor by December 1, 2007;

(c) Compile information for and draft the "Washington Service Guidelines for Individuals with Autism - Birth Through Lifespan" book described in the task force's recommendations. Funding to print and distribute the book is expected to come from federal or private sources; and

(d) Monitor the federal combating autism act and its funding availability and make recommendations on applying for grants to assist in implementation of the 2006 task force recommendations. The department of health shall be the lead agency in providing staff for the task force. The department may seek additional staff assistance from the office of the superintendent of public instruction and the committee staff of the legislature. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(22) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Washington state hepatitis C strategic plan.

(23) \$142,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5403 (animal massage practitioners). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$174,000 of the health professions account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5503 (athletic trainers). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$75,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5292 (physical therapist assistants). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(26) \$94,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6032 (medical use of marijuana). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(27) \$386,000 of the general fund--state appropriation for fiscal year 2008 and \$384,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5894 (large on-site sewage systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(28) \$1,721,000 of the health professions account appropriation is provided solely for the implementation of sections 11 and 12 (medical information) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the sections are not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(29) \$10,000,000 of the health services account--state appropriation for fiscal year 2008 and \$10,000,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for distribution to local health jurisdictions and for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care), subject to the following conditions and limitations:

(a) During the month of January 2008, and January 2009, the department of health shall distribute funds appropriated in this section to local health jurisdictions, less an amount not to exceed five percent for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). The amount of funding for distribution to a jurisdiction before the administrative deduction shall be the greater of: (i) One hundred thousand dollars; or (ii) (A) a base level of funding of seventy-five thousand dollars plus the per capita amount, for a jurisdiction with a population of four hundred thousand persons or fewer; or (B) a base level of funding of twenty-five thousand dollars plus the per capita amount, for a jurisdiction with a population greater than four hundred thousand persons. Amounts distributed under this subsection must be used to fund core public health functions of statewide significance as defined in Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(b) For the purposes of this subsection:

(i) "Per capita amount" means an amount equal to seven million five hundred thousand dollars multiplied by the proportion of the population of the jurisdiction in the previous calendar year to the population of the state in the previous calendar year.

(ii) "Population" means the number of persons as last determined by the office of financial management. If the

jurisdiction comprises a single county, "population" means the number of persons in the county. For a jurisdiction comprising two or more counties, "population" means the number of persons in all counties comprising the jurisdiction.

(iii) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

(c) The department may adopt rules necessary to administer this subsection.

(30) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the health professions account--state appropriation are provided solely for an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the department shall contract with a consultant to conduct a review of existing research literature on whether these economic benefits exceed the state expenditures to subsidize the cost of the midwifery licensing and regulatory program under RCW 43.70.250. The evaluation shall include an assessment of the economic benefits to consumers who elect to have out-of-hospital births with midwives, including any reduced use of procedures that increase the costs of childbirth. The department shall submit the report to the appropriate policy and fiscal committees of the legislature by January 1, 2008. (~~Engrossed House Bill No. 1667 (health professions licensing fees) is enacted by June 30, 2007, the amounts provided in this subsection are provided solely for the purposes of that bill.~~)

(31) \$147,000 of the health professions account--state appropriation is provided solely for the department of health to convene a work group to develop recommendations regarding the need to regulate those individuals currently registered with the department of health as counselors. The department of health shall submit recommendations of the work group to the legislature and governor by November 15, 2007. Based on the recommendations of the work group, the department of health shall draft credentialing guidelines for all registered counselors by January 1, 2008. Guidelines shall include education in risk assessment, ethics, professional standards, and deadlines for compliance.

(32) \$680,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for the prescription monitoring program under chapter 70.225 RCW to monitor the prescribing and dispensing of drugs to reduce the likelihood of adverse drug effects, particularly for senior citizens taking multiple medications. The attorney general shall deposit to the health services account at least \$680,000 from the *cy pres* monetary portion of the consent decree in settlement of the consumer protection act litigation against Caremark Rx, LLC (King county superior court cause no. 08-2-06098-5). The amount provided in this subsection may be expended only to the extent that the attorney general deposits these moneys to the health services account, to be expended consistent with the terms of the consent decree.

(33) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(34) \$400,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the senior falls prevention pilot program, pursuant to section 7 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs).

(35) \$585,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state breast and cervical health program to increase the provider reimbursement rate for digital mammographies to the medicare equivalent rate.

(36) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the child death review

SIXTIETH DAY, MARCH 13, 2008

program. The program shall be transferred from the community and family health division to the injury prevention division within the department.

(37) \$155,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Kitsap county health district's home visits for newborns program. In order to receive these funds, the county health district must commit an equal amount of funding for this purpose.

(38) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the northwest sickle cell collaborative program.

(39) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$154,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the restoration of maxillofacial/cleft palate teams in Yakima, Spokane, Seattle, and Tacoma.

(40) \$17,000 of the health professions account--state appropriation is provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation) or sections 11 and 12 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(41) \$11,000 of the health professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 6439 (radiologist assistants). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(42) \$115,000 of the general fund--state appropriation for fiscal year 2009 and \$4,261,000 of the health professions account--state appropriation are provided solely for implementation of Fourth Substitute House Bill No. 1103 (health professions). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(43) \$558,000 of the health professions account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 2674 (counselor credentialing). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(44) The department of licensing and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, recommendations for implementing a process of holding in abeyance for up to six months following the conclusion of active duty service the expiration of, and currency requirements for, professional licenses and certificates for individuals who have been called to active duty military service.

(45) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

(46) \$120,000 of the general fund--state appropriation for fiscal year 2008 and \$275,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for continued development and implementation of the outbreak disease information network toolkit at the department and other local government health departments.

(47) \$35,000 of the general fund--state appropriation for fiscal year 2009 and \$80,000 of the state toxics control account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2647 (children's safe products). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(48) \$26,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute House Bill No. 2431 (cord blood banking). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

2008 REGULAR SESSION

(49) \$143,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6340 (water system program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(50) \$309,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Engrossed Second Substitute House Bill No. 2549 (patient-centered care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(51) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department's efforts to prevent the spread of methicillin resistant staphylococcus aureus and other multidrug resistant organisms by providing hospitals with support for their activities relating to surveillance, outbreak investigation, and lab testing. Of this amount, \$100,000 is for the department to pay for genetic testing of methicillin resistant staphylococcus aureus and other multidrug resistant organisms for hospitals investigating outbreaks.

(52) \$96,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2881 (practice of dentistry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(53) \$80,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2693 (long-term care workers). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(54) \$130,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

**NEW SECTION. Sec. 223** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS.** (1)

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2008, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2008 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(2) The department may transfer up to \$15,000,000 of the general fund--state appropriation for fiscal year 2009 into fiscal year 2008, if deemed necessary by the department and approved in advance by the director of financial management. The director of financial management shall notify the fiscal committees of the legislature in writing seven days prior to approving a transfer under this subsection. The written notification shall include a narrative explanation and justification of the transfer including allotment detail by program, budget object, and budget unit for both fiscal years, both before and after any transfers.

**Sec. 224** 2007 c 522 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2008)	<del>(\$57,968,000)</del>
	\$57,545,000
General Fund--State Appropriation (FY 2009)	<del>(\$52,911,000)</del>
	\$52,652,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$169,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2008)	\$13,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2009)	\$13,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$1,467,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	<del>(\$1,504,000)</del>
	\$1,481,000
Pension Funding Stabilization Account--State	
Appropriation	\$1,280,000
TOTAL APPROPRIATION	<del>(\$115,325,000)</del>
	\$114,620,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$9,389,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(c) \$169,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 is provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(d) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$95,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(e) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(f) \$314,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for four additional staff to collect and analyze data for programs funded through the offender reentry initiative and collect, analyze, and disseminate information required by the GMAP process, performance audits, data requests, and quality assessments and assurances.

(g) \$32,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6244 (conversion of facilities to

house violators of community supervision). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(h)(i) The secretary shall establish an advisory committee, to be known as the offenders in families advisory committee.

(ii) The advisory committee shall be advisory to the secretary.

(iii) Committee membership shall not exceed ten persons and shall be representative of the characteristics of the populations of offenders under the jurisdiction of the department, including representing offender geographic, racial, and ethnic diversity. At least five members of the advisory committee shall be family members of offenders currently or formerly under the jurisdiction of the department.

(iv) All committee members shall serve on a volunteer basis.

(v) The purpose of the advisory committee shall be to provide advice on aspects of the administration and application of department rules, policies, and programs in order to assist in:

(A) Strengthening procedures and practices which lessen the possibility of adverse outcomes on the health, safety, welfare, and rehabilitation of offenders;

(B) Providing information regarding the corrections system to offenders and their families;

(C) Identifying issues and potential responses regarding the corrections system for the department, governor, and legislature to consider; and

(D) Providing information to interested members of the public regarding the state's correctional system, including information on the rights and responsibilities of offenders and their family members.

(i) Within the amounts provided in this section the department of corrections, with assistance from the department of social and health services, shall identify and evaluate alternatives for closure of the McNeil Island corrections center. The evaluation shall include capital and operating costs for ten years. Alternatives shall include, but may not be limited to:

(i) Continued operation of McNeil Island corrections center and the special commitment center, assuming no change in capacity at either institution;

(ii) Construct or acquire and operate correctional institution facilities to replace the offender capacity at McNeil Island corrections center; and

(iii) Closure of McNeil Island corrections center. The department of social and health services would assume sole responsibility for providing the transportation, operations, utilities, and other infrastructure associated with continued operation of the special commitment center on McNeil Island. The department shall report to the office of financial management and legislative fiscal committees by December 31, 2008.

(j) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2008)	<del>(\$617,042,000)</del>
	\$601,402,000
General Fund--State Appropriation (FY 2009)	<del>(\$664,710,000)</del>
	\$647,718,000
General Fund--Federal Appropriation	<del>(\$3,490,000)</del>
	\$4,157,000

Public Safety and Education Account--State  
Appropriation (FY 2008) . . . . . \$1,050,000

Public Safety and Education Account--State  
Appropriation (FY 2009) . . . . . \$1,350,000

Washington Auto Theft Prevention Authority Account--  
State Appropriation . . . . . \$1,338,000

Violence Reduction and Drug Enforcement  
Account--State Appropriation (FY 2008) . . . . . \$1,492,000

Violence Reduction and Drug Enforcement

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Account--State Appropriation (FY 2009) . . . . .	\$1,492,000
Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$11,800,000
<b>TOTAL APPROPRIATION</b> ( <del>(\$1,301,364,000)</del> )	<b>\$1,271,799,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2007-09 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(f) \$358,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$980,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1097 (vulnerable adults). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1319 (correctional agency employee). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(i) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$87,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1592 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(j) \$544,000 of the general fund--state appropriation for fiscal year 2008 and \$496,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of individual reentry plans to prepare offenders for release into the community as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Individual reentry plans shall be based on an assessment of the

offender using a standardized and comprehensive tool. The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements. The individual reentry plan shall, at a minimum, include:

(i) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate;

(ii) A description of the offender's education, certifications, work experience, skills, and training; and

(iii) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, and family reunification. The individual reentry plan shall be updated as appropriate during the period of incarceration, and prior to the inmate's release to address public safety concerns, consistency with the offender risk management level assigned by the department, housing, and connecting with a community justice center in the area in which the offender will be residing, if a community justice center is located in that area.

(iv) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2008) ( <del>(\$129,063,000)</del> )	\$133,157,000
--	---------------

General Fund--State Appropriation (FY 2009) ( <del>(\$140,462,000)</del> )	\$145,956,000
--	---------------

General Fund--Federal Appropriation . . . . . \$416,000

Public Safety and Education Account--State	
Appropriation (FY 2008) . . . . .	<del>(\$9,317,000)</del>
	\$9,319,000

Public Safety and Education Account--State	
Appropriation (FY 2009) . . . . .	<del>(\$9,680,000)</del>
	\$9,370,000

Pension Funding Stabilization Account--State	
Appropriation . . . . .	\$2,800,000

**TOTAL APPROPRIATION** (~~(\$291,322,000)~~) **\$301,018,000**

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(c) \$1,167,000 of the general fund--state appropriation for fiscal year 2008 and \$2,295,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and operation of community justice centers by the department as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). At a minimum, a community justice center shall include:

(i) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;

(ii) An employment opportunity program to assist an offender in finding employment;

(iii) On-site services or resources for connecting offenders with services such as mental health and substance abuse treatment, transportation, training, family reunification, and community services; and

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(iv) The services of a transition coordinator to facilitate connections between the former offender and the community. The transition coordinator shall provide information to former offenders regarding services available to them in the community including, but not limited to housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and shall assist offenders in their efforts to access needed services.

(v) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2008) . . .	<del>(\$987,000)</del>
	<u>\$1,001,000</u>
General Fund--State Appropriation (FY 2009) . .	<del>(\$2,347,000)</del>
	<u>\$2,357,000</u>
TOTAL APPROPRIATION . .	<del>(\$3,334,000)</del>
	<u>\$3,358,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: ~~(\$110,000)~~ \$124,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$110,000)~~ \$132,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2008) . . .	<del>(\$35,026,000)</del>
	<u>\$35,036,000</u>
General Fund--State Appropriation (FY 2009) . . .	<del>(\$35,175,000)</del>
	<u>\$35,192,000</u>
TOTAL APPROPRIATION . .	<del>(\$70,201,000)</del>
	<u>\$70,228,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 225 2007 c 522 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2008) . . . .	\$2,566,000
General Fund--State Appropriation (FY 2009) . . . .	<del>(\$2,636,000)</del>
	<u>\$2,608,000</u>
General Fund--Federal Appropriation . . . . .	<del>(\$17,702,000)</del>
	<u>\$17,584,000</u>
General Fund--Private/Local Appropriation . . . . .	\$20,000
TOTAL APPROPRIATION . .	<del>(\$22,924,000)</del>
	<u>\$22,778,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes center effective July 1, 2007.

Sec. 226 2007 c 522 s 225 (uncodified) is amended to read as follows:

**FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund--State Appropriation (FY 2008) . . . . .	\$937,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$959,000)</del>
	<u>\$1,233,000</u>

TOTAL APPROPRIATION . . ~~(\$1,896,000)~~  
\$2,170,000

The appropriations in this section are subject to the following conditions and limitations: \$295,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6596 (sex offender policy board). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 227 2007 c 522 s 226 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 2008) . . . . .	\$60,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$60,000)</del>
	<u>\$282,000</u>
General Fund--Federal Appropriation . . . . .	<del>(\$265,906,000)</del>
	<u>\$265,114,000</u>
General Fund--Private/Local Appropriation . . . . .	<del>(\$33,877,000)</del>
	<u>\$33,578,000</u>
Unemployment Compensation Administration Account-- Federal Appropriation . . . . .	<del>(\$253,644,000)</del>
	<u>\$252,925,000</u>
Administrative Contingency Account--State Appropriation . . . . .	<del>(\$31,273,000)</del>
	<u>\$26,131,000</u>
Employment Service Administrative Account--State Appropriation . . . . .	<del>(\$32,055,000)</del>
	<u>\$33,843,000</u>
Family Leave Insurance Account--State Appropriation . . . . .	<u>\$6,218,000</u>
TOTAL APPROPRIATION . .	<del>(\$616,875,000)</del>
	<u>\$618,151,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(2) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to chapter 133, Laws of 2005 (unemployment insurance).

(3) ~~(\$12,348,000)~~ \$23,162,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue current unemployment insurance functions and department services to employers and job seekers.

(4) \$372,000 of the administrative contingency account--state appropriation is provided solely to implement Substitute Senate Bill No. 5653 (self-employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$12,054,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the unemployment insurance tax information system (TAXIS) technology initiative for the employment security department.

(6) \$430,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to replace high-risk servers used by the unemployment security department.

SIXTIETH DAY, MARCH 13, 2008

(7) \$503,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to provide a system to track computer upgrades and changes for the unemployment security department.

(8) \$183,000 of the unemployment compensation administration account--federal appropriation is provided from the amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to conduct a feasibility study to integrate job search data systems.

(9) \$2,331,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for hardware and software to ensure the ongoing, reliable operation of the telecenters.

(10) \$488,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for the relocation of the WorkSource office in Lakewood.

(11) \$6,218,000 of the family leave insurance account--state appropriation is provided solely for implementation of the family leave insurance program.

(a) The amount provided in this subsection assumes that, in developing the information technology systems to support the payment of benefits, the department will incorporate the claim filing and benefit payment efficiencies recommended by the joint legislative task force on family leave insurance in Part III of its final report dated January 23, 2008, including:

(i) Eliminating the option for awarding attorney fees and costs for administrative hearings;

(ii) Authorizing claims for benefits to be filed in the six-week period beginning on the first day of the calendar week in which the individual is on family leave;

(iii) Not requiring claimants to verify the birth of a child or the placement of a child for adoption;

(iv) Including an attestation from the claimant that written notice has been provided to the employer of the intention to take family leave; and

(v) Not deducting and withholding federal income taxes from benefit payments.

(b) In addition, the department shall incorporate the following claim filing and benefit payment efficiencies:

(i) Define "qualifying year" to mean the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar immediately preceding the first day of the application year;

(ii) Allow individuals to file a claim for benefits in the six-week period beginning on the first day of the calendar year in which the individual is on family leave; and

(iii) After an initial family leave insurance benefit is paid, subsequent payments must be made biweekly, rather than semimonthly, thereafter.

(12) \$222,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Second Substitute House Bill No. 2815 (greenhouse gas emissions). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(13) \$155,000 of the unemployment compensation administration account--federal appropriation is provided solely to implement Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(End of part)

**PART III  
NATURAL RESOURCES**

**Sec. 301** 2007 c 522 s 301 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 2008) . . . . .	\$524,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$548,000)</del>
	\$537,000
General Fund--Federal Appropriation . . . . .	\$9,000
General Fund--Private/Local Appropriation . . . . .	<del>(\$1,056,000)</del>
	\$1,045,000
TOTAL APPROPRIATION . . . . .	<del>(\$2,137,000)</del>
	\$2,115,000

**Sec. 302** 2007 c 522 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$50,030,000)</del>
	\$50,109,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$49,941,000)</del>
	\$51,827,000
General Fund--Federal Appropriation . . . . .	<del>(\$83,365,000)</del>
	\$83,017,000
General Fund--Private/Local Appropriation . . . . .	<del>(\$13,648,000)</del>
	\$13,618,000
Special Grass Seed Burning Research	
Account--State Appropriation . . . . .	\$14,000
Reclamation Account--State Appropriation . . . . .	<del>(\$4,073,000)</del>
	\$4,207,000
Flood Control Assistance Account--State	
Appropriation( <del>\$3,961,000</del> ) . . . . .	\$4,151,000
Aquatic Lands Enhancement Account--State Appropriation	
. . . . .	\$400,000
State Emergency Water Projects Revolving	
Account--State Appropriation . . . . .	\$390,000
Waste Reduction/Recycling/Litter	
Control--State Appropriation . . . . .	<del>(\$19,701,000)</del>
	\$19,607,000
State Drought Preparedness--State Appropriation . . . . .	<del>(\$117,000)</del>
	\$115,000
State and Local Improvements Revolving Account	
(Water Supply Facilities)--State Appropriation . . . . .	<del>(\$425,000)</del>
	\$421,000
Vessel Response Account--State Appropriation . . . . .	<del>(\$1,438,000)</del>
	\$1,649,000
Freshwater Aquatic Algae Control Account--State	
Appropriation . . . . .	\$509,000
Site Closure Account--State Appropriation . . . . .	<del>(\$702,000)</del>
	\$694,000
Water Quality Account--State Appropriation	
(FY 2008) . . . . .	<del>(\$16,490,000)</del>
	\$15,137,000
Water Quality Account--State Appropriation	
(FY 2009) . . . . .	<del>(\$15,894,000)</del>
	\$17,086,000
Wood Stove Education and Enforcement Account--State	
Appropriation . . . . .	<del>(\$373,000)</del>
	\$370,000
Worker and Community Right-to-Know Account--State	
Appropriation . . . . .	<del>(\$2,269,000)</del>
	\$2,247,000
State Toxics Control Account--State Appropriation	
. . . . .	<del>(\$98,184,000)</del>
	\$99,383,000
State Toxics Control Account--Private/Local	
Appropriation . . . . .	\$381,000
Local Toxics Control Account--State Appropriation	
. . . . .	<del>(\$19,154,000)</del>
	\$20,952,000

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Water Quality Permit Account--State Appropriation	(( <del>\$38,900,000</del> ))
	<u>\$37,101,000</u>
Underground Storage Tank Account--State Appropriation	(( <del>\$3,777,000</del> ))
	<u>\$3,750,000</u>
<del>(Environmental Excellence Account--State Appropriation</del>	<del>(\$504,000)</del>
Biosolids Permit Account--State Appropriation	(( <del>\$1,410,000</del> ))
	<u>\$1,396,000</u>
Hazardous Waste Assistance Account--State Appropriation	(( <del>\$5,902,000</del> ))
	<u>\$5,834,000</u>
Air Pollution Control Account--State Appropriation	(( <del>\$6,328,000</del> ))
	<u>\$6,306,000</u>
Oil Spill Prevention Account--State Appropriation	(( <del>\$12,614,000</del> ))
	<u>\$12,519,000</u>
Air Operating Permit Account--State Appropriation	(( <del>\$3,266,000</del> ))
	<u>\$2,780,000</u>
Freshwater Aquatic Weeds Account--State Appropriation	(( <del>\$1,697,000</del> ))
	<u>\$1,690,000</u>
Oil Spill Response Account--State Appropriation	\$7,078,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State Appropriation	(( <del>\$469,000</del> ))
	<u>\$464,000</u>
Water Pollution Control Revolving Account--Federal Appropriation	(( <del>\$2,297,000</del> ))
	<u>\$2,271,000</u>
Columbia River Water Delivery Account--State Appropriation	<u>\$2,150,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$465,315,000</del>))</b>
	<b><u>\$469,637,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) \$256,000 of the general fund--state appropriation for fiscal year 2008, \$209,000 of the general fund--state appropriation for fiscal year 2009, and \$200,000 of the general fund--private local appropriation are provided solely to implement activities associated with a regional haze program. Funds shall be collected and expended in accordance with the terms of the contract entered into with affected businesses and the department of ecology.

(3) \$2,000,000 of the local toxics control account--state appropriation is provided solely to local governments outside of Puget Sound for municipal storm water programs, including but not limited to, implementation of phase II municipal storm water permits, source control for toxics in association with cleanup of contaminated sediment sites, and source control programs for shellfish protection districts where storm water is a significant contributor.

(4) Fees approved by the department of ecology in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055. Pursuant to RCW 43.135.055, the department is further authorized to increase the following fees in fiscal year 2009 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 5.57 percent; dam periodic inspection permit, not more than 5.57 percent; dam construction permit, not more than 5.57 percent; and mixed waste management, not more than 14.14 percent.

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$927,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the performance of wetland mitigation. Of this amount, \$55,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a wetland in Whatcom county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region. Priority shall be given to state and local government partnerships for wetland characterization. The department shall issue a report of its findings and recommendations on how wetland mitigation success can be improved to the office of financial management and the appropriate policy committees of the legislature.

(6) \$260,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot project to provide grants to two local government jurisdictions located in the Puget Sound area to improve compliance with existing environmental laws. Grant funds shall be used for providing information on existing requirements, providing technical assistance necessary to comply on a voluntary basis, and taking enforcement action.

(8) \$1,257,000 of the reclamation account--state appropriation is provided solely to implement Substitute Senate Bill No. 5881 (water power license fees). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(9) \$694,000 of the underground storage tank account--state appropriation is provided solely to implement Substitute Senate Bill No. 5475 (underground storage tanks). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(10) \$2,026,000 of the local toxics control account--state appropriation is provided solely for local governments located near hazardous waste clean-up sites, including Duwamish Waterway, Commencement Bay, and Bellingham Bay, to work with small businesses and citizens to safely manage hazardous and solid wastes to prevent the contamination.

(11) \$876,000 of the state toxics control account and \$876,000 of the local toxics control account are provided solely for public participation grants related to toxic cleanup sites within and around Puget Sound.

(12) ~~(\$1,000,000)~~ \$831,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,000,000)~~ \$1,169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement watershed plans. Of this amount, ~~(\$110,000)~~ \$313,650 of the general fund--state appropriation for fiscal year 2008 and ~~(\$160,000)~~ \$646,350 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the implementation of the WRIA 1 watershed plan and the Bertrand watershed improvement district plan, including but not limited to implementation of the Nooksack River basin stream gauging program, study of the feasibility of a public utility district pipeline in the Bertrand watershed (and \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$350,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to study water storage and augmentation in the Bertrand watershed and \$90,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for plan preparation and development in the Fishtrap watershed), study and construction of water storage and augmentation in the Bertrand watershed, and preparation and development of the next subbasin watershed plan agreed to by the Bertrand instream flow policy group.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(13) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under the shorelines management act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for convening a stakeholder group to recommend establishing a sustainable statewide regional CBRNE/Hazmat response capability.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement key recommendations and actions identified in the "Washington's Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coast". The department shall provide a progress report on implementing this plan to the appropriate policy committees of the legislature by December 31, 2008.

(16) ~~(\$300,000)~~ \$464,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$300,000)~~ \$136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to oversee beach seaweed removal in the west Seattle Fauntleroy community. The department may spend up to \$25,000 of this amount for its cost of administration.

(18) ~~(\$405,000)~~ \$693,000 of the state toxics control account is provided solely for implementation of Senate Bill No. 5421 (environmental covenants). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(19) \$99,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a marshland study of key areas of salmon habitat along the Snohomish river estuary.

(20) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$132,000 of the general fund--state appropriation for fiscal year 2009, and \$19,000 of the oil spill prevention account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(21) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the U.S. institute for environmental conflict resolution, a federal agency, to develop a pilot water management process with three federally recognized treaty Indian tribes. \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the northwest Indian fisheries commission to help establish the pathway for the process in federal agencies.

(22) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to continue the pilot water pathways project through the remainder of the biennium. The department will work with the northwest Indian fisheries commission and the U.S. institute on environmental conflict resolution to find resolution on persistent water policy issues between tribes and nontribal entities.

(23) \$319,000 of the general fund--state appropriation for fiscal year 2008 and \$241,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the

implementation of Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((23))~~ (24) \$53,000 of the oil spill prevention account--state appropriation is provided solely for the implementation of Senate Bill No. 5552 (penalties for oil spills). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((24))~~ (25) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to convene a shellfish aquaculture regulatory committee, composed of a balanced representation from interested state regulatory agencies, Native American tribes, local governments and the environmental and shellfish farming communities. The group will be facilitated by the office of regulatory assistance and will address federal, state, and local regulatory issues related to shellfish farming.

(26) Within the appropriations provided in this section for the development of water supplies in the Columbia river basin, the department shall assist county governments located east of the crest of the Cascade mountain range that: Have an international border; or border a county with an international boundary and a county with four hundred thousand or more residents, to identify water supply projects to compete for funding from the Columbia river basin water management program. The department shall provide technical assistance as needed to further refine priority projects identified by these counties. The department shall consider and balance regional water supply needs in its funding allocation decisions made as a part of this program.

(27) \$261,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to prepare, by June 30, 2009, a data gap analysis that includes a summary of historic and current monitoring of groundwater levels and water quality within each water resource inventory area (WRIA); an evaluation of the completeness and quality of the data and conclusions produced from such monitoring; priorities for enhanced groundwater monitoring where water levels and water quality are of concern; recommendations regarding quality controls and other protocols associated with data collection; a summary and compilation of existing studies of groundwater levels, water quality, and monitoring activities; and recommendations of components necessary to establish a comprehensive, statewide groundwater monitoring and assessment program and the funding necessary to implement the program.

(28) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for coordinating with the University of Washington to assess the current energy profile of Washington state pulp and paper mills. The energy consumption and energy generation capability will be determined for both steam and electrical power. In addition, the sources and types of fuels used in various boilers will be assessed.

(29) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support a collaborative process to design a proposed comprehensive water management structure for the Walla Walla river basin. The proposed structure should address the allocation of functions, authorities, resource requirements, and issues associated with interstate watershed management of the basin. Invited participants should include but not be limited to the confederated tribes of the Umatilla Indian reservation; appropriate state agencies; and Walla Walla basin interests such as municipalities, irrigation districts, conservation districts, fisheries, agriculture, economic development, and environmental representatives. A report outlining the proposed governance and water management structure shall be submitted to the governor and the appropriate committees of the legislature by November 15, 2008.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(30) \$333,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2647 (children's safe products). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(31) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$1,027,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 2815 (reducing greenhouse gases emissions in the Washington economy). In participating in the western climate initiative under Engrossed Second Substitute House Bill No. 2815, the director of the department shall seek to ensure that the design for a regional multisector market-based system confers equitable economic benefits and opportunities to electric utilities operating in Washington by having that system recognize at least the following: (a) Voluntary investments made by Washington utilities in energy efficiency measures; (b) emission reduction benefits that other state and provincial participants in the western climate initiative derive from consuming renewable energy generated in Washington; and (c) adverse impacts that climate change uniquely has upon the capabilities of hydroelectric power generation. Washington state's representatives to the western climate initiative process shall advocate for a regional multisector market-based design that addresses competitive disadvantages that could be experienced by in-region industries as compared to industries in states or countries that do not have greenhouse gas reduction programs that are substantively equivalent to the system designed under the western climate initiative process. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(32) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 3186 (beach management districts). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(33) The appropriations in this section provide specific funds to implement Second Substitute House Bill No. 3227 (Hood Canal water quality).

(34) Within the appropriations provided in this section the department shall ensure that standard statewide protocols for surface water monitoring are developed and included in status and trends monitoring to utilize information from other entities, including other state agencies, local governments, and volunteer groups.

(35)(a) \$2,000,000 of the Columbia river water delivery account appropriation is provided solely for distribution to affected counties as defined in Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water) to mitigate for negative impacts caused by releases of Lake Roosevelt water for the purposes described in that bill. The criteria for allocating these funds shall be developed by the department in consultation with affected local governments.

(b) \$150,000 of the Columbia river water delivery account appropriation is provided solely for the department to retain a contractor to perform an independent analysis of legislative options to protect rural communities in northeast Washington from disproportionate economic, agricultural, and environmental impacts when upstream water rights are purchased and transferred for use, or idled and used as mitigation, in a downstream watershed or county. Before retaining a contractor, the department shall consult with affected counties as defined in Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water). The contractor selected shall conduct the independent analysis and develop a report describing options and recommended actions. The department of ecology shall provide the report to the appropriate committees of the legislature by December 1, 2008.

(c) If Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water delivery) is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(36) \$210,000 of the local toxics control account--state appropriation is provided solely to clean up naturally occurring asbestos from Swift Creek.

(37) \$85,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6502 (release of mercury). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(38) \$80,000 of the state toxics control account--state appropriation is provided solely for the department to create a stakeholder advisory committee to review and develop recommendations to help businesses achieve a fifty percent toxics reduction use goal. The committee shall: (a) Review and make recommendations to improve the effectiveness and delivery of technical assistance in pollution prevention planning; (b) develop recommendations for strategies to encourage moving away from "end-of-pipe" pollution reduction approaches to increase hazardous waste prevention throughout the state; and (c) review and make recommendations on revising the hazardous waste planning fee under RCW 70.95E.030, including opportunities to provide incentives that reward businesses for toxic use reduction successes in meeting a fifty percent toxics use reduction goal. The committee shall report its findings and recommendations to the fiscal and policy committees of the senate and house of representatives by November 1, 2008.

(39) \$108,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Engrossed Substitute Senate Bill No. 6308 (relating to climate change research, preparation, and adaptation). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(40) \$70,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6805 (relating to promoting farm and forest land preservation and environmental restoration through conservation markets). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 303 2007 c 522 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2008)	<del>(\$48,365,000)</del>
	\$48,970,000
General Fund--State Appropriation (FY 2009)	<del>(\$50,166,000)</del>
	\$49,187,000
General Fund--Federal Appropriation . . . . .	<del>(\$4,545,000)</del>
	\$5,731,000
General Fund--Private/Local Appropriation . . . . .	\$73,000
Winter Recreation Program Account--State	
Appropriation . . . . .	<del>(\$1,116,000)</del>
	\$1,559,000
Off-Road Vehicle Account--State Appropriation . .	<del>(\$238,000)</del>
	\$234,000
Snowmobile Account--State Appropriation . . . .	<del>(\$4,839,000)</del>
	\$4,829,000
Aquatic Lands Enhancement Account--State	
Appropriation . . . . .	<del>(\$365,000)</del>
	\$363,000
Public Safety and Education Account--State	
Appropriation (FY 2008) . . . . .	\$23,000
Public Safety and Education Account--State	
Appropriation (FY 2009) . . . . .	\$24,000
Parks Renewal and Stewardship Account--State	
Appropriation . . . . .	<del>(\$36,606,000)</del>
	\$36,534,000
Parks Renewal and Stewardship Account--Private/Local	

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Appropriation . . . . . \$300,000  
 TOTAL APPROPRIATION ~~(\$146,660,000)~~  
\$147,827,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2008 and \$79,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for project scoping and cost estimating for the agency's 2009-11 capital budget submittal.

(4) \$2,255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for costs associated with relocating the commission's Tumwater headquarters office.

(5) \$272,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for costs associated with relocating the commission's eastern Washington regional headquarters office.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for replacing vehicles and equipment.

(7) \$1,611,000 of the general fund--state appropriation for fiscal year 2008 and \$1,428,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for planned and emergency maintenance of park facilities.

(8) \$1,700,000 of the general fund--federal appropriation for fiscal year 2009 is provided solely for the recreational boating safety program.

(9) \$954,000 of the general fund--state appropriation for fiscal year 2008 and \$1,007,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operations of Cama Beach state park.

(10) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5219 (weather and avalanche center). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) ~~(\$42,000)~~ \$9,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$42,000)~~ \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) \$264,000 of the general fund--state appropriation for fiscal year 2008 and \$217,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish a pilot lifeguard program at Lake Sammamish and Nolte state parks. The department shall complete a comprehensive risk analysis to determine if expansion of the lifeguard program or other drowning risk reduction measures should be implemented. The department shall report its findings to the office of financial management and the appropriate committees of the legislature by July 1, 2009.

(14) ~~(\$232,000)~~ \$455,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$233,000)~~ \$10,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a long-range plan for

Fort Worden state park, including architectural and site design guidelines, business and operations implementation, site and facilities use plan, and for the department to convene a task force to recommend alternative governance structures for the park.

(15) \$1,600,000 of the parks renewal stewardship account--state appropriation is provided solely for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship and other state park purposes, pursuant to Substitute House Bill No. 2275 (raising funds for state parks). Expenditures from the amount provided in this subsection shall not exceed actual revenues received under Substitute House Bill No. 2275. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2514 (orca whale protection). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(17) \$58,000 of the general fund--state appropriation for fiscal year 2008 and \$73,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for one-time financial assistance to the northwest weather and avalanche center, administered by the United States forest service, to keep the center operational through the remainder of the biennium.

(18) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for grants to the Mount Tahoma trails association to assist with purchase of snow equipment.

(19) \$120,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5010 (foster home pass). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 304 2007 c 522 s 304 (uncodified) is amended to read as follows:

**FOR THE ((INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION)) RECREATION AND CONSERVATION FUNDING BOARD**

General Fund--State Appropriation (FY 2008) . . . \$1,557,000  
 General Fund--State Appropriation (FY 2009) . ~~(\$1,600,000)~~  
\$1,592,000  
 General Fund--Federal Appropriation . . . . . ~~(\$18,409,000)~~  
\$18,382,000  
 General Fund--Private/Local Appropriation . . . . . \$250,000  
 Aquatic Lands Enhancement Account--State  
 Appropriation . . . . . ~~(\$277,000)~~  
\$275,000  
 Water Quality Account--State Appropriation (FY 2008)  
 . . . . . \$100,000  
 Water Quality Account--State Appropriation (FY 2009)  
 . . . . . \$100,000  
 Firearms Range Account--State Appropriation . . . . . \$37,000  
 Recreation Resources Account--State Appropriation  
 . . . . . ~~(\$2,819,000)~~  
\$2,773,000  
 Nonhighway and Off-Road Vehicles Activities Program  
 Account--State Appropriation . . . . . \$1,004,000  
 Boating Activities Account--State Appropriation . . \$2,000,000  
 TOTAL APPROPRIATION . . ~~(\$28,153,000)~~  
\$28,070,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds shall be allocated to the department of natural resources and the department of fish and wildlife.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(2) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(3) \$2,000,000 of the boating activities account--state appropriation is provided solely to implement Substitute House Bill No. 1651 (boating activities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

**Sec. 305** 2007 c 522 s 305 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund--State Appropriation (FY 2008)	. . . . .	<del>(\$1,134,000)</del>
		\$1,144,000
General Fund--State Appropriation (FY 2009)	. . . . .	<del>(\$1,161,000)</del>
		\$1,142,000
TOTAL APPROPRIATION	. . . . .	<del>(\$2,295,000)</del>
		\$2,286,000

The appropriations in this section are subject to the following condition and limitation: \$10,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for employee retirement buyout costs.

**Sec. 306** 2007 c 522 s 306 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund--State Appropriation (FY 2008)	. . . . .	\$2,889,000
General Fund--State Appropriation (FY 2009)	. . . . .	<del>(\$2,913,000)</del>
		\$3,107,000
General Fund--Federal Appropriation	. . . . .	\$1,178,000
Water Quality Account--State Appropriation (FY 2008)	. . . . .	<del>(\$7,301,000)</del>
		\$5,301,000
Water Quality Account--State Appropriation (FY 2009)	. . . . .	<del>(\$7,326,000)</del>
		\$5,316,000
TOTAL APPROPRIATION	. . . . .	<del>(\$21,607,000)</del>
		\$17,791,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for supplementary basic funding grants to the state's lowest-income conservation districts. The supplementary grant process shall be structured to aid recipients in becoming financially self-sufficient in the future.

(2) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5108 (office of farmland preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the pioneers in conservation program to provide grants through a competitive process to agricultural landowners for projects that benefit fish and wildlife restoration and farm operations. Grants must be matched by an equal amount or more from nonstate sources with priority for projects identified in the Puget Sound Chinook salmon recovery plan and the Puget Sound partnership strategy.

(4) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state

appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(5) \$250,000 of the water quality account--state appropriation for fiscal year 2009 is provided solely for livestock nutrient program cost share for the poultry industry.

(6) \$35,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for support of conservation resource management.

(7) \$174,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6805 (conservation markets). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

**Sec. 307** 2007 c 522 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2008)	<del>(\$55,453,000)</del>	\$56,158,000
General Fund--State Appropriation (FY 2009)	<del>(\$52,743,000)</del>	\$54,319,000
General Fund--Federal Appropriation	. . . . .	<del>(\$52,666,000)</del>
		\$52,273,000
General Fund--Private/Local Appropriation	. . . . .	<del>(\$37,447,000)</del>
		\$37,189,000
Off-Road Vehicle Account--State Appropriation	. . . . .	<del>(\$416,000)</del>
		\$413,000
Aquatic Lands Enhancement Account--State Appropriation	. . . . .	<del>(\$6,070,000)</del>
		\$6,022,000
Public Safety and Education Account--State Appropriation (FY 2008)	. . . . .	\$268,000
Public Safety and Education Account--State Appropriation (FY 2009)	. . . . .	<del>(\$325,000)</del>
		\$323,000
Recreational Fisheries Enhancement--State Appropriation	. . . . .	<del>(\$3,628,000)</del>
		\$3,600,000
Warm Water Game Fish Account--State Appropriation	<del>(\$3,024,000)</del>	\$2,992,000
Eastern Washington Pheasant Enhancement Account--State Appropriation	. . . . .	<del>(\$754,000)</del>
		\$753,000
Aquatic Invasive Species Enforcement Account--State Appropriation	. . . . .	\$204,000
Aquatic Invasive Species Prevention Account--State Appropriation	. . . . .	\$842,000
Wildlife Account--State Appropriation	. . . . .	<del>(\$66,508,000)</del>
		\$63,589,000
Wildlife Account--Federal Appropriation	. . . . .	<del>(\$34,552,000)</del>
		\$34,279,000
Wildlife Account--Private/Local Appropriation	<del>(\$13,288,000)</del>	\$13,187,000
Game Special Wildlife Account--State Appropriation	. . . . .	<del>(\$1,991,000)</del>
		\$2,478,000
Game Special Wildlife Account--Federal Appropriation	. . . . .	<del>(\$8,923,000)</del>
		\$8,911,000
Game Special Wildlife Account--Private/Local Appropriation	. . . . .	<del>(\$486,000)</del>
		\$483,000
Water Quality Account--State Appropriation (FY 2008)	. . . . .	\$160,000
Water Quality Account--State Appropriation (FY 2009)	. . . . .	\$160,000

SIXTIETH DAY, MARCH 13, 2008

.....	\$160,000
<del>((Environmental Excellence Account--State Appropriation</del>	<del>..... \$15,000))</del>
Regional Fisheries Salmonid Recovery Account--Federal	
Appropriation .....	<del>((2,751,000))</del>
	\$5,001,000
Oil Spill Prevention Account--State Appropriation	
.....	<del>((1,104,000))</del>
	\$1,093,000
Oyster Reserve Land Account--State Appropriation	
.....	<del>((417,000))</del>
	\$416,000
Wildlife Rehabilitation Account--State Appropriation	
.....	<del>((352,000))</del>
	\$270,000
TOTAL APPROPRIATION	<del>((344,547,000))</del>
	\$345,383,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall use the department of printing for printing needs. Funds provided in this section may not be used to staff or fund a stand-alone printing operation.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(4) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2008 and \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(6) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(7) \$634,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

~~(8) ((Within the amount provided for the agency, the department shall implement a joint management and collaborative enforcement agreement with the confederated tribes of the Colville and the Spokane tribe.)) \$609,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to implement a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program.~~

(a) For the purposes of the pilot project:

(i) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(ii) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(iii) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(iv) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(v) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(b) The director, in collaboration with the Colville Tribes, shall provide an interim report to the office of financial management and the appropriate committees of the legislature by December 31, 2008. The report shall describe the status of the pilot project, and make recommendations as needed to fully implement the project, pursuant to the state and tribal agreement on Lake Rufus Woods.

(9) \$182,000 of the general fund--state appropriation for fiscal year 2008 and \$182,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue the ballast water management program in Puget Sound and expand the program to include the Columbia river and coastal ports.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for hatchery facility maintenance improvements.

(11) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$409,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for estimates of juvenile abundance of federally listed salmon and steelhead populations. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature with a letter stating the use and measurable results of activities that are supported by these funds.

(12) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the strategic budget and accountability program.

(13) \$113,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(14) Prior to submitting its 2009-11 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management and the appropriate legislative committees by October 1, 2008.

(15) \$43,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5447 (coastal Dungeness crab). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

SIXTIETH DAY, MARCH 13, 2008

(16) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$89,000 of the general fund--state appropriation for fiscal year 2008 and \$89,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$204,000 of the aquatic invasive species enforcement account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5923 (aquatic invasive species). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(19) ~~(\$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~—(20))~~ \$352,000 of the wildlife rehabilitation account is provided solely for the implementation of Senate Bill No. 5188 (wildlife rehabilitation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((21))~~ (20) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of fish and wildlife to participate in the upper Columbia salmon recovery plan implementation, habitat conservation plan hatchery committees, and the priest rapids salmon and steelhead agreement hatchery technical committee.

~~((22))~~ (21)(a) Within existing funds, the department of fish and wildlife shall sell the upper 20-acre parcel of the Beebe springs property.

(b) Proceeds from the sale are to be used to develop the Beebe springs natural interpretive site. Up to \$300,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development of the Beebe springs natural interpretive site. The department shall not expend more than the amount received from the sale proceeds.

~~((25))~~ (22) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$49,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2049 (marine resource committees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((26))~~ (23) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study of introducing oxygen to the waters of Hood Canal. The study shall propose a location in a small marine area where a large number of bottom-dwelling fish species exist, and analyze the impact of injected dissolved oxygen on aquatic life. The department shall report to the appropriate committees of the legislature on the results of the study and recommend whether to proceed with a project to inject oxygen into Hood Canal.

~~((27))~~ (24) \$1,310,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to replace state wildlife account funds for the engineering program and ~~(\$1,190,000))~~ \$610,000 of the general fund--state appropriation for fiscal year 2008 are provided solely to replace state wildlife account funds for the hydraulic project permitting program, including the development of a permit fee schedule for the hydraulic project approval program to make the program self supporting. Fees may be based on factors relating to the complexity of the permit issuance. The fees received by the department must be deposited into the state wildlife account and shall be expended exclusively for the purposes of the hydraulic

2008 REGULAR SESSION

project permitting program. By December 1, 2008, the department shall provide a permit fee schedule for the hydraulic project approval program to the office of financial management and the appropriate committees of the legislature.

~~((28))~~ (25) \$245,000 of the general fund--state appropriation for fiscal year 2008 and \$245,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to work in cooperation with the department of natural resources to assist with the implementation of the wild horse coordinated resource management plan. Implementation may include providing grant funding to other state and nonstate entities as needed.

~~((29))~~ (26) \$270,000 of the general fund--state appropriation for fiscal year 2008 and \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop siting guidelines for power generation facilities, provide technical assistance for permitting, support voluntary compliance with the guidelines, and to conduct bird and wildlife assessments on state lands most eligible for wind power leases.

~~((31))~~ (27) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop and maintain an electronic database for aquatic farmer registration. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(28) During the 2007-09 biennium, the department shall not make a permanent closure of any hatchery facility currently in operation.

(29) Within existing funds, the department shall continue implementing its capital program action plan dated September 1, 2007, including the purchase of the necessary maintenance and support costs for the capital programs and engineering tools. The department shall report to the office of financial management and the appropriate committees of the legislature, its progress in implementing the plan, including improvements instituted in its capital program, by September 30, 2008.

(30) \$46,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2514 (orca whale protection). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(31) \$24,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of House Bill No. 3186 (beach management districts). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(32) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for compensation for damage to livestock by wildlife.

(33) The department shall complete an inventory of department purchased or leased lands acquired for mixed agriculture and fish and wildlife habitat and provide for each purchase or lease agreement the cost and date of the agreement, the previous use of the land, any agreement or deed specifying continuing use of the land, and the current management cost and status of each parcel of purchased or leased lands. The department shall provide the inventory to the appropriate committees of the legislature by December 1, 2008.

(34) \$289,000 of the general fund--state appropriation for fiscal year 2008 and \$301,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for selective fisheries.

(35) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for removal of derelict gear in Washington waters.

(36) \$135,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a review of the effectiveness of the department's existing hydraulic project approval process and environmental outcomes.



SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$199,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forests, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(5) (~~(\$2,500,000)~~) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse. The department shall compile the outcomes of these grants annually and submit them to the office of financial management by September 1 of 2008 and 2009.

(6) \$400,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to the departments of ecology and fish and wildlife. If federal funding for this purpose is reinstated, this subsection shall lapse.

(7) The department shall prepare a feasibility study that analyzes applicable business processes and develops the scope, requirements, and alternatives for replacement of the department's current suite of payroll-support systems. The department shall use an independent consultant to assist with the study, and shall submit the completed analysis to the office of financial management, the department of personnel, and the department of information services by August 1, 2008.

(8) \$600,000 of the general fund--state appropriation for fiscal year 2008 and \$600,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue interagency agreements with the department of fish and wildlife and the department of ecology for forest and fish report field implementation tasks.

(9) All department staff serving as recreation-management trail stewards shall be noncommissioned.

(10) \$112,000 of the aquatic lands enhancement account--state appropriation is provided solely for spartina eradication efforts. The department may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to convene and staff a work group to study issues related to wildfire prevention and protection. The work group shall be composed of members representing rural counties in eastern and western Washington, fire districts, environmental protection organizations, industrial forest landowners, the agricultural community, the beef industry, small forest landowners, the building industry, realtors, the governor or a designee, the insurance commissioner or a designee, the office of financial management, the state fire marshal or a designee, the state building code council, and the commissioner or public lands or a designee. The work group shall issue a report of findings and recommendations to the appropriate committees of the legislature by August 1, 2008.

(12) \$249,000 of the aquatic lands enhancement account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(13) \$2,000,000 of the derelict vessel removal account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6044 (derelict

vessels). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) (~~(\$42,000)~~) \$34,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$42,000)~~) \$34,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$14,000 of the forest development account--state appropriation and \$52,000 of the resources management cost account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) (~~(\$1,000,000)~~) \$100,000 of the general fund--state appropriation for fiscal year 2008 (~~(ts)~~) and \$900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the removal of one or two large floating dry docks off Lake Washington near the Port Quendall site in north Renton.

(17) \$547,000 of the general fund--state appropriation for fiscal year 2008 and \$726,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$22,000 of the surface mining reclamation account--state appropriation and \$22,000 of the resources management cost account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the resource management cost account--state appropriation are provided solely to extend the 2005-2007 contract with the University of Washington college of forestry resources for additional research and technical assistance on the future of Washington forests. Reports shall be submitted by June 30, 2009, to the appropriate committees of the legislature on the following topics:

(a) An exploration of the potential markets for renewable energy from biomass from Washington forests, especially from material removed from eastern Washington forests as part of forest health improvement efforts. This exploration shall assess the feasibility of converting large amounts of underutilized forest biomass into useful products and green energy by providing required analyses needed to efficiently collect and deliver forest biomass to green energy end users. The role of transportation and processing infrastructure in developing markets for such material for both clean energy and value-added products shall be included in the exploration. The college shall coordinate with Washington State University efforts to identify what new biological, chemical, and engineering technologies are emerging for converting forest biomass to clean and efficient energy.

(b) Recommendations for the college's northwest environmental forum for retaining the highest valued working forest lands at risk of conversion to nonforest uses. These recommendations should include an examination of means to enhance biodiversity through strategic retention of certain lands, as well as economic incentives for landowners to retain lands as working forests and provide ecosystem services. The recommendations shall consider the health and value of the forest lands, the rate of loss of working forest lands in the area, the risk to timber processing infrastructure from continued loss of working forest lands, and the multiple benefits derived from retaining working forest lands. The recommendations shall prioritize forest lands in the Cascade foothills, which include the area generally encompassing the nonurbanized lands within the

SIXTIETH DAY, MARCH 13, 2008

Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(20) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Chelan county, as the chair of the Stemilt partnership, to perform the following:

(a) Work with private and public land management entities to identify and evaluate land ownership possibilities;

(b) Allocate up to \$10,000 to the department of fish and wildlife to perform technical studies, baseline assessments, environmental review, due diligence, and similar real estate evaluations; and

(c) Implement real estate transactions based on the results of the studies.

(21) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for health benefits to Washington conservation corps employees.

(22) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff support for the natural heritage program to integrate, analyze, and provide bird area information, and for state designations and mapping support, among other activities.

(23) \$48,000 of the resource management cost account--state appropriation is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall participate in a shellfish aquaculture regulatory committee, convened by the department of ecology. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$150,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute Senate Bill No. 5445 (cost-reimbursement agreements). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$191,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to coordinate with the Puget Sound partnership to complete a final habitat conservation plan for state-owned aquatic lands and an environmental impact statement by June 2009.

(26) \$251,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2844 (urban forestry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(27) \$20,000 of the resource management cost account--state appropriation is provided solely for implementation of House Bill No. 3186 (beach management districts). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(28) \$80,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to complete maps of lower Hood Canal, including subsurface geologic layers, lithology, digital layers, and maps to identify liquifiable sediments for hazard mitigation. The department shall provide a report to the appropriate committees of the legislature on maps that were produced by December 1, 2008.

(29) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

(30) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to supplement other available funds for an analysis of whether forest practices rules (including

2008 REGULAR SESSION

rules for harvest on potentially unstable slopes, road construction and maintenance, and post-harvest slash treatment effectively protect public resources and public safety from landslides, and other storm-related impacts. The analysis is to be accomplished using the forest practices board adaptive management process. The cooperative monitoring, evaluation, and research (CMER) committee of the adaptive management program shall submit a report of its preliminary analysis and conclusions to the appropriate committees of the legislature by December 1, 2008. The forest practices board shall submit a complete report of the CMER study on the effectiveness of current prescriptions and practices by June 30, 2009. This amount is ongoing solely to make improvements to the state's geological survey.

(31) \$26,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2472 (recreational opportunities).

Sec. 309 2007 c 522 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2008)	<del>(\$14,071,000)</del>
	\$14,073,000
General Fund--State Appropriation (FY 2009)	<del>(\$14,152,000)</del>
	\$14,555,000
General Fund--Federal Appropriation . . . . .	<del>(\$11,441,000)</del>
	\$11,329,000
General Fund--Private/Local Appropriation . . . . .	<del>(\$422,000)</del>
	\$420,000
Aquatic Lands Enhancement Account--State	
Appropriation . . . . .	<del>(\$2,062,000)</del>
	\$2,052,000
Energy Freedom Account--State Appropriation . . . . .	\$500,000
Water Quality Account--State Appropriation (FY 2008)	
.....	\$604,000
Water Quality Account--State Appropriation (FY 2009)	
.....	<del>(\$618,000)</del>
	\$605,000
State Toxics Control Account--State Appropriation	
.....	<del>(\$4,120,000)</del>
	\$4,100,000
Water Quality Permit Account--State Appropriation	<del>(\$61,000)</del>
	\$59,000
TOTAL APPROPRIATION . . . . .	<del>(\$48,051,000)</del>
	\$48,297,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees and assessments approved by the department in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055. Pursuant to RCW 43.135.055, during fiscal year 2009 the department is further authorized to increase the apple pest certification assessment by up to \$0.015 per hundredweight of fruit.

(2) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(3) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(4) \$62,000 of the general fund--state appropriation for fiscal year 2008 and \$63,000 of the general fund--state

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

appropriation for fiscal year 2009 are provided solely for a study to evaluate the use of sugar beets for the production of biofuels.

(5) \$275,000 of the general fund--state appropriation for fiscal year 2008 and \$275,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for direct allocation, without deduction, to the Washington tree fruit research commission, established under chapter 15.26 RCW, for development and implementation of a pest management transition program to reduce the use by the tree fruit industry of certain organophosphate insecticides.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties with weed boards to control invasive weeds. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to control Japanese knotweed in counties with weed boards.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for pass through funding to the nonprofit opportunities industrialization center to provide training to agricultural workers related to farm skills, English as a second language, and other skills.

(8) \$65,000 of the general fund--state appropriation for fiscal year 2009 and \$35,000 of the aquatic lands enhancement account appropriation are provided solely for funding to the Pacific county noxious weed control board to continue its planning and implementation of spartina eradication activities.

(9) \$290,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) \$57,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2815 (greenhouse gases emissions). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 310 2007 c 522 s 310 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Program Trust	
Account--State Appropriation . . . . .	<del>(\$799,000)</del>
	\$737,000

Sec. 311 2007 c 522 s 311 (uncodified) is amended to read as follows:

**FOR THE PUGET SOUND PARTNERSHIP**

General Fund--State Appropriation (FY 2008) . . .	<del>(\$500,000)</del>
	\$370,000
General Fund--State Appropriation (FY 2009) . . .	<del>(\$500,000)</del>
	\$654,000
General Fund--Federal Appropriation . . . . .	<del>(\$1,155,000)</del>
	\$2,655,000
General Fund--Private/Local Appropriation . . . . .	\$2,500,000
Aquatic Lands Enhancement Account--State Appropriation	\$500,000
Water Quality Account--State Appropriation (FY 2008)	<del>(\$3,458,000)</del>
	\$3,660,000
Water Quality Account--State Appropriation (FY 2009)	<del>(\$3,459,000)</del>
	\$4,098,000
State Toxics Account--State Appropriation . . . . .	\$1,710,000
TOTAL APPROPRIATION . . . . .	<del>(\$12,072,000)</del>
	\$16,147,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$1,000,000)~~ \$600,000 of the water quality account--state appropriation for fiscal year 2008, ~~(\$1,000,000)~~ \$1,400,000 of the water quality account--state appropriation for fiscal year 2009, and \$2,500,000 of the general fund--private/local appropriation are provided solely for the education of citizens through attracting and utilizing volunteers to engage in activities that result in environmental benefits.

(2) \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, ~~(\$500,000)~~ \$370,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$500,000)~~ \$630,000 of the general fund--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, then \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$1,155,000 of the general fund--federal appropriation, \$500,000 of the general fund--state appropriation for fiscal year 2008, and \$500,000 of the general fund--state appropriation for fiscal year 2009 are appropriated to the office of the governor for operation of the Puget Sound action team.

(3) To implement the 2007-09 Puget Sound biennial plan required by Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership), funding is provided solely for Puget Sound recovery activities in the budgets of selected agencies and institutions of higher education, including the department of agriculture, department of community, trade and economic development, conservation commission, department of ecology, department of fish and wildlife, department of health, interagency committee for outdoor recreation, department of natural resources, state parks and recreation commission, the Puget Sound partnership, University of Washington, and Washington State University. During the 2007-09 biennium, moneys are provided solely for these agencies and institutions of higher education as provided for in LEAP document PSAT-2007.

(4) \$305,000 of the water quality account--state appropriation for fiscal year 2009 and \$305,000 of the general fund--federal appropriation are provided solely for an outcome monitoring program first for Puget Sound and Washington's coastline and then across the remaining salmon recovery regions across the state.

(5) \$24,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6307 (Puget Sound marine managed areas). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(6) \$852,000 of the water quality account--state appropriation for fiscal year 2008, \$231,000 of the water quality account--state appropriation for fiscal year 2009, and \$900,000 of the state toxics control account appropriation are provided solely for development and implementation of the 2020 action agenda.

(End of part)

**PART IV TRANSPORTATION**

Sec. 401 2007 c 522 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2008) . . .	<del>(\$1,727,000)</del>
	\$1,730,000
General Fund--State Appropriation (FY 2009) . . .	<del>(\$2,000,000)</del>

Architects' License Account--State Appropriation . . . . .	\$2,055,000
	<del>(\$762,000)</del>
	\$754,000
Cemetery Account--State Appropriation . . . . .	<del>(\$240,000)</del>
	\$237,000
Professional Engineers' Account--State Appropriation . . . . .	<del>(\$3,484,000)</del>
	\$3,457,000
Real Estate Commission Account--State Appropriation . . . . .	<del>(\$8,883,000)</del>
	\$9,163,000
Master License Account--State Appropriation . . . . .	<del>(\$14,072,000)</del>
	\$14,311,000
Uniform Commercial Code Account--State Appropriation . . . . .	<del>(\$3,086,000)</del>
	\$3,063,000
Real Estate Education Account--State Appropriation . . . . .	\$276,000
Real Estate Appraiser Commission Account--State Appropriation . . . . .	<del>(\$1,684,000)</del>
	\$1,667,000
Business and Professions Account--State Appropriation . . . . .	<del>(\$10,190,000)</del>
	\$11,680,000
Real Estate Research Account--State Appropriation . . . . .	\$320,000
Funeral Directors And Embalmers Account--State Appropriation . . . . .	<del>(\$597,000)</del>
	\$588,000
Geologists' Account--State Appropriation . . . . .	<del>(\$57,000)</del>
	\$56,000
Data Processing Revolving Account--State Appropriation . . . . .	\$29,000
Derelict Vessel Removal Account--State Appropriation . . . . .	\$31,000
TOTAL APPROPRIATION . . . . .	<del>(\$47,438,000)</del>
	\$49,417,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2007-09 fiscal biennium. Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs. Pursuant to RCW 43.135.055 and 43.24.086, the department is further authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Real estate appraiser certification, by not more than \$30 in fiscal year 2009; real estate appraiser certification, original via reciprocity, by not more than \$30 in fiscal year 2009; security guard license, original, by not more than \$30 in fiscal year 2009; security guard license, renewal, by not more than \$30 in 2009; and skills testing fee, a new fee may be established of not more than \$100 for most drivers and \$75 for nonprofit ECEAP or head start program.

(2) \$230,000 of the master license account--state appropriation is provided solely for Engrossed Second Substitute House Bill No. 1461 (manufactured/mobile home dispute resolution). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$64,000 of the business and professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6437 (bail bond agents). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(4) \$210,000 of the business and professions account--state appropriation is provided solely to implement Engrossed

Substitute Senate Bill No. 6606 (home inspectors). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(5) \$87,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to conduct a review of the need for regulation of general and specialty contractors involved in the repair, alteration, or construction of single-family homes using the public interest criteria set forth in RCW 18.118.010 and as generally described in Second Substitute House Bill No. 3349 (residential contractors). By October 1, 2008, the department and the department of labor and industries shall report their findings to the appropriate committees of the legislature.

(6) The department of licensing and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, recommendations for implementing a process of holding in abeyance for up to six months following the conclusion of active duty service the expiration of, and currency requirements for, professional licenses and certificates for individuals who have been called to active duty military service.

(7) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

Sec. 402 2007 c 522 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$38,903,000)</del>
	\$38,968,000
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$37,102,000)</del>
	\$31,262,000
General Fund--Federal Appropriation . . . . .	\$5,629,000
General Fund--Private/Local Appropriation . . . . .	\$1,223,000
Death Investigations Account--State Appropriation . . . . .	<del>(\$5,510,000)</del>
	\$5,680,000
Public Safety and Education Account--State Appropriation (FY 2008) . . . . .	\$1,476,000
Public Safety and Education Account--State Appropriation (FY 2009) . . . . .	<del>(\$1,532,000)</del>
	\$2,687,000
Enhanced 911 Account--State Appropriation . . . . .	\$572,000
County Criminal Justice Assistance Account--State Appropriation . . . . .	<del>(\$3,155,000)</del>
	\$3,133,000
Municipal Criminal Justice Assistance Account--State Appropriation . . . . .	<del>(\$1,244,000)</del>
	\$1,222,000
Fire Service Trust Account--State Appropriation . . . . .	\$131,000
Disaster Response Account--State Appropriation . . . . .	\$2,000
Fire Service Training Account--State Appropriation . . . . .	<del>(\$7,936,000)</del>
	\$8,010,000
Aquatic Invasive Species Enforcement Account--State Appropriation . . . . .	\$54,000
State Toxics Control Account--State Appropriation . . . . .	<del>(\$502,000)</del>
	\$495,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008) . . . . .	\$3,007,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009) . . . . .	\$4,429,000
Fingerprint Identification Account--State Appropriation . . . . .	<del>(\$6,928,000)</del>
	\$10,057,000
TOTAL APPROPRIATION . . . . .	<del>(\$119,505,000)</del>

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

\$118,037,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$233,000 of the general fund--state appropriation for fiscal year 2008, \$282,000 of the general fund--state appropriation for fiscal year 2009, and \$357,000 of the fingerprint identification account--state appropriation are provided solely for workload associated with implementation of the federal Adam Walsh Act -- the Children's Safety and Violent Crime Reduction Act of 2006.

(2) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of performing criminal history and background checks activities. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of the criminal history and background check activities.

(3) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(4) ~~(\$250,000)~~ \$350,000 of the fire service training account--state appropriation is provided solely to implement the provisions of Senate Bill No. 6119 (firefighter apprenticeship training program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for efforts to reduce the number of convicted offender biological samples awaiting DNA analysis.

(6) Within the appropriations in this section, specific funding is provided to implement Second Substitute Senate Bill No. 5642 (cigarette ignition).

(End of part)

**PART V  
EDUCATION**

**Sec. 501** 2007 c 522 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC  
INSTRUCTION**

**(1) STATE AGENCY OPERATIONS**

General Fund--State Appropriation (FY 2008)	<del>(\$21,815,000)</del>
	<u>\$22,161,000</u>
General Fund--State Appropriation (FY 2009)	<del>(\$22,147,000)</del>
	<u>\$25,223,000</u>
General Fund--Federal Appropriation . . . . .	<del>(\$21,551,000)</del>
	<u>\$21,292,000</u>
<b>TOTAL APPROPRIATION .</b>	<del><b>(\$65,513,000)</b></del>
	<u><b>\$68,676,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$11,920,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$12,362,000)~~ \$12,019,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize

the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$1,080,000 of the general fund--state appropriation for fiscal year 2008 and \$815,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Within the amounts provided, the board shall implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) for which it is responsible, including: (i) Develop a comprehensive set of recommendations for an accountability system; (ii) adopt high school graduation requirements aligned with international performance standards in mathematics and science and, in conjunction with the office of the superintendent of public instruction, identify no more than three curricula that are aligned with these standards; and (iii) review all requirements related to the high school diploma as directed by section 405, chapter 263, Laws of 2006.

(c) \$4,779,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$6,033,000)~~ \$6,248,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the professional educator standards board for the following:

(i) \$930,000 in fiscal year 2008 and ~~(\$1,070,000)~~ \$1,284,000 in fiscal year 2009 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program. Within the amounts provided in this subsection (1)(d)(i), the professional educator standards board shall: (A) Revise the teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies; (B) review teacher preparation requirements in cultural understanding and make recommendations for strengthening these standards; (C) create a new professional level teacher assessment; (D) expand the alternative routes to teacher certification program for business professionals and instructional assistants who will teach math and science; ~~(and)~~ (E) revise requirements for college and university teacher preparation programs to match a new knowledge- and skill-based performance system; and (F) test implementation of a revised teacher preparation program approach that is classroom experience-intensive and performance-based;

(ii) \$3,269,000 of the general fund--state appropriation for fiscal year 2008 and \$4,289,000 of the general fund--state appropriation for fiscal year 2009 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of the amounts provided in this subsection (1)(d)(ii):

(A) \$500,000 each year is provided solely for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

(B) \$2,210,000 for fiscal year 2008 and \$3,230,000 for fiscal year 2009 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education as follows: (I) For route one interns (those currently holding associates of arts degrees), in fiscal year 2008, 120 interns seeking endorsements in the specified subject areas and for fiscal year 2009, an additional 120 interns in the specified

SIXTIETH DAY, MARCH 13, 2008

subject areas; and (II) for all other routes, funding is provided each year for 140 interns seeking endorsements in the specified subject areas;

(C) Remaining amounts in this subsection (1)(d)(ii) shall be used to continue existing alternative routes to certification programs; and

(D) Candidates seeking math and science endorsements under (A) and (B) of this subsection shall receive priority for funding;

(iii) \$236,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the recruiting Washington teachers program established in Second Substitute Senate Bill No. 5955 (educator preparation, professional development, and compensation)(-);

(iv) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 provided in this subsection (1)(d) are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators established in Second Substitute House Bill No. 1906 (improving mathematics and science education); and

(v) \$244,000 of the general fund--state appropriation for fiscal year 2008 and \$244,000 of the general fund--state appropriation for fiscal year 2009 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program established in Second Substitute House Bill No. 1906 (improving mathematics and science education). The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework.

(d) \$555,000 of the general fund--state appropriation for fiscal year 2008 ~~((ts))~~ and \$867,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased attorney general fees related to education litigation.

(e) \$67,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the professional educator standards board (PESB) to convene a work group to develop recommendations for increasing teacher knowledge, skills, and competencies to address the needs of English language learner students, pursuant to Second Substitute Senate Bill No. 6673 (student learning opportunities). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((f))~~ ~~((300,000))~~ \$425,000 of the general fund--state appropriation for fiscal year 2008 and ~~((300,000))~~ \$1,975,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

~~((g))~~ (g) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$78,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

~~((h))~~ (h) \$1,336,000 of the general fund--state appropriation for fiscal year 2008 and \$1,227,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

~~((i))~~ (i) \$325,000 of the general fund--state appropriation for fiscal year 2008 and \$325,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for

2008 REGULAR SESSION

comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

~~((j))~~ (j) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

~~((k))~~ (k) \$204,000 of the general fund--state appropriation for fiscal year 2008 and \$66,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5843 (regarding educational data and data systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((l))~~ (l) \$114,000 of the general fund--state appropriation for fiscal year 2008 and \$114,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1052 (legislative youth advisory council). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((m))~~ (m) \$162,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((n))~~ (n) \$28,000 of the general fund--state appropriation for fiscal year 2008 and \$27,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5098 (Washington college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((o))~~ (o) \$46,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (regarding providing medically and scientifically accurate sexual health education in schools). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((p))~~ (p) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of superintendent of public instruction to convene a workgroup to develop school food allergy guidelines and policies for school district implementation. The workgroup shall complete the development of the food allergy guidelines and policies by March 31, 2008, in order to allow for school district implementation in the 2008-2009 school year. The guidelines developed shall incorporate state and federal laws that impact management of food allergies in school settings.

~~((q))~~ (q) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a program to recognize the work of outstanding classified staff in school districts throughout the state.

~~((r))~~ (r) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$98,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a full-time director of skills centers within the office of the superintendent of public instruction.

~~((s))~~ (s) \$555,000 of the general fund--state appropriation for fiscal year 2008 and \$475,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction to contract with the northwest educational research laboratory (NWREL) to conduct two educational studies. Specifically, NWREL shall:

SIXTIETH DAY, MARCH 13, 2008

(i) Conduct a study regarding teacher preparation, training, and coordinated instructional support strategies for English language learners, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature; and

(ii) Conduct a study of the effectiveness of the K-3 demonstration projects as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature.

~~(t)~~ (t) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction to contract with Washington State University social and economic sciences research center (WSU-SESRC) to conduct to educational research studies. The WSU-SESRC shall:

(i) Conduct a study which reviews chapter 207, Laws of 2002 (bullying in schools), evaluate the outcomes resulting from the legislation, and to make recommendations for continued improvement. The study shall, at a minimum, determine: (A) Whether the policies have been developed and implemented in all elementary, middle, and high schools; (B) whether there has been any measurable improvement in the safety and civility of schools' climate and environment as a result of the legislation; (C) whether there are still issues that need to be addressed in light of the original intent of the legislation; and (D) recommended actions to be taken at the school, district, and state level to address the identified issues. Additionally, WSU-SESRC shall research and identify effective programs and the components of effective programs. A report shall be submitted to the education committees of the legislature and the office of the superintendent of public instruction by September 1, 2008.

(ii) Conduct an evaluation of the mathematics and science instructional coach program as described in Second Substitute House Bill No. 1906 (improving mathematics and science education). Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators. An interim report is due November 1, 2008. The final report is due December 1, 2009. Both the interim and final report shall be presented to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature.

(u) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for additional costs incurred by the state board of education in reviewing proposed math standards and curriculum.

(v) During the 2007-09 biennium, to the maximum extent possible, in adopting new agency rules or making any changes to existing rules or policies related to the fiscal provisions in the administration of part V of this act, the office of the superintendent of public instruction shall attempt to request approval through the normal legislative budget process.

(w) \$142,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the conducting of a comprehensive analysis of math and science teacher supply and demand issues by the professional educator standards board. By

2008 REGULAR SESSION

December 1, 2008, the professional educator standards board shall submit a final report to the governor and appropriate policy and fiscal committees of the legislature, that includes, but is not limited to: (i) Specific information on the current number of math and science teachers assigned to teach mathematics and science both with and without appropriate certification in those subjects by region and statewide; (ii) projected demand information by detailing the number of K-12 mathematics and science teachers needed by the 2010-11 school year by region and statewide; (iii) specific recommendations on how the demand will be met through recruitment programs, alternative route certification programs, potential financial incentives, retention strategies, and other efforts; and (iv) identification of strategies, based on best practices, to improve the rigor and productivity of state-funded mathematics and science teacher preparation programs. As part of the final report, the professional educator standards board and the Washington state institute for public policy shall provide information from a study of differential pay for teachers in high-demand subject areas such as mathematics and science, including the design, successes, and limitations of differential pay programs in other states. In order for the professional educator standards board to quantify demand, each school district shall provide to the board, by a date and in a format specified by the board, the number of teachers assigned to teach mathematics and science, both with and without appropriate certification and endorsement in those subjects, and the number of mathematics and science teaching vacancies needing to be filled, and the board shall include this data, by district, in its analysis.

(x) \$45,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Substitute Senate Bill No. 6556 (anaphylactic policy). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(y) \$44,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Substitute Senate Bill No. 6742 (guidelines for students with autism) and Substitute Senate Bill No. 6743 (training for students with autism). If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(z) Within the appropriations in this section, specific funding is provided for the implementation of Second Engrossed Substitute Senate Bill No. 5100 (health insurance information for students).

(aa) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2722 (achievement gap for African-American students). The center for the improvement of student learning will convene an advisory committee to conduct a detailed analysis of the achievement gap for African-American students; recommend a comprehensive plan for closing the gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. A study update shall be submitted by September 15, 2008, and the committee's final report shall be submitted by December 30, 2008, to the superintendent of public instruction, the state board of education, the governor, the P-20 council, the basic education finance task force, and the education committees of the legislature. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(bb) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 2598 (online mathematics curriculum).

(cc) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 2635 (school district boundaries and organization).

(dd) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 3129 (online learning programs for high school students to earn college credit).

SIXTIETH DAY, MARCH 13, 2008

(ce) \$136,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the office of superintendent of public instruction to assign at least one full-time equivalent staff position to serve as the world language supervisor.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2008)	<del>((</del> \$14,783,000))
	\$14,283,000
General Fund--State Appropriation (FY 2009)	<del>((</del> \$16,459,000))
	\$16,128,000
General Fund--Federal Appropriation . . . . .	\$55,890,000
TOTAL APPROPRIATION . . . . .	<del>((</del> \$87,132,000))
	\$86,301,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2008 and \$2,541,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$96,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(vi) \$271,000 of the general fund--state appropriation for fiscal year 2008 and ~~((~~\$271,000)) \$396,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide ~~((a request for proposal process, with up to 80 percent funding, for))~~ nonviolence leadership workshops including

in-school, weekend, and school break programming serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(vii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies for preventing youth suicide.

(viii) \$800,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for programs to improve safety and emergency preparedness and planning in public schools, as generally described in Substitute Senate Bill No. 5097. The superintendent of public instruction shall design and implement the grant program in consultation with the educational service districts, the school safety advisory committee, and the Washington association of sheriffs and police chiefs. The funding shall support grants to school districts for the development and updating of comprehensive safe school plans, school safety training, and the conducting of safety-related drills. As a condition of receiving these funds, school districts must ensure that schools (A) conduct at least one lockdown and one shelter in place safety drill each school year, and (B) send updated school mapping database information on an annual basis to the Washington association of sheriffs and police chiefs.

(ix) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state school directors' association to mediate and facilitate a school disciplinary action task force to review and make recommendations on a model policy regarding the use of physical force in schools. The model policy shall be submitted to the appropriate policy committees of the legislature by November 1, 2008.

(x) \$180,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2712 (concerning criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(b) TECHNOLOGY

(i) \$1,939,000 of the general fund--state appropriation for fiscal year 2008 and \$1,939,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(ii) The office of the superintendent of public instruction shall coordinate, in collaboration with educational service districts, a system of outreach to school districts not currently maximizing their eligibility for federal e-rate funding through the schools and libraries program administered by the federal communications commission. By December 15, 2008, the office of the superintendent of public instruction shall issue a report to the fiscal committees of the legislature identifying school districts that were eligible but did not apply for e-rate funding for the last two years, and an estimate of the amounts for which they were eligible in those years. The report shall also include recommendations for following-up on the findings relative to the e-rate program contained in the state auditor's performance audit of educational service districts completed September, 2007.

(c) GRANTS AND ALLOCATIONS

(i) \$652,000 of the general fund--state appropriation for fiscal year 2008 and \$1,329,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand

SIXTIETH DAY, MARCH 13, 2008

the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW (~~(28A.630.015)~~) 28A.630.016. Of the amounts provided, \$11,000 of the general fund--state appropriation for fiscal year 2008 and \$11,000 of the general fund--state appropriation for fiscal year 2009 are provided for the office of the superintendent of public instruction to conduct a study of the expanded special services pilot.

(ii) \$31,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the Cispus environmental learning center.

(iii) \$97,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support vocational student leadership organizations.

(iv) \$146,000 of the general fund--state appropriation for fiscal year 2008 and \$146,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington civil liberties education program.

(v) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(vi) \$294,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(vii) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(viii) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for incentive grants for districts and pilot projects to develop preapprenticeship programs. Incentive grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(ix) \$3,220,000 of the general fund--state appropriation for fiscal year 2008 and \$3,220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the dissemination of the Navigation 101 curriculum to all districts, including disseminating electronic student planning tools and software for analyzing the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts each year for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(x) \$36,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the enhancement of civics education. Of this amount, \$25,000 each year is provided solely for competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment established in chapter 113, Laws of 2006.

(xi) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the

2008 REGULAR SESSION

implementation of Second Substitute House Bill No. 1573 (authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(xii) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the communities in school program in Pierce county.

~~(xiii) (\$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of superintendent of public instruction to contract with a company to develop and implement a pilot program for providing indigenous learning curriculum and standards specific online learning programs based on the recommended standards in chapter 205, Laws of 2005 (Washington's tribal history). The specific content areas covered by the pilot program will include social studies and science. The contractor selected will have experience in developing and implementing indigenous learning curricula and if possible will be affiliated with a recognized Washington state tribe. The pilot program will be implemented in a minimum of three school districts in collaboration with Washington tribes and school districts. To the extent possible and appropriate, the pilot program will involve organizations including, the University of Washington's mathematics science and engineering achievement, the digital learning commons, the virtual possibilities network, the museum of arts and culture in Spokane, Eastern Washington University, and Washington State University.~~

~~(xiv))~~ \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support and expand the mentoring advanced placement program in current operation in southwest Washington.

~~((xv) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement House Bill No. 1051 (expanding high school completion programs). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.~~

~~(xvi))~~ (xiv) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for program initiatives to address the educational needs of Latino students and families. Using the full amounts of the appropriations under this subsection, the office of the superintendent of public instruction shall contract with the Seattle community coalition of compaña quetzal to provide for three initiatives: (A) Early childhood education; (B) parent leadership training; and (C) high school success and college preparation programs. Campana quetzal shall report to the office of the superintendent of public instruction by June 30, 2009, regarding impact of the programs on addressing the academic achievement gap, including high school drop-out rates and college readiness rates, for Latino students.

(xv) \$264,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a pilot program in two school districts to provide sequentially articulated Spanish and Chinese language instruction in elementary schools.

(xvi) \$300,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for reimbursement to school districts for costs associated with offering the preliminary scholastic aptitude test (PSAT) to tenth grade students outlined in Second Substitute Senate Bill No. 6673 (student learning opportunities). The office of the superintendent of public instruction shall provide payment for these tests consistent with established procedures with the appropriate testing companies. Within the amount provided in this subsection, the office of the superintendent of public instruction shall pay for as many tests as the available funding allows, ensure equitable funding across districts, and first provide payments for tenth grade students

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

eligible for free or reduced price lunch that take the preliminary scholastic aptitude test. To the extent funding remains after providing for this reimbursement for students eligible for free or reduced price lunch, the office of the superintendent of public instruction may make payments for other students.

(xvii) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2870 (professional development for instructional assistants). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(xviii) \$10,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the superintendent of public instruction to convene a work group that includes representatives from dual credit programs including representatives from high schools, the tech prep program, the state board for community and technical colleges, the public four-year institutions of higher education, the workforce training and education coordinating board, the higher education coordinating board, and the council of presidents to develop a strategic plan for statewide coordination of dual credit programs including but not limited to running start, college in the high school, tech prep, advanced placement, and international baccalaureate. The plan shall clearly articulate the purpose and definition of each program, the goals associated with each program, the personnel required both to administer and teach each program, the benefits to students, and the barriers to access. The work group must provide the plan to the appropriate committees of the legislature by December 1, 2008.

(xix) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a pilot project to encourage bilingual high school students to pursue public school teaching as a profession. Using the full amounts of the appropriation under this subsection, the office of the superintendent of public instruction shall contract with the Latino/a educational achievement project (LEAP) to work with school districts to identify and mentor not fewer than fifty bilingual students in their junior year of high school, encouraging them to become bilingual instructors in schools with high English language learner populations. Students shall be mentored by bilingual teachers and complete a curriculum developed and approved by the participating districts.

Sec. 502 2007 c 522 s 502 (unmodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2008)	(( <del>\$4,448,333,000</del> ))
	\$4,436,719,000
General Fund--State Appropriation (FY 2009)	(( <del>\$4,474,199,000</del> ))
	\$4,477,998,000
Education Legacy Trust Account--State	
Appropriation	(( <del>\$9,387,000</del> ))
	\$9,373,000
Pension Funding Stabilization Account Appropriation	\$341,624,000
	TOTAL APPROPRIATION (( <del>\$9,273,543,000</del> ))
	\$9,265,714,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2007-08 and 2008-09 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school

enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) Forty-nine certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

standard until the 2008-09 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(i) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2007-08 and 2008-09 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (i) of this section, one classified staff unit for each (~~(2.95)~~) 2.94 certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each (~~(fifty-nine)~~) 58.75 average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of (~~(14.13)~~) 14.11 percent in the 2007-08 school year and (~~(16.69)~~) 16.75 percent in the 2008-09 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of (~~(17.06)~~) 17.04 percent in the 2007-08 school year and (~~(18.74)~~) 18.72 percent in the 2008-09 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,703 per certificated staff unit in the 2007-08 school year and a maximum of (~~(\$9,907)~~) \$10,178 per certificated staff unit in the 2008-09 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$23,831 per certificated staff unit in the 2007-08 school year and a maximum of (~~(\$24,331)~~) \$24,999 per certificated staff unit in the 2008-09 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$18,489 per certificated staff unit in the 2007-08 school year and a maximum of (~~(\$18,877)~~) \$19,395 per certificated staff unit in the 2008-09 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$555.20 for the 2007-08 and 2008-09 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any

SIXTIETH DAY, MARCH 13, 2008

portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) \$1,870,000 of the general fund--state appropriation for fiscal year 2008 and \$2,421,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute House Bill No. 1432 (granting service credit to educational staff associates for nonschool employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) The superintendent may distribute a maximum of ~~(\$16,622,000)~~ \$16,620,000 outside the basic education formula during fiscal years 2008 and 2009 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$547,000 may be expended in fiscal year 2008 and a maximum of ~~(\$558,000)~~ \$567,000 may be expended in fiscal year 2009;

(b) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2008 fiscal year and a maximum of \$2,385,000 for the 2009 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of ~~(\$390,000)~~ \$393,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) ~~(\$9,387,000)~~ \$9,373,000 of the education legacy trust account appropriation is provided solely for allocations for equipment replacement in vocational programs and skills centers. Each year of the biennium, the funding shall be allocated based on \$75 per full-time equivalent vocational student and \$125 per full-time equivalent skills center student.

(f) \$2,991,000 of the general fund--state appropriation for fiscal year 2008 and \$4,403,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5790 (regarding skills centers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.7 percent from the 2006-07 school year to the 2007-08 school year and ~~(5.1)~~ 6.0 percent from the 2007-08 school year to the 2008-09 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(13) The appropriation levels in part V of this act assume implementation of the reimbursement provisions of Senate Bill No. 6450 (school district reimbursement of performance audits).

**Sec. 503** 2007 c 522 s 503 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.** (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on ~~(March 24, 2007, at 07:29)~~ March 9, 2008, at 15:09 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on ~~(April 19, 2007, at 06:03)~~ March 9, 2008, at 15:09 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of ~~(14.13)~~ 14.11 percent for school year 2007-08 and ~~(16.69)~~ 16.75 percent for school year 2008-09 for certificated staff and for classified staff ~~(17.06)~~ 17.04 percent for school year 2007-08 and ~~(18.74)~~ 18.72 percent for the 2008-09 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2007-08 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	32,746	33,630	34,547	35,465	38,412	40,310	39,260	42,207	44,107
1	33,187	34,083	35,011	35,970	38,948	40,836	39,696	42,674	44,560
2	33,607	34,512	35,450	36,483	39,452	41,359	40,135	43,104	45,012
3	34,039	34,953	35,901	36,967	39,930	41,884	40,552	43,513	45,468
4	34,464	35,418	36,372	37,474	40,455	42,423	40,988	43,969	45,938
5	34,902	35,861	36,824	37,988	40,958	42,965	41,432	44,403	46,410
6	35,353	36,291	37,287	38,508	41,464	43,482	41,887	44,843	46,860
7	36,145	37,097	38,106	39,394	42,393	44,467	42,739	45,737	47,812
8	37,304	38,308	39,340	40,735	43,775	45,925	44,079	47,120	49,269
9		39,562	40,646	42,091	45,202	47,425	45,434	48,547	50,770
10			41,967	43,516	46,669	48,966	46,861	50,014	52,310
11				44,984	48,204	50,547	48,328	51,550	53,891
12				46,404	49,781	52,194	49,853	53,126	55,540
13					51,397	53,882	51,431	54,741	57,226
14					53,020	55,632	53,056	56,471	58,977
15					54,400	57,080	54,435	57,939	60,511
16 or more					55,487	58,220	55,523	59,097	61,720

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2008-09 School Year

(Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	33,898	34,814	35,762	36,713	39,763	41,728	40,641	43,691	45,658
1	34,354	35,282	36,243	37,236	40,318	42,272	41,093	44,175	46,128
2	34,789	35,726	36,697	37,766	40,840	42,814	41,547	44,621	46,596
3	35,237	36,183	37,164	38,267	41,335	43,357	41,979	45,044	47,067
4	35,676	36,664	37,651	38,793	41,878	43,915	42,430	45,516	47,554
5	36,130	37,123	38,120	39,324	42,399	44,476	42,890	45,965	48,043
6	36,597	37,567	38,598	39,863	42,923	45,011	43,361	46,421	48,508
7	37,416	38,402	39,446	40,780	43,885	46,031	44,243	47,346	49,494
8	38,616	39,655	40,724	42,168	45,315	47,541	45,630	48,778	51,002
9		40,954	42,076	43,572	46,792	49,093	47,032	50,255	52,556
10			43,443	45,047	48,310	50,688	48,509	51,773	54,150
11				46,566	49,900	52,326	50,028	53,363	55,787
12				48,036	51,533	54,030	51,606	54,995	57,493

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

	+3				53,205	55,777	53,240	56,667	59,239
	+4				54,885	57,589	54,922	58,457	61,052
	+5				56,313	59,088	56,350	59,977	62,639
	+6 or more				57,439	60,269	57,476	61,176	63,892))
<u>Years of Service</u>	<u>BA</u>	<u>BA+15</u>	<u>BA+30</u>	<u>BA+45</u>	<u>BA+90</u>	<u>BA+135</u>	<u>MA</u>	<u>MA+45</u>	<u>MA+90 or PHD</u>
<u>0</u>	<u>34,426</u>	<u>35,356</u>	<u>36,319</u>	<u>37,285</u>	<u>40,383</u>	<u>42,378</u>	<u>41,274</u>	<u>44,372</u>	<u>46,369</u>
<u>1</u>	<u>34,889</u>	<u>35,832</u>	<u>36,808</u>	<u>37,816</u>	<u>40,946</u>	<u>42,931</u>	<u>41,733</u>	<u>44,863</u>	<u>46,847</u>
<u>2</u>	<u>35,331</u>	<u>36,283</u>	<u>37,269</u>	<u>38,354</u>	<u>41,476</u>	<u>43,481</u>	<u>42,195</u>	<u>45,316</u>	<u>47,321</u>
<u>3</u>	<u>35,786</u>	<u>36,747</u>	<u>37,743</u>	<u>38,864</u>	<u>41,979</u>	<u>44,033</u>	<u>42,632</u>	<u>45,746</u>	<u>47,801</u>
<u>4</u>	<u>36,232</u>	<u>37,235</u>	<u>38,238</u>	<u>39,397</u>	<u>42,531</u>	<u>44,599</u>	<u>43,091</u>	<u>46,225</u>	<u>48,295</u>
<u>5</u>	<u>36,693</u>	<u>37,701</u>	<u>38,713</u>	<u>39,937</u>	<u>43,059</u>	<u>45,169</u>	<u>43,558</u>	<u>46,681</u>	<u>48,791</u>
<u>6</u>	<u>37,167</u>	<u>38,153</u>	<u>39,200</u>	<u>40,484</u>	<u>43,591</u>	<u>45,713</u>	<u>44,036</u>	<u>47,144</u>	<u>49,264</u>
<u>7</u>	<u>37,999</u>	<u>39,000</u>	<u>40,061</u>	<u>41,415</u>	<u>44,568</u>	<u>46,748</u>	<u>44,932</u>	<u>48,084</u>	<u>50,265</u>
<u>8</u>	<u>39,218</u>	<u>40,273</u>	<u>41,359</u>	<u>42,825</u>	<u>46,021</u>	<u>48,281</u>	<u>46,341</u>	<u>49,538</u>	<u>51,797</u>
<u>9</u>		<u>41,591</u>	<u>42,731</u>	<u>44,250</u>	<u>47,521</u>	<u>49,858</u>	<u>47,765</u>	<u>51,038</u>	<u>53,374</u>
<u>10</u>			<u>44,120</u>	<u>45,749</u>	<u>49,063</u>	<u>51,478</u>	<u>49,265</u>	<u>52,580</u>	<u>54,993</u>
<u>11</u>				<u>47,291</u>	<u>50,677</u>	<u>53,141</u>	<u>50,807</u>	<u>54,194</u>	<u>56,656</u>
<u>12</u>				<u>48,784</u>	<u>52,335</u>	<u>54,872</u>	<u>52,410</u>	<u>55,851</u>	<u>58,389</u>
<u>13</u>					<u>54,034</u>	<u>56,646</u>	<u>54,069</u>	<u>57,550</u>	<u>60,162</u>
<u>14</u>					<u>55,740</u>	<u>58,486</u>	<u>55,778</u>	<u>59,368</u>	<u>62,003</u>
<u>15</u>					<u>57,191</u>	<u>60,008</u>	<u>57,227</u>	<u>60,911</u>	<u>63,615</u>
<u>16 or more</u>					<u>58,334</u>	<u>61,207</u>	<u>58,372</u>	<u>62,129</u>	<u>64,887</u>

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 2 and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

**Sec. 504** 2007 c 522 s 504 (uncodified) is amended to read as follows:

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

**FOR THE SUPERINTENDENT OF PUBLIC  
INSTRUCTION--FOR SCHOOL EMPLOYEE  
COMPENSATION ADJUSTMENTS**

~~((g))~~ (h) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

General Fund--State Appropriation (FY 2008) <del>((<u>\$161,665,000</u>))</del>	<u>\$161,280,000</u>
General Fund--State Appropriation (FY 2009) <del>((<u>\$348,871,000</u>))</del>	<u>\$405,228,000</u>
General Fund--Federal Appropriation . . . . . <del>((<u>\$243,000</u>))</del>	<u>\$275,000</u>
TOTAL APPROPRIATION <del>((<u>\$510,779,000</u>))</del>	<u>\$566,783,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\$444,366,000))~~ \$500,195,000 is provided solely for the following:

(a) A cost of living adjustment of 3.7 percent effective September 1, 2007, and another ~~((3.8))~~ 3.9 percent effective September 1, 2008, pursuant to Initiative Measure No. 732.

(b) An additional .5 percent cost of living adjustment is provided above the amount required by Initiative Measure No. 732, effective September 1, 2008.

~~((c))~~ (c) Additional salary increases as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary increases shall be provided to all 262 districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule. These additional salary increases will result in a decrease in the number of grandfathered districts from the current thirty-four to twenty-four in the 2007-08 school year and to ~~((thirteen))~~ twelve in the 2008-09 school year.

~~((d))~~ (d) Additional salary increases to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These additional salary increases shall ensure a minimum salary allocation for certificated administrative staff of \$54,405 in the 2007-08 school year and ~~((\$57,097))~~ \$57,986 in the 2008-09 school year.

~~((e))~~ (e) Additional salary increases to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These additional salary increases ensure a minimum salary allocation for classified staff of \$30,111 in the 2007-08 school year and ~~((\$31,376))~~ \$31,865 in the 2008-09 school year.

~~((f))~~ (f) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at rates ~~((13.49))~~ 13.47 percent for the 2007-08 school year and ~~((16.05))~~ 16.11 percent for the 2008-09 school year for certificated staff and ~~((13.56))~~ 13.54 percent for the 2007-08 school year and ~~((15.24))~~ 15.22 percent for the 2008-09 school year for classified staff.

~~((g))~~ (g) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

	School Year	
	2007-08	2008-09
Pupil Transportation (per weighted pupil mile)	\$1.08	( <del>(\$2.04)</del> ) <u>\$2.46</u>
Highly Capable (per formula student)	\$11.13	( <del>(\$20.98)</del> ) <u>\$25.51</u>
Transitional Bilingual Education (per eligible bilingual student)	( <del>(\$29.81)</del> ) <u>\$29.80</u>	( <del>(\$56.19)</del> ) <u>\$68.33</u>
Learning Assistance (per formula student)	\$7.00	( <del>(\$13.20)</del> ) <u>\$18.86</u>

~~((+))~~ (i) The appropriations in this section include \$925,000 for fiscal year 2008 and (~~(\$1,940,000)~~) \$2,314,000 for fiscal year 2009 for salary increase adjustments for substitute teachers.

(2) (~~(\$66,415,000)~~) \$66,591,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$682.54 per month for the 2007-08 and 2008-09 school years. The appropriations in this section provide for a rate increase to \$707.00 per month for the 2007-08 school year and \$732.00 per month for the 2008-09 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2007-08	2008-09
Pupil Transportation (per weighted pupil mile)	\$0.22	\$0.45
Highly Capable (per formula student)	( <del>(\$1.49)</del> ) <u>\$1.50</u>	\$3.05
Transitional Bilingual Education (per eligible bilingual student)	( <del>(\$3.97)</del> ) <u>\$3.96</u>	\$8.01
Learning Assistance (per formula student)	\$0.86	( <del>(\$1.75)</del> ) <u>\$2.05</u>

(3) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 505** 2007 c 522 s 505 (unmodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2008) ( <del>(\$262,728,000)</del> )	<u>\$273,409,000</u>
General Fund--State Appropriation (FY 2009) ( <del>(\$264,700,000)</del> )	<u>\$276,510,000</u>
Education Legacy Trust Account--State	
Appropriation . . . . .	\$25,000,000
TOTAL APPROPRIATION ( <del>(\$552,428,000)</del> )	<u>\$574,919,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$848,000 of this fiscal year 2008 appropriation and a maximum of (~~(\$866,000)~~) \$878,000 of the fiscal year 2009 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2008 appropriation and \$5,000 of the fiscal year 2009 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$44.84 per weighted mile in the 2007-08 school year and (~~(\$45.48)~~) \$45.68 per weighted mile in the 2008-09 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) \$25,000,000 of the education legacy trust account--state appropriation is provided solely for temporary assistance to school districts for pupil transportation programs. The office of the superintendent of public instruction, in consultation with the joint legislative audit and review committee, will develop a method of allocating these funds to school districts. The allocation method shall be based primarily on the findings and analysis from the joint legislative and audit review committee's K-12 pupil transportation study completed in December 2006.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

Sec. 506 2007 c 522 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2008)	<del>(\$532,192,000)</del>
	\$543,469,000
General Fund--State Appropriation (FY 2009)	<del>(\$566,174,000)</del>
	\$581,925,000
General Fund--Federal Appropriation . . . . .	<del>(\$435,735,000)</del>
	\$435,692,000
Education Legacy Trust Account--State Appropriation . . . . .	\$14,561,000
<b>TOTAL APPROPRIATION</b>	<del><b>(\$1,548,662,000)</b></del>
	\$1,575,647,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall adopt the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006, and ensure that all school districts adopt the method beginning in the 2007-08 school year.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2007-08 and 2008-09 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age four enrollment and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, ~~(\$30,690,000)~~ \$53,926,000 of the general fund--state appropriation and \$29,574,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the (amount appropriated) federal appropriation in this subsection (8) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education-eligible students. Awards associated with (b) and (c) of this subsection shall not exceed the total of a district's specific determination of need.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services. The safety net

SIXTIETH DAY, MARCH 13, 2008

awards to school districts shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999. The state safety net oversight committee shall ensure that safety net documentation and awards are based on current medicaid revenue amounts.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) The office of the superintendent of public instruction shall review and streamline the application process to access safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process.

(12) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008, \$50,000 of the general fund--state appropriation for fiscal 2009, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center. Within the appropriations in this section there is sufficient funding provided to also provide at least a half-time support staff position for the special education ombudsman program.

(15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and

for staff development activities particularly relating to inclusion issues.

(16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(19) \$262,000 of the general fund--state appropriation for fiscal year 2008 and \$251,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

**Sec. 507** 2007 c 522 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund--State Appropriation (FY 2008)	. (( <del>\$7,520,000</del> ))
	\$7,519,000
General Fund--State Appropriation (FY 2009)	. (( <del>\$8,527,000</del> ))
	\$10,248,000
TOTAL APPROPRIATION	. (( <del>\$16,047,000</del> ))
	\$17,767,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$1,662,000 of the general fund--state appropriation in fiscal year 2008 and \$3,355,000 of the general fund--state appropriation in fiscal year 2009 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. For each educational service district, \$184,933 is provided in fiscal year 2008 for professional development activities related to mathematics curriculum and instruction and \$372,357 is provided in fiscal year 2009 for professional development activities related to mathematics and science curriculum and instruction. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(4) \$876,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) to establish reading improvement

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

specialist positions in each of the nine educational service districts. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(5) \$592,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) for educational service district outreach to community-based programs and organizations within the district that are serving non-English speaking segments of the population as well as those programs that target subgroups of students that may be struggling academically. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute House Bill No. 2679 (educational outcomes for students in foster care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 508 2007 c 522 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2008)	<del>(\$202,394,000)</del>
	\$203,555,000
General Fund--State Appropriation (FY 2009)	<del>(\$212,310,000)</del>
	\$220,100,000
TOTAL APPROPRIATION	<del>(\$414,704,000)</del>
	\$423,655,000

Sec. 509 2007 c 522 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2008)	<del>(\$18,301,000)</del>
	\$19,105,000
General Fund--State Appropriation (FY 2009)	<del>(\$18,513,000)</del>
	\$19,764,000
TOTAL APPROPRIATION	<del>(\$36,814,000)</del>
	\$38,869,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) ~~(\$196,000)~~ \$187,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$196,000)~~ \$133,797 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles,

programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 510 2007 c 522 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2008)	<del>(\$8,396,000)</del>
	\$8,383,000
General Fund--State Appropriation (FY 2009)	<del>(\$8,779,000)</del>
	\$8,788,000
TOTAL APPROPRIATION	<del>(\$17,175,000)</del>
	\$17,171,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of ~~(\$372.19)~~ \$372.15 per funded student for the 2007-08 school year and ~~(\$378.17)~~ \$378.13 per funded student for the 2008-09 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of 2.314 percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2008 appropriation and \$170,000 of the fiscal year 2009 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2008 appropriation and \$90,000 of the fiscal year 2009 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 511 2007 c 522 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2008)	<del>(\$66,278,000)</del>
	\$66,272,000
General Fund--State Appropriation (FY 2009)	<del>(\$73,567,000)</del>
	\$89,985,000
Education Legacy Trust Account--State	
Appropriation	<del>(\$125,325,000)</del>
	\$120,790,000
General Fund--Federal Appropriation	<del>(\$152,616,000)</del>
	\$152,568,000
TOTAL APPROPRIATION	<del>(\$417,786,000)</del>
	\$429,615,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$19,966,000)~~ \$19,716,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$19,946,000)~~ \$21,996,000 of the general fund--state appropriation for fiscal year 2009, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,870,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL; and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on

SIXTIETH DAY, MARCH 13, 2008

development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. In addition to the amounts provided for the Washington assessments of student learning in this subsection, \$11,372,000 is also included in the appropriations to the office of financial management in this act for an interagency agreement with the office of superintendent of public instruction for the expenditure of those funds based on compliance with certain requirements.

(2) \$3,249,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Substitute House Bill No. 3166 (design of the state assessment system and the Washington assessment of student learning), including section 3 of the act providing for end-of-course tests in math. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(\$250,000 of the general fund--state appropriation for fiscal year 2008, \$250,000 of the general fund--state appropriation for fiscal year 2009, and \$10,750,000 of the education legacy trust account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments), including section 2 and section 5 of that act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Additionally, the funding provided in this subsection is subject to the following conditions and limitations:~~

~~—(a) The funding may be spent on reviewing, developing, and implementing approved alternative assessments authorized in Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments).~~

~~—(b) The funding may also be used for reviewing, developing, and implementing end-of-course examinations pursuant to Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments).~~

~~—(c) The funding may be used for increased costs associated with additional full-time equivalent students directly resulting from additional course-taking requirements specified in Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments).~~

~~—(d) \$4,900,000 of the funds provided in this subsection are provided solely for allocations for school districts to purchase diagnostic assessments as specified in Engrossed Substitute Senate Bill No. 6023. By September 1, 2007, the office of the superintendent of public instruction shall: (i) Negotiate an agreement with an assessment vendor or vendors to secure competitive pricing for school districts for high quality diagnostic assessment tools, and (ii) provide quality comparison information to school districts regarding various diagnostic assessment tools available. Of the funding provided, a maximum of \$100,000 may be spent by the office of the superintendent of public instruction for administrative support.~~

~~—(e) Beginning on September 1, 2007, the office of the superintendent of public instruction shall submit quarterly reports to the office of financial management and the appropriate policy and fiscal committees of the legislature detailing the actions taken pursuant to Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments) and amounts spent of each aspect of the legislation.)~~

(3) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$250,000 of the general fund--state appropriation for fiscal year 2009, and \$4,400,000 of the education legacy trust account--state appropriation is provided solely for the development and implementation of diagnostic assessments, subject to the following terms and conditions:

(a) A maximum of \$2,540,000 of the funding provided in this subsection shall support the development and implementation of voluntary classroom-based diagnostic assessments and progress monitoring tools for all subject areas included in the WASL by the office of the superintendent of public instruction; and

2008 REGULAR SESSION

(b) \$2,360,000 of the funding provided in this subsection is for allocations to school districts to purchase assessment tools which supplement the system of diagnostic tests developed by the office of the superintendent of public instruction as described in (a) of this subsection.

~~—(4) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the second grade assessments.~~

~~((4)) (5) \$1,414,000 of the general fund--state appropriation for fiscal year 2008 and \$1,414,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for (a) the tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level; (b) tenth grade mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students; and (c) making the modules available on-line.~~

~~((5)) (6) \$2,267,000 of the general fund--state appropriation for fiscal year 2009 and \$2,367,000 of the education legacy trust account appropriation are provided solely to develop a system of mathematics and science standards and instructional materials that are internationally competitive and consistent with emerging best practices research. Funding in this subsection shall fund all of the following specific projects:~~

~~(a) The office of the superintendent of public instruction shall adopt revised state standards in mathematics as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in mathematics selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in mathematics.~~

~~(b) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic mathematics curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised mathematics standards.~~

~~(c) The office of the superintendent of public instruction shall adopt revised state standards in science as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in science selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in science.~~

~~(d) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic science curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised science standards.~~

~~(e) The office of the superintendent of public instruction shall evaluate science textbooks, instructional materials, and diagnostic tools to determine the extent to which they are aligned with the revised science standards. Once the evaluations have been conducted, results will be shared with science teachers, other educators, and community members.~~

~~(f) Funding is provided for the office of the superintendent of public instruction to develop WASL knowledge and skill learning modules to assist students performing at tenth grade level 1 and level 2 in science.~~

~~(g) Of the amounts provided in this subsection, \$300,000 is provided solely to the state board of education to increase capacity to implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science~~

SIXTIETH DAY, MARCH 13, 2008

education) and Engrossed Second Substitute Senate Bill No. 6023 (regarding alternative assessments).

~~((6))~~ (7) \$8,950,000 of the education legacy trust account appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of two additional professional development days each school year for fourth and fifth grade teachers. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. In the 2007-08 school year, the professional development activities funded by this subsection shall be focused on development of mathematics knowledge and instructional skills and on improving instruction in science. In the 2008-09 school year, the additional professional development shall focus on skills related to implementing the new international mathematics and science standards and curriculum. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

~~((7))~~ (8) \$13,058,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math teachers and the equivalent of three additional professional development days for middle and high school science teachers. The office of the superintendent of public instruction shall develop rules to determine the number of math and science teachers in middle and high schools within each district. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development, consistent with the following:

(a) For middle school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on development of basic mathematics knowledge and instructional skills and the additional science professional development shall focus on examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For middle school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(b) For high school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on skills related to implementing state math learning modules, the segmented math class/assessment program, the collection of evidence alternative assessment, and basic mathematics knowledge and instructional skills, and the additional science professional development shall focus on skills related to examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For high school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

~~((8))~~ (9) \$17,491,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for specialized professional development in math for one math

2008 REGULAR SESSION

teacher and one science teacher in each middle school and one math teacher and one science teacher in each high school. The allocations shall be based on five additional professional development days per teacher and an additional allocation per teacher of \$1,500 for training costs. In order to generate an allocation under this subsection, a teacher must participate in specialized professional development that leads to the implementation of mathematics and science courses that add new rigor to the math and science course offerings in the school. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008.

~~((9))~~ (10) \$5,376,000 of the education legacy trust account--state appropriation is provided solely for a math and science instructional coaches program pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities to twenty-five instructional coaches in middle and high school math in the 2007-08 and 2008-09 school years and twenty-five instructional coaches in middle and high school science in the 2008-09 school years; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program. Each instructional coach will receive five days of training at a coaching institute prior to being assigned to serve two schools each. These coaches will attend meetings during the year to further their training and assist with coordinating statewide trainings on math and science.

~~((10))~~ (11) ~~(\$1,500,000)~~ \$1,133,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,500,000)~~ \$1,133,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

~~((11))~~ (12) \$143,000 of the general fund--state appropriation for fiscal year 2008 and \$139,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

~~((12))~~ (13) \$5,303,000 of the general fund--state appropriation for fiscal year 2008 and \$5,303,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for in-service training and educational programs conducted by the Pacific science center and for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific science center.

~~((13))~~ \$675,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support state college readiness assessment fees for eleventh grade students. The office of the superintendent of public instruction shall allocate funds for this purpose to school districts based on the number of

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

~~eleventh grade students who complete the college readiness exam. School districts shall use these funds to reimburse institutions of higher education for the assessments students take and report to the office of the superintendent of public instruction on the number of assessments provided.)~~

(14) ~~(\$51,236,000)~~ \$51,701,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in Engrossed Second Substitute Senate Bill 5841 (enhancing student learning opportunities and achievement). The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 10 percent of kindergarten enrollment in the 2007-08 school year and 20 percent of kindergarten enrollment in the 2008-09 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(b) Student enrollment pursuant to this program shall not be included in the determination of a school district's overall K-12 FTE for the allocation of student achievement programs and other funding formulas unless specifically stated.

(15) \$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a full-day kindergarten "lighthouse" resource program at the Bremerton school district, as provided in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). The purpose of the program is to provide technical assistance to districts in the initial stages of implementing a high quality full-day kindergarten program.

(16) \$3,047,000 of the education legacy trust account--state appropriation is provided solely for grants for three demonstration projects for kindergarten through grade three. The purpose of the grants is to implement best practices in developmental learning in kindergarten through third grade pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement).

(17) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include

the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(18) \$661,000 of the general fund--state appropriation for fiscal year 2008 and \$684,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to school districts to implement emerging best practices activities in support of classroom teachers' instruction of students, with a first language other than English, who struggle with acquiring academic English skills, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). Best practices shall focus on professional development for classroom teachers and support of instruction for English language learners in regular classrooms. School districts qualifying for these grants shall serve a student population that reflects many different first languages among their students. The Northwest educational research laboratory (NWREL) shall evaluate the effectiveness of the practices supported by the grants as provided in section 501 of this act. Recipients of these grants shall cooperate with NWREL in the collection of program data.

(19) \$548,000 of the fiscal year 2008 general fund--state appropriation and \$548,000 of the fiscal year 2009 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(20) \$2,348,000 of the general fund--state appropriation for fiscal year 2008 and \$2,348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(21) \$705,000 of the general fund--state appropriation for fiscal year 2008 and \$705,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(22) ~~(\$98,761,000)~~ \$105,765,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(23)(a) \$488,000 of the general fund--state appropriation for fiscal year 2008 and \$488,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2008 and \$3,046,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address

SIXTIETH DAY, MARCH 13, 2008

identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(24) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in subsection (25)(b) of this section. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(25) A maximum of \$375,000 of the general fund--state appropriation for fiscal year 2008 and a maximum of \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall offer at least one institute specifically for improving instruction in mathematics in fiscal years 2008 and 2009 and at least one institute specifically for improving instruction in science in fiscal year 2009.

(26) \$515,000 of the general fund--state appropriation for fiscal year 2008 and \$515,000 of the general fund--state appropriation for fiscal year 2009 are provided for the evaluation of mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. Once the evaluations have been conducted, results will be shared with math teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students to learn and teachers to teach the content of international standards. In addition, the office of the superintendent shall continue to provide support and information on essential components of comprehensive, school-based reading programs.

(27) \$1,764,000 of the general fund--state appropriation for fiscal year 2008 and \$1,764,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

2008 REGULAR SESSION

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(28) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(29) (~~(\$30,401,000)~~) \$30,706,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$500,000 of the general fund--state appropriation for fiscal year 2009 are~~) is provided solely for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates.

(b) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(c) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(d) The office of the superintendent of public instruction shall issue a report to the legislature in the 2009 session on the progress of each of the pilot programs.

(30) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of the superintendent of public instruction to support and award Washington community learning center program grants pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(31) (~~(\$1,629,000)~~) \$1,643,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$1,638,000)~~) \$1,667,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to eliminate the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

(32) \$400,000 of the education legacy trust account--state appropriation is provided solely for the development of mathematics support activities provided by community organizations in after school programs. Pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education), the office of the superintendent of public instruction shall administer grants to community organizations

SIXTIETH DAY, MARCH 13, 2008

that partner with school districts to provide these activities and develop a mechanism to report program and student success.

(33) \$5,222,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$5,222,000)~~) \$5,285,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

(34) \$1,056,000 of the general fund--state appropriation for fiscal year 2008 and \$1,056,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2007 through August 31, 2009.

(35) \$3,594,000 of the general fund--state appropriation for fiscal year 2008 and \$3,594,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(36) \$1,959,000 of the general fund--state appropriation for fiscal year 2008 and \$1,959,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(37) \$126,000 of the general fund--state appropriation for fiscal year 2008 and \$126,000 of the general fund--state appropriation for fiscal year 2009 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(38) \$333,000 of the general fund--state appropriation for fiscal year 2008 and \$333,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

(39) \$12,400,000 of the education legacy trust account--state appropriation is provided solely for one-time allocations for technology upgrades and improvements. The funding shall be allocated based on \$3,000 for each elementary school, \$6,000 for each middle or junior high school, and \$11,000 for each high school. In cases where a particular school's grade span or configuration does not fall into these categories, the office of superintendent of public instruction will develop an allocation to that school that recognizes the unique characteristics but

maintains the proportionate allocation identified in this subsection.

(40) \$250,000 of the education legacy trust account--state appropriation is provided solely for costs associated with office of the superintendent of public instruction establishing a statewide director of technology position pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(41)(a) (~~(\$9,150,000)~~) \$9,747,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$12,447,000)~~) \$16,624,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher in fiscal year 2008 and adjusted for inflation in fiscal year 2009. Beginning in the 2007-2008 school year and thereafter, national board certified teachers who become public school principals shall continue to receive this bonus for as long as they are principals and maintain the national board certification;

(ii) During the 2007-2008 school year, for national board certified teachers who teach in schools where at least 70 percent of student headcount enrollment is eligible for the federal free or reduced price lunch program, an additional \$5,000 annual bonus to be paid in one lump sum. Beginning in the 2008-2009 school year and thereafter, an additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch; and

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits. Unless Senate Bill No. 6657 (salary bonuses for individuals certified by the national board for professional teaching standards) is enacted by June 30, 2008, the annual bonus shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) For purposes of this subsection, "~~(schools where at least 70%)~~ the percent of the student headcount enrollment (is) eligible for the federal free or reduced price lunch program" shall be defined as: (i) For the 2007-08 and the 2008-09 school years, schools in which the prior year percentage of students eligible for the federal free and reduced price lunch program ~~((was at least 70 percent))~~ meets the criteria specified in subsection (41)(a)(ii) of this section; and (ii) in the 2008-09 school year, any school that met the criterion in (c)(i) of this subsection in the 2007-08 school year.

(d) Within the amounts appropriated in this subsection, the office of superintendent of public instruction shall revise rules to allow teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching at the Washington school for the deaf or Washington school for the blind, to receive the annual bonus amounts specified in this subsection if they are otherwise eligible.

(42) \$2,750,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute Senate Bill No. 6377 (career and technical education). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(43) \$4,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for an allocation of four dollars and nine cents per full-time equivalent student, or as much as the funding in this subsection will allow, to maintain and improve library materials, collections, and services. The funding provided in this subsection shall be used to augment current funding for librarian programs provided through basic education and other existing funding mechanisms. In order to receive allocations under this section, school districts must agree that to the maximum extent possible they will ensure that library programs and services are equitably provided throughout the district.

(44) \$600,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute Senate Bill No. 6483 (local farms-healthy kids and communities). Of the amount provided in subsection, up to \$30,000 is provided for administrative costs associated with implementing the legislation and at least \$570,000 is provided for grants to school districts associated with implementing the legislation. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(45) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which requires the office of the superintendent of public instruction to explore online curriculum support in languages other than English. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(46) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the summer programs for middle and high school students to explore career opportunities rich in math, science, and technology using career and technical education as the delivery model, pursuant to Second Substitute Senate Bill No. 6673 (student learning opportunities). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(47) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for grants to five skills centers to develop and plan for implementation of integrated English language development/career skills programs that pair English language development teachers with career/technical education instructors in the classroom. The office of the superintendent of public instruction and skill center staff shall work with the state board for community and technical colleges I-BEST program staff and local community and technical college program staff to develop the program to assure critical program elements are included and that the skill center programs provide a seamless transition for high school students to the community and technical college programs for students choosing that pathway. The request for proposal or grant application shall be issued no later than May 1, 2008, so that grant recipients can begin program planning and development efforts on July 1, 2008. The superintendent of public instruction shall provide the resulting implementation plans to the governor and the appropriate committees of the legislature by November 1, 2008.

(48) \$70,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support the Chinese exchange program at the Peninsula school district. The funding shall support scholarships, educational programs, and travel costs for students facing financial obstacles to participation in the program.

(49) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support public high schools' participation in the FIRST robotics program. The office of the superintendent of public instruction shall issue grants not to exceed \$10,000 per school to be used for teacher stipends, registration fees, equipment, and other costs associated with direct participation in the program. High-poverty schools and

schools starting up robotics programs shall be given priority in funding.

Sec. 512 2007 c 522 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2008)	<del>(\$65,320,000)</del>
	\$65,595,000
General Fund--State Appropriation (FY 2009)	<del>(\$69,217,000)</del>
	\$69,560,000
General Fund--Federal Appropriation	\$45,243,000
TOTAL APPROPRIATION	<del>(\$179,780,000)</del>
	\$180,398,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of ~~(\$824.24)~~ \$824.12 per eligible bilingual student in the 2007-08 school year and ~~(\$840.25)~~ \$840.64 in the 2008-09 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(6) Pursuant to RCW 28A.150.260, during the 2007-09 biennium, the office of the superintendent of public instruction shall not make exit of the transitional bilingual program contingent on passing both the Washington language proficiency test and the Washington assessment of student learning without prior legislative approval.

Sec. 513 2007 c 522 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2008)	<del>(\$70,792,000)</del>
	\$68,381,000
General Fund--State Appropriation (FY 2009)	<del>(\$73,156,000)</del>
	\$84,654,000
General Fund--Federal Appropriation	\$360,660,000
Education Legacy Trust Account--State Appropriation	45,953,000
TOTAL APPROPRIATION	<del>(\$550,561,000)</del>
	\$559,648,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of ~~(\$220.37)~~ \$220.34 per funded student for the 2007-08 school year and ~~(\$224.73)~~

SIXTIETH DAY, MARCH 13, 2008

\$265.08 per funded student for the 2008-09 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(e) If Second Substitute Senate Bill No. 6673 (student learning opportunities) is enacted by June 30, 2008, in addition to the amounts allocated in (b), (c), and (d) of this subsection, an additional amount shall be allocated to school districts with high concentrations of poverty and English language learner students beginning in the 2008-2009 school year, subject to the following rules and conditions:

(i) To qualify for additional funding under this subsection, a district's October headcount enrollment in grades kindergarten through grade twelve must have at least twenty percent enrolled in the transitional bilingual instruction program based on an average of the program headcount taken in October and May of the prior school year; and must also have at least forty percent eligible for free or reduced price lunch based on October headcount enrollment in grades kindergarten through twelve in the prior school year.

(ii) Districts meeting the specifications in (e)(i) of this subsection shall receive additional funded students for the learning assistance program at the rates specified in subsection (1)(b) of this section. The number of additional funded student units shall be calculated by subtracting twenty percent from the district's percent transitional bilingual instruction program enrollment as defined in (e)(i) of this subsection, and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

2008 REGULAR SESSION

(6) \$15,065,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which establishes the extended learning program to provide additional instructional services for eligible students in grades eight, eleven, and twelve during the regular school day, evenings, on weekends, or at other times in order to meet the needs of these students. This funding is in addition to the estimated \$986,000 of associated compensation increases associated with this legislation in section 504 of this act. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 514 2007 c 522 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS**

General Fund--State Appropriation (FY 2008)	<del>(\$23,820,000)</del>
	\$12,108,000
General Fund--State Appropriation (FY 2009)	<del>(\$25,177,000)</del>
	\$4,759,000
TOTAL APPROPRIATION .	<del>(\$48,997,000)</del>
	\$16,867,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(The)~~ Except as provided in subsection (4) of this section, the amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the Washington assessment of student learning in the spring of their tenth grade year or on a subsequent retake. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) Allocations shall be made to districts only for students actually served in a promoting academic success program.

(b) A portion of the district's annual student units shall be the number of content area assessments (reading, writing, and mathematics) on which eleventh and twelfth grade students were more than one standard error of measurement from meeting standard on the WASL in their most recent attempt to pass the WASL.

(c) The other portion of the district's annual student units shall be the number of content area assessments (reading, writing, and mathematics) on which eleventh and twelfth grade students were less than one standard error of measurement from meeting standard but did not meet standard on the WASL in their most recent attempt to pass the WASL.

(d) Districts with at least one but less than 20 student units combining the student units generated from (b) and (c) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (e) and (f)(i) of this subsection.

(e) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(f) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:

(i) \$12.80 in school year 2007-08 (~~and \$13.07 in school year 2008-09~~) for maintenance, operations, and transportation;

(ii) \$12.29 in school year 2007-08 (~~and \$12.55 in school year 2008-09~~) for pre- and post-remediation assessments;

(iii) \$17.41 in school year 2007-08 (~~and \$17.77 in school year 2008-09~~) per reading remediation student unit;

(iv) \$8.19 in school year 2007-08 (~~and \$8.36 in school year 2008-09~~) per mathematics remediation student unit; and

(v) \$8.19 in school year 2007-08 (~~and \$8.36 in school year 2008-09~~) per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) By November 15th of each year, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature and to the office of financial management on the use of these funds in the prior school year, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores. The office of the superintendent for public instruction shall complete its review and make adjustments to district reporting procedures to ensure consistency of reporting categories and minimize district administrative workload.

(4) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program (~~however~~). Carryover funds shall be expended for (~~promoting academic success programs~~) extended learning activities as described in subsection (1) of this section. Carryover funds may be expended for students eligible for the promoting academic success program as described in subsection (1) of this section or for ninth and tenth grade students determined to be at risk of not passing one or more content areas of the WASL based on eighth grade assessment scores.

(5) After the 2007-2008 school year, funding for the promoting academic success program is discontinued.

**Sec. 515** 2007 c 522 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Account--State Appropriation	
(FY 2008).....	<del>(\$423,414,000)</del>
	\$423,369,000
Student Achievement Account--State Appropriation	
(FY 2009).....	<del>(\$446,357,000)</del>
	\$444,970,000
TOTAL APPROPRIATION	<del>(\$869,771,000)</del>
	\$868,339,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$450.00 per FTE student for the 2007- 08 school year and (~~\$459.45~~) \$458.10 per FTE student for the 2008-09 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

**Sec. 516** 2007 c 522 s 519 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** (1) Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2008, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2008 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

**NEW SECTION. Sec. 517** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION--PENSION CONTRIBUTIONS RATES FOR NATIONAL BOARD CERTIFICATION.** \$2,144,000 of the general fund--state appropriations for fiscal year 2009 in part V of this act are provided solely for the implementation of Senate Bill No. 6657 (salary bonuses for individuals certified by the national board for professional teaching standards). If the bill is not enacted by June 30, 2008, the amounts provided in part V of this act for this purpose shall lapse and the office of superintendent of public instruction, in consultation with the office of financial management and the office of state actuary, shall adjust the appropriate formula allocation factors and rates in part V of this act to reflect the adjusted employer pension contribution rates for the teachers' retirement system. The office of superintendent of public

SIXTIETH DAY, MARCH 13, 2008

instruction shall notify school districts of any rate adjustments and formula allocation changes under this section as soon as possible, but no later than July 1, 2008.

(End of part)

## PART VI HIGHER EDUCATION

**Sec. 601** 2007 c 522 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act, and sections 605 through 611 of this 2008 act, are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act and sections 605 through 611 of this 2008 act.

(2)(a) The salary increases provided or referenced in this subsection and described in section 603 and part IX of this act and section 605 of this 2008 act shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act, and sections 605 through 611 of this 2008 act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under ~~(RCW 28B.16.015)~~ chapter 41.80 RCW. Any additional salary increase granted under the authority of this subsection (2)(c) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c).

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(e) By January 1, 2008, the office of financial management shall work with the institutions of higher education, and with staff from the legislative fiscal committees and the legislative evaluation and accountability program, to identify ways in which the office's "compensation impact model" should be revised or replaced to make the system less costly for institutions to maintain, and more transparent, informative, and useful to the legislature and institutions, while providing information needed to accurately and efficiently negotiate and budget employee compensation changes.

(3) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

2008 REGULAR SESSION

(4) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2007-08 and 2008-09 academic years, other than the summer term, shall be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges. Tuition fees may be increased in excess of the fiscal growth factor under RCW 43.135.055.

For the 2007-08 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2006-07 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2006-07 academic year. The state board for community and technical colleges may implement an increase no greater than an average of two percent over tuition and fees charged to ((full-time)) resident students for the 2006-07 academic year. The board may increase tuition and fees differentially according to quarterly credit hour load, provided the overall increase in average tuition revenue per resident student does not exceed 2.0 percent.

~~((For the 2008-09 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2007-08 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2007-08 academic year. The state board for community and technical colleges may implement an increase no greater than two percent over tuition and fees charged to full-time resident students for the 2007-08 academic year.))~~

In addition to the tuition authorization provided under this subsection and section 603 of this act, amounts appropriated in this budget provide an amount approximately equal to a one percent tuition increase per academic year for the state board for community and technical colleges.

(5) For the 2007-09 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(6) Technical colleges may increase their building fee in excess of the fiscal growth factor until parity is reached with the community colleges.

(7) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(8) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act, and under sections 605 through 611 of this 2008 act, are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2007-09 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(9) Pursuant to RCW 43.135.055, community and technical colleges are authorized to increase services and activities fee charges in excess of the fiscal growth factor during the 2007-09 biennium. The services and activities fee charges increased pursuant to this subsection shall not exceed the maximum level authorized by the state board for community and technical colleges.

(10) From within the appropriations in sections 603 through 609 of this act, and in sections 605 through 611 of this 2008 act,

SIXTIETH DAY, MARCH 13, 2008

institutions of higher education shall increase compensation for nonrepresented employees in accordance with the following:

(a) Across the Board Adjustments.

(i) Appropriations are provided for a 3.2 percent salary increase effective September 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(ii) Appropriations are provided for a 2.0 percent salary increase effective September 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(iii) No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the director of personnel.

(b) Salary Survey.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's 2006 salary survey, for job classes more than 25 percent below market rates and affected classes.

(c) Classification Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's phase 4 job class consolidation and revisions under chapter 41.80 RCW.

(d) Agency Request Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's agency request job class consolidation and reclassification plan. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v State/Shroll v State*.

(e) Additional Pay Step.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for a new pay step L for those who have been in step K for at least one year.

(f) Retain Fiscal Year 2007 Pay Increase.

For all classified state employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, funding is provided for continuation of the 1.6 percent salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(g) The appropriations are also sufficient for the research and the regional higher education institutions to (i) continue the 1.6 percent salary increase that was provided during fiscal year 2007; and (ii) provide average salary increases of 3.2 percent effective September 1, 2007, and of 2.0 percent effective September 1, 2008, for faculty, exempt administrative and professional staff, graduate assistants, and for all other nonclassified employees.

2008 REGULAR SESSION

(11) The appropriations in sections 605 through 611 of this act include specific funds to implement Substitute Senate Bill No. 6328 (campus safety).

NEW SECTION. Sec. 602 A new section is added to 2007 c 522 (uncodified) to read as follows:

**PUBLIC BACCALAUREATE INSTITUTIONS.** The tuition fees, as defined in RCW 28B.15.020, charged to students at the state's institutions of higher education may be adjusted by the governing boards of the state universities, regional universities, and The Evergreen State College for the 2007-08 and 2008-09 academic years, including summer sessions, subject to the limitations set forth in this section.

Additionally, the fees charged students at the institutions of higher education for enrollment in self-supporting degree programs including summer school, authorized by RCW 28B.15.031, and all other fees authorized by RCW 28B.15.031, may be adjusted by the governing boards of the state universities, regional universities, and The Evergreen State College for the 2007-08 and 2008-09 academic years, subject to the limitations set forth as follows:

(1) For the 2008-09 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to resident undergraduate students for the 2007-08 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to resident undergraduate students for the 2007-08 academic year.

(2) For the 2008-09 academic year, each of the governing boards of the public four-year institutions is authorized to raise nonresident undergraduate and resident and nonresident graduate and professional tuition pursuant to RCW 28B.15.067.

(3) For the 2008-09 academic year, each of the governing boards of the public four-year institutions is authorized to raise summer quarter or semester enrollment fees for resident and nonresident undergraduate, graduate, and professional students pursuant to RCW 28B.15.067.

(4) For the 2008-09 academic year, each of the governing boards of the public four-year institutions is authorized to increase fees for fee-based degree programs; fee-based credit courses; fee-based noncredit workshops and courses; and fee-based special contract courses.

(5) For the 2008-09 academic year, each of the governing boards of the public four-year institutions is authorized to increase services and activities fees for all categories of students by the amounts authorized in RCW 28B.15.069.

(6) For the 2008-09 academic year, each of the governing boards of the public four-year institutions is authorized to adopt or increase technology fees as provided in RCW 28B.15.051.

(7) For the 2008-09 academic year each of the governing boards of the public four-year institutions may adopt or increase all other fees included in RCW 28B.15.031.

NEW SECTION. Sec. 603 A new section is added to 2007 c 522 (uncodified) to read as follows:

**STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES.** (1) For the 2008-09 academic year, the state board for community and technical colleges may increase tuition and fees by no more than two percent over tuition and fees charged to resident and nonresident students for the 2007-08 academic year. For the 2007-2009 biennium, the state board for community and technical colleges may increase tuition fees under this subsection differentially based on student credit hour load at their discretion, provided that the overall increase in average tuition revenue per student does not exceed two percent.

(2) The state board for community and technical colleges may increase tuition and fees by no more than five percent over tuition and fees charged for upper division courses in applied baccalaureate programs in the 2007-08 academic year.

(3) For the 2008-09 academic year, the technical colleges may increase operating fees by no more than two percent over

SIXTIETH DAY, MARCH 13, 2008

operating fees charged to full-time resident and nonresident students for the 2007-08 academic year, to conform with the percentage increase in community college operating fees.

(4) For the 2008-09 academic year, technical colleges may increase their building fee by three cents per clock hour and by forty-five cents per credit hour. The purpose of these fee increases is to progress towards parity with the community colleges.

(5) The state board for community and technical colleges may increase the maximum allowable services and activities fee up to two percent in the 2008-09 academic year. Pursuant to RCW 43.135.055, community and technical colleges are authorized to increase services and activities fee charges up to the maximum level authorized by the state board for community and technical colleges.

(6) During fiscal years 2008 and 2009, the community and technical colleges may increase fees as follows:

(a) Administrative fees (FY 2008 and FY 2009), up to 5.57% per fiscal year;

(b) Application fees (FY 2008 and FY 2009), up to 5.57% per fiscal year;

(c) Graduation fees (FY 2008 and FY 2009), up to 5.57% per fiscal year;

(d) Lab and class fees (FY 2008 and FY 2009), up to 5.57% per fiscal year;

(e) Testing fees (FY 2008 and FY 2009), up to 5.57% per fiscal year;

(f) Transcript fees (FY 2008 and FY 2009), up to 5.57% per fiscal year;

(g) 2-D and 3-D design lab fee (FY 2009), community and technical colleges may establish a new fee of up to \$20;

(h) Student health insurance fee (FY 2009), community and technical colleges may establish a new fee of up to \$25;

(i) Arts field trip fee (FY 2008), community and technical colleges may establish a new fee of up to \$10;

(j) Computer lab fee (FY 2009), community and technical colleges may establish a new fee of up to \$45;

(k) Credit for prior experiential learning (FY 2009), community and technical colleges may establish a new fee of up to \$40;

(l) Early childhood education practicum fee (FY 2009), community and technical colleges may establish a new fee of up to \$25;

(m) Electronic lab fee (FY 2009), community and technical colleges may establish a new fee of up to \$95;

(n) E-portfolio fee (FY 2009), community and technical colleges may establish a new fee of up to \$35;

(o) Fire science lab fee (FY 2009), community and technical colleges may establish a new fee of up to \$21.20;

(p) LPN test (FY 2009), community and technical colleges may establish a new fee of up to \$327;

(q) Mac studio (FY 2009), community and technical colleges may establish a new fee of up to \$66.50;

(r) Materials fee A (FY 2009), community and technical colleges may establish a new fee of up to \$25;

(s) Materials fee B (FY 2009), community and technical colleges may establish a new fee of up to \$50;

(t) Materials fee C (FY 2009), community and technical colleges may establish a new fee of up to \$75;

(u) Materials fee D (FY 2009), community and technical colleges may establish a new fee of up to \$100;

(v) Math course fee (FY 2009), community and technical colleges may establish a new fee of up to \$10;

(w) Media production fee (FY 2009), community and technical colleges may establish a new fee of up to \$30;

(x) Patient care tech fee (FY 2009), community and technical colleges may establish a new fee of up to \$66.10;

(y) Payment plan fee (FY 2009), community and technical colleges may establish a new fee of up to \$25;

(z) Photography deposit (FY 2009), community and technical colleges may establish a new fee of up to \$150;

2008 REGULAR SESSION

(aa) Printing fee A (FY 2009), community and technical colleges may establish a new fee of up to \$20;

(bb) Printing fee B (FY 2009), community and technical colleges may establish a new fee of up to \$40;

(cc) Printing fee C (FY 2009), community and technical colleges may establish a new fee of up to \$60;

(dd) Printing fee D (FY 2009), community and technical colleges may establish a new fee of up to \$80;

(ee) Respiratory care data ARC fee (FY 2009), community and technical colleges may establish a new fee of up to \$60;

(ff) Respiratory care testing fee (FY 2009), community and technical colleges may establish a new fee of up to \$40;

(gg) RN test (FY 2009), community and technical colleges may establish a new fee of up to \$360;

(hh) Selective admission fee (FY 2009), community and technical colleges may establish a new fee of up to \$40;

(ii) Surgical tech preassessment (FY 2008), community and technical colleges may establish a new fee of up to \$35;

(jj) Survey course fee (FY 2009), community and technical colleges may establish a new fee of up to \$25;

(kk) University center test proctor fee (FY 2009), community and technical colleges may establish a new fee of up to \$25;

(ll) College level examination program (FY 2008 and FY 2009), community and technical colleges may establish a new fee of up to \$25;

(mm) Course management software (FY 2009), community and technical colleges may establish a new fee of up to \$1.00.

**Sec. 604** 2007 c 522 s 602 (uncodified) is amended to read as follows:

(1) The appropriations in sections 603 through 609 of this act, and sections 605 through 611 of this 2008 act, provide state support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2007-08 Annual Average	2008-09 Annual Average
	33,782	34,197
	1,760	1,980
	2,109	2,349
	19,112	19,272
	800	865
	1,888	2,113
	8,952	9,322
	8,996	9,184
	4,165	4,213
	12,022	12,175
	<del>(136,022)</del>	<del>(138,977)</del>
	<u>136,102</u>	<u>139,237</u>

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the Bothell, Tacoma, Tri-Cities, and Vancouver campuses are the

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

minimum levels at which the universities should seek to enroll students for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments among campuses. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needed by the forecast division for tracking and monitoring state-supported college enrollment.

**Sec. 605** 2007 c 522 s 603 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2008)	<del>(\$638,521,000)</del>
	\$617,805,000
General Fund--State Appropriation (FY 2009)	<del>(\$654,446,000)</del>
	\$665,052,000
Education Legacy Trust Account--State	
Appropriation	\$105,432,000
Pension Funding Stabilization Account	
Appropriation	\$49,800,000
Administrative Contingencies Account--State	
Appropriation	\$2,950,000
<b>TOTAL APPROPRIATION</b>	<del><b>(\$1,448,199,000)</b></del>
	<b>\$1,441,039,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,040,000 of the education legacy trust account--state appropriation and \$10,920,000 of the general fund--state appropriation for fiscal year 2009 are to expand general enrollments by 900 student FTEs in academic year 2008 and by an additional 1,050 student FTEs in academic year 2009.

(2) \$5,720,000 of the education legacy trust account--state appropriation and \$11,440,000 of the general fund--state appropriation for fiscal year 2009 are to expand high-demand enrollments by 650 student FTEs in fiscal year 2008 and by an additional 650 student FTEs in fiscal year 2009. The programs expanded shall include, but are not limited to, mathematics and health sciences. The state board shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,960,000 of the education legacy trust account--state appropriation is to expand early childhood education programs with a focus on early math and science awareness by 100 student FTEs in fiscal year 2008 and by an additional 150 student FTEs in 2009. The board shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$28,761,000 of the general fund--state appropriation for fiscal year 2008 and \$28,761,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(5) \$3,813,000 of the education legacy trust account--state appropriation and \$7,625,000 of the general fund--state appropriation for fiscal year 2009 are for basic skills education enrollments at community and technical colleges. Budgeted enrollment levels shall increase by 625 student FTEs each year.

(6) \$3,750,000 of the general fund--state appropriation for fiscal year 2008 and \$7,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase salaries and related benefits for part-time faculty. It is intended that part-time faculty salaries will increase relative to full-time faculty salaries after all salary increases are collectively bargained.

(7) \$7,350,000 of the education legacy trust account appropriation is to increase enrollment levels in the integrated basic education, skills, and language program (I-BEST) by 250 student FTEs per year. Each student participating on a full-time basis is budgeted and shall be reported as a single FTE for purposes of this expansion.

(8) \$375,000 of the general fund--state appropriation for fiscal year 2008 and \$375,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the transitions math project. This phase of work shall include the establishment of a single math placement test to be used at colleges and universities statewide.

(9) \$2,835,000 of the education legacy trust account appropriation is to increase enrollment in apprenticeship training programs by 150 student FTEs in each fiscal year.

(10) \$4,000,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the community and technical college system by 1,700 students each year. TRIO eligible students include low-income, first-generation, and college students with disabilities. The state board for community and technical colleges shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 65 percent for TRIO students and other low-income and first-generation students served through this appropriation.

(11)(a) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures and targets in 2006. By July 31, 2007, the state board for community and technical colleges and the higher education coordinating board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

(b) The targets previously agreed by the state board and the higher education coordinating board are enumerated as follows:

(i) Increase the percentage and number of academic students who are eligible to transfer to baccalaureate institutions to 18,700;

(ii) Increase the percentage and number of students prepared for work to 23,490; and

(iii) Increase the percentage and number of basic skills students who demonstrate substantive skill gain by 22,850.

The state board for community and technical colleges shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(12) \$452,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for start-up and planning funds for two applied baccalaureate degree programs at community and technical colleges, of which one degree program must be at a technical college. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

(13) \$2,502,000 of the general fund--state appropriation for fiscal year 2008 and \$5,024,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for faculty salary increments and associated benefits and may be used in

SIXTIETH DAY, MARCH 13, 2008

combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. The state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$50,000)~~ \$550,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(15) \$2,725,000 of the general fund--state appropriation for fiscal year 2008 and \$2,725,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(16) \$504,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for 80 student FTEs in the existing four applied baccalaureate degree programs at community and technical colleges as authorized in chapter 28B.50 RCW.

(17) \$4,000,000 of the general fund--state appropriation for fiscal year 2008, \$4,000,000 of the general fund--state appropriation for fiscal year 2009, and \$15,000,000 of the education legacy trust account--state appropriation are provided solely for implementation of Second Substitute House Bill No. 1096 (postsecondary opportunities). The state board shall seek additional private sector involvement and support for the opportunity grants program. If the bill is not enacted by June 30, 2007, the education legacy trust account--state appropriation shall lapse. Remaining amounts in this subsection shall be used for an opportunity grant program to provide grants covering community and technical college tuition and fees for up to 45 credits and books or other materials to be awarded to eligible students. Program participants will earn credentials or certificates in industry-defined occupations with a need for skilled employees.

(18) From within the funds appropriated in this section, community and technical colleges shall increase salaries for employees subject to the provisions of Initiative Measure No. 732 by an average of 3.7 percent effective July 1, 2007, and by an average of ~~(2.8)~~ 3.9 percent effective July 1, 2008.

(19) \$1,717,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for employees who are subject to the provisions of Initiative Measure No. 732 by an average of one-half of one percent effective July 1, 2008.

(20) From within the funds appropriated in this section, community and technical colleges shall increase salaries for exempt professional staff by an average of 3.2 percent effective September 1, 2007, and by an average of 2.0 percent effective September 1, 2008.

(21) \$1,500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for competitive grants to labor, management, and college partnerships to develop or expand and evaluate innovative training programs for incumbent hospital workers that lead to careers in nursing and other high-demand health care fields. The board shall report to appropriate policy and fiscal committees of the legislature by November 1, 2008, on the initial implementation of the program, including

2008 REGULAR SESSION

components of the program created, the program sites, and program enrollments including student background and early progress. By November 2009, the board shall provide a follow up report that additionally includes information on student progress and outcomes.

(22) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the gateway center pilot project at Highline community college for coaching and managing student participants in the pilot program. The coach will be responsible for credentials interpretation, evaluating prior learning experience, ensuring licensure guidance, providing academic advising and translation services, and helping establish employer relationships.

(23) \$115,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the state board to (a) convene a one-day summit to inform the public, adult literacy instructional personnel, and local, state, and community leaders about the status of adult literacy and adult literacy education; and (b) conduct a media campaign to increase public awareness about the availability of adult, family, and workforce literacy services and resources.

(24) \$750,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support online library resources throughout the community and technical college system. Funds shall be used to purchase licenses for specialized periodicals, journals, and books and to increase student access to library materials.

(25) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the design, development, training, and related expenses associated with a joint labor/management apprenticeship program established under the auspices of an international union representing aerospace workers, which will include but not be limited to training in composite technology. Of this amount, \$2,150,000 may be used for program development, curriculum development and equipment, training, and related expenses; and \$850,000 shall be used to support 130 enrollment slots at no more than three community and technical colleges with at least one college being located east of the Cascade mountains, for related supplemental instruction and related expenses. The state board for community and technical colleges shall select the colleges using a joint selection process between the state board and the joint labor/management apprenticeship program.

(26) \$1,178,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to Edmonds community college for operating expenses related to leasing the employment resource center.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Renton technical college to implement workplace-based instructional programs that will enable low-wage working immigrants to improve their English language and work-related skills.

(28) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to convert classes taught by faculty employed in part-time positions to classes taught by faculty employed in full-time, tenure-track positions. Particular emphasis shall be placed upon increasing the number of full-time faculty in the departments of mathematics, science, adult basic education, early childhood education, and English. The state board shall determine the distribution of these funds among the colleges in consultation with representatives of faculty unions.

(29) The appropriations in this section include specific funding to implement Substitute Senate Bill No. 5104 (applied baccalaureate degrees).

**Sec. 606** 2007 c 522 s 604 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2008) ~~((373,680,000))~~

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

	\$373,726,000
General Fund--State Appropriation (FY 2009)	( <del>\$390,058,000</del> )
	<u>\$375,998,000</u>
General Fund--Private/Local Appropriation . . . . .	\$300,000
Education Legacy Trust Account--State	
Appropriation . . . . .	\$43,181,000
Accident Account--State Appropriation . . . . .	( <del>\$6,621,000</del> )
	<u>\$6,513,000</u>
Medical Aid Account--State Appropriation . . . . .	( <del>\$6,448,000</del> )
	<u>\$6,371,000</u>
TOTAL APPROPRIATION	( <del>\$820,288,000</del> )
	<u>\$806,089,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,744,000 of the education legacy trust account--state appropriation is to expand general enrollments by 625 student FTEs in fiscal year 2008 and by an additional 625 student FTEs in fiscal year 2009. Of these, 165 FTEs in 2008 and 165 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$6,975,000 of the education legacy trust account--state appropriation is to expand math and science undergraduate enrollments by 250 student FTEs in each fiscal year. The programs expanded shall include mathematics, engineering, and the physical sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, authorized by chapter 70.220 RCW.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at the University of Washington by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$84,000 of the general fund--state appropriation for fiscal year 2008 and \$84,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state climatologist position.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2008 (~~is~~) and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007. Work will continue after the submission of the initial report, to include continuing research and the development of financial and policy options and a progress report on fact finding efforts and stakeholder positions due December 1, 2008.

(8) \$3,830,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences capacity at the University of Washington. Consistent with the medical and dental school extension program appropriations at Washington State University and Eastern Washington University, funding is provided to expand classes at the University of Washington. Medical and dental students shall take the first year of courses for this program at the Riverpoint campus in Spokane and the second year of courses at the University of Washington in Seattle.

(9) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the University of Washington are enumerated as follows:

(a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 8,850;

(b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 1,380;

(c) Increase the combined number of advanced degrees conferred per year at all campuses to 3,610;

(d) Improve the six-year graduation rate for baccalaureate students to 74.7 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 76.0 percent;

(f) Improve the freshman retention rate to 93.0 percent;

(g) Improve time to degree for baccalaureate students to 92 percent at the Seattle campus and 92.5 percent at the Bothell and Tacoma campuses, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this subsection.

The University of Washington shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(10) \$750,000 of the education legacy trust account appropriation is provided solely to increase participation in international learning opportunities, particularly for students with lower incomes who would otherwise not have the chance to study, work, or volunteer outside the United States.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for forestry research by the Olympic natural resources center.

(12) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for coastal marine research by the Olympic natural resources center.

(13) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased education, training, and support services for the families of children with autism, and for the production and distribution of digital video discs in both English and Spanish about strategies for working with people with autism.

(14) \$2,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support for the department of global health.

(15) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October

SIXTIETH DAY, MARCH 13, 2008

1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the rural technology initiative (initiative) at the University of Washington and the transportation research group (group) at the Washington State University to conduct an economic analysis of the costs to safely provide log hauling services. The initiative will be the lead investigator and administer the project. Neither the University of Washington nor the Washington State University may make a deduction for administrative costs. The project shall rely upon the Washington state patrol for determination of basic safe characteristics, consistent with applicable state and federal law. The analysis shall include:

(a) An estimate of log haulers' cost to operate and maintain a basic and safe log truck without operator including:

(i) Variable costs such as fuel, etc;

(ii) Quasi-variable costs such as:

(A) Tires, brakes, wrappers, and other safety related equipment;

(B) Vehicle insurance, taxes, fees, etc;

(C) Maintenance costs such as oil, lubrication, and minor repairs; and

(D) Depreciation and replacement costs;

(b) The source of these cost estimates where possible should be independent vendors of equipment and services or already existing studies;

(c) A calculation of costs for safe operation expressed as per mile, hour or load volume including consideration for regional differences as well as off-road vs. on-road;

(d) An evaluation of comparable trucking services; and

(e) A review of log truck safety statistics in Washington state.

In conducting the analysis, the initiative shall consult with the northwest log truckers cooperative, the Washington trucking association, the Washington contract loggers association, the Washington farm forestry association, and the Washington forest protection association. By June 30, 2008, the initiative shall provide a report of its findings to the legislature and governor and distribute the findings to interested industry groups.

(17) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Burke museum to support science and social science educational programs including public outreach programs, new educational programs and resources, web-based interactive learning experiences, teacher training, and traveling educational opportunities.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$150,000)~~ \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the institute for learning and brain sciences.

(19) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(20)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the University of Washington school of law loan repayment assistance program endowment fund. The University of Washington shall conduct fund-raising activities to increase private sector support of the endowment program and \$250,000 of the appropriation in this subsection is contingent on a private sector match. Funds in the

law school repayment assistance program endowment fund shall be used to provide graduates who pursue careers in public interest legal positions with payment assistance toward their student loan debt.

(b) The University of Washington law school shall report to the legislature by December 1, 2010, information about the loan repayment assistance program. The report shall contain at least the following information:

(i) A financial summary of the endowment program;

(ii) The number of individuals receiving assistance from the program and information related to the positions in which these individuals are working;

(iii) Any available information regarding the effect of the loan repayment assistance program on student recruitment and enrollment; and

(iv) Other information the school of law deems relevant to the evaluation of the program.

(c) In its rules for administering the program, the school of law must make provision for cases of hardship or exceptional circumstances, as defined by the school of law. Examples of such circumstances include, but are not limited to, family leave, medical leave, illness or disability, and loss of employment.

(d) The loan repayment assistance program must be available to otherwise eligible graduates of the law school who work in positions with nonprofit organizations or government agencies. Such positions must be located within Washington state. Government agencies shall include the various branches of the military.

(21) \$54,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington geriatric education center to develop a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty-two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.

(22) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center for implementation of section 5 of Engrossed Second Substitute House Bill No. 3123 (nurse staffing). If section 5 of the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(23) \$88,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the university to increase mental health professional staff by one full-time equivalent employee.

(24) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the marine sciences program to continue studying the impacts to biota in Hood Canal from low dissolved oxygen.

(25) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to establish an e-Science institute that will provide infrastructure and consulting expertise to university researchers in advanced computational techniques needed to capture, store, organize, access, mine, visualize, and interpret massive data sets.

(26) \$135,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to enable five undergraduate or graduate students to work as fellows in overseas international trade offices.

(27) \$65,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to expand the work of the office of the state climatologist in areas such as preparing,

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

publishing, and disseminating climate summaries for individuals and organizations whose activities are related to the welfare of the state; supplying information needed to implement the state's drought contingency response plan; conducting and reporting on studies of climate and weather phenomena of significant socioeconomic impact to the state; and evaluating the impact of natural and man-made changes on the climate.

(28) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for incentive grants to support medical research or medical training projects focused upon improvement of services to persons with developmental disabilities. The university shall report to appropriate committees of the legislature by December 1, 2008, on incentive grants awarded, and other efforts to improve training for medical students in treating persons with developmental disabilities.

Sec. 607 2007 c 522 s 605 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2008)	<del>(\$231,382,000)</del>
	\$232,201,000
General Fund--State Appropriation (FY 2009)	<del>(\$240,898,000)</del>
	\$235,108,000
Education Legacy Trust Account--State	
Appropriation . . . . .	\$33,884,000
Pension Funding Stabilization Account	
Appropriation . . . . .	\$2,450,000
<b>TOTAL APPROPRIATION</b>	<del>(\$508,614,000)</del>
	\$503,643,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,315,000 of the education legacy trust account--state appropriation is to expand general enrollments by 290 student FTEs in fiscal year 2008 and by an additional 300 student FTEs in fiscal year 2009.

(2) \$3,525,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 65 student FTEs in fiscal year 2008, and by an additional 90 FTE students in fiscal year 2009, of which 15 FTEs in each fiscal year are expected to be graduate enrollments. The programs expanded shall include mathematics, engineering, and the physical sciences. Fifty student FTEs in each year will be shifted from general enrollments to high-demand, high-cost fields, and thus do not affect the enrollment levels listed in section 602 of this act. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$2,356,000 of the education legacy trust account appropriation is to expand bachelors-level, masters-level, and PhD enrollment at the Tri-Cities and Spokane campuses by 45 FTE students in fiscal year 2008, and by an additional 40 FTEs in fiscal year 2009.

(4) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for research and commercialization in bio-products and bio-fuels. Of this amount, \$2,000,000 shall be targeted at the development of new crops to be used in the bio-products facility at WSU-Tri-Cities. The remainder shall be used for research into new bio-products created from agricultural waste to be conducted in the Tri-Cities in a joint program between Washington State University and Pacific Northwest national laboratories.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program

at Washington State University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the development of the Spokane-based applied sciences laboratory into a strong, self-sustaining research organization. The state funds shall be used to recruit and retain at least three senior research scientists; to employ business development and administrative personnel; and to establish and equip facilities for computational modeling and for materials and optical characterization.

(7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, under chapter 70.220 RCW.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(9) \$25,000 of the general fund--state appropriation for fiscal year 2008 (~~is~~) and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007. Work will continue after the submission of the initial report, to include continuing research and the development of financial and policy options and a progress report on fact finding efforts and stakeholder positions due December 1, 2008.

(10) \$6,360,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences offerings in Spokane. The university shall enroll 20 student FTEs in fiscal year 2009 in a University of Washington medical school extension program at the Riverpoint campus of WSU in Spokane. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and shall do their clinical rotations and other upper level training in the inland northwest.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for start-up and ongoing operation of the Vancouver campus-based electrical engineering program.

(12) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Washington State University are enumerated as follows:

(a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 4,170;

(b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 630;

SIXTIETH DAY, MARCH 13, 2008

(c) Increase the combined number of advanced degrees conferred per year at all campuses to 1,090;

(d) Improve the six-year graduation rate for baccalaureate students to 63.2 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 65.4 percent;

(f) Improve the freshman retention rate to 84.8 percent;

(g) Improve time to degree for baccalaureate students to 92 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Washington State University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(13) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(14) \$3,000,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the unified agriculture initiative at Washington State University. Funds are provided for competitive agriculture grant funds, of which \$400,000 is provided for biological intensive and organic agriculture grants; for operating and program support for the university's research and extension centers, of which \$735,000 is for maintenance and operations support for the Mount Vernon research facility; and for positions to fill research gaps in the development of value-added agricultural products and economically and environmentally sustainable food production.

(15) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for support of basic operations and research at the university's grizzly bear study center.

(16) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the energy development center to establish certification standards and to process applications for renewable energy cost recovery incentives, as provided in chapters 300 and 301, Laws of 2005.

(17) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Washington State University to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(18) \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center for implementation of section 5 of Engrossed Second Substitute House Bill No. 3123 (nurse staffing). If section 5 of the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(19) \$77,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the university to increase mental health professional staff by one full-time equivalent employee.

(20) \$160,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for administrative resources and personnel necessary for the implementation of Substitute House Bill No. 2963 (WSU collective bargaining). If the bill is

not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(21) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement a teacher preparation program at Washington State University-Vancouver that will prepare currently-licensed teachers to more effectively educate K-12 students who are deaf or hearing-impaired. The program will use a variety of distance learning instructional methods and delivery formats in order to reach teachers throughout the state.

(22) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to expand services at the Renton small business development center.

(23) \$145,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington State University urban integrated pest management program to provide technical assistance to school districts implementing integrated pesticide management programs. The program shall also assist the Washington state school directors' association in developing a statewide model policy for integrated pest management.

(24) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of section 6 of Senate Bill No. 6438 (high speed internet deployment). If section 6 of Senate Bill No. 6438 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(25) The appropriations in this section include specific funding to implement Senate Bill No. 6187 (food animal veterinarians).

Sec. 608 2007 c 522 s 606 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008)	<del>(\$48,907,000)</del>
	\$48,911,000
General Fund--State Appropriation (FY 2009)	<del>(\$50,736,000)</del>
	\$48,959,000
Education Legacy Trust Account--State	
Appropriation . . . . .	\$14,753,000
Pension Funding Stabilization Account	
Appropriation . . . . .	\$4,758,000
	<del>TOTAL APPROPRIATION (\$119,154,000)</del>
	\$117,381,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$930,000 of the education legacy trust account--state appropriation is to expand general enrollments by 130 student FTEs in fiscal year 2009. Of these, 30 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$1,170,000 of the education legacy trust account--state appropriation is to expand high-demand undergraduate enrollments by 50 student FTEs in each fiscal year. The programs expanded shall include, but are not limited to, mathematics, engineering, and health sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Eastern Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(4) \$1,021,000 of the education legacy trust account--state appropriation is provided solely for the RIDE program. The program shall enroll eight student FTEs in the University of Washington school of dentistry in fiscal year 2009. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and their second and third years at the University of Washington school of dentistry.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Eastern Washington University are enumerated as follows:

(a) Increase the number of baccalaureate degrees conferred per year to 2035;

(b) Increase the number of high-demand baccalaureate degrees conferred per year to 405;

(c) Increase the number of advanced degrees conferred per year at all campuses to 550;

(d) Improve the six-year graduation rate for baccalaureate students to 50.0 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.0 percent;

(f) Improve the freshman retention rate to 76.0 percent;

(g) Improve time to degree for baccalaureate students to 81.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Eastern Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(7) \$80,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the university to increase mental health professional staff by one full-time equivalent employee.

(8) \$62,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the institute for public policy and economic analysis to conduct an assessment of the likely medical, health care delivery, and economic consequences of the proposed sale of a major eastern Washington health care delivery system.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the northwest autism center to increase child diagnostic services and teacher training services.

**Sec. 609** 2007 c 522 s 607 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008) ~~((\$47,326,000))~~

\$47,691,000

General Fund--State Appropriation (FY 2009) ~~((\$49,539,000))~~

\$47,978,000

Education Legacy Trust Account--State

Appropriation . . . . . \$16,219,000

Pension Funding Stabilization Account

Appropriation . . . . . \$4,330,000

TOTAL APPROPRIATION ~~((\$117,414,000))~~

\$116,218,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,474,000 of the education legacy trust account--state appropriation is to increase general enrollments by 70 FTE students in fiscal year 2008 and by an additional 211 FTE enrollments in fiscal year 2009. At least 30 of the additional fiscal year 2009 enrollments are expected to be graduate students.

(2) \$1,816,000 of the education legacy trust account--state appropriation for fiscal year 2008 is to increase math and science enrollments by 105 FTE students in fiscal year 2008 and by an additional 89 FTE students in fiscal year 2009. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,801,000 of the education legacy trust account--state appropriation is to increase high-demand undergraduate enrollments by 85 student FTEs in fiscal year 2008 and by an additional 70 FTE students in fiscal year 2009. The programs expanded shall include, but are not limited to, bilingual education and information technology. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Central Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Central Washington University are enumerated as follows:

(a) Increase the number of baccalaureate degrees conferred per year to 2,050;

(b) Increase the number of high-demand baccalaureate degrees conferred per year to 49;

(c) Increase the number of advanced degrees conferred per year at all campuses to 196;

(d) Improve the six-year graduation rate for baccalaureate students to 51.1 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 72.3 percent;

(f) Improve the freshman retention rate to 78.2 percent;

SIXTIETH DAY, MARCH 13, 2008

(g) Improve time to degree for baccalaureate students to 86.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Central Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) \$500,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1497 (Central Washington University operating fee waivers). If the bill is not enacted by June 30, 2007, this appropriation shall lapse.

(7) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(8) \$80,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the university to increase mental health professional staff by one full-time equivalent employee.

Sec. 610 2007 c 522 s 608 (unmodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2008)	<del>(\$29,744,000)</del>
	\$29,747,000
General Fund--State Appropriation (FY 2009)	<del>(\$30,057,000)</del>
	\$29,403,000
Education Legacy Trust Account--State	
Appropriation . . . . .	\$4,758,000
TOTAL APPROPRIATION . . . . .	<del>(\$64,559,000)</del>
	\$63,908,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$562,000 of the education legacy trust account--state appropriation is to expand upper division math and science enrollments by 22 student FTEs in fiscal year 2008 and by an additional 28 student FTEs in fiscal year 2009.

(2) \$260,000 of the education legacy trust account--state appropriation for fiscal year 2009 is for 20 student FTE graduate enrollments in the masters in education program.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at The Evergreen State College by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

(4) \$614,000 of the education legacy trust account appropriation is provided solely to increase the number and value of tuition waivers awarded to state-supported students.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the college and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight

global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and The Evergreen State College are enumerated as follows:

(a) Increase the number of baccalaureate degrees conferred per year to 1182;

(b) Increase the number of advanced degrees conferred per year at all campuses to 92;

(c) Improve the six-year graduation rate for baccalaureate students to 57.0 percent;

(d) Improve the three-year graduation rate for students who transfer with an associates degree to 72.8 percent;

(e) Improve the freshman retention rate to 73.9 percent;

(f) Improve time to degree for baccalaureate students to 97.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(g) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Evergreen State College shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(7) \$435,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the Washington state institute for public policy (WSIPP) to assist the joint task force on basic education finance created pursuant to Engrossed Second Substitute Senate Bill No. 5627 (requiring a review and development of basic education funding). The institute shall assist the joint task force in a review of the definition of basic education and the development of options for a new funding structure for K-12 public schools. (If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse--) The task force on basic education as created in chapter 399, Laws of 2007 shall consider the ruling of the King County Superior Court in the matter of *Federal Way School District v. The State of Washington* in developing recommendations for a new basic education school finance formula. The recommendations should include proposals that directly address the issue of equity in salary allocations in the new school finance formula.

(8) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to study the program effectiveness and cost-benefit of state-funded programs that meet the criteria of evidence-based programs and practices, and emerging best practice/promising practice, as defined in RCW 71.24.025 (12) and (13) for adult offenders in the department of corrections, and juvenile offenders under state and local juvenile authority.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to evaluate the effectiveness of current methods for screening and treating depression in women who receive temporary assistance for needy families (TANF), and to make recommendations for their improvement.

(10) \$133,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Substitute House Bill No. 1472 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(11) Notwithstanding other provisions in this section, the Washington state institute for public policy may adjust due dates for projects included on the institute's 2007-09 workplan as necessary to efficiently manage workload.

(12) \$19,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy (WSIPP) to (a) conduct a national review of state programs for youth transitioning out of foster care and analyze state policies on eligibility requirements for continued foster care, age thresholds for transition services, types of services provided, and use of state funds to supplement federal moneys; and (b) survey foster youth and foster parents in Washington regarding how well current services are meeting the needs of youth transitioning out of foster care to independence. The institute shall issue a preliminary report by September 1, 2008, with a final report by December 31, 2008.

(13) \$85,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the college to increase mental health professional staff by one full-time equivalent employee.

(14) \$46,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy (WSIPP) for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(15) \$69,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to study the status of adult literacy education in Washington. The study shall include an analysis of literacy rates by county; a review of the research literature; a description of literacy-related services provided by state agencies and community-based organizations; and an analysis of the characteristics of persons receiving those services. The institute shall report its findings to the governor, appropriate committees of the legislature, and to the state board for community and technical colleges by December 1, 2008.

(16) \$23,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement the evaluation required by Senate Bill No. 6665 (crisis response programs). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(17) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to conduct a review of research on service and support programs for children and adults with developmental disabilities, excluding special education, and an economic analysis of net program costs and benefits. The institute shall submit a preliminary report of findings by January 1, 2009, and a final report by June 30, 2009.

(18) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to examine data gathered through the address verification activities funded in section 217(10) of this act and through interviews with selected law enforcement jurisdictions who receive the funding to assess the prevalence of sex offenders who register as homeless as a means to avoid disclosing their residence. The institute shall report its findings and estimates to appropriate policy committees of the legislature by December 1, 2008.

(19) \$70,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to analyze local practices regarding RCW 28A.225.020, 28A.225.025, and 28A.225.030.

(a) The institute shall: (i) Sample school districts' and superior courts' expenditures in fiscal years 2005, 2006, 2007, and 2008 used to comply with RCW 28A.225.020, 28A.225.025, and 28A.225.030; (ii) evaluate evidence-based, research-based, promising, and consensus-based truancy intervention and prevention programs and report on local practices that could be designated as such; (iii) survey school

district truancy petition and intervention programs and services currently available and report on any gaps in accessing services; (iv) survey the districts' definitions of "absence" and "unexcused absence"; (v) survey the courts' frequency of use of contempt proceedings and barriers to the use of proceedings; and (vi) analyze the academic impact of RCW 28A.225.030 by sampling school districts' student academic records to ascertain the students' post-petition attendance rate, grade progression, and high school graduation for students where the school district filed a truancy petition in superior court.

(b) In conducting its analysis, the institute may consult with employees and access data systems of the office of the superintendent of public instruction and any educational service district or school district and the administrative office of the courts, each of which shall provide the institute with access to necessary data and administrative systems.

**Sec. 611** 2007 c 522 s 609 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2008)	(( <del>\$66,716,000</del> ))
	\$66,774,000
General Fund--State Appropriation (FY 2009)	(( <del>\$69,917,000</del> ))
	\$68,085,000
Education Legacy Trust Account--State	
Appropriation	\$11,845,000
	TOTAL APPROPRIATION (( <del>\$148,478,000</del> ))
	\$146,704,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 8 student FTEs in fiscal year 2008 and by an additional 8 student FTEs in fiscal year 2009. Programs expanded include cell and molecular biology. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(2) \$4,013,000 of the education legacy trust account--state appropriation is to expand general enrollments by 235 student FTEs in fiscal year 2008 and by an additional 130 student FTEs in fiscal year 2009. Of these, 24 FTEs in each fiscal year are expected to be graduate student FTEs.

(3) \$920,000 of the education legacy trust account--state appropriation is to expand high demand enrollments by 50 FTE students in fiscal year 2008 and by an additional 15 FTE students in fiscal year 2009. Programs expanded include early childhood education and teaching English as a second language. The university shall provide data to the office of financial management regarding high-demand enrollments, graduations, and employment of college graduates related to state investments in high demand enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of low-income and first-generation students served in the student outreach services program at Western Washington University by 500 students over the biennium. The student outreach services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

program, with a goal of reaching a retention rate in excess of 85 percent.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Western Washington University are enumerated as follows:

(a) Increase the number of baccalaureate degrees conferred per year to 2,968;

(b) Increase the number of high-demand baccalaureate degrees conferred per year to 371;

(c) Increase the number of advanced degrees conferred per year at all campuses to 375;

(d) Improve the six-year graduation rate for baccalaureate students to 62.8 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.4 percent;

(f) Improve the freshman retention rate to 85.0 percent;

(g) Improve time to degree for baccalaureate students to 95.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Western Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, the university shall report progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations to the higher education coordinating board by October 1st of each year.

(7) \$1,169,000 of the education legacy trust account appropriation is for the advanced materials science and engineering program. The program shall develop the advanced materials science and engineering center for research, teaching, and development which will offer a minor degree in materials science and engineering beginning in the fall 2009.

(8) \$444,000 of the general fund--state appropriation for fiscal year 2008 and \$611,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of the biomedical research activities in neuroscience (BRAIN) program. The program shall link biology and chemistry curriculum to prepare students for biomedical research positions in academia and industry.

(9) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state campus compact to increase the number of college and university students mentoring students in eighth through twelfth grades.

(10) \$62,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the university to increase mental health professional staff by one full-time equivalent employee.

Sec. 612 2007 c 522 s 610 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 2008) . ((~~\$6,922,000~~))

	\$7,008,000
General Fund--State Appropriation (FY 2009) .	(( <del>\$6,954,000</del> ))
	\$7,231,000
General Fund--Federal Appropriation . . . . .	(( <del>\$4,342,000</del> ))
	\$4,333,000
TOTAL APPROPRIATION .	(( <del>\$18,218,000</del> ))
	\$18,572,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain and update a scholarship clearinghouse that lists every public and private scholarship available to Washington students. The higher education coordinating board shall develop a web-based interface for students and families as well as a common application for these scholarships.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2008 and \$330,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (the passport to college promise). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008 and \$191,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration of conditional scholarships.

(5) Except for moneys provided in this section for specific purposes, and to the extent that the executive director finds that the agency will not require the full amount appropriated for a fiscal year in this section, the unexpended appropriation shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes of fulfilling unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(6) \$200,000 of the general fund--state appropriation is provided solely to implement a capital facility and technology capacity study which will compare the 10-year enrollment projections with the capital facility requirements and technology application and hardware capacity needed to deliver higher education programs for the period 2009-2019. The ~~((joint legislative audit and review committee))~~ higher education coordinating board shall:

(a) Develop the study in collaboration with the state board for community and technical colleges, ~~((the higher education coordinating board,))~~ four-year universities, and the Washington independent colleges;

(b) Determine the 10-year capital facilities and technology application and hardware investment needed by location to deliver higher education programs to additional student FTE;

(c) Estimate operational and capital costs of the additional capacity; and

(d) Report findings to the legislature on October 1, 2008.

(7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to prepare a program and operating plan for a higher education center in the Kitsap county area. The plan shall be developed in consultation with an advisory committee of civic, business, and educational leaders from Clallam, Jefferson, Kitsap, and Mason counties. It shall include a projection of lower and upper division and graduate enrollment trends in the study area; a review of assessments of employer needs; an inventory of existing and needed postsecondary programs;

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

recommended strategies for promoting active program participation in and extensive program offerings at the center by public and private baccalaureate institutions; and an estimate of operating and capital costs for the creation and operation of the center. The board shall submit its findings and recommendations to the governor and legislature by December 1, 2008.

(8) \$30,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2783 (education transfer articulation). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(9) \$14,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the higher education coordinating board to convene a work group to: (a) Assess current institutional practices in accepting prior learning credits; and (b) make recommendations on implementation of the work group's findings. A report is due to the legislature by December 1, 2008.

(10) \$60,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed House Bill No. 2641 (education performance agreements). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(11) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the higher education coordinating board to convene interested parties from Snohomish, Island, and Skagit counties to consider the November 2007 site options and recommendations for a new campus of the University of Washington in Snohomish county. The three local communities shall develop a consensus recommendation on a single preferred site and present the recommendation to the higher education coordinating board. The higher education coordinating board shall then present the single preferred site recommendation to the appropriate legislative fiscal and policy committees by December 1, 2008.

**Sec. 613** 2007 c 522 s 611 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 2008) ..	\$163,286,000
General Fund--State Appropriation (FY 2009) ( <del>(\$187,252,000)</del> )	\$188,998,000
General Fund--Federal Appropriation . . . . .	( <del>(\$13,122,000)</del> )
	\$13,113,000
Education Legacy Trust Account--State	
Appropriation . . . . .	\$108,188,000
TOTAL APPROPRIATION ( <del>(\$471,848,000)</del> )	\$473,585,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$154,837,000)~~) \$154,760,000 of the general fund--state appropriation for fiscal year 2008, (~~(\$177,863,000)~~) \$178,707,000 of the general fund--state appropriation for fiscal year 2009, \$49,902,000 of the education legacy trust account appropriation for fiscal year 2008, \$40,050,000 of the education legacy trust account appropriation for fiscal year 2009, and \$2,886,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program including a four percent administrative allowance; the Washington scholars program; and the Washington award for vocational excellence.

All four programs shall increase grant awards sufficiently to offset the full cost of the resident undergraduate tuition increases authorized under this act.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall be expanded to include students with family incomes at or below 70 percent of the state median family income, adjusted for family size. Awards for students with incomes between 66 percent and 70 percent of the state median shall be 50 percent of the award amount granted to those with incomes below 51 percent of the median.

(3) To the extent that the executive director determines that the agency will not award the full amount appropriated in subsection (1) of this section for a fiscal year, unexpended funds shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes first of fulfilling the unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(4) \$7,400,000 of the education legacy trust account appropriation is provided solely for investment to fulfill the scholarship commitments that the state incurs in accordance with Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$2,500,000 of the education legacy trust account--state appropriation is provided solely to expand the gaining early awareness and readiness for undergraduate programs project to at least 25 additional school districts.

(6) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to teach secondary mathematics and science. \$500,000 of this amount is provided to increase the future teacher scholarship and conditional loan program by at least 35 students per year. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary math and science classrooms.

(7) \$2,336,000 of the education legacy trust account--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). Funds are provided for student scholarships, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$246,000 of the general fund--state appropriation for fiscal year 2008 and \$246,000 of the general fund--state appropriation for fiscal year 2009 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$75,000)~~) \$575,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1179 (state need grant). State need grants provided to students

SIXTIETH DAY, MARCH 13, 2008

enrolled in just three to five credit-bearing quarter credits, or the equivalent semester credits, shall not exceed the amounts appropriated in this subsection. By November 1 of each year, the board shall report to the office of financial management and to the operating budget committees of the house of representatives and senate on the number of eligible but unserved students enrolled in just three to five quarterly credits, or the semester equivalent, and the estimated cost of serving them. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$5,000,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1779 (GET ready for math and science). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the health professional scholarship and loan program. The funds provided in this subsection (a) shall be prioritized for health care deliver sites demonstrating a commitment to serving the uninsured; and (b) shall be allocated between loan repayments and scholarships proportional to current program allocations.

**Sec. 614** 2007 c 522 s 612 (uncodified) is amended to read as follows:

**FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2008) . . . .	\$1,757,000
General Fund--State Appropriation (FY 2009) . . . .	<del>(\$1,772,000)</del>
	<u>\$1,736,000</u>
General Fund--Federal Appropriation . . . . .	<del>(\$54,011,000)</del>
	<u>\$53,996,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$57,540,000)</del>
	<u>\$57,489,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$340,000 of the general fund--state appropriation for fiscal year 2008 and \$340,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to:

(a) Allocate grants on a competitive basis to establish and support industry skill panels. Grant recipients shall provide an employer match of at least twenty-five percent, and identify work force strategies to benefit employers and workers across the industry; and

(b) Establish industry skill panel standards that identify the expectations for industry skill panel products and services.

(2) \$53,000 of the general fund--state appropriation for fiscal year 2008 and \$53,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the oversight of private vocational and career schools.

(3) The appropriations in this section include specific funding to implement Substitute Senate Bill No. 5254 (industry skills panels) and Substitute Senate Bill No. 6261 (adult youth).

(4) The appropriations in this section include sufficient funds to implement section 2 of Engrossed Substitute Senate Bill No. 6295 (workplace e-learning).

**Sec. 615** 2007 c 522 s 613 (uncodified) is amended to read as follows:

**FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

General Fund--State Appropriation (FY 2008) . . . .	\$1,718,000
General Fund--State Appropriation (FY 2009) . . . .	<del>(\$1,789,000)</del>
	<u>\$1,745,000</u>
TOTAL APPROPRIATION . . . . .	<del>(\$3,507,000)</del>
	<u>\$3,463,000</u>

**Sec. 616** 2007 c 522 s 614 (uncodified) is amended to read as follows:

2008 REGULAR SESSION

**FOR THE DEPARTMENT OF EARLY LEARNING**

General Fund--State Appropriation (FY 2008) . . . . .	<del>(\$61,780,000)</del>
	<u>\$62,362,000</u>
General Fund--State Appropriation (FY 2009) . . . . .	<del>(\$72,707,000)</del>
	<u>\$76,304,000</u>
General Fund--Federal Appropriation . . . . .	<del>(\$192,360,000)</del>
	<u>\$192,192,000</u>
General Fund--Private/Local Appropriation . . . . .	\$6,000
TOTAL APPROPRIATION . . . . .	<del>(\$326,853,000)</del>
	<u>\$330,864,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$47,919,000 of the general fund--state appropriation for fiscal year 2008 and \$56,437,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for early childhood education and assistance program services.

(a) Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(b) Within the amounts provided in this subsection (1), the department shall increase the number of children receiving early childhood education and assistance program services by 2,250 slots.

(c) Within the amounts provided in this subsection (1), the department shall increase the minimum provider per slot payment to \$6,500 in fiscal year 2008. Any provider receiving slot payments higher than \$6,500 shall receive a 2.0 percent vendor rate increase in fiscal year 2008. All providers shall receive a 2.0 percent vendor rate increase in fiscal year 2009.

(2) \$775,000 of the general fund--state appropriation for fiscal year 2008 and \$4,225,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to: (a) Develop a quality rating and improvement system; and (b) pilot the quality rating and improvement system in multiple locations. Four of the pilot sites are to be located within the following counties: Spokane, Kitsap, King, and Yakima. The department shall analyze and evaluate the pilot sites and report initial findings to the legislature by December 1, 2008. Prior to statewide implementation of the quality rating and improvement system, the department of early learning shall present the system to the legislature and the legislature shall formally approve the implementation of the system through the omnibus appropriations act or by statute or concurrent resolution.

(3) \$850,000 of the general fund--state appropriation for fiscal year 2008 and \$850,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for child care referral services.

(4) \$1,200,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers. This includes funding for the department to conduct a random sample survey of parents to determine the types of early learning services and materials parents are interested in receiving from the state. The department shall report the findings to the appropriate policy and fiscal committees of the legislature by October 1, 2008.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a child care consultation pilot program linking child care providers with evidence-based and best practice resources regarding caring for infants and young children who present behavior concerns.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the child care career and wage ladder program created by chapter 507, Laws of 2005.

(7) \$172,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

purchase licensing capability from the department of social and health services through the statewide automated child welfare information system.

(8) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and \$1,100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a childcare grant program for public community colleges and public universities. A community college or university that employs collectively bargained staff to operate childcare programs may apply for up to \$25,000 per year from the department per each type of the following programs: Head start, childcare, early childhood assistance and education. The funding shall only be provided for salaries for collectively bargained employees.

(9) Beginning October 1, 2007, the department shall be the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(10) Prior to the development of an early learning information system, the department shall submit to the education and fiscal committees of the legislature a completed feasibility study and a proposal approved by the department of information systems and the information services board. The department shall ensure that any proposal for the early learning information system includes the cost for modifying the system as a result of licensing rule changes and implementation of the quality rating and improvement system.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 3168 (Washington head start program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) The department, in conjunction with the early learning advisory council, shall report by June 30, 2009, to the governor and the appropriate committees of the legislature regarding the following:

(a) Administration of the state training and registry system, including annual expenditures, participants, and average hours of training provided per participant; and

(b) An evaluation of the child care resource and referral network in providing information to parents and training and technical assistance to child care providers.

(13) The department shall use child care development fund money to satisfy the federal audit requirement of the improper payments act (IPIA) of 2002. In accordance with the IPIA's rules, the money spent on the audits will not count against the five percent state limit on administrative expenditures.

(14) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department of early learning to work with the office of the superintendent of public instruction, and collaborate with thrive by five Washington, to study and make recommendations regarding the implementation of a statewide kindergarten entry assessment. The department and the office of the superintendent of public instruction shall jointly submit a report with recommendations for implementing the kindergarten entry assessment to the governor and the appropriate committees of the legislature by December 15, 2008. In the study and development of the recommendations, the department shall:

(a) Consult with early learning experts, including research and educator associations, early learning and kindergarten teachers, and Washington Indian tribes;

(b) Identify a preferred kindergarten entry assessment based on research and examples of other assessments, and which is sensitive to cultural and socioeconomic differences influencing the development of young children;

(c) Recommend a plan for the use of the assessment in a pilot phase and a voluntary use phase, and recommend a time certain when school districts must offer the assessment;

(d) Recommend how to report the results of the assessment to parents, the office of the superintendent of public instruction, and the department of early learning in a common format, and for a methodology for conducting the assessments;

(e) Analyze how the assessment could be used to improve instruction for individual students entering kindergarten and identify whether and how the assessment results could be used to improve the early learning and K-12 systems, including the transition between the systems;

(f) Identify the costs of the assessment, including the time required to administer the assessment; and

(g) Recommend how to ensure that the assessment shall not be used to screen or otherwise preclude children from entering kindergarten if they are otherwise eligible.

(15) \$120,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for encouraging private match investment for innovative, existing local early learning coalitions to achieve one or more of the following:

(a) Increase communities' abilities to implement their business plans for comprehensive local and regional early learning systems;

(b) Involve parents in their children's education;

(c) Enhance coordination between the early childhood and K-12 system; or

(d) Improve training and support for raising the level of child care givers' professional skills to ensure that children are healthy and ready to succeed in school and life.

Sec. 617 2007 c 522 s 615 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 2008)	. (( <del>\$5,958,000</del> ))
	\$5,969,000
General Fund--State Appropriation (FY 2009)	. (( <del>\$6,186,000</del> ))
	\$6,105,000
General Fund--Private/Local Appropriation . . . .	(( <del>\$1,600,000</del> ))
	\$1,561,000
TOTAL APPROPRIATION	. (( <del>\$13,744,000</del> ))
	\$13,635,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to defend the state's interpretive position in the case of *Delyria & Koch v. Washington State School for the Blind*.

(2) \$5,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for certificated instructional staff by an average of one-half of one percent effective July 1, 2008.

Sec. 618 2007 c 522 s 616 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (FY 2008)	. (( <del>\$8,731,000</del> ))
	\$8,858,000
General Fund--State Appropriation (FY 2009)	. (( <del>\$9,015,000</del> ))
	\$8,915,000
General Fund--Private/Local Appropriation . . . . .	(( <del>\$232,000</del> ))
	\$316,000
TOTAL APPROPRIATION	. (( <del>\$17,978,000</del> ))
	\$18,089,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$84,000 of the general fund--private/local appropriation for fiscal year 2009 is provided solely for the operation of the

SIXTIETH DAY, MARCH 13, 2008

shared reading video outreach program. The school for the deaf shall provide this service to the extent it is funded by contracts with school districts and educational service districts.

(2) \$9,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for certificated instructional staff by an average of one-half of one percent effective July 1, 2008.

Sec. 619 2007 c 522 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2008) \$2,548,000, General Fund--State Appropriation (FY 2009) (\$2,578,000), General Fund--Federal Appropriation \$1,382,000, General Fund--Private/Local Appropriation \$154,000, and TOTAL APPROPRIATION (\$6,662,000).

Sec. 620 2007 c 522 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2008) \$3,558,000, General Fund--State Appropriation (FY 2009) (\$3,609,000), and TOTAL APPROPRIATION (\$7,167,000).

The appropriations in this section are subject to the following conditions and limitations: \$255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state Holocaust education resource center for the purposes of preserving Washington's historical connection to the Holocaust and expanding understanding of the Holocaust and genocide. Grant moneys may be used to develop and disseminate education and multimedia curriculum resources; provide teacher training; acquire and maintain primary source materials and Holocaust artifacts; collect and preserve oral accounts from Washington state Holocaust survivors, liberators, and witnesses; and build organizational capacity.

Sec. 621 2007 c 522 s 619 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2008) \$1,918,000, General Fund--State Appropriation (FY 2009) (\$2,046,000), and TOTAL APPROPRIATION (\$3,964,000).

The appropriations in this section are subject to the following conditions and limitations: \$88,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to catalog the American Indian collection.

(End of part)

PART VII SPECIAL APPROPRIATIONS

Sec. 701 2007 c 522 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2008) (\$724,362,000), General Fund--State Appropriation (FY 2009) (\$764,561,000), State Building Construction Account--State Appropriation (\$8,970,000), Columbia River Basin Water Supply Development Account--State Appropriation \$148,000, Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation \$23,000, State Taxable Building Construction Account--State Appropriation (\$168,000), Gardner-Evans Higher Education Construction Account--State Appropriation (\$1,790,000), Debt-Limit Reimbursable Bond Retire Account--State Appropriation (\$2,624,000), and TOTAL APPROPRIATION (\$1,502,646,000).

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for ((deposit)) expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2008 shall be expended into the debt-limit general fund bond retirement account by June 30, 2008.

Sec. 702 2007 c 522 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

Table with 2 columns: Description and Amount. Includes State Convention and Trade Center Account--State Appropriation (\$22,553,000), Accident Account--State Appropriation (\$5,204,000), Medical Aid Account--State Appropriation (\$5,204,000), and TOTAL APPROPRIATION (\$32,961,000).

Sec. 703 2007 c 522 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2008) (\$27,068,000), General Fund--State Appropriation (FY 2009) (\$27,825,000), Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation (\$136,332,000), and TOTAL APPROPRIATION (\$191,225,000).

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for ((deposit)) expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2008 shall be expended

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

into the nondebt-limit general fund bond retirement account by June 30, 2008.

Sec. 704 2007 c 522 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2008), General Fund--State Appropriation (FY 2009), State Building Construction Account--State Appropriation, Columbia River Basin Water Supply Development Account--State Appropriation, Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation, State Taxable Building Construction Account--State Appropriation, Gardner-Evans Higher Education Construction Account--State Appropriation, and TOTAL APPROPRIATION.

Sec. 705 2007 c 522 s 705 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL

Table with 2 columns: Description and Amount. Includes Disaster Response Account--State Appropriation.

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is for the purpose of making allocations to the Washington state patrol for ((fire mobilizations costs or to the department of natural resources for fire suppression costs)) any Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964.

Sec. 706 2007 c 522 s 706 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2008), General Fund--State Appropriation (FY 2009), and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account for the purposes specified in section 705 of this act.

NEW SECTION. Sec. 707 A new section is added to 2007 c 522 (uncodified) to read as follows:

FOR SUNDRY CLAIMS FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

Table with 2 columns: Name and Amount. Includes George E. Linkenhoker, claim number SCJ 2008-01.

Table with 2 columns: Name and Amount. Includes Charles A. Gardner, claim number SCJ 2008-02; Judd Hurst, claim number SCJ 2008-03; Thomas J. Nelson, claim number SCJ 2008-04; William R. Sauters, Jr., claim number SCJ 2008-05; Michael E. Greene, claim number SCJ 2008-06; Jeffery A. Cobb, claim number SCJ 2008-08; Robert R. Park, claim number SCJ 2008-09; Donald Willett, claim number SCJ 2008-11.

Sec. 708 2007 c 522 s 716 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--WATER QUALITY CAPITAL ACCOUNT

Table with 2 columns: Description and Amount. Includes Water Quality Account--State Appropriation (FY 2008), Water Quality Account--State Appropriation (FY 2009), and TOTAL APPROPRIATION.

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the water quality capital account. ((If House Bill No. 1137 (water quality capital account) is not enacted by June 30, 2007, the appropriation in this section shall lapse.))

Sec. 709 2007 c 522 s 718 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2008. The sum of one hundred twenty-five million dollars or so much thereof as may be available on June 30, 2008, from the total amount of unspent fiscal year 2008 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed ((seventy-five)) one hundred million dollars, is appropriated to the education savings account.

Sec. 710 2007 c 522 s 719 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2009. The sum of one hundred twenty-five million dollars or so much thereof as may be available on June 30, 2009, from the total amount of unspent fiscal year 2009 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed ((seventy-five)) one hundred million dollars, is appropriated to the education savings account.

Sec. 711 2007 c 522 s 722 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--COUNTY SUBSTANCE ABUSE PROGRAMS

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2008) and General Fund--State Appropriation (FY 2009).

	<u>\$800,000</u>
TOTAL APPROPRIATION . . .	<del>(\$1,200,000)</del>
	<u>\$1,400,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for allocation to counties that are eligible for funding for chemical dependency or substance abuse treatment programs pursuant to RCW 70.96A.325.

**NEW SECTION. Sec. 712** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT--FEDERAL REIMBURSEMENT FOR  
HEALTH INSURANCE TRANSFERS**

General Fund--State Appropriation (FY 2008) . . . \$11,000,000

The appropriation in this section is subject to the following conditions and limitations: The United States department of health and human services has determined that a portion of funds transferred from the public employees' and retirees' insurance account in fiscal years 2006 and 2007, made pursuant to sections 805 and 806, chapter 372, Laws of 2006, contained federal funds that were not authorized to be included in the transfer. The appropriation in this section is provided solely to reimburse the United States department of health and human services in accordance with their determination letter that the federal funds transferred from the public employees' and retirees' insurance account were transferred in error and must be reimbursed to the United States Treasury.

**Sec. 713** 2007 c 522 s 1621 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
TECHNOLOGY FUNDING**

General Fund--State Appropriation (FY 2007) . . . \$26,277,000

Special Technology Funding Revolving Account	
Appropriation ( <del>(FY 2008)</del> ) . . . . .	<del>(\$37,964,000)</del>
	<u>\$35,222,000</u>
TOTAL APPROPRIATION . . .	<del>(\$64,241,000)</del>
	<u>\$61,499,000</u>

The appropriations in this section are provided solely for deposit to and expenditure from the data processing revolving account and are subject to the following conditions and limitations:

(1) The appropriations in this section, for expenditure to the data processing revolving account, are to be known as the "information technology funding pool" and are under the joint control of the department of information services and the office of financial management. The department of information services shall review information technology proposals and work jointly with the office of financial management to determine the projects to be funded and the amounts and timing of release of funds. To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special technology funding revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management pursuant to LEAP Document (~~(ITA-2007)~~) ITA-2008 as developed by the legislative evaluation and program committee on (~~April 20, 2007, at 13:01 hours~~) February 26, 2008, at 16:00 hours.

(2) In exercising this authority, the department of information services and the office of financial management shall:

(a) Seek opportunities to reduce costs and achieve economies of scale by leveraging statewide investments in systems and data and other common or enterprise-wide solutions within and across state agencies that include standard software, hardware, and other information technology systems infrastructure, and common data definitions and data stores that

promote the sharing of information across agencies whenever possible;

(b) Ensure agencies incorporate project management best practices and consider lessons learned from other information technology projects; and

(c) Develop criteria for the evaluation of information technology project funding proposals to include the determination of where common or coordinated technology or data solutions may be established, and identification of projects that cross fiscal biennia or are dependent on other prior, current, or future related investments.

(3) In allocating funds for the routine replacement of software and hardware, the information services board and office of financial management shall presume that agencies should have sufficient funding in their base allocation to pay for such replacement and that any allocations out of these funds are for extraordinary maintenance costs.

~~((5))~~ (4) Funds in the 2007-09 biennium may only be expended on the projects listed on LEAP Document (~~(IT-2007)~~) IT-2008, as generated by the legislative evaluation and accountability program committee on (~~April 20, 2007, at 13:01 hours~~) February 26, 2008, at 16:00 hours. Future biennia allocations from the information technology funding pool shall be determined jointly by the department of information services and the office of financial management.

~~((6))~~ (5) Beginning December 1, 2008, and every biennium thereafter, the department of information services shall submit a statewide information technology plan to the office of financial management and the legislative evaluation and accountability program committee that supports a consolidated funding request. In alternate years, a plan addendum shall be submitted that reflects any modified funding pool request requiring action in the ensuing supplemental budget session.

~~((7))~~ (6) The department of information services shall report to the office of financial management and the legislative evaluation and accountability program committee by October 1, 2007, and annually thereafter, the status of planned allocations from funds appropriated in this section.

~~((8))~~ (7) State agencies shall report project performance in consistent and comparable terms using common methodologies to calculate project performance by measuring work accomplished (scope and schedule) against work planned and project cost against planned budget. The department of information services shall provide implementation guidelines and oversight of project performance reporting.

~~((9))~~ (8) The information services board shall require all agencies receiving funds appropriated in this section to account for project expenses included in an information technology portfolio report submitted annually to the department of information services, the office of financial management, and the legislative evaluation and accountability program committee by October 1st of each year. The department of information services, with the advice and approval of the office of financial management, shall establish criteria for complete and consistent reporting of expenditures from these funds and project staffing levels.

~~((10))~~ (9) In consultation with the legislative evaluation and accountability program committee, the department of information services shall develop criteria for evaluating requests for these funds and shall report annually to the office of financial management and the legislative evaluation and accountability program committee by November 1st the status of distributions and expenditures from this pool.

**NEW SECTION. Sec. 714** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
HEALTH CARE AUTHORITY ADMINISTRATIVE  
ACCOUNT**

General Fund--State Appropriation (FY 2008) . . . \$2,618,000

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

General Fund--State Appropriation (FY 2009) . . . .	\$1,993,000
Public Safety and Education Account--State Appropriation (FY 2008) . . . . .	\$13,000
Public Safety and Education Account--State Appropriation (FY 2009) . . . . .	\$13,000
Water Quality Account--State Appropriation (FY 2008)	\$4,000
Water Quality Account--State Appropriation (FY 2009)	\$4,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008) . . . . .	\$1,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009) . . . . .	\$1,000
Health Services Account--State Appropriation (FY 2008)	\$7,000
Health Services Account--State Appropriation (FY 2009)	\$7,000
Dedicated Funds and Accounts Appropriation . . . . .	\$640,000
<b>TOTAL APPROPRIATION . . . . .</b>	<b>\$5,301,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriations are provided solely for expenditure into the health care authority administrative account.
- (2) To facilitate the transfer of moneys from dedicated funds and accounts, the office of financial management shall transfer or direct the transfer of sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the health care authority administrative account in accordance with LEAP document number C04-2008, dated March 10, 2008. Agencies and institutions of higher education with local funds will deposit sufficient money to the health care authority administrative account.

**Sec. 715** 2007 c 522 s 728 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
COMMUNITY PRESERVATION AND DEVELOPMENT  
ACCOUNT**

General Fund--State Appropriation (FY 2008) . . . . . \$350,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the community preservation and development authority account. If Substitute Senate Bill No. 6156 (community preservation authorities) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

**NEW SECTION. Sec. 716** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM  
ACCOUNT**

General Fund--State Appropriation (FY 2008) . . . . . \$500,000  
General Fund--State Appropriation (FY 2009) . . . . . \$500,000  
**TOTAL APPROPRIATION . . . . . \$1,000,000**

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the individual development account program account.

**NEW SECTION. Sec. 717** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
SKELETAL HUMAN REMAINS ASSISTANCE  
ACCOUNT**

General Fund--State Appropriation (FY 2008) . . . . . \$500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the skeletal human remains assistance account for purposes of Engrossed Second Substitute House Bill No. 2624 (human remains). If the bill is not enacted by June 30, 2008, the amount provided in this section shall lapse.

**NEW SECTION. Sec. 718** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
MANUFACTURING INNOVATION AND  
MODERNIZATION ACCOUNT**

General Fund--State Appropriation (FY 2009) . . . . . \$306,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the manufacturing innovation and modernization account.

**NEW SECTION. Sec. 719** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
COLUMBIA RIVER WATER DELIVERY ACCOUNT**

General Fund--State Appropriation (FY 2009) . . . . . \$2,150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Columbia river water delivery account pursuant to Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water). If the bill is not enacted by June 30, 2008, the amount provided in this section shall lapse.

**NEW SECTION. Sec. 720** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
FAMILY LEAVE INSURANCE ACCOUNT**

General Fund--State Appropriation (FY 2008) . . . . . \$6,218,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the family leave insurance account.

**NEW SECTION. Sec. 721** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
EXTRAORDINARY CRIMINAL JUSTICE COSTS**

General Fund--State Appropriation (FY 2008) . . . . . \$189,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute \$48,000 to Klickitat county and \$141,000 to Yakima county for extraordinary criminal justice costs.

**NEW SECTION. Sec. 722** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
DEVELOPMENTAL DISABILITIES ENDOWMENT  
TRUST FUND**

General Fund--State Appropriation (FY 2009) . . . . . \$100,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for expenditure into the developmental disabilities endowment trust fund.

**NEW SECTION. Sec. 723** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
SMART HOME OWNERSHIP CHOICES PROGRAM  
ACCOUNT**

General Fund--State Appropriation (FY 2008) . . . . . \$250,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

for expenditure into the smart HOME OWNERSHIP choices program account for purposes of Substitute Senate Bill No. 6711 (smart HOME OWNERSHIP choices). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 724 2007 c 522 s 713 (uncodified) is repealed.

(End of part)

PART VIII OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801 2007 c 522 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Table listing various appropriations for the State Treasurer, including fire insurance, public utility, prosecuting attorney, boating safety, and habitat conservation programs.

Table listing appropriations for Liquor Excise Tax Account, Liquor Revolving Account, and City-County Assistance Account.

Table listing Streamline Sales and Use Tax Account Appropriation and TOTAL APPROPRIATION.

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes. Sec. 802 2007 c 522 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS.

Table listing various transfers from the State Treasurer's Service Account to Education Legacy Trust, Pension Funding Stabilization, Economic Development Strategic Reserve, State Convention and Trade Center Operations, State Convention and Trade Center Capital, and Department of Retirement Systems Expense Accounts.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

to the student achievement account for fiscal year 2009 . . . . . \$90,800,000

Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed . . . . . \$25,000,000

Public Works Assistance Account: For transfer to the drinking water assistance account, ~~(\$3,600,000)~~ \$7,200,000 for fiscal year 2008 and \$3,600,000 for fiscal year 2009 . . . . . ~~(\$7,200,000)~~ \$10,800,000

Public Works Assistance Account: For transfer to the job development account, \$25,000,000 for fiscal year 2008 and \$25,000,000 for fiscal year 2009 . . . . . \$50,000,000

State Toxics Control Account: For transfer to the oil spill prevention account for fiscal year 2009 . . . . . \$2,400,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account . . . . . ~~(\$165,915,000)~~ \$168,111,000

Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual amount of the strategic contribution supplemental payment to the tobacco settlement account . . . . . \$70,000,000

Health Services Account: For transfer to the water quality account, \$3,942,500 for fiscal year 2008 and \$3,942,500 for fiscal year 2009 . . . . . \$7,885,000

Health Services Account: For transfer to the violence reduction and drug enforcement account, \$3,466,000 for fiscal year 2008 and \$3,466,000 for fiscal year 2009 . . . . . \$6,932,000

Health Services Account: For transfer to the tobacco prevention and control account, ~~(\$10,226,552)~~ \$10,523,000 for fiscal year 2008 and ~~(\$10,109,109)~~ \$10,168,000 for fiscal year 2009 . . . . . ~~(\$20,336,000)~~ \$20,691,000

General Fund: For transfer to the streamline sales and use tax account for fiscal year 2009 . \$31,600,000  
~~(If Substitute Senate Bill No. 5089 (streamlined sales tax) is not enacted by June 30, 2009, this transfer shall lapse.)~~

General Fund: For transfer to the health services account for fiscal year 2009 . . . . . \$53,000,000

Nisqually Earthquake Account: For transfer to the disaster response account for fiscal year 2008 . . \$3,000,000

Public Safety and Education Account: For transfer to the state general fund for fiscal year 2009 . . . . \$6,000,000

**NEW SECTION. Sec. 803** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF REVENUE--STATE REVENUE FOR DISTRIBUTION**

General Fund Appropriation for fiscal year 2008 . . . \$422,012

The appropriation in this section is subject to the following conditions and limitations: Revenues for the general fund are reduced to correct for a prior period distribution shortage of \$422,012. This represents one time distributions to Jefferson County in the amount of \$352,196, and Klickitat County in the amount of \$89,816, to be used in accordance with RCW 82.14.370.

(End of part)

**PART IX MISCELLANEOUS**

**Sec. 901** 2007 c 522 s 910 (uncodified) is amended to read as follows:

**COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS.** Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed ~~(\$732)~~ \$561 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065, but in no case to increase the actuarial value of the plans offered as compared to the comparable plans offered to enrollees in calendar year 2007.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$164.08. Starting January 1, 2009, the subsidy shall be \$182.89 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$57.71 per month beginning September 1, 2007, and ~~(\$65.97)~~ \$60.40 beginning September 1, 2008;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$57.71 each month beginning September 1, 2007, and ~~(\$65.97)~~ \$60.40 beginning September 1, 2008, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**Sec. 902** 2007 c 522 s 911 (uncodified) is amended to read as follows:

**COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS.** The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed ~~(\$732)~~ \$561 per eligible employee.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065, but in no case to increase the actuarial value of the plans offered as compared to the comparable plans offered to enrollees in calendar year 2007.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$164.08. Starting January 1, 2009, the subsidy shall be \$182.89 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$57.71 per month beginning September 1, 2007, and (~~(\$65.97)~~) \$60.40 beginning September 1, 2008;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$57.71 each month beginning September 1, 2007, and (~~(\$65.97)~~) \$60.40 beginning September 1, 2008, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**Sec. 903** 2007 c 522 s 912 (uncodified) is amended to read as follows:

**COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION.** Collective bargaining agreements negotiated as part of the super coalition under chapter 41.80 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and (~~(\$732)~~) \$561 per month for fiscal year 2009. The agreements also include a one-time payment of \$756 for each employee who is eligible for insurance for the month of June 2007 and is covered by a 2007-2009 collective bargaining agreement negotiated pursuant to chapter 41.80 RCW, and the continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

**Sec. 904** 2007 c 522 s 913 (uncodified) is amended to read as follows:

**ACROSS THE BOARD SALARY ADJUSTMENTS.** Appropriations for state agency nonrepresented employee compensation adjustments in this act are sufficient for across the board adjustments.

(1) Appropriations are for a 3.2 percent salary increase effective September 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are

employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

The appropriations are also sufficient to fund a 3.2 percent salary increase effective September 1, 2007, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(2) Appropriations are for a 2.0 percent salary increase effective September 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to fund a 2.0 percent salary increase effective September 1, 2008, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the director of personnel.

**NEW SECTION. Sec. 905** A new section is added to 2007 c 522 (uncodified) to read as follows:

**SUPPLEMENTAL COLLECTIVE BARGAINING AGREEMENT--TEAMSTERS.**

Appropriations in this act reflect the supplemental collective bargaining agreement reached between the governor and the brotherhood of teamsters under the provisions of chapter 41.80 RCW. Select classifications will receive wage increases effective July 1, 2008, to address recruitment and retention issues. Select employees covered under this supplemental agreement will receive targeted increases to the base salary and/or increases relating to assignment in a specific geographic work location. These provisions are in addition to the general terms of the collective bargaining agreement effective July 1, 2007.

**NEW SECTION. Sec. 906** A new section is added to 2007 c 522 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE GAMBLING COMMISSION--GAMBLING REVOLVING FUND.**

Pursuant to RCW 43.88.050, the gambling commission and the office of financial management may address the cash flow of the gambling revolving fund in anticipation of payments of forfeiture revenue from the federal government.

**NEW SECTION. Sec. 907** A new section is added to 2007 c 522 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT--CENTRAL WASHINGTON UNIVERSITY, PSE.**

Funding is provided for a collective bargaining agreement that may be reached between Central Washington University and the public school employees of Washington. Funding provided is sufficient for the 2.0% salary increase to be effective July 1, 2008, rather than September 1, 2008. If an agreement is not reached by June 30, 2008, the funding shall lapse.

**Sec. 908** RCW 28B.105.110 and 2007 c 214 s 11 are each amended to read as follows:

(1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.

(2) The board shall deposit into the account all money received for the GET ready for math and science scholarship program from appropriations and private sources. The account shall be self-sustaining.

(3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased GET units shall be owned and held in trust by the board. Expenditures from the account shall be an equal match of state appropriations and private funds raised by the program administrator. During the 2007-09 fiscal biennium,

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

expenditures from the account not to exceed five percent may be used by the program administrator to carry out the provisions of RCW 28B.105.090.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the board.

**Sec. 909** RCW 38.52.106 and 2003 1st sp.s. c 25 s 913 are each amended to read as follows:

The Nisqually earthquake account is created in the state treasury. Moneys may be placed in the account from tax revenues, budget transfers or appropriations, federal appropriations, gifts, or any other lawful source. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only to support state and local government disaster response and recovery efforts associated with the Nisqually earthquake. During the 2003-2005 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for fire suppression and mobilization costs. During the 2007-2009 fiscal biennium, moneys in the account may also be used to support disaster response and recovery efforts associated with flood and storm damage.

**Sec. 910** RCW 41.45.230 and 2006 c 56 s 1 are each amended to read as follows:

The pension funding stabilization account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for payment of state government employer contributions for members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system. During the 2007-09 fiscal biennium, expenditures from the account may also be used for payment of the retirement and annuity plans for higher education employees and for transfer into the general fund. The account may not be used to pay for any new benefit or for any benefit increase that takes effect after July 1, 2005. An increase that is provided in accordance with a formula that is in existence on July 1, 2005, is not considered a benefit increase for this purpose. Moneys in the account shall be for the exclusive use of the specified retirement systems and invested by the state investment board pursuant to RCW 43.33A.030 and 43.33A.170. For purposes of RCW 43.135.035, expenditures from the pension funding stabilization account shall not be considered a state program cost shift from the state general fund to another account.

**Sec. 911** RCW 41.50.110 and 2005 c 518 s 923 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, 41.37, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in

the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 912** RCW 43.08.190 and 2005 c 518 s 925 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040 or 43.84.092(4)((b)). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 913** RCW 43.08.250 and 2007 c 522 s 950 are each amended to read as follows:

(1) The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons under RCW 2.53.030, winter recreation parking, drug court operations, and state game programs. Through the fiscal

SIXTIETH DAY, MARCH 13, 2008

biennium ending June 30, 2009, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the administrative office of the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community public health and safety networks, the street youth program, public notification about registered sex offenders, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services. During the 2007-2009 fiscal biennium, the legislature may transfer from the public safety and education account to the state general fund such amounts as to reflect the excess fund balance of the fund.

(2)(a) The equal justice subaccount is created as a subaccount of the public safety and education account. The money received by the state treasurer from the increase in fees imposed by sections 9, 10, 12, 13, 14, 17, and 19, chapter 457, Laws of 2005 shall be deposited in the equal justice subaccount and shall be appropriated only for:

- (i) Criminal indigent defense assistance and enhancement at the trial court level, including a criminal indigent defense pilot program;
- (ii) Representation of parents in dependency and termination proceedings;
- (iii) Civil legal representation of indigent persons; and
- (iv) Contribution to district court judges' salaries and to eligible elected municipal court judges' salaries.

(b) For the 2005-07 fiscal biennium, an amount equal to twenty-five percent of revenues to the equal justice subaccount, less one million dollars, shall be appropriated from the equal justice subaccount to the administrator for the courts for purposes of (a)(iv) of this subsection. For the 2007-09 fiscal biennium and subsequent fiscal biennia, an amount equal to fifty percent of revenues to the equal justice subaccount shall be appropriated from the equal justice subaccount to the administrator for the courts for the purposes of (a)(iv) of this subsection.

**Sec. 914** RCW 43.330.250 and 2005 c 427 s 1 are each amended to read as follows:

(1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.

(2) Only the governor, with the recommendation of the director of the department of community, trade, and economic development and the economic development commission, may authorize expenditures from the account.

(3) Expenditures from the account shall be made in an amount sufficient to fund a minimum of one staff position for the economic development commission and to cover any other operational costs of the commission.

(4) During the 2007-2009 fiscal biennium, moneys in the account may also be transferred into the state general fund.

(5) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or

to recruit a business or facility to the state. Expenditures may be authorized for:

- (a) Workforce development;
- (b) Public infrastructure needed to support or sustain the operations of the business or facility; and
- (c) Other lawfully provided assistance, including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest and may only be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention.

~~((5))~~ (6) The funds shall not be expended from the account unless:

(a) The circumstances are such that time does not permit the director of the department of community, trade, and economic development or the business or facility to secure funding from other state sources;

(b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(c) The business or facility does not require continuing state support;

(d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;

(e) The expenditure will not supplant private investment; and

(f) The expenditure is accompanied by private investment.

~~((6))~~ (7) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.

~~((7))~~ (8) If the account balance in the strategic reserve account exceeds fifteen million dollars at any time, the amount in excess of fifteen million dollars shall be transferred to the education construction account.

**Sec. 915** RCW 50.16.010 and 2007 c 327 s 4 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) During the 2007-2009 biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for the (i) cost of the job skills program at the community and technical colleges, and (ii) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development, and the remaining appropriation upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

**Sec. 916** RCW 67.40.025 and 1988 ex.s. c 1 s 2 are each amended to read as follows:

All operating revenues received by the corporation formed under RCW 67.40.020 shall be deposited in the state convention and trade center operations account, hereby created in the state treasury. Moneys in the account, including unanticipated revenues under RCW 43.79.270, may be spent only after appropriation by statute, and may be used only for operation and promotion of the center. During the 2007-2009 fiscal biennium, moneys in the account may also be transferred to the state general fund.

Subject to approval by the office of financial management under RCW 43.88.260, the corporation may expend moneys for operational purposes in excess of the balance in the account, to the extent the corporation receives or will receive additional operating revenues.

As used in this section, "operating revenues" does not include any moneys required to be deposited in the state convention and trade center account.

**Sec. 917** RCW 67.40.040 and 2007 c 228 s 106 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private

source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170, and during the 2007-2009 biennium, the legislature may transfer from the state convention and trade center account to the general fund such amounts as reflect the excess fund balance in the account;

(iii) For acquisition, design, and construction of the state convention and trade center;

(iv) For debt service for the acquisition, design, and construction and retrofit of the museum of history and industry museum property or other future expansions of the convention center as approved by the legislature; and

(v) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) Subject to the conditions in subsection (6) of this section, starting in fiscal year 2008, the state treasurer shall transfer:

(a) The sum of four million dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism enterprise account, with the maximum transfer being four million dollars per fiscal year; and

(b) The sum of five hundred thousand dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism development and promotion account, with the maximum transfer being five hundred thousand dollars per fiscal year.

(6)(a) Funds required for debt service payments and reserves for bonds issued under RCW 67.40.030; for debt service authorized under RCW 67.40.170; and for the issuance and sale of financial instruments associated with the acquisition, design, construction, and retrofit of the museum of history and industry

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

museum property or for other future expansions of the center, as approved by the legislature, shall be maintained within the state convention and trade center account.

(b) No less than six million one hundred fifty thousand dollars per year shall be retained in the state convention and trade center account for funding capital maintenance as required by the center's long-term capital plan, facility enhancements, unanticipated replacements, and operating reserves for the convention center operation. This amount shall be escalated annually as follows:

(i) Four percent for annual inflation for capital maintenance, repairs, and replacement;

(ii) An additional two percent for enhancement to the facility; and

(iii) An additional three percent for growth in expenditure due to aging of the facility and the need to maintain an operating reserve.

(c) Sufficient funds shall be reserved within the state convention and trade center account to fund operating appropriations for the annual operation of the convention center.

**Sec. 918** RCW 70.96A.350 and 2003 c 379 s 11 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for:

(a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; ~~(and)~~ (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program; and (c) during the 2007-2009 biennium, operation of the integrated crisis response and intensive case management pilots contracted with the department of social and health services division of alcohol and substance abuse. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance abuse treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance abuse treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal biennium beginning July 1, 2003, the state treasurer shall transfer eight million nine hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) For the fiscal biennium beginning July 1, 2003, and each biennium thereafter, the state treasurer shall transfer two million nine hundred eighty-four thousand dollars from the general fund into the violence reduction and drug enforcement account, divided into eight quarterly payments. The amounts transferred pursuant to this subsection (4)(b) shall be used solely for providing drug and alcohol treatment services to offenders

confined in a state correctional facility who are assessed with an addiction or a substance abuse problem that if not treated would result in addiction.

(c) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the division of alcohol and substance abuse for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the division of alcohol and substance abuse from the criminal justice treatment account shall be distributed as specified in this subsection. The department shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection (4)(c) of this section in accordance with this subsection. Beginning in July 1, 2004, the department may retain up to three percent of the amount appropriated under subsection (4)(c) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the sentencing guidelines commission, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The division shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance abuse treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.28.170(3)(b).

**Sec. 919** RCW 70.105D.070 and 2007 c 341 s 30 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process.

(c) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay.

**Sec. 920** RCW 70.105D.070 and 2007 c 446 s 2 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the 2005-2007 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements

under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.

(9) During the 2007-2009 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay.

**Sec. 921** RCW 70.105D.070 and 2007 c 522 s 954 and 2007 c 520 s 6033 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry

SIXTIETH DAY, MARCH 13, 2008

out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

2008 REGULAR SESSION

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay.

**Sec. 922** RCW 74.08A.340 and 2007 c 522 s 957 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.200 through 74.08A.330, 43.330.145, ~~((74.13.0903))~~ 43.215.545, and 74.25.040, and chapter 74.12 RCW within the following constraints:

(1) The full amount of the temporary assistance for needy families block grant, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the program authorized in RCW 74.08A.200 through 74.08A.330, 43.330.145, ~~((74.13.0903))~~ 43.215.545, and 74.25.040, and chapter 74.12 RCW.

(2)(a) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in RCW 74.08A.410 with the following exception: Beginning with the 2007-2009 biennium, funds that constitute the working connections child care program, child care quality programs, and child care licensing functions.

(b) Beginning in the 2007-2009 fiscal biennium, the legislature shall appropriate and the departments of early learning and social and health services shall expend funds defined in subsection (1) of this section that constitute the working connections child care program, child care quality programs, and child care licensing functions in a manner that is consistent with the outcome measures defined in RCW 74.08A.410.

(c) No more than fifteen percent of the amount provided in subsection (1) of this section may be spent for administrative purposes. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193. The department shall not increase grant levels to recipients of the program authorized in

SIXTIETH DAY, MARCH 13, 2008

RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW, except as authorized in the omnibus appropriations act for the 2007-2009 biennium.

(3) The department shall implement strategies that accomplish the outcome measures identified in RCW 74.08A.410 that are within the funding constraints in this section. Specifically, the department shall implement strategies that will cause the number of cases in the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW to decrease by at least fifteen percent during the 1997-99 biennium and by at least five percent in the subsequent biennium. The department may transfer appropriation authority between funding categories within the economic services program in order to carry out the requirements of this subsection.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section. The department shall quarterly make a determination as to whether expenditure levels will exceed available funding and communicate its finding to the legislature. If the determination indicates that expenditures will exceed funding at the end of the fiscal year, the department shall take all necessary actions to ensure that all services provided under this chapter shall be made available only to the extent of the availability and level of appropriation made by the legislature.

**Sec. 923** RCW 77.32.010 and 2006 c 57 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a recreational license issued by the director is required to hunt for or take wild animals or wild birds, fish for, take, or harvest fish, shellfish, and seaweed. A recreational fishing or shellfish license is not required for carp, smelt, and crawfish, and a hunting license is not required for bullfrogs.

(2) A permit issued by the department is required to park a motor vehicle upon improved department access facilities.

(3) During the 2007-09 fiscal biennium to enable the implementation of the pilot project established in section 307 of this act, a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods.

**Sec. 924** RCW 83.100.230 and 2005 c 514 s 1101 are each amended to read as follows:

The education legacy trust account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for deposit into the student achievement fund and for expanding access to higher education through funding for new enrollments and financial aid, and other educational improvement efforts. During the 2007-2009 fiscal biennium, moneys in the account may also be transferred into the state general fund.

**Sec. 925** RCW 90.48.390 and 1991 sp.s. c 13 s 84 are each amended to read as follows:

The coastal protection fund is established to be used by the department as a revolving fund for carrying out the purposes of restoration of natural resources under this chapter and chapter 90.56 RCW. To this fund there shall be credited penalties, fees, damages, charges received pursuant to the provisions of this chapter and chapter 90.56 RCW, compensation for damages received under this chapter and chapter 90.56 RCW, and an amount equivalent to one cent per gallon from each marine use refund claim under RCW 82.36.330.

Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its powers, duties, and functions under RCW 90.48.142, 90.48.366, 90.48.367, and 90.48.368 shall be deposited with the state treasurer to the credit of the fund. During the 2007-2009 fiscal

biennium, the coastal protection fund may also be used for a standby rescue tug at Neah Bay.

**Sec. 926** RCW 90.71.310 and 2007 c 341 s 13 are each amended to read as follows:

(1) The council shall develop a science-based action agenda that leads to the recovery of Puget Sound by 2020 and achievement of the goals and objectives established in RCW 90.71.300. The action agenda shall:

(a) Address all geographic areas of Puget Sound including upland areas and tributary rivers and streams that affect Puget Sound;

(b) Describe the problems affecting Puget Sound's health using supporting scientific data, and provide a summary of the historical environmental health conditions of Puget Sound so as to determine past levels of pollution and restorative actions that have established the current health conditions of Puget Sound;

(c) Meet the goals and objectives described in RCW 90.71.300, including measurable outcomes for each goal and objective specifically describing what will be achieved, how it will be quantified, and how progress towards outcomes will be measured. The action agenda shall include near-term and long-term benchmarks designed to ensure continuous progress needed to reach the goals, objectives, and designated outcomes by 2020. The council shall consult with the panel in developing these elements of the plan;

(d) Identify and prioritize the strategies and actions necessary to restore and protect Puget Sound and to achieve the goals and objectives described in RCW 90.71.300;

(e) Identify the agency, entity, or person responsible for completing the necessary strategies and actions, and potential sources of funding;

(f) Include prioritized actions identified through the assembled proposals from each of the seven action areas and the identification and assessment of ecosystem scale programs as provided in RCW 90.71.260;

(g) Include specific actions to address aquatic rehabilitation zone one, as defined in RCW 90.88.010;

(h) Incorporate any additional goals adopted by the council; and

(i) Incorporate appropriate actions to carry out the biennial science work plan created in RCW 90.71.290.

(2) In developing the action agenda and any subsequent revisions, the council shall, when appropriate, incorporate the following:

(a) Water quality, water quantity, sediment quality, watershed, marine resource, and habitat restoration plans created by governmental agencies, watershed groups, and marine and shoreline groups. The council shall consult with the board in incorporating these plans;

(b) Recovery plans for salmon, orca, and other species in Puget Sound listed under the federal endangered species act;

(c) Existing plans and agreements signed by the governor, the commissioner of public lands, other state officials, or by federal agencies;

(d) Appropriate portions of the Puget Sound water quality management plan existing on July 1, 2007.

(3) Until the action agenda is adopted, the existing Puget Sound management plan and the 2007-09 Puget Sound biennial plan shall remain in effect. The existing Puget Sound management plan shall also continue to serve as the comprehensive conservation and management plan for the purposes of the national estuary program described in section 320 of the federal clean water act, until replaced by the action agenda and approved by the United States environmental protection agency as the new comprehensive conservation and management plan.

(4) The council shall adopt the action agenda by ~~(September)~~ December 1, 2008. The council shall revise the action agenda as needed, and revise the implementation strategies every two years using an adaptive management process informed by tracking actions and monitoring results in

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Puget Sound. In revising the action agenda and the implementation strategies, the council shall consult the panel and the board and provide opportunity for public review and comment. Biennial updates shall:

(a) Contain a detailed description of prioritized actions necessary in the biennium to achieve the goals, objectives, outcomes, and benchmarks of progress identified in the action agenda;

(b) Identify the agency, entity, or person responsible for completing the necessary action; and

(c) Establish biennial benchmarks for near-term actions.

(5) The action agenda shall be organized and maintained in a single document to facilitate public accessibility to the plan.

Sec. 927 RCW 90.71.370 and 2007 c 341 s 19 are each amended to read as follows:

(1) By December 1, 2008, and by September 1st of each even-numbered year beginning in ~~((2008))~~ 2010, the council shall provide to the governor and the appropriate fiscal committees of the senate and house of representatives its recommendations for the funding necessary to implement the action agenda in the succeeding biennium. The recommendations shall:

(a) Identify the funding needed by action agenda element;

(b) Address funding responsibilities among local, state, and federal governments, as well as nongovernmental funding; and

(c) Address funding needed to support the work of the partnership, the panel, the ecosystem work group, and entities assisting in coordinating local efforts to implement the plan.

(2) In the 2008 report required under subsection (1) of this section, the council shall include recommendations for projected funding needed through 2020 to implement the action agenda; funding needs for science panel staff; identify methods to secure stable and sufficient funding to meet these needs; and include proposals for new sources of funding to be dedicated to Puget Sound protection and recovery. In preparing the science panel staffing proposal, the council shall consult with the panel.

(3) By November 1st of each odd-numbered year beginning in 2009, the council shall produce a state of the Sound report that includes, at a minimum:

(a) An assessment of progress by state and nonstate entities in implementing the action agenda, including accomplishments in the use of state funds for action agenda implementation;

(b) A description of actions by implementing entities that are inconsistent with the action agenda and steps taken to remedy the inconsistency;

(c) The comments by the panel on progress in implementing the plan, as well as findings arising from the assessment and monitoring program;

(d) A review of citizen concerns provided to the partnership and the disposition of those concerns;

(e) A review of the expenditures of funds to state agencies for the implementation of programs affecting the protection and recovery of Puget Sound, and an assessment of whether the use of the funds is consistent with the action agenda; and

(f) An identification of all funds provided to the partnership, and recommendations as to how future state expenditures for all entities, including the partnership, could better match the priorities of the action agenda.

(4)(a) The council shall review state programs that fund facilities and activities that may contribute to action agenda implementation. By November 1, 2009, the council shall provide initial recommendations regarding program changes to the governor and appropriate fiscal and policy committees of the senate and house of representatives. By November 1, 2010, the council shall provide final recommendations regarding program changes, including proposed legislation to implement the recommendation, to the governor and appropriate fiscal and policy committees of the senate and house of representatives.

(b) The review in this subsection shall be conducted with the active assistance and collaboration of the agencies administering

these programs, and in consultation with local governments and other entities receiving funding from these programs:

(i) The water quality account, chapter 70.146 RCW;

(ii) The water pollution control revolving fund, chapter 90.50A RCW;

(iii) The public works assistance account, chapter 43.155 RCW;

(iv) The aquatic lands enhancement account, RCW 79.105.150;

(v) The state toxics control account and local toxics control account and clean-up program, chapter 70.105D RCW;

(vi) The acquisition of habitat conservation and outdoor recreation land, chapter 79A.15 RCW;

(vii) The salmon recovery funding board, RCW 77.85.110 through 77.85.150;

(viii) The community economic revitalization board, chapter 43.160 RCW;

(ix) Other state financial assistance to water quality-related projects and activities; and

(x) Water quality financial assistance from federal programs administered through state programs or provided directly to local governments in the Puget Sound basin.

(c) The council's review shall include but not be limited to:

(i) Determining the level of funding and types of projects and activities funded through the programs that contribute to implementation of the action agenda;

(ii) Evaluating the procedures and criteria in each program for determining which projects and activities to fund, and their relationship to the goals and priorities of the action agenda;

(iii) Assessing methods for ensuring that the goals and priorities of the action agenda are given priority when program funding decisions are made regarding water quality-related projects and activities in the Puget Sound basin and habitat-related projects and activities in the Puget Sound basin;

(iv) Modifying funding criteria so that projects, programs, and activities that are inconsistent with the action agenda are ineligible for funding;

(v) Assessing ways to incorporate a strategic funding approach for the action agenda within the outcome-focused performance measures required by RCW 43.41.270 in administering natural resource-related and environmentally based grant and loan programs.

NEW SECTION. Sec. 928 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 929 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of part)

INDEX	PAGE #
ACROSS THE BOARD SALARY ADJUSTMENTS . . . .	374
ADMINISTRATOR FOR THE COURTS . . . . .	9
ATTORNEY GENERAL . . . . .	23
BOARD FOR VOLUNTEER FIREFIGHTERS . . . . .	68
BOARD OF ACCOUNTANCY . . . . .	66
BOARD OF INDUSTRIAL INSURANCE APPEALS . . . .	142
BOARD OF TAX APPEALS . . . . .	61
CASELOAD FORECAST COUNCIL . . . . .	26
CENTRAL WASHINGTON UNIVERSITY . . . . .	327
CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS . . . . .	23
COLLECTIVE BARGAINING AGREEMENT	
CENTRAL WASHINGTON UNIVERSITY, PSE . . . .	375
COLUMBIA RIVER GORGE COMMISSION . . . . .	179
COMMISSION ON AFRICAN-AMERICAN AFFAIRS . . .	55
COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS	

.....	20	LEGISLATIVE EVALUATION AND ACCOUNTABILITY	
COMMISSION ON HISPANIC AFFAIRS .....	54	PROGRAM COMMITTEE .....	6
COMMISSION ON JUDICIAL CONDUCT .....	8	LIEUTENANT GOVERNOR .....	16
COMPENSATION		LIQUOR CONTROL BOARD .....	67
NONREPRESENTED EMPLOYEES--INSURANCE		MILITARY DEPARTMENT .....	69
BENEFITS .....	371	MUNICIPAL RESEARCH COUNCIL .....	61
REPRESENTED EMPLOYEES OUTSIDE--SUPER		OFFICE OF ADMINISTRATIVE HEARINGS .....	53
COALITION INSURANCE BENEFITS .....	372	OFFICE OF FINANCIAL MANAGEMENT .....	48
REPRESENTED EMPLOYEES--SUPER COALITION		COLUMBIA RIVER WATER DELIVERY ACCOUNT	362
CONSERVATION COMMISSION .....	195	COMMUNITY PRESERVATION AND DEVELOPMENT	
COURT OF APPEALS .....	8	ACCOUNT .....	361
CRIMINAL JUSTICE TRAINING COMMISSION .....	142	COUNTY SUBSTANCE ABUSE PROGRAMS .....	357
DEPARTMENT OF AGRICULTURE .....	213	DEVELOPMENTAL DISABILITIES ENDOWMENT	
DEPARTMENT OF ARCHAEOLOGY AND HISTORIC		TRUST FUND .....	363
PRESERVATION .....	72	EXTRAORDINARY CRIMINAL JUSTICE COSTS ..	363
DEPARTMENT OF COMMUNITY, TRADE, AND		FAMILY LEAVE INSURANCE ACCOUNT .....	363
ECONOMIC DEVELOPMENT .....	26	FEDERAL REIMBURSEMENT FOR HEALTH	
DEPARTMENT OF CORRECTIONS .....	165, 166	INSURANCE TRANSFERS .....	357
DEPARTMENT OF EARLY LEARNING .....	344	FIRE CONTINGENCY .....	354
DEPARTMENT OF ECOLOGY .....	179	FIRE CONTINGENCY POOL .....	354
DEPARTMENT OF FISH AND WILDLIFE .....	196	HEALTH CARE AUTHORITY ADMINISTRATIVE	
DEPARTMENT OF GENERAL ADMINISTRATION .....	62	ACCOUNT .....	360
DEPARTMENT OF HEALTH .....	153	INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM	
DEPARTMENT OF INFORMATION SERVICES .....	63	ACCOUNT .....	361
DEPARTMENT OF LABOR AND INDUSTRIES .....	145	MANUFACTURING INNOVATION AND	
DEPARTMENT OF LICENSING .....	218	MODERNIZATION ACCOUNT .....	362
DEPARTMENT OF NATURAL RESOURCES .....	206	SKELETAL HUMAN REMAINS ASSISTANCE	
DEPARTMENT OF PERSONNEL .....	53	ACCOUNT .....	362
DEPARTMENT OF RETIREMENT SYSTEMS		TECHNOLOGY FUNDING .....	358
OPERATIONS .....	55	WATER QUALITY CAPITAL ACCOUNT .....	355
DEPARTMENT OF REVENUE .....	58	OFFICE OF FINANCIAL MANAGEMENT--SMART HOME	
STATE REVENUE FOR DISTRIBUTION .....	369	OWNERSHIP CHOICES PROGRAM ACCOUNT .....	363
DEPARTMENT OF SERVICES FOR THE BLIND .....	174	OFFICE OF MINORITY AND WOMEN'S BUSINESS	
DEPARTMENT OF SOCIAL AND HEALTH SERVICES ..	75	ENTERPRISES .....	62
ADMINISTRATION AND SUPPORTING SERVICES		OFFICE OF PUBLIC DEFENSE .....	14
PROGRAM .....	135	OFFICE OF SUPERINTENDENT OF PUBLIC	
AGING AND ADULT SERVICES PROGRAM .....	108	INSTRUCTION	
ALCOHOL AND SUBSTANCE ABUSE PROGRAM .....	120	PENSION CONTRIBUTIONS RATES FOR NATIONAL	
CHILDREN AND FAMILY SERVICES PROGRAM ..	77	BOARD CERTIFICATION .....	293
DEVELOPMENTAL DISABILITIES PROGRAM .....	100	OFFICE OF THE GOVERNOR .....	15
ECONOMIC SERVICES PROGRAM .....	116	OFFICE OF THE STATE ACTUARY .....	6
JUVENILE REHABILITATION PROGRAM .....	85	PUBLIC DISCLOSURE COMMISSION .....	16
MEDICAL ASSISTANCE PROGRAM .....	123	PUBLIC EMPLOYMENT RELATIONS COMMISSION ..	72
MENTAL HEALTH PROGRAM .....	89	PUGET SOUND PARTNERSHIP .....	216
PAYMENTS TO OTHER AGENCIES PROGRAM ..	137	RECREATION AND CONSERVATION FUNDING BOARD	
SPECIAL COMMITMENT PROGRAM .....	134	.....	193
VOCATIONAL REHABILITATION PROGRAM .....	134	SECRETARY OF STATE .....	17
DEPARTMENT OF VETERANS AFFAIRS .....	151	SENATE .....	2
EASTERN WASHINGTON STATE HISTORICAL SOCIETY		SENTENCING GUIDELINES COMMISSION .....	174
.....	350	SPOKANE INTERCOLLEGIATE RESEARCH AND	
EASTERN WASHINGTON UNIVERSITY .....	324	TECHNOLOGY INSTITUTE .....	344
ECONOMIC AND REVENUE FORECAST COUNCIL ..	48	STATE AUDITOR .....	22
EMPLOYMENT SECURITY DEPARTMENT .....	175	STATE BOARD FOR COMMUNITY AND TECHNICAL	
ENVIRONMENTAL HEARINGS OFFICE .....	194	COLLEGES .....	305
FOR SUNDRY CLAIMS .....	355	STATE CONVENTION AND TRADE CENTER .....	74
GOVERNOR'S OFFICE OF INDIAN AFFAIRS .....	19	STATE HEALTH CARE AUTHORITY .....	138
GROWTH MANAGEMENT HEARINGS BOARD .....	73	STATE INVESTMENT BOARD .....	60
HIGHER EDUCATION COORDINATING BOARD		STATE PARKS AND RECREATION COMMISSION ..	190
FINANCIAL AID AND GRANT PROGRAMS .....	340	STATE PATROL .....	220
HOME CARE QUALITY AUTHORITY .....	152	STATE SCHOOL FOR THE BLIND .....	348
HORSE RACING COMMISSION .....	66	STATE SCHOOL FOR THE DEAF .....	349
HOUSE OF REPRESENTATIVES .....	1	STATE TREASURER .....	21
HUMAN RIGHTS COMMISSION .....	141	BOND RETIREMENT AND INTEREST ..	352, 353, 354
INCENTIVE SAVINGS		STATE REVENUES FOR DISTRIBUTION .....	365
FY 2008 .....	356	TRANSFERS .....	367
FY 2009 .....	356	STATUTE LAW COMMITTEE .....	7
INDETERMINATE SENTENCE REVIEW BOARD .....	151	SUPERINTENDENT OF PUBLIC INSTRUCTION	
INSURANCE COMMISSIONER .....	65	.....	223, 293
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE		BASIC EDUCATION EMPLOYEE COMPENSATION	
JOINT LEGISLATIVE SYSTEMS COMMITTEE .....	7	.....	247
LAW LIBRARY .....	8	EDUCATION REFORM PROGRAMS .....	266

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

EDUCATIONAL SERVICE DISTRICTS ..... 262  
 GENERAL APPORTIONMENT ..... 240  
 INSTITUTIONAL EDUCATION PROGRAMS ..... 264  
 LEARNING ASSISTANCE PROGRAM ..... 286  
 LOCAL EFFORT ASSISTANCE ..... 263  
 PROGRAMS FOR HIGHLY CAPABLE STUDENTS ..... 265  
 PROMOTING ACADEMIC SUCCESS ..... 289  
 PUPIL TRANSPORTATION ..... 255  
 SCHOOL EMPLOYEE COMPENSATION  
 ADJUSTMENTS ..... 252  
 SPECIAL EDUCATION PROGRAMS ..... 256  
 STUDENT ACHIEVEMENT PROGRAM ..... 291  
 TRANSITIONAL BILINGUAL PROGRAMS ..... 285  
 SUPPLEMENTAL COLLECTIVE BARGAINING  
 AGREEMENT  
 TEAMSTERS ..... 375  
 SUPREME COURT ..... 7  
 THE EVERGREEN STATE COLLEGE ..... 329  
 UNIVERSITY OF WASHINGTON ..... 311  
 UTILITIES AND TRANSPORTATION COMMISSION .. 68  
 WASHINGTON POLLUTION LIABILITY REINSURANCE  
 PROGRAM ..... 215  
 WASHINGTON STATE ARTS COMMISSION ..... 350  
 WASHINGTON STATE GAMBLING COMMISSION  
 GAMBLING REVOLVING FUND ..... 375  
 WASHINGTON STATE HISTORICAL SOCIETY ..... 350  
 WASHINGTON STATE LOTTERY ..... 54  
 WASHINGTON STATE UNIVERSITY ..... 319  
 WESTERN WASHINGTON UNIVERSITY ..... 334  
 WORK FORCE TRAINING AND EDUCATION  
 COORDINATING BOARD ..... 343"

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28B.105.110, 38.52.106, 41.45.230, 41.50.110, 43.08.190, 43.08.250, 43.330.250, 50.16.010, 67.40.025, 67.40.040, 70.96A.350, 70.105D.070, 70.105D.070, 74.08A.340, 77.32.010, 83.100.230, 90.48.390, 90.71.310, and 90.71.370; reenacting and amending RCW 70.105D.070; amending 2007 c 522 ss 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 513, 514, 515, 516, 517, 519, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 701, 702, 703, 704, 705, 706, 716, 718, 719, 722, 1621, 728, 801, 805, 910, 911, 912, and 913 (uncodified); adding new sections to 2007 c 522 (uncodified); repealing 2007 c 522 s 713 (uncodified); making appropriations; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Prentice and Pridemore; Representatives Sommers and Dunshee.

MOTION

Senator Prentice moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2687 be adopted.

Senators Prentice, Hargrove, McAuliffe, Keiser, Eide and Pridemore spoke in favor of passage of the motion.

Senators Holmquist, Carrell, Pflug and Parlette spoke against passage of the motion.

POINT OF INQUIRY

Senator Brown: "Would Senator Pridemore yield to two questions? Senator Pridemore, I see that this budget includes sixty-two thousand dollars for the institute for Public Policy and Economic Analysis at Eastern Washington University to study potential changes in the Eastern Washington Health Care delivery system. What specifically is the purpose of that study?"

Senator Pridemore: "Thank you for asking Senator Brown. The purpose of the study to establish a base line against which future changes in the Spokane County Health Care system can be measured. This assessment shall include an assessment of current health care delivery, charity care, education and work force assets available to address the changing health care needs of Spokane County. The analysis and resulting report will be designed to provide the critical initial bench marks in the areas of study and the foundation for future updates comparisons and subject specific, focus assessments and action plans. The report may be used to direct public health care policy and funding to improve community wellness in Spokane County."

Senator Brown: "Thank you Senator Pridemore. When is the study to be completed?"

Senator Pridemore: "It is to be completed by March of 2009."

Senator Brown spoke in favor of the motion. Senators Zarelli, Delvin, Hewitt and Schoesler spoke on the motion.

The President declared the question before the Senate to be the motion by Senator Prentice that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2687 be adopted.

The motion by Senator Prentice carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2687, as recommended by the Conference Committee.

Senator Pflug spoke against passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2687, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2687, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

On motion of Senator Eide, Engrossed Substitute House Bill No. 2687 was immediately transmitted to the House of Representatives.

## PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President, speaking of where that bill just went I can't help but notice that one of the most distinguished, respected legislators I've ever served with is accompanying you on the rostrum. As Representative Helen Sommers takes her most deserved retirement I want to take this opportunity to say an incredible thank you on behalf of the service that you've given to the people of the State of Washington. I want to tell you on a personal note that I have learned so much from you. I've learned from your dignity I've learned from your tenacity. I've learned from your ability to delve into the deepest, darkest detail of the state budgeting process. I've learned of your willingness to stand up against the more popular or politically advantageous forces on behalf of preserving budget capacity. I've also learned from you as a woman legislator and so I simply want to say that, though we've been adversaries and we've been allies, I've always considered us friends and in the pantheon of the legislators who leave an enduring mark on the State of Washington there are few female faces but yours is prominent and, although you are small in stature, you are a giant among people who contributed to the State of Washington. Thank you very much."

## PERSONAL PRIVILEGE

Senator McCaslin: "I've been here twenty-eight years and you've been here thirty-five. We have never spoken, which is perhaps a blessing for one of us. I want to say, never haven spoken, I want to say that I concur with what Senator Brown said. From afar I have admired you even though you didn't know this but in total respect for you, for all of the years that you spent I'm sure you had black hair when you got here. I had hair when I got here but I do admire you tremendously for what you've gone through and you are a blessing to your constituents, number one, and to the State of Washington, number two. Thank you for all of your many years of service."

## PERSONAL PRIVILEGE

Senator Hargrove: "Thank you Mr. President. Well, we have affectionately referred to Helen as 'Darth Helen' and we learned to never ask her a question because the only answer was 'NO.' It is with real affection that I remember an amendment for the Seventh Street Theater in the House back in, I think, 1988 which was the first time she ever lost an amendment on the Capitol Budget and that it's been in the budget ever since as a matter of fact. So, but, Helen we really appreciate the incredible skill with which you have worked these budget issues over the years and, this was mentioned before, have stood up to many powerful interests to try to do the right thing for the citizens of the State of Washington. We're going to miss you a great deal."

## PERSONAL PRIVILEGE

Senator Spanel: "I, of course, met Helen when I came to the House many years ago, not as long ago as she did definitely. But I think one of the things in my early years in the House I was appointed to the Pension Policy Committee and I can tell you, many of you see my votes on this floor a little different than yours, but I got a lot of training from Helen and I think one of

the things that I learned in those years is you can never take away what you give and so I'm very conservative on some of those issues because I know that we have to be able to provide the money. I thank Helen for giving me that early training and it stuck with me because I'm with you and I also appreciate the fact that early on that also she introduced another senator and myself to where the best oysters in town can be eaten so thank you very much for your years of service. Much appreciated."

## PERSONAL PRIVILEGE

Senator Stevens: "I remember as a much younger legislator in the House when I was seated next to whose now also a Senator, Senator Morton and we were visiting and he said, 'Shhhh', listen, listen' and I said, 'But there's not, Helen is standing but its all so quiet' and he said 'That's my point. When Helen speaks everyone listens; I've learned so much from that because she's couched her words very carefully she was purposeful in what she said and what she said had meaning and people listened because they knew that when she was speaking it was important. I've learned a lot from you Helen and I appreciate that. It was many, many years ago. You had no idea how we were watching what you were saying or not saying. I appreciate you very much and God Bless you in your future retirement."

## PERSONAL PRIVILEGE

Senator McDermott: "Well, first of all, Senator Hatfield implored me to begin by letting everyone know that the four of us in the back corner back here, actually, three of us, were born when Representative Sommers was elected to the Legislature. However, I rise to share my own comments and not those of Senator Hatfield. As you know this is my first year in the Senate. I've served seven years, the previous seven years in the House and one of the greatest accomplishments for me, my proudest moment perhaps in the House, was during my second term. I think it was the second year of my second term when I realized that Representative Sommers had actually learned my name. It was the following term before as a budget analyst was, I was elected to the Legislature that actually was appointed to a seat on the Appropriations Committee. I think they were afraid to let a budget analyst onto the Appropriations Committee. It was a great pleasure to serve on that Committee, to watch the Chair work, to learn from her as already been spoken of her knowledge of the budgeting process, the integrity with which she brings to it and the way she can work with the stake holders needs across the state and weigh those against our future needs. I think my greatest accomplishments in working with her in the Appropriations budget was actually by lobbying her over breakfast repeatedly in the Members' Dining Room to fund school breakfast programs for students. I thought it was effective lobbying. You find her in the cafeteria every morning. You can talk to her. We've also shared several meals in her living room, usually pizza and beer, scheming about something with several other colleagues. Some of those have been quite successful and I paid a political price for some of those other conversations, I don't regret any of them. It's been an honor, Representative Sommers, to serve with you but even more of an honor to enjoy dinners in on a regular basis. Congratulations on your retirement."

## PERSONAL PRIVILEGE

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Senator Murray: “Thank you Mr. President. Well, I served with Helen for eleven years in the House. We sat near each other on the floor during those eleven years and there are two thoughts that I want to share with you. First of all, we know Helen’s tough and when I became a brand new Capitol Budget Chair and was having a little trouble with leadership, Helen taught me how to be tough with leadership and it worked. And it worked when I went on to the Transportation Chairmanship as well. I learned how to write budgets as a chair from Helen Sommers. The second thing is, there were times on the floor in the ‘90’s that we debated some very difficult subjects for me personally and Helen is not only tough but she’s incredibly compassionate and after those debates, before those debates and after those debates Helen’s warmth, caring and compassion to me personally is something I will always remember and I think it’s an important part of Helen that we sometimes don’t talk about because she is so tough. So Helen thank you for your friendship, for your mentor ship and for your service to this state.”

## PERSONAL PRIVILEGE

Senator Fraser: “Thank you Mr. President. Well, I met Helen Sommers before she was even a legislator and it was some time in the early ‘70’s where we were both actively engaged in efforts to advance the status of women and she was a true leader in that. Then later on, to my surprise, I became a legislator and in the other body served on a Capitol Budget that she chaired and I learned a lot about how to approach Capitol Budget and never dreamed I’d end up chairing the Capitol Budget in the Senate so many years later. Then we served on the Pension Committee together as others have mentioned. Just a tremendous leader on pensions and we’ve all learned so much about fiscal responsibilities from Helen, being such a role model. Helen will not be here voting next session but Helen’s views I think will still be here. Helen leaves a great legacy and I think we’ll all be asking, ‘What would Helen say?’”

## PERSONAL PRIVILEGE

Senator Haugen: “Thank you Mr. President. Well I too want to say thank you to Helen. I probably wouldn’t be here today without her. Back in the ‘80’s women were looking at running for office. It was kind of hard and we didn’t always get a lot of encouragement but that’s one thing Helen did. She encouraged women at that point to become leaders and she’s been a great role model and a good mentor to all of us. But, I want to tell you a little story about Helen that’s kind of a personal story. We have this group called the Steelhead fishing group up in Skagit County and they’ve been trying to get some money for hatchery and we finally convinced Helen to go up and go fishing with these guys. It was a great experience. Helen learned what it was like to be in Sedro Wooley and Marble Mountain and some of those wonderful places but, more than anything else, Helen really showed those men that Helen was a real true person because often times she’s kind of known as kind of women who says no to everything but she laughed at how she had a good time that day and she really did show these citizens that yes legislators do listen to you. Yes, legislators are real people. Yes, legislators care about you and Helen thank you. We’ll miss you.”

## PERSONAL PRIVILEGE

Senator Pflug: “Thank you Mr. President. Well, I also rise to honor someone whom I considered to be one of the great ladies of the legislature. I arrived in Olympia with a respect for Helen who was on the other side of the aisle because my first seat mate, Representative Brian Thomas. ‘You watch her. She is brilliant and fair and if you need something just go talk to Helen she will she’ll teach you.’ We have, and I have found that to be true. We have not always agreed and at least one of those times I was wrong but we often have. It’s just been a joy to serve with you and to watch the grace with which you have conducted yourself here in an environment where that’s not always easy. Everyone will connect the word integrity with you both for courage and for truthfulness. I have also appreciated your passion and your vision for Higher Education and think that is one of the legacies that you leave behind as well. So, I wish you much happiness in all that you do. Thank you Mr. President.”

## PERSONAL PRIVILEGE

Senator Jacobsen: “I think I met Helen about 1982 when her and Seth Armstrong were my mentors when I was running for office. Then I heard the story about how Helen got elected the first time in her district she was the first Democrat and the first woman and we decided they could, and the incumbent flipped over to take Helen out next time. He didn’t realize what a tough race he had and he lost the race. And then the other great time I had with Helen, I stood firmly on her side when Service Employees International Union decided she wasn’t dutiful enough and that was a hell of a campaign. They must spent a half million bucks against you. There were door bellers everywhere and I couldn’t believe how energetic you were. In one of your posters you put out was ‘Unbought and unbossered’ and one of my treasured memories of this place and I have it framed in my office if any body wants to see. She signed it ‘un bought, un bossed and unbowed’. And your going to leave unbowed. You got a lot to be proud of.”

## PERSONAL PRIVILEGE

Senator Parlette: “Thank you very much. Well I just want to talk about two things with Representative Helen Sommers. First of all, I will never forget as a freshman in the House of Representatives and serving on the Appropriations Committee how she immediately reached out to me. When you’re brand new you don’t forget who first comes up to you and Helen Sommers happened to be that person. And secondly, I don’t know of how many of you had the opportunity, in Helen’s life she has a real passion for geology and I didn’t know that until I just happened to talk about the Ice Age flood because in my district that is a big thing. If you’ve been to the museum at Dry Falls and Helen has such a passion you could sit there for an hour, two hours she has all this knowledge in her head and so what I’d like to say Helen is I hope that when you have more free time you will continue to visit Eastern Washington, specifically my district which is full of erratic and I know you know what those are and I hope I get that opportunity to see you in my district. Thank you.”

## REMARKS BY THE PRESIDENT

President Owen: “And Senator Carrell would like to talk to you about Murray Island. You had to be here.”

## PERSONAL PRIVILEGE

Senator McAuliffe: “And I would like to stand and recognize the work that Representative Sommers has done over the years for education. Always the House budget put a high priority on education of our one million children in our public schools. But what I really delight in the most is the excitement that I see in your face when we learned the University of Washington, of their research for our littlest learners. When we saw that children at birth could learn, when we looked at the fact that you hold a baby and stick your tongue out, just born, and it will stick their tongue back at you and you were so excited in all of this so we met and talked and tried to discuss how we could take our children from birth all the way through to be ready for kindergarten and on to third grade so that their life would be successful. Our very littlest ones who struggle the most. I want to thank you for the work that you’ve done on their behalf. I think that you have made a significant improvement in the lives of those babies and those families. Thank you.”

PERSONAL PRIVILEGE

Senator Kohl-Welles: “Thank you Mr. President. I can’t quite see Helen from where I am. There she is. She had been sitting somewhere else earlier. Of course, I have the distinct pleasure and honor of all the members of the Senate of being the seat mate of Helen. I have to say it’s been a pleasure. It’s been an honor. It’s not always been easy either. I have certainly not gotten any special consideration from Helen. I’m sure I’ve had as many no’s said to me as everybody else has had and it’s been very hard to live up to the high standards in terms of her being especially concise and short when talking. I’m sure my colleagues know that and I’ve also gotten to know Helen on a very personal level. I don’t know that all of members of the Senate are aware of her absolutely killer sense of humor. She is extremely funny. Enjoyable, just, I mean she can be a real gas. I will say when she’s in the right setting, maybe it’s a little different setting than on the floor of the House or in committee, but when she’s relaxed back at home, at an event, a little glass of something there to sip on, she’s just a ball. I’m looking forward of having a lot more of those events and get together’s with Helen. I’d also just like to share one story with you that my twin sons will never forget. About twelve or thirteen years ago when I came into the Senate she was going to sponsor one of my twin sons as a page. We had one in the Senate. One in the House and this went on for two or three years. In the first year, the twins at that time were into dying their hair different colors and I think one had purple hair at the time and one had orange hair and I said to them, ‘Oh no, you can’t page for Representative Sommers with purple hair or orange hair,’ and we had a big to do in our family about this and so finally the one who was paging for Helen and he had blonde hair, dyed his hair black so that was ok. They loved that experience. The other one did it the next year and she has always been so wonderful with children and youth. I’ve noticed that over and over and over. The other thing that I would like the members to know when she has had meetings with lobbyist and other constituents, we’ve had the pleasure, I’ve had the pleasure of being in the district office where she has held the meetings for years and when I would have meetings in my office and people would know that she was in the other room having meetings, it was very hard for me to have full attention of the people I was meeting because there were so aware of Helen’s being in the other room. She has had the highest level of respect from constituents, from lobbyist, from all of our colleagues and I’m personally glad that she will be in the thirty-sixth district and I will be able to continue being with her. Thank you Helen, you’ve been wonderful.”

PERSONAL PRIVILEGE

Senator Shin: “I’m not a speaker, I’m a watcher. I’m a listener. I spent two years in the House, ‘93-94. Helen was so way up over me. I was afraid of her. I used to run away when I see her as a freshman. First time I got to know her real well was about four years ago. We were on a trip to Asia, Taiwan and Thailand. I watched her from behind and sighed, tried to listen to her. She was most intensely interested in what she saw, what she heard and she talks to people and she asked the kind of a questions really touched me. She is interested in all their affairs, history, culture and trade as well. This is when she earned my respect and now I’m not afraid anymore. She’s my senior and, Mr. President, if it is possible I think she will, in cold days of Seattle, Washington, she may interested in listening to us speeches if I can request this speech may be taped and give her a copy of this. I think she’ll appreciate that. Helen, I think you are one of the few ladies I learned to respect and love. Thank you.”

PERSONAL PRIVILEGE

Senator Rasmussen: “Well, I rise also to give tribute to this remarkable, wonderful young woman and I say young because if you’ve ever traveled with Helen you’ll notice that she has more vim and vigor and more interest in everything that’s going around her. When I came in 80, my first session was ‘87, you talk about being scared of this whole process down here and then to be Representative Sommers’ Vice Chair of Capitol, I thought oh my gosh, we are so different and how will we ever get along? Well, one of the first things I did was we, I realized that you’re on the Capitol Committee you’re in charge of everything the state owns so we got out a DNR map and we looked at this checker board of everything we owned and if you don’t think Helen hasn’t been in your district I will stand and prove it because we not only got into a helicopter one time but we got into a DNR plane and we traveled all over this state. Yes we went to Grandy Creek and I think that shack that we had lunch in, I think it fell into the river later on. We went to Northern State Hospital. We went to Thorp Grismill, the little town of Thorp to Inner Lake. We went to Walla Walla. We went in on death row. We went to Clallam Bay. We visited everything across the state so if you had a project some place believe you me we went and looked at it and we had fun doing it but it also we had when I came in we were just coming off the WPPSS where our bond rating was pretty bad and so investing in ourselves this is what this remarkable woman has done. We brought our bond rating up to a double A. We built buildings with the Holland Library, the Veterinary Hospital at WSU. I could keep mentioning things but, the State Historical Museum in Tacoma, all of these things were done because Helen took an interest in everything that we owned in this state and made sure that we invested in ourselves. Truly, truly wonderful gifted person as far as finances go and far as the personality. Yes, I regarded her as my mentor but most importantly I regarded her as my friend. We have had wonderful times and I will miss you down here Helen but we’re going to have lot’s and lot’s of fun in the years to come. Thank you for what you’ve done for this state. All of us owe you, every citizen in this state owes you a great deal of honor and praise because you truly made this one Washington. Thank you.”

PERSONAL PRIVILEGE

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Senator Honeyford: "Well, thank you Mr. President. I wanted Helen to know and I told her last night that even though we sat opposite sides of the aisle in the House and still in the Senate I always checked to see where she voted on financial matters because I knew she was ninety-nine and nine-tenths percent right all of the time and so I really appreciated being able to have that opportunity. I also wanted to thank her for being a real lady. When we were in the majority, there was a situation with the Chair of the Budget Committee or the Appropriations Committee and she did not exploit that or take advantage of it but she worked very graciously with that member and I really appreciated that. A little-known fact about the lady, she is also a viticulturist and so am I so anyway I'll end there. Wish you well in your retirement."

## PERSONAL PRIVILEGE

Senator Keiser: "Thank you Mr. President. I would just like to say thank you Helen. I wouldn't be here today without you recruiting back in the '90's as many other members have mentioned. They too are here because of you and we have had the amount of effort and success that we've had because you've given us the mentor ship and the guidance and your advice along the way. So all I can say is thank you."

## PERSONAL PRIVILEGE

Senator Franklin: "Thank you Mr. President. Well, Representative Sommers, the young guys in the back mentioned they were born when you were elected but you brought them wisdom and with your wisdom you have taught them. You in turn have brought with you, you have carved a trail and that trail has been one of integrity an astute budget writer, one who examines every part of the budget very, very closely. While I have never sat on the Appropriations Committee, while I have never, one term I was served with you. We have not had long conversations. We've said hello but one thing that I have done is I have watched you very, very closely. I have watched how you have conducted yourself. I have watched not only that but when I go to my room, my second home and I watch TV and the Appropriations Committee of how you conduct that committee. Not only that is your attitude, your caring of what you have done for the state and your thirty-five years of being here and for the people of the State of Washington. Your finger has been on everything and every budget. I would say to you, you are not retiring, what your doing your moving on to something more and I would say that I really, really appreciate the time of service that you have given to this state. I wish you a happy time."

## PERSONAL PRIVILEGE

Senator Prentice: "I don't know about the rest of you but I certainly have one moment that was my favorite that told me everything that I needed to know about Helen Sommers. This is my first term when I was in the House. May I say that? When I was in the House. The Speaker wasn't getting something out of the Capitol Budget and I remember that he yelled at her, 'Helen, this is not your money that your spending.' She said, 'Oh, I thought it was,' he had the same frustrations a lot of people had. She could not very easily when it was the right thing to do but I certainly owe you a very personal vote of gratitude. You have helped me so much to an extent that other people here don't even know about. One of the things that we decided we were going to do when I got this job was meet every Friday and staff thought what do we need another meeting for and we said,

'Your not invited.' We said she and I needed to talk about what our respective caucuses' and what respective houses also had to say. One of the reasons that we did as much for special ed because I made it clear this was not a caucus, it was a Senate priority and she conveyed that to the other side. We also talked on the weekend. Dangerous isn't it? But we would talk maybe a couple times in a day and, Ok what about this? and, What do we do with that way' and I said like all good negotiators, now may not be transparent enough for the press but it certainly has worked for us and we have not had the kind of rancor that we sometimes had when you are working with the other side. One of the things that people don't know about you is your concern about kids immigrating to this country and their ability to learn other languages and that's one of the things that conveys your faith in our ability to absorb new people into this country. It's one of the things that sort of most people know about but I've admired so much about you. I can only thank you over and over and I hope you have a great time and come back with a great tan. Bye."

## REMARKS BY THE PRESIDENT

President Owen: "The President, of course, is incredibly honored to have Representative Sommers with us today. He believes her to be one of the most dedicated, caring, one of the brightest people that has ever served in this process. It's not the place for the President to make a speech but he certainly did want to share with you have much he appreciated you as well as the fact that, when you leave, I will then become the longest serving legislator here elected person here because there maybe somebody else that's been here a little bit longer than me not serving as an elected official. I can't even tie you unless I get elected and serve four years more, you have been here for so long doing so much for the people for the State of Washington. It would be a great honor for the Senate if you would wish to make any remarks to these people, to defend yourself or to do anything. Representative Sommers, do you wish to?"

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Representative Sommers who was seated at the rostrum.

## REMARKS BY REPRESENTATIVE SOMMERS

Representative Sommers: "As many of you are aware, I am a woman of few words but on this occasion I am virtually speechless. I was invited to come over that you were discussing a resolution or that you would begin speaking about my career, my being here, the kinds of things that I did, have done, the relationships, our partnerships and so on. Oh, I'd like to go over and hear it but I must say that I am deeply touched, deeply touched, by the kinds of things said. What you've reminded me of much of the history and things that we have done together in the past, which I treasure. I just want to say I am so grateful for this expression of friendship and working together that really barely have the words to tell you just how deeply I am touched by your support, your friendship and working relationship that we have had."

## PARLIAMENTARY INQUIRY

Senator Jacobsen: "Yes, there was another member of the Senate that was going to retire and they persuaded him to run again and he used some of the words that were said on the floor

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

in his campaign brochure. If we could persuade Representative Sommers to run again would she be perfectly appropriate to use the quote from one of the speeches on the floor today?"

REPLY BY THE PRESIDENT

President Owen: "I don't know".

REPORT OF THE CONFERENCE REPORT  
Engrossed Substitute House Bill No. 2765  
March 12, 2008

MR. PRESIDENT:  
MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute House Bill No. 2765, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2009, out of the several funds specified in this act.

**PART 1  
GENERAL GOVERNMENT**

**NEW SECTION. Sec. 1001** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

K-12 Inventory Pilot Project (08-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding is provided solely for the joint legislative audit and review committee to define and develop a pilot facility condition and inventory system for K-12 public school facilities. In developing and conducting the pilot, the joint legislative audit and review committee shall seek input from the superintendent of public instruction, participating school districts, the construction services group within educational service district 112, the state board for community and technical colleges, the office of financial management, the department of information services, and other entities as determined by the joint legislative audit and review committee. It is the intent of the legislature to build on the experience of the community and technical college capital facility assessment and inventory process, which includes an independent condition assessment of facilities, to establish a baseline of basic public school facility building data and information. It is also the intent of the legislature that once developed, a facility condition and inventory system must be housed in and operated by the office of the superintendent of public instruction for school districts statewide.

(2) The joint legislative audit and review committee shall select up to ten public school districts to participate in the pilot. The school districts must represent a cross-section of large and small districts, urban and rural districts, districts with facilities of varying age and condition, districts with varying fiscal capacity, and at least one district that serves as the host for a skills center.

(3) The facility condition and inventory system must include facility and site information necessary for facility assessment and maintenance. The facility condition and inventory system must also inform statewide policy options related to: (a) Class size; (b) all-day kindergarten; (c) specialized educational spaces, including math and science classrooms and labs, as well as other specialized spaces; (d) environmental health and safety improvements; (e) joint use of school facilities beyond the traditional school day; (f) high performance buildings; (g) use of portables; and (h) other policy options as identified by the joint legislative audit and review committee.

(4) Data elements in the facility condition and inventory system may include, but are not limited to, facility location, facility condition including health and safety considerations, type, size, current use, enrollment and space by grade level, information on specialized educational spaces, functionality of space, energy efficiency information, date and cost of original construction, date and cost of any major remodeling or renovation, operations and maintenance information and expenditures, and other data elements as determined by the joint legislative audit and review committee.

(5) By January 1, 2009, the joint legislative audit and review committee shall provide a report to the appropriate legislative fiscal committees on the following: (a) A proposed scope of work for the facility condition and inventory system pilot project; (b) identification of current sources of school district facility information and where the data resides; (c) recommended criteria for evaluating school facilities; (d) potential school district participants; (e) an implementation plan for the pilot group of school districts; and (f) a review of other states' scope and use of public school facility condition and inventory information.

(6) By January 1, 2010, the joint legislative audit and review committee shall submit findings and recommendations on the pilot program to the appropriate legislative fiscal committees. At a minimum, the final report must include the following: (a) A summary of data collected and analyzed for each participating school district; (b) an analysis of study and survey data for several participating school districts compared to an independent facility assessment; (c) a cost/benefit analysis of expanding the pilot to school districts statewide, including potential timelines; (d) possible methods and frequency for collecting, inventorying, updating, and sharing facility information by the office of the superintendent of public instruction; (e) possible interaction of a facility condition and inventory system with the statewide first responder building mapping system and other data collection efforts that are ongoing, including student educational data managed by the office of the superintendent of public instruction; (f) methods that allow for the efficient transfer of information between school districts and the facility condition and inventory system; and (g) other recommendations as determined by the joint legislative audit and review committee.

Appropriation:

Education Construction Account--State . . . . .	\$230,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$230,000

**Sec. 1002** 2007 c 520 s 1020 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (06-4-851)

The reappropriations in this section are subject to the following conditions and limitations:

(1) \$7,800,000 of the reappropriation from the Washington housing trust account is provided solely for the backlog, as defined by the department, of projects determined by the

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

department to be eligible under chapter 43.185 or 43.185A RCW.

(2) \$4,500,000 of the reappropriation from the Washington housing trust account is provided solely for weatherization administered through the energy matchmakers program.

(3) \$850,000 of the reappropriation from the Washington housing trust account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(4) \$500,000 of the reappropriation from the Washington housing trust account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$3,000,000 of the reappropriation from the Washington housing trust account is provided solely for farm worker housing projects and programs to meet the full spectrum of housing needs of Washington's farm workers and their families. The department shall work with stakeholders representing a diversity of farm worker housing interests to develop a strategic plan in implementing this provision.

(6) \$200,000 of the reappropriation from the Washington housing trust account is provided solely for the implementation and management of a manufactured/mobile home landlord-tenant ombudsman conflict resolution program by the office of mobile home affairs as generally described in section 3, chapter 429, Laws of 2005. The office of mobile home affairs shall also determine the number of complaints made to the department since May of 2005 that, in the best estimate of the department, do in fact present violations of chapter 59.20 RCW and shall produce a summary of the number and types of complaints. The office of mobile home affairs shall also continue to maintain and update a database with information about all mobile home parks and manufactured housing communities. The office of mobile home affairs shall provide a report regarding the activities and results of the program to the appropriate committees of the house of representatives and the senate by December 31, 2007.

(7) \$150,000 of the appropriation from the Washington housing trust account is provided solely for a program to assist individuals and communities in the home-buying process, including, but not limited to: Homebuyer education classes, credit and budget counseling, financial literacy training, and down payment assistance programs. The department shall contract with a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code or similar successor provision that has experience and expertise in addressing language access barriers in the home-buying process to implement this program.

(8) The reappropriation in this section must be included in the calculation of annual funds available for determining the administrative costs of the department, which shall not exceed five percent of the annual funds available for the housing assistance program and the affordable housing program as authorized under RCW 43.185.050 and 43.185A.030.

Reappropriation:

Washington Housing Trust Account--State . . .	\$16,502,000
<del>((Homeless Families Services Account--State . . .</del>	<del>\$4,000,000</del>
<del>Subtotal Reappropriation . . . . .</del>	<del>\$20,502,000</del>
	\$16,502,000
Prior Biennia (Expenditures) . . . . .	\$499,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>((21,001,000))</del>
	\$17,001,000

Sec. 1003 2007 c 520 s 1030 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water Assistance Program (07-4-004)	
Appropriation:	
Drinking Water Assistance Account--State . . .	<del>((7,200,000))</del>
	\$10,800,000
Drinking Water Assistance Repayment Account--State	
.....	\$21,100,000
Subtotal Appropriation . . . . .	<del>((28,300,000))</del>
	\$31,900,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$155,400,000
TOTAL . . . . .	<del>((183,700,000))</del>
	\$187,300,000

Sec. 1004 2007 c 520 s 1034 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (07-4-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the appropriation is for the public works board, in consultation with the house of representatives capital budget committee, the senate ways and means committee, and the office of financial management, to implement an infrastructure interest rate buy-down pilot program. The purpose of the program is to demonstrate options for the most efficient use of the state's investment in local infrastructure by funding more projects at an accelerated rate.

(2) The pilot program must provide grants to local governments to offset the difference in interest rates between one-half of one percent, as offered by the public works board, and the interest rate the local government receives on issuance of their own debt.

(3) The pilot program must include the following projects:

(a) Those with high scores from the list of projects that were not funded, as identified in the public works board 2008 legislative report;

(b) Projects located in economically distressed areas or that may be significantly impacted by a possible upcoming recession; and

(c) Projects located in jurisdictions that have unused debt capacity and are willing and able to acquire additional debt to finance the proposed infrastructure project.

Appropriation:

Public Works Assistance Account--State . . . . .	\$327,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$1,400,000,000
TOTAL . . . . .	\$1,727,000,000

Sec. 1005 2007 c 520 s 1031 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (07-4-009)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,500,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$14,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. The operation of the facilities built under this section shall be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects. Any of this appropriation that is not obligated by June 30, 2009, shall be added to the amount appropriated for the general pool of projects.

(6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.

(7) \$4,000,000 of the appropriation is provided solely for the development of farm infrastructure improvements. Any of this appropriation that is not obligated by June 30, 2009, shall be added to the amount appropriated for the general pool of projects.

(8) \$1,500,000 of the appropriation is provided solely for the development of housing for low-income or homeless Native Americans. The department shall work with Native American tribes, not-for-profit organizations with experience in serving Native American populations, and Native American housing development organizations to prioritize projects located in the areas of highest identified need.

(9) \$4,000,000 of the appropriation is provided solely for loans and grants to eligible organizations to purchase manufactured/mobile home communities with the intent of preserving the communities for affordable housing.

(10) Up to \$10,000,000 of the appropriation is for the creation and development of low-income housing within areas declared disasters by the governor after November 2007.

(11) \$2,000,000 of the appropriation from the state taxable building construction account is provided solely for the development or preservation of farmworker housing for migrant and seasonal farmworkers located on private farms. This appropriation is subject to appropriate agreements to protect the public investment. Any of this appropriation that is not obligated by June 30, 2009, shall be added to the amount appropriated for the general pool of projects.

(12) The appropriations in this section from the state building construction account shall be distributed as grants.

(13) \$250,000 of the appropriation from the Washington housing trust account is provided solely to the city of Burien for housing related purposes.

(14) The appropriation in this section shall not be used for the administrative costs of the department. The amount of the appropriation shall be included in the calculation of annual funds available for determining the administrative costs authorized under RCW 43.185.050.

((++)) (15) Within available funding provided in this section, the department shall prepare an inventory of housing assistance programs. The inventory shall include all state funded programs, the housing finance commission programs, all programs funded by local governments and housing authorities, including a description of expenditures from fees and taxes specifically authorized by state law for housing assistance and homeless programs, all property tax and sales tax provisions that are intended to support housing assistance programs, and all federally funded housing assistance programs provided in the state. The inventory shall include a description of the program, biennial appropriation and expenditure levels since the 1999-2001 biennium through the 2007-2009 biennium, a description of eligibility criteria and the amount of benefit provided per unit or per family, and the number of units or families assisted. The department shall coordinate with the joint legislative audit and

review committee to reduce duplicative efforts that may be required by legislation.

(16)(a) \$10,000,000 of the appropriation is provided solely for the department to contract with the Washington state housing finance commission to provide grants or loans to eligible organizations, described under RCW 43.185A.040, to purchase land or real property for affordable housing and community facilities preservation or development in rapidly gentrifying neighborhoods, redevelopment areas, or communities with a significant low-income population that is threatened with displacement by such gentrification. Loans or grants may be made to purchase land or real property for the preservation or development of affordable housing or community facilities, including reasonable costs and fees. The Washington state housing finance commission's review and evaluation of projects for loans and grants must include, but is not limited to the following: (i) Consideration of mobile home parks facing closure; (ii) properties in neighborhoods in King county that are facing gentrification or redevelopment; and (iii) properties located in the city of Spokane that are facing the threat of displacing low-income tenants due to the loss of affordable housing rental units. The Washington state housing finance commission, with approval from the department, may adopt guidelines and requirements that are necessary to administer the affordable housing and community facilities rapid response program. A loan recipient must preserve affordable rental housing acquired or developed under this section as affordable housing for a minimum of thirty years. Interest rates on loans made under this section may be as low as zero percent but may not exceed three percent. All loan repayments must be deposited into the Washington housing trust account and accounted for separately from other funds in the account.

(b) By December 1, 2008, the Washington state housing finance commission shall report to the department and the appropriate committees of the legislature: (i) The number of loans that were made in the program; (ii) for what purposes the loans were made; (iii) to whom the loans were made; and (iv) when the loans are expected to be paid back.

(17) Up to \$10,000,000 of the appropriation is for the department to contract with the Washington state housing finance commission to administer the facilitation of nonprofit entities' use of tax-exempt multifamily bonds issued by the Washington state housing finance commission.

(18)(a) \$100,000 of the appropriation from the Washington housing trust account is provided solely for the department to work in consultation with the affordable housing advisory board and representatives from nonprofit housing development organizations and affordable housing advocacy groups in the state to:

(i) Identify and analyze all costs associated with affordable housing development projects financed through the Washington housing trust fund under chapters 43.185 and 43.185A RCW, which may include, but are not limited to, costs associated with legal and architectural services, permitting and impact fees, land acquisition, and general construction costs;

(ii) Make recommendations for strategies, which must include recommendations for changes to public policy and department procedures, to reduce the costs identified in (a)(i) of this subsection; and

(iii) Make recommendations for potential performance measures appropriate for each strategy identified.

(b) In developing recommendations for strategies to reduce costs, the department shall analyze and address the fiscal impact of public policies of the state and of local governments, Washington housing trust fund policies, and general market forces on affordable housing development.

(c) The department shall report its findings and recommendations to the governor and to the appropriate committees of the legislature by September 30, 2009.

Appropriation:

State Taxable Building Construction Account--State

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

.....	\$130,000,000
State Building Construction Account--State	\$56,700,000
Washington Housing Trust Account--State	\$13,300,000
Subtotal Appropriation	\$200,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$560,000,000
TOTAL	<del>(\$690,000,000)</del>
	\$760,000,000

Sec. 1006 2007 c 520 s 1035 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Rural Washington Loan Fund (07-4-008)  
Appropriation:

Rural Washington Loan Account--State	... (\$4,127,000)
	\$2,027,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$16,508,000
TOTAL	..... <del>(\$20,635,000)</del>
	\$18,535,000

Sec. 1007 2007 c 520 s 1036 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Youth Recreational Facilities Grants (07-4-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.135.

(2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
YMCA of the inland northwest	Spokane	\$800,000
Boys and girls clubs of south Puget Sound	Lakewood	\$300,000
YMCA of Snohomish county	Mukilteo	\$385,000
YMCA of Snohomish county	Everett	\$800,000
Boys and girls club of south Puget Sound	Gig Harbor	\$600,000
Toutle river ranch	Longview	\$525,000
Boys and girls club of Bellevue	Bellevue	\$800,000
YMCA of Tacoma-Pierce county	Gig Harbor	\$800,000
Wenatchee valley YMCA	Wenatchee	\$213,000
YMCA of greater Seattle	Seattle	\$250,000
Maple Valley community center	Maple Valley	\$100,000
Boys and girls clubs of King county	Seattle	\$618,000

Filipino community of Seattle	Seattle	\$146,000
Boys and girls clubs of King county	Seattle	\$800,000
Ferndale boys and girls club	Ferndale	\$863,000
<del>(Tacoma community center)</del> Boys and girls club of south Puget Sound	Tacoma	\$800,000
Mukilteo boys and girls club	Mukilteo	\$250,000
<b>Total</b>		<b>\$9,050,000</b>

Appropriation:

State Building Construction Account--State	... \$9,050,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$32,000,000
TOTAL	..... \$41,050,000

Sec. 1008 2007 c 520 s 1041 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Local and Community Projects (08-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement shall not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation provided in this section for the bridge for kids project shall not be released until the department obtains a report from the project sponsor updating the cost of the project and the current fund raising plan.

~~(8) ((Funding for preconstruction activities for the Camas and Washougal community and recreation center is contingent on voter approval of a metropolitan park district.~~

~~---(9))~~ The appropriation provided in this section for the Fox theater shall be provided only under an agreement that the theater shall retain its current name as the Fox theater.

~~((+0))~~ (9) The appropriation in this section for the life support and emergency medical services infrastructure build-out project is provided solely for emergency medical services and

SIXTIETH DAY, MARCH 13, 2008

medical care infrastructure consistent with the adopted mission, goals, and capital plan of the 501(c)(3) life support.

~~((11) The port of Grays Harbor project is a loan that is subject to the provisions of chapter 171, Laws of 2006.~~

~~((12))~~ (10) The appropriation is provided solely for the following list of projects:

Project Name	Amount
800 MHz interoperability public safety communication	\$1,000,000
Aberdeen union gospel mission	\$562,000
Arts west playhouse and gallery	\$150,000
Ashford cultural center and mountaineering museum	\$800,000
Asian counseling/referral services	\$2,000,000
<del>((Aviation high school</del>	<del>(\$275,000))</del>
Ballard corners park	\$125,000
Beaver mitigation of Little Spokane river	\$75,000
Benton City food bank	<del>(\$200,000))</del>
	<u>\$350,000</u>
Bethel community center	\$1,000,000
Blueberry park improvements	\$5,000
Bothell crossroads/state route 522 realignment - land acquisition and preconstruction activities	\$7,000,000
Bowen field	\$500,000
Bremerton downtown economic revitalization projects	\$5,000,000
Bridge for kids	\$500,000
Burbank water improvement	\$1,621,000
Burien town square	\$1,600,000
Camp kilworth land acquisition - Federal Way	\$1,100,000
Cannon house	\$750,000
Chambers creek pedestrian bridge	<del>(\$1,000,000))</del>
	<u>\$2,400,000</u>
Chehalis middle school track improvement	\$350,000
Chehalis veterans wall of honor security enclosure	\$25,000
Chelan county public utility district monitor domestic water system	\$800,000
Children's hospital	\$2,500,000
Cities of Camas and Washougal community/recreation center preconstruction activities	\$500,000
City of Everett - senior center expansion and upgrade	\$400,000
City of Everett minor league baseball - aquasox	\$433,000
City of Kent event center	\$3,000,000
City of Mount Vernon downtown and waterfront flood control	\$1,000,000
City of Puyallup riverwalk trail project	\$600,000
City of Tacoma minor league baseball - rainiers	\$2,500,000
City of Yakima minor league baseball	\$594,000
Civil war cemetery near volunteer park	\$5,000
Columbia Springs environmental learning center preconstruction or construction activities	\$200,000
Confluence project	<del>(\$500,000))</del>
	<u>\$1,000,000</u>
Counter balance park	\$100,000
Coupeville covered play area	\$113,000
Covered bridge park land acquisition (Grays river)	\$90,000
Cowlitz drug treatment center	\$580,000
Darrington water system improvements	\$100,000
Dawson place child advocacy center land acquisition and renovation	\$650,000
Daybreak star in Discovery park	\$300,000
Dining car historic preservation	\$50,000
Discovery park - Fort Lawton	\$700,000
Duwamish education center	\$2,000,000
Duwamish longhouse	\$275,000
Eatonville family park	\$200,000
Evergreen school district health and biosciences academy	\$1,000,000
Federal Way little league field lighting	\$50,000
Ferndale boys and girls club - urgent needs and preconstruction activities	\$200,000
Fish lake trail	\$1,000,000

Fort Dent sewer	\$450,000
Foss waterway	<del>(\$1,000,000))</del>
	<u>\$1,300,000</u>
Fox theater	\$2,000,000
Friends of hidden river preconstruction activities	\$675,000
Goodwill of Tacoma	\$1,500,000
Granite Falls museum	\$30,000
High Point neighborhood center in West Seattle	\$1,000,000
Highline school district noise mitigation	<del>(\$3,500,000))</del>
	<u>\$5,000,000</u>
Hill ward building removal	\$550,000
Innovative services northwest	\$1,900,000
Institute for community leadership	\$700,000
Jewish federation of greater Seattle	\$900,000
Kent alliance center	\$500,000
Kirkland public safety campus land acquisition and preconstruction activities	\$750,000
Kitsap SEED	\$1,100,000
Klickitat law enforcement firing range	\$20,000
Kruckeberg botanical garden	\$150,000
Lake Stevens civic center	\$800,000
Lake Stevens senior center	<del>(\$200,000))</del>
	<u>\$300,000</u>
Lake Waughop/department of ecology aquatic weeds	\$50,000
Library connection at greenbridge	\$200,000
Life support and emergency medical services infrastructure build-out	\$2,700,000
Lions club renovation	\$160,000
Long lake nutrient reduction	\$300,000
Loon lake wood waste removal pilot study	\$350,000
Lucy Lopez center land acquisition	\$750,000
Maple Valley lake wilderness lodge and conference center	\$1,500,000
Maple Valley legacy site planning and infrastructure development	\$3,000,000
McCaw hall	\$2,000,000
McDonald park	\$150,000
Mercer slough environmental center	\$1,500,000
Mill creek senior center	\$150,000
Mirabeau Point children's universal park	\$800,000
Mobius	<del>(\$800,000))</del>
	<u>\$1,900,000</u>
Monroe rotary field	\$700,000
Morning star cultural center	\$300,000
Mountains to sound - SR18/I90 interchange	\$500,000
Nisei veterans committee	\$250,000
NORCOM public safety communication	\$750,000
Nordic heritage museum <u>preconstruction activities</u>	\$1,500,000
Northwest African American museum	\$650,000
Northwest harvest	\$3,000,000
Northwest stream center	\$300,000
Oak Harbor dredging preconstruction activities	\$59,000
Oak Harbor veterans memorial	\$50,000
Okanogan Valley equestrian and cultural heritage center	\$4,000,000
Palouse street safety improvements	\$210,000
Performing arts center eastside <u>preconstruction activities</u>	<del>(\$2,000,000))</del>
	<u>\$2,500,000</u>
Perry technical institute hanger	\$250,000
Pike Place market	\$1,070,000
Port of Benton transloader (railex)	\$1,000,000
<del>((Port of Grays Harbor</del>	<del>\$2,500,000))</del>
Port of Walla Walla wine incubator	\$500,000
Poulsbo marine science center floating classroom	\$100,000
Prime time repairs (terminally ill children)	\$300,000
Puyallup town square	\$200,000
Rainier lifelong learning center	\$200,000
Richland Babe Ruth field complex	\$1,000,000
Seatac World War I memorial plaza	\$200,000
Seattle art museum	\$1,250,000

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Seattle children's play garden	\$332,000
Seattle Chinese garden	\$500,000
Shoreline YMCA	\$800,000
Simon youth foundation resource center	\$150,000
Skagit recreation and event center	\$1,000,000
Snoqualmie railway history preconstruction activities	\$600,000
Somerset village - Snohomish Y	\$200,000
South Tacoma community center	<del>(\$700,000)</del>
	<u>\$1,200,000</u>
Spokane county minor league baseball - Indians	\$2,000,000
Spokane Valley community center and foodbank	\$260,000
Spokane YWCA/YMCA joint project	<del>(\$2,500,000)</del>
	<u>\$3,500,000</u>
Springwood youth center	\$500,000
SR 395/court street pedestrian overpass	\$400,000
Suquamish inviting house construction	\$1,000,000
Tacoma narrows bridge lights	\$1,500,000
Tonasket viewing platform	\$100,000
Tanbara clinic - East Tacoma community	\$850,000
The Northwest maritime center	\$2,250,000
The Tri Cities minor league baseball	\$666,000
Thurston county small business incubator	\$750,000
Tokeland/North Cove water tank for fire	\$10,000
Town square grid - drexler drive	\$750,000
Tukwila southcenter parkway infrastructure	\$4,000,000
Turning point domestic violence shelter	\$700,000
University Place town square	\$1,000,000
VaHalla hall	\$750,000
Vancouver national historic reserve	\$750,000
Vernetta Smith Chehalis timberland library	\$500,000
Waitsburg flood control feasibility report	\$29,000
Walla Walla county health center annex	\$100,000
White Center heights park	\$500,000
White Salmon water improvement	\$1,500,000
Willapa harbor community center	\$300,000
Wing-It productions historic theater	\$20,000
Washington State University/Shoreline Community	
College zero energy house	\$200,000
Yakima domestic violence shelter	\$200,000
Yakima downtown futures initiative phase 3	\$1,000,000
<del>((YMCA of Snohomish county- Ebey Island project</del>	<del>(\$2,200,000))</del>
Total	<del>(\$132,619,000)</del>
	<u>\$134,694,000</u>

Appropriation:

State Building Construction Account--State	<del>(\$132,619,000)</del>
	<u>\$134,694,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$132,619,000)</del>
	<u>\$134,694,000</u>

**Sec. 1009** 2007 c 520 s 1039 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Innovation Partnership Zones (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: The state will designate unique areas of the state as innovation partnership zones, where globally competitive companies, research institutions, and advanced training are creating special competitive advantages for the state. From among the innovation partnership zones, using a competitive process based on need, estimated economic impact, geographic diversity, and local matches, ~~(five)~~ six zones or projects will be selected to receive funding. The appropriation in this section is provided solely for shared telecommunications within the zone, shared infrastructure and facilities, long-term capital purchases, and up to 10 percent for zone administration through the locally-designated innovation partnership zone

administrator. It is the intent of the legislature that innovation partnership zone grants should consider the commercialization of inventions and innovations.

Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$5,000,000</u>

**Sec. 1010** 2007 c 520 s 1021 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Job/Economic Development Grants (06-4-950)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the project list in section 107, chapter 371, Laws of 2006.

(2) \$1,000,000 of the reappropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(3) ~~(\$5,000,000)~~ \$2,200,000 of the reappropriation is provided solely for military communities infrastructure projects. Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements and the purchase of real property in fee simple to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

(i) The county or city must be subject to and in compliance with RCW 36.70A.530;

(ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;

(iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and

(iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) Up to \$481,000 of the reappropriation is provided solely for improvements to a military department site on Fairchild air force base.

Reappropriation:

Public Works Assistance Account--State	<del>(\$31,481,000)</del>
	<u>\$28,681,000</u>
Prior Biennia (Expenditures)	\$18,519,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$50,000,000)</del>
	<u>\$47,200,000</u>

**NEW SECTION. Sec. 1011** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Skagit County Digester (08-4-951)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for a grant for the Skagit county digester project. This appropriation is subject to appropriate agreements to protect the public investment.

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

TOTAL ..... \$500,000
NEW SECTION. Sec. 1012 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Snohomish County Biodiesel (08-4-859)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for a grant for the Snohomish county biodiesel crusher project. This appropriation is subject to appropriate agreements to protect the public investment.

Appropriation:

Energy Freedom Account--State ..... \$500,000
Prior Biennia (Expenditures) ..... \$0
Future Biennia (Projected Costs) ..... \$0
TOTAL ..... \$500,000

NEW SECTION. Sec. 1013 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Quillayute Valley Wood-Fire Boiler (08-4-858)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for a grant for the Quillayute Valley wood-fire boiler demonstration project. This appropriation is subject to appropriate agreements to protect the public investment.

Appropriation:

Energy Freedom Account--State ..... \$1,000,000
Prior Biennia (Expenditures) ..... \$0
Future Biennia (Projected Costs) ..... \$0
TOTAL ..... \$1,000,000

Sec. 1014 2007 c 520 s 1042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Development Fund (08-4-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects listed in this section must comply with RCW 43.63A.125(2)(c).

(2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(3) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(4) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(5) Project funds are available on a reimbursement basis only and may not be advanced under any circumstances.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Project Name Amount

CASA Latina \$1,000,000
Divine alternatives for dads services (DADS) center \$10,000
El Centro de la Raza center \$821,000
Hilltop renaissance community - Centro Latino \$1,950,000
Hilltop renaissance community - MLK development association preconstruction activities \$4,000,000
HomeSight center \$250,000
Ilwaco community building \$2,700,000
Japanese cultural center of Washington \$1,000,000
KCR Bremerton community services center \$900,000
KDNA community center (Granger community center) \$500,000
Korean women's association center \$1,500,000
North helpline lake city court \$350,000
Salishan housing community \$2,900,000
Sea Mar family housing community \$1,500,000
Spokane east central community center \$150,000
Spokane emmanuel center \$500,000
Spokane Northeast community center \$1,000,000
Wapato Filipino American center \$135,000
Total \$21,166,000

Appropriation:

State Building Construction Account--State .. \$21,166,000
Prior Biennia (Expenditures) ..... \$0
Future Biennia (Projected Costs) ..... \$0
TOTAL ..... \$21,166,000

Sec. 1015 2007 c 520 s 1045 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Washington State Horse Park (08-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall complete the state's capital obligation for the facility.

(2) Land provided for the state horse park by the county or city in which the park is located shall remain in the ownership of that county or city unless the county or city determines otherwise. The legislature encourages the county or city to provide a long-term lease of selected property to the Washington state horse park authority at a minimal charge.

Appropriation:

State Building Construction Account--State ... \$3,500,000
Prior Biennia (Expenditures) ..... \$0
Future Biennia (Projected Costs) ..... \$0
TOTAL ..... \$3,500,000

NEW SECTION. Sec. 1016 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Longview Regional Water Treatment Plant Dredging (08-1-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the emergency dredging of the Cowlitz river to prevent sandbars from obstructing the intake facility necessary for the city of Longview to obtain water.

Appropriation:

State Building Construction Account--State .... \$150,000
Prior Biennia (Expenditures) ..... \$0
Future Biennia (Projected Costs) ..... \$0
TOTAL ..... \$150,000

NEW SECTION. Sec. 1017 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Quincy Water Treatment System Phase 1 (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to increase the capacity of the water treatment facility in the city of Quincy.

Appropriation:

State Building Construction Account--State . . .	\$4,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,500,000

NEW SECTION. Sec. 1018 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Schools (08-4-856)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the acquisition, rehabilitation, expansion, or improvement of surplus school buildings to be converted into community facilities for the delivery of nonresidential coordinated services for children and families.

(2) Eligible applicants include local governments, nonprofit organizations, nonprofit early learning providers, and tribal governments. Only the following surplus schools may be eligible for grant funding under this section: (a) Allen school; (b) Crown Hill school; (c) Fauntleroy school; (d) University Heights school; (e) Martin Luther King elementary school; and (f) Lincoln high school north wing.

(3) As part of the grant process, applicants must submit a comprehensive plan for the use of the surplus school that includes information on the following:

(a) A list of partner entities that will assist the lead eligible applicant to provide or coordinate services for children and families;

(b) A memorandum of understanding between the lead eligible applicant and each partner; and

(c) An examination of capital and operating funding sources that applicants intend to apply to the project and coordinated services at each school to be served, whether such funding is derived from grants under this section or from other federal, state, local, or private sources.

(4) Project applicants must demonstrate that the proposed project is ready to proceed, will make timely use of the funds, and requires state funding to accomplish a discrete, usable phase of the project that may include acquisition.

(5) If grant funds under this subsection are used for the acquisition of surplus school facilities, the sale proceeds must be used by the local school board disposing of such property for renovation, replacement, or new construction of school facilities in the district, but shall not be used as local match for projects receiving state school construction assistance grants.

(6) In contracts for grants authorized under this subsection, the department shall include provisions that require that capital improvements must be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities must be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Appropriation:

State Building Construction Account--State . . .	\$4,585,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,585,000

NEW SECTION. Sec. 1019 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

2008 Local and Community Projects (08-4-861)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only and may not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Project Name	Amount
180th/240th park development	\$700,000
Armed forces and aerospace museum	\$100,000
Brightwater environmental education center and energy test bed	\$270,000
Bullerville utility district water system replacement	\$350,000
Burley Mountain lodge	\$350,000
Camano community health clinic	\$500,000
Cispus environmental learning center	\$150,000
Cliff Bailey center - north end roof	\$302,000
Comfort house senior citizen center	\$15,000
Culvert and road collapse on 17th street in Lynden	\$500,000
Dayton historic depot	\$75,000
Dialysis capacity and backup power	\$450,000
Eatonville community pool access addition	\$350,000
Edwall water system	\$765,000
Examination room at children's justice center	\$100,000
Federal Way performing arts preconstruction activities	\$500,000
Garfield county agricultural history museum	\$75,000
Greenacres neighborhood park development	\$300,000
Handicap and public safety renovations	\$115,000
Hazel Heights p-patch and community garden	\$70,000
Historic train preservation	\$50,000
Hope center	\$135,000
Jim Kennett track renovation	\$12,000
Kitsap mental health services residential facility	\$1,000,000
Mason transit community center	\$235,000
McCaw hall	\$400,000
Mobile command center	\$330,000
Mt. Rainier lahar warning system upgrade	\$300,000
Mt. Spokane ski and snowboard parks preconstruction activities	\$300,000
Naches depot and trail phase II	\$375,000
New hope farms	\$85,000
North East redevelopment area project preconstruction activities	\$500,000

SIXTIETH DAY, MARCH 13, 2008

Petrovitsky park upgrade	\$100,000
Public facility emergency readiness	\$300,000
Puget Sound industrial excellence center	\$1,000,000
Rainier Valley boys and girls club	\$450,000
Redman slough channel restoration	\$45,000
Relocation of Highline West Seattle mental health facility	\$1,500,000
Road and culvert repair on Cedar Flats road	\$500,000
Seahurst environmental center	\$300,000
Share house expansion	\$1,400,000
Skamania county fairgrounds emergency repairs	\$100,000
Snohomish American legion ADA ramp	\$50,000
Sunnyside school district	\$150,000
Underwood water reservoir and water system improvements	\$350,000
Union avenue redevelopment	\$500,000
Vader public restrooms	\$110,000
Vancouver river front redevelopment	\$910,000
Wallingford boys and girls club	\$100,000
West Richland diking district	\$120,000
William Factory small business incubator	\$250,000
Yakima Valley museum feasibility study - downtown arts center	\$25,000
Youth housing and drop-in center	\$300,000
YWCA Somerset village apartments and community center acquisition	\$160,000
<b>Total</b>	<b>\$18,479,000</b>

**Appropriation:**

State Building Construction Account--State	\$18,479,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$18,479,000</b>

**NEW SECTION. Sec. 1020** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Statewide Childcare Facilities Needs Assessment (08-4-857)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department, in consultation with the department of early learning, to provide an assessment of childcare capacity statewide for the following children: (a) Children served by programs under chapter 72.40 RCW; (b) sick children; (c) children whose care is subsidized by the department of social and health services; (d) children that participate in the early childhood education and assistance program; and (e) children that participate in the head start program.

(2) The department shall review current or potential funding sources for the acquisition, construction, renovation, or expansion of early learning and other childcare program facilities, and make recommendations to the legislature regarding the need to revise current state competitive childcare facility programs or develop new state programs.

(3)(a) The department shall convene a work group to consider and make recommendations regarding potential criteria for a competitive childcare facility program including, but not limited to the following: (i) Potential eligible applicants; (ii) the appropriateness of grants or loans for eligible applicants; (iii) the type of facilities that are eligible for grants or loans; (iv) objective selection criteria; (v) the need for technical assistance for applicants; and (vi) potential modifications, if any, to the school construction assistance program administered by the office of the superintendent of public instruction with regard to early learning and other childcare programs.

(b) The work group shall consist of stakeholders in the early learning and childcare communities and their recommendations must be delivered to the legislative fiscal committees by November 15, 2008.

**Appropriation:**

State Building Construction Account--State	\$42,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$42,000</b>

**NEW SECTION. Sec. 1021** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Building Communities Fund Program (08-4-855)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the administrative costs associated with the implementation of chapter . . . (Second Substitute Senate Bill No. 6855 (funding for jobs, economic development, and local capital projects)), Laws of 2008. If the bill is not enacted by June 30, 2008, the appropriation in this section shall lapse. The department shall submit a list of qualified eligible projects to the governor and the legislature for the 2009-2011 biennium. The anticipated funding level for these projects is up to thirty-two million dollars.

**Appropriation:**

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$250,000</b>

**NEW SECTION. Sec. 1022** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Infrastructure Investment System (08-2-859)**

The appropriation in this section is subject to the following conditions and limitations: The legislature intends to begin a process of reevaluating the policy goals and priorities for the allocation of infrastructure assistance program funds through the use of information that is available and reviewed each biennium by the infrastructure programs.

(1) The appropriation in this section is provided solely for the office of financial management, in cooperation with the department of community, trade, and economic development, the department of ecology, the department of health, the transportation improvement board, and the office of the state treasurer to develop an implementation plan. The implementation plan will also be developed in consultation with existing and potential state infrastructure program grant and loan recipients, other stakeholders, and the legislature. The implementation plan must identify options for the organization and coordination of appropriate state infrastructure assistance programs into an improved infrastructure investment system. The implementation plan must identify opportunities for the improved infrastructure investment system to achieve the following:

- (a) Ease of access to program information and applications;
- (b) Access to technical assistance;
- (c) Coordination of program investment to ensure that all budget and tax support from all state sources is disclosed and considered as a total package of assistance. This includes the identification of taxes paid by taxing districts and regions and the benefits received from those same districts and regions;
- (d) The promotion of strategic investments of state resources that are aligned with state policy goals, which includes laws, administrative rules, and program policies;
- (e) The reduction of the cost of private market borrowing for jurisdictions with higher costs;
- (f) The identification of additional revenue for local infrastructure; and
- (g) Effective and efficient program administration.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(2) The development of an implementation plan must build upon prior studies and inventories of infrastructure programs and a further analysis of the major local infrastructure assistance programs. The implementation plan must be based on analysis, including the following:

- (a) Identification of the benefits from state grants and interest rate subsidies to rate payers and local tax payers;
- (b) A comparison of state policy goals, which are primary considerations in determining project funding decisions, with the actual funding decisions, the criteria used to rank proposals, and the performance measures used to monitor the success of the programs;
- (c) The compilation of the total amount of assistance received by jurisdictions over the past five biennia;
- (d) A comparison of the terms of a sample of low-interest loans provided to public infrastructure projects with the terms of private market borrowing that the jurisdictions would have been able to obtain. The sample of loans must include different types and sizes of projects and jurisdictions; and
- (e) An identification of funds leveraged with state infrastructure resources.

(3) The legislature also intends to use information from the multiple infrastructure assistance programs to provide direction for future funding priorities. The legislature will base those priorities on information from infrastructure assistance programs, including the programs' recommendations for the following:

- (a) Needed investment for the different types of infrastructure projects over the next six years;
- (b) Funding allocation of the projected existing state infrastructure assistance resources to those types of projects;
- (c) Reallocation of existing state resources for infrastructure projects; and
- (d) New and existing local and state revenue sources to address unfunded local infrastructure needs. In estimating the needed investment for different types of infrastructure projects, infrastructure assistance programs may include in their recommendations new types of projects that are not authorized in statute.

(4) The implementation plan and analysis must be completed by December 1, 2008.

Appropriation:

Public Works Assistance Account--State . . . . .	\$475,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$475,000

**Sec. 1023** 2007 c 520 s 1048 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Snohomish, Island, and Skagit County Regional Higher Education (08-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) It is the intent of the legislature that the four-year institutions and the community and technical colleges work as cooperative partners to ensure the successful and efficient operation of the state's system of higher education. In furtherance of the state's responsibility for the expansion of baccalaureate and graduate educational programs in the central Puget Sound area, the University of Washington shall govern and operate an additional branch campus to be located in the Snohomish/Island/Skagit county area. Top priorities for the campus include expansion of upper division capacity for transfer students and graduate students in high demand programs, with a particular focus on science, technology, and engineering. The campus may offer lower division courses linked to specific majors in fields not addressed at local community colleges. The campus may also directly admit freshmen and sophomores gradually and deliberately in accordance with a campus plan to

be submitted to the higher education coordinating board. All student admissions will be carried out in accordance with coadmissions and proportionality agreements emphasizing access for transfer students codeveloped by the University of Washington and the state board for community and technical colleges.

(2) The office of financial management and the University of Washington are directed to assess options and make recommendations on the siting of the branch campus in the Snohomish/Island/Skagit county region and shall develop operational and management plans needed to establish the institution. The plans shall include but not be limited to a master business plan for design and implementation, and programs to be offered to address demographic pressures and workforce needs. Planning and analysis shall be done in coordination with the local community and existing higher education institutions. Site selection criteria shall include, but not be limited to: Meeting the objectives of the master business plan; meeting the unmet baccalaureate needs in the region, including high demand program needs; compliance with provisions of the state's growth management act; and accessibility from existing and planned transportation infrastructure.

(3) Five years from the time the first class of students enters the new institution, the higher education coordinating board will work with the new institution and a local advisory board to: (a) Review the extent to which the new institution is meeting the baccalaureate degree needs of the citizens and businesses of the region and state; (b) assess any additional steps needed to accomplish the goals set forth in subsection (1) of this section, and; (c) assess the relationship between the new institution and other higher education institutions in the region and the state.

(4) The state board for community and technical colleges and the University of Washington shall plan for transition of appropriate programs from the university center to upper division programs at the branch campus.

(5) The office of financial management and the University of Washington shall report to the governor and the appropriate committees of the senate and house of representatives by November 15, 2007, on campus siting recommendations and a preliminary design and implementation plan. ~~((The final design and implementation plan shall be delivered to the governor and the appropriate committees of the senate and house of representatives by June 1, 2008.))~~

(6) The office of financial management may contract with outside sources to carry out the provisions of this section.

Appropriation:

State Building Construction Account--State <del>(((\$4,000,000))</del>	<u>\$1,500,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(((\$4,000,000))</del> <u>\$1,500,000</u>

**Sec. 1024** 2007 c 520 s 1050 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Oversight of State Facilities (08-2-855)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to strengthen its oversight role in state facility analysis and decision making as generally described in chapter 506, Laws of 2007.

Appropriation:

State Building Construction Account--State <del>(((\$1,015,000))</del>	<u>\$1,419,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(((\$1,015,000))</del>

\$1,419,000  
**Sec. 1025** 2007 c 520 s 1049 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Higher Education Cost Escalation (08-2-854)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to assist public baccalaureate higher education institutions in managing unanticipated cost escalation for projects bid during the 2007-2009 biennium. Not more than \$750,000 shall be made available to any single project and amounts used must be matched equally from other resources. The office of financial management shall manage the distribution of funds to ensure that the requesting institution has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than originally specified in the design. Prior to approving use of a minor works appropriation as a match, and its transfer to the project with unanticipated cost escalation, the office of financial management shall require the institution to describe what it has done to identify and develop alternative resources for a match, and the specific minor works projects that would be deferred as a result of the transfer. The office of financial management shall report to the appropriate fiscal committees of the legislature on the use of these funds.

Appropriation:

State Building Construction Account--State ~~(\$3,237,000)~~  
\$1,500,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . ~~(\$3,237,000)~~  
\$1,500,000

**NEW SECTION. Sec. 1026** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Higher Education Project Scoring and Financing Study (08-2-861)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions, beginning in 2008, and a higher education financing study as generally described in chapter . . . (Engrossed Substitute House Bill No. 3329), Laws of 2008. If the bill is not enacted by June 30, 2008, the appropriation shall lapse.

Appropriation:

State Building Construction Account--State . . . \$300,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$300,000

**Sec. 1027** 2007 c 520 s 1058 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Statewide Infrastructure: Preservation Minor Works (06-1-004)

Reappropriation:

State Vehicle Parking Account--State . . . . . \$31,000  
State Building Construction Account--State . . ~~(\$246,000)~~  
\$146,000  
Thurston County Capital Facilities Account--State . . . . . \$1,824,000  
Subtotal Reappropriation . . . . . ~~(\$2,101,000)~~

\$2,001,000  
Prior Biennia (Expenditures) . . . . . \$918,000  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . ~~(\$3,019,000)~~  
\$2,919,000

**Sec. 1028** 2007 c 520 s 1065 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building Improvements (08-1-011)

~~((The appropriation in this section is subject to the following conditions and limitations: \$25,000 of the capitol building construction account appropriation is provided solely to establish a legislative gift center created in chapter . . . (Second Substitute House Bill No. 1896), Laws of 2007. If the bill is not enacted by June 30, 2007, the appropriation shall lapse.))~~

Appropriation:

~~((Capitol Building Construction Account--State \$701,000))~~  
~~Thurston County Capital Facilities Account--State \$676,000~~  
~~State Building Construction Account--State . . ~~(\$550,000)~~~~  
\$575,000  
Subtotal Appropriation . . . . . \$1,251,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$2,836,000  
TOTAL . . . . . \$4,087,000

**Sec. 1029** 2007 c 520 s 1066 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works - Facility Preservation (08-1-015)

Appropriation:

~~Capitol Building Construction Account--State~~(\$1,715,000)~~~~  
\$1,619,000  
State Building Construction Account--State ~~(\$1,456,000)~~  
\$1,666,000  
Thurston County Capital Facilities Account--State . . . . . \$3,634,000  
General Administration Service Account--State . . \$1,386,000  
Subtotal Appropriation . . . . . ~~(\$8,191,000)~~  
\$8,305,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . ~~(\$20,365,000)~~  
\$20,065,000  
TOTAL . . . . . ~~(\$28,556,000)~~  
\$28,370,000

**Sec. 1030** 2007 c 520 s 1067 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Minor Works - Infrastructure Preservation (08-1-004)

Appropriation:

Capitol Building Construction Account--State . . \$600,000  
State Vehicle Parking Account--State . . . . . \$22,000  
State Building Construction Account--State ~~(\$3,000,000)~~  
\$2,796,000  
Thurston County Capital Facilities Account--State . . . . . \$1,899,000  
General Administration Service Account--State . . \$200,000  
Subtotal Appropriation . . . . . ~~(\$5,721,000)~~  
\$5,517,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . ~~(\$7,006,000)~~  
\$6,006,000  
TOTAL . . . . . ~~(\$12,727,000)~~  
\$11,523,000

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Sec. 1031 2007 c 520 s 1073 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Oversight of State Facilities (08-2-853)

The appropriation in this section is subject to the following conditions and limitations: The appropriations ((is)) in this section ((is)) are provided solely for the department of general administration to assist the office of financial management with the development ((of six-year facility plans as generally described in chapter . . . (Substitute House Bill No. 2366), Laws of 2007)) and implementation of RCW 43.82.035 and 43.82.055.

Appropriation:

Table with 2 columns: Description and Amount. Rows include General Administration Services Account--State, State Building Construction Account--State, Subtotal Appropriation, Prior Biennia (Expenditures), Future Biennia (Projected Costs), and TOTAL.

Sec. 1032 2007 c 520 s 1068 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor Works - Program (08-2-012)

Appropriation:

Table with 2 columns: Description and Amount. Rows include State Building Construction Account--State, Prior Biennia (Expenditures), Future Biennia (Projected Costs), and TOTAL.

NEW SECTION. Sec. 1033 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Infrastructure Relocation (08-2-028)

Appropriation:

Table with 2 columns: Description and Amount. Rows include State Building Construction Account--State, Prior Biennia (Expenditures), Future Biennia (Projected Costs), and TOTAL.

NEW SECTION. Sec. 1034 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus Monuments Repair and Restoration (09-1-003)

Appropriation:

Table with 2 columns: Description and Amount. Rows include State Building Construction Account--State, Prior Biennia (Expenditures), Future Biennia (Projected Costs), and TOTAL.

NEW SECTION. Sec. 1035 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Thurston County--Capital Campus High Capacity Transportation Study (08-2-955)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a contract with the Thurston county regional planning council for a study of transportation options for state employees in Thurston county and state capital campus visitors. The study must analyze trip patterns, alternative modes of transportation for employees, access for visitors, interagency travel, and commute trip reduction programs. The study must recommend options to improve multimodal transportation options available to those traveling to and from the capital and satellite campuses, including ways to improve the use, design, and access to new and existing transportation infrastructure such as parking lots, bicycle storage, park and rides, and transit stops.

Appropriation:

Table with 2 columns: Description and Amount. Rows include State Vehicle Parking Account--State, Prior Biennia (Expenditures), Future Biennia (Projected Costs), and TOTAL.

NEW SECTION. Sec. 1036 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Center/Executive Office Building: Design (08-2-858)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for design of the combined heritage center and executive office building project.

(2) The secretary of state and the department of general administration, in consultation with the office of the state treasurer, shall submit a financial plan for the combined project to the legislature by February 1, 2009. The financial plan must be approved by the director of the office of financial management and must include the following:

(a) An updated scope of work for the combined project; (b) An updated projection of annual revenues and expenses for each portion of the combined facility authorized in section 6001 (9) and (10)(a) of this act that fully support the project scope;

(c) A contingency plan in the event that fees generated under RCW 43.07.128, 36.18.010, and 36.22.175 are insufficient to meet debt service payments on the heritage center portion of the project in any given year over the life of the certificate of participation. Moneys derived from private fundraising activities shall not be considered as a revenue source for debt service payments in the contingency plan. The contingency plan must prioritize methods to be used to make up shortfalls in revenue including, but not limited to, transfers from the state general fund and other accounts, archive and corporate filing fee increases, agency operating budget reductions, and other methods;

(d) A risk management plan that identifies the process for decision making on project scope, schedule, and budget changes. The risk management plan also must describe the process for resolving disagreements between all parties; and

(e) An update on private fundraising activities.

(3) An executive steering committee shall be established for the project comprised of the secretary of state, the insurance commissioner, the director of the department of general administration, and the director of the office of financial management.

(4) The secretary of state and the department of general administration shall provide updates on the project to the office of financial management, including but not limited to information on project scope, schedule, and budget, on an interval to be determined by the office of financial management.

Appropriation:

Washington State Heritage Center Account--State

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

.....	\$6,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$6,000,000

**NEW SECTION. Sec. 1037** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF PERSONNEL**

Thurston County Childcare Needs Assessment - Predesign (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of personnel and the department of general administration to develop a predesign to determine: (1) Childcare needs of Washington state employees in Thurston county; (2) existing licensed childcare capacity near the capitol campus, in Lacey and in Tumwater, located near state agency offices; (3) preferred and alternate locations based on that need and capacity, on or near the capitol campus, in Lacey and in Tumwater; (4) optimum size of childcare space; and (5) project costs for these locations. The departments shall submit the predesign by September 15, 2008, to the office of financial management and the appropriate legislative fiscal committees.

Appropriation:

Thurston County Capital Facilities Account--State	\$150,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$150,000

**Sec. 1038** 2007 c 520 s 1075 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF INFORMATION SERVICES**

Wheeler Block Development--Department of Information Services, State Patrol, and General Office (08-2-950)

The appropriation in this section is subject to the following conditions and limitations: Planning funds are provided solely to lease/develop state office buildings and facilities for the department of information services on the "Wheeler block" of the east capitol campus. The office buildings shall be constructed and financed so that agencies' occupancy costs per gross square foot or per employee will not exceed 110 percent of comparable private market rental rates per gross square foot or per employee. The comparable general office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department in consultation with the department of general administration. In addition to the department of information services, state agency tenants shall include the state patrol and general office facilities for small agencies and offices. The department shall design and operate the general office facilities for small agencies and offices as a demonstration of the efficiencies gained from the integration of office space and telecommunications and computer technology. The demonstration project shall provide office space, furniture, and telecommunications and computer technology as a single package. The facility shall be designed so that small agencies and offices can move in and out of the facility without the typical moving expenses that result from individual agency ownership of furniture and technology. The facility for small agencies and offices shall also provide for staffing and space efficiencies resulting from central reception, and support services and spaces. The department of general administration shall coordinate with state agency tenants of the existing general administration building that will not be relocated to the new facilities of the "Wheeler block" for occupancy of state-owned or existing leased facilities (~~vacated by the state patrol or the~~

~~department of information services)) within Thurston county prior to relocation to new or not currently state-owned or leased facilities. The department shall consider alternatives for backfilling vacated state patrol or department of information services leased facilities when possible.~~

Appropriation:

State Building Construction Account--State ...	\$2,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$2,000,000

**Sec. 1039** 2007 c 520 s 1090 (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

Pritchard Building Rehabilitation (~~((08-2-017))~~) (08-2-850)

Appropriation:

State Building Construction Account--State ( <del>(\$1,100,000)</del> )	\$800,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>(\$1,100,000)</del> \$800,000

**NEW SECTION. Sec. 1040** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE MILITARY DEPARTMENT**

Flood Warning Systems (08-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the emergency management division in consultation with the department of ecology, the department of community, trade, and economic development, the Washington association of counties, the United States army corps of engineers, the national oceanic and atmospheric association, and the national weather service to develop the following:

- (1) An inventory and description of flood warning systems currently in place in flood hazard areas of the state, including manual systems and electronic systems;
- (2) A needs assessment indicating what specific areas of the state could be better served by flood warning systems based on flooding areas mapped under the federal emergency management act. The needs assessment must include recommendations regarding how to make timely notification of flood warnings and how to gather and share data about potential flood areas;
- (3) An information bank of flood warning systems, with descriptions of available and emerging technologies, and estimates of the costs of purchasing, installing, and maintaining these systems;
- (4) Sources of potential federal assistance for local flood warning systems; and
- (5) Recommendations to assist local governments in the financing of capital costs of flood warning systems, including the potential to modify existing state programs.

The recommendations must be reported to the office of financial management and legislature by December 15, 2009.

Appropriation:

State Building Construction Account--State ....	\$250,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$250,000

(End of part)

**PART 2  
HUMAN SERVICES**

**NEW SECTION. Sec. 2001** A new section is added to 2007 c 520 (uncodified) to read as follows:

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Community and Technical College Mapping (08-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Washington association of sheriffs and police chiefs to include facilities on community and technical college campuses in the statewide first responder building mapping information system.

Appropriation:

State Building Construction Account--State . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$746,000
TOTAL . . . . .	\$1,746,000

**Sec. 2002** 2007 c 520 s 2007 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School - Health and Safety Improvements (06-1-852)

Reappropriation:

<del>Charitable, Educational, Penal, and Reformatory Institutions Account--State . . . . .</del>	<del>-\$400,000</del>
State Building Construction Account--State . . . . .	\$372,000
Prior Biennia (Expenditures) . . . . .	\$350,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$750,000)</del>
	\$722,000

**Sec. 2003** 2007 c 520 s 2021 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Capital Project Management (08-1-110)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State . . . . .	<del>(\$2,555,000)</del>
	\$2,305,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$11,870,000
TOTAL . . . . .	<del>(\$14,425,000)</del>
	\$14,175,000

**Sec. 2004** 2007 c 520 s 2037 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest Campus Master Plan (08-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall resume and complete a master plan of the portion of the Fircrest campus that is not utilized by the Fircrest school or the department of health.

(2) In drafting the master plan, the department shall consult with the following:

- (a) The city of Shoreline;
- (b) The department of natural resources;
- (c) The department of health regarding their master planning effort;

(d) Representatives of institutions of higher education with whom the department has a partnership; and

(e) Representatives of the Shoreline community and neighboring communities.

(3) The master plan must include a plan for the future of the property, including recommendations for alternative uses such as affordable housing and smart growth options. The hybrid

option as described in the Fircrest excess property report dated January 14, 2008, must be used for the purposes of the master plan. The development of the master plan must not prohibit the potential future expansion of the public health laboratory by the department of health.

(4) The department must report to the appropriate committees of the legislature and the office of financial management by ~~(January 1, 2008)~~ December 1, 2010.

Appropriation:

State Building Construction Account--State . . . . .	<del>(\$175,000)</del>
	\$445,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$175,000)</del>
	\$445,000

**Sec. 2005** 2007 c 520 s 2029 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Special Commitment Center Medium Management Housing Addition (08-2-505)

The appropriation in this section is subject to the following conditions and limitations: Funding is for the evaluation of design alternatives to meet programmatic needs and to add residential space to existing facilities by remodeling existing residential space and converting existing program space to residential space for additional beds.

Appropriation:

State Building Construction Account--State . . . . .	<del>(\$1,000,000)</del>
	\$1,275,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$1,000,000)</del>
	\$1,275,000

**Sec. 2006** 2007 c 520 s 2032 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital Laundry Upgrades (08-1-325)

Appropriation:

State Building Construction Account--State . . . . .	<del>(\$885,000)</del>
	\$2,858,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$885,000)</del>
	\$2,858,000

**Sec. 2007** 2007 c 520 s 2042 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory Addition (08-2-003)

Appropriation:

State Building Construction Account--State . . . . .	<del>(\$1,184,000)</del>
	\$2,012,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	<del>(\$8,984,000)</del>
	\$8,156,000
TOTAL . . . . .	\$10,168,000

**Sec. 2008** 2007 c 520 s 2045 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Drinking Water Assistance Program (06-4-001)

Reappropriation:

Drinking Water Assistance Account--Federal . . . . .	\$18,588,000
--	--------------

SIXTIETH DAY, MARCH 13, 2008

Appropriation:

Drinking Water Assistance Account--Federal	(( <del>\$54,300,000</del> ))
	<u>\$66,474,000</u>
Prior Biennia (Expenditures)	\$7,086,000
Future Biennia (Projected Costs)	\$99,360,000
TOTAL	(( <del>\$179,334,000</del> ))
	<u>\$191,508,000</u>

**NEW SECTION. Sec. 2009** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Review of Drinking Water Systems (08-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of health to conduct a statewide review of small public drinking water systems that have or may in the future require significant state resources to resolve urgent threats to public health and safety. A small water system is less than one thousand connections (a group A or group B water system). The department shall evaluate case studies, the two regulatory frameworks in place for small systems, and provide a report to the appropriate legislative committees and the office of financial management with recommendations on early interventions or changes to the regulatory structure that could prevent such problems in the future.

(2) The department shall identify the communities that would benefit from consolidation, regionalization, or other measures that will lead to improved small system regulatory compliance, long-term public health protection, and sustained economic vitality in communities served by small systems. The department shall submit a progress report to the fiscal committees of the legislature and the office of financial management by December 1, 2008, and a final report by June 30, 2009.

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

**NEW SECTION. Sec. 2010** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Walla Walla Nursing Facility (08-2-008)

Appropriation:

State Building Construction Account--State	\$125,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,850,000
TOTAL	\$13,975,000

**Sec. 2011** 2007 c 520 s 2061 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Complex: Improve C and D Units Security Features (06-1-046)

Reappropriation:

State Building Construction Account--State	(( <del>\$280,000</del> ))
	<u>\$308,000</u>
Prior Biennia (Expenditures)	\$2,618,000
Future Biennia (Projected Costs)	\$0
TOTAL	(( <del>\$2,898,000</del> ))
	<u>\$2,926,000</u>

**NEW SECTION. Sec. 2012** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Center: 100-Bed Management and Segregation Unit (00-2-008)

Reappropriation:

State Building Construction Account--State	\$995,000
Prior Biennia (Expenditures)	\$38,443,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,438,000

**NEW SECTION. Sec. 2013** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Convert BAR Units from Medium to Close Custody (04-2-004)

Reappropriation:

State Building Construction Account--State	\$110,000
Prior Biennia (Expenditures)	\$17,699,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,809,000

**Sec. 2014** 2007 c 520 s 2054 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Coyote Ridge Corrections Center: Design and Construct Medium Security Facility (98-2-011)

Reappropriation:

State Building Construction Account--State	\$155,459,000
Appropriation:	
State Building Construction Account--State	(( <del>\$13,700,000</del> ))
	<u>\$1,280,000</u>

Prior Biennia (Expenditures)	\$75,449,000
Future Biennia (Projected Costs)	\$0
TOTAL	(( <del>\$244,608,000</del> ))
	<u>\$232,188,000</u>

**Sec. 2015** 2007 c 520 s 2056 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: North Close Security Compound (04-2-005)

Reappropriation:

State Building Construction Account--State	\$10,482,000
Appropriation:	
State Building Construction Account--State	\$13,007,000

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$763,000
Subtotal Appropriation	\$13,770,000

Prior Biennia (Expenditures)	\$130,276,000
Future Biennia (Projected Costs)	\$0
TOTAL	(( <del>\$140,758,000</del> ))
	<u>\$154,528,000</u>

**Sec. 2016** 2007 c 520 s 2058 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Clallam Bay Corrections Center: Replace Support Building Roof (06-1-044)

Reappropriation:

State Building Construction Account--State	(( <del>\$3,930,000</del> ))
	<u>\$3,580,000</u>
Prior Biennia (Expenditures)	\$822,000
Future Biennia (Projected Costs)	\$0
TOTAL	(( <del>\$4,752,000</del> ))
	<u>\$4,402,000</u>

**Sec. 2017** 2007 c 520 s 2075 (uncodified) is amended to read as follows:

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

**FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary: Replace Correctional Industry Roof (06-1-023)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State . . .	<del>(\$1,619,000)</del>
	\$856,000
State Building Construction Account--State	<del>(\$1,338,000)</del>
	\$1,101,000
Subtotal Reappropriation . . . . .	<del>(\$2,957,000)</del>
	\$1,957,000
Prior Biennia (Expenditures) . . . . .	\$494,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$3,451,000)</del>
	\$2,451,000

(End of part)

**PART 3  
NATURAL RESOURCES**

**Sec. 3001** 2007 c 520 s 3001 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Water Supply Facilities (74-2-006)

The reappropriation in this section is subject to the following conditions and limitations: \$300,000 of funds redirected from completed or cancelled projects is provided solely for capital expenses associated with a groundwater study of the upper Kittitas.

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State . .	\$2,756,000
Prior Biennia (Expenditures) . . . . .	\$13,543,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$16,299,000

**Sec. 3002** 2007 c 520 s 3019 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

State Drought Preparedness (05-4-009)

Reappropriation:

State Drought Preparedness--State . . . . .	<del>(\$1,464,000)</del>
	\$1,287,000
Prior Biennia (Expenditures) . . . . .	\$5,865,000
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$7,329,000)</del>
	\$7,152,000

**Sec. 3003** 2007 c 520 s 3036 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (08-4-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the state building construction account--state appropriation is for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c)

projects with a local match from reasonable water quality rates and charges.

(3) \$2,000,000 of the state building construction account--state appropriation is provided solely for the Adams and Lincoln counties ground water mapping project. The project shall submit a report to the appropriate committees of the legislature describing the dynamic relationship between groundwater and surface water in the region. The report shall be submitted by January 1, 2009.

(4) \$2,100,000 of the state toxics control account appropriation is provided solely for wastewater and clean water improvement projects at Illahee state park, Fort Flagler state park, and Larrabee state park.

(5)(a) \$4,400,000 of the state building construction account--state appropriation is provided solely for the Tenino waste water treatment facility and collection system to replace the city of Tenino's septic systems.

(b) ~~(\$18,505,000)~~ \$22,113,000 of the state building construction account--state appropriation is provided solely for the following projects:

Project	Amount
City of Carnation waste water treatment system	\$3,000,000
Mansfield waste water treatment upgrade	\$960,000
Rock Island waste water treatment system	\$870,000
Enumclaw waste water treatment system	\$750,000
Snohomish waste water treatment system	<del>(\$4,925,000)</del>
	\$5,425,000
Freeland sewer district	\$1,000,000
Clark county regional sewer cooperative	\$4,000,000
Town of Warden waste water	\$3,000,000
Gig Harbor waste water system improvements	\$1,000,000
Ritzville waste water treatment system	\$1,608,000
Sultan waste water system improvements	\$500,000

~~((b))~~ (c) The appropriation for entities that are listed in ~~((a))~~ (b) of this subsection shall not affect the entities' eligibility for centennial fund hardship assistance and shall be excluded from any financial hardship calculation that would have the effect of reducing other moneys for which the entity is currently contracted and eligible under WAC 173-95A-030(8), as it existed on the effective date of this section.

~~((e))~~ (d) The appropriation to the city of Carnation is for payment to King county for the county connection charge and other eligible costs.

Appropriation:

State Building Construction Account--State	<del>(\$49,225,000)</del>
	\$42,629,000
Water Quality Capital Account--State . . . . .	<del>(\$7,550,000)</del>
	\$5,417,000
State Toxics Control Account--State . . . . .	<del>(\$2,100,000)</del>
	\$18,837,000
Subtotal Appropriation . . . . .	<del>(\$58,875,000)</del>
	\$66,883,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$178,400,000
TOTAL . . . . .	<del>(\$237,275,000)</del>
	\$245,283,000

NEW SECTION. Sec. 3004 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Wastewater Regionalization (08-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to conduct a review of statewide community wastewater infrastructure needs and identify communities that would benefit from regional wastewater infrastructure and identify any barriers to regionalization these communities may face. The department must submit an interim report to the appropriate legislative

SIXTIETH DAY, MARCH 13, 2008

committees and the office of financial management by November 30, 2008, with a final report due by June 30, 2009.

Appropriation:

State Building Construction Account--State . . . .	\$100,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$100,000

**NEW SECTION. Sec. 3005** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Wastewater Systems Case Studies (08-2-852)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department and department of community, trade, and economic development to develop a set of case studies of wastewater systems, based on the small communities initiative's action list, that require significant state financial and technical resources to resolve urgent threats to public health, safety, and environmental quality. The department shall provide recommendations for early interventions to prevent similar problems with small communities in the future. The recommendations must be provided to the appropriate legislative committees and the office of financial management by November 30, 2008.

Appropriation:

State Building Construction Account--State . . . . .	\$75,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$75,000

**Sec. 3006** 2007 c 520 s 3037 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Cleanup Toxic Sites in Puget Sound (08-4-005)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups shall include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department shall provide the Puget Sound partnership, as created by chapter 341, Laws of 2007, the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

Appropriation:

State Toxics Control Account--State . . . . .	<del>(\$4,000,000)</del>
	\$6,767,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$18,820,000
TOTAL . . . . .	<del>(\$22,820,000)</del>
	\$25,587,000

**Sec. 3007** 2007 c 520 s 3045 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Reduce Health Risks from Toxic Diesel Pollution (08-4-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(\$4,840,000)~~ \$5,380,000 of the appropriation is provided solely for clean diesel school bus (diesel retrofits) projects for local school districts, which the department may use for the purposes of RCW 28A.160.205.

(2) ~~(\$2,330,000)~~ \$4,830,000 of the appropriation is provided solely for ~~(emission reduction projects for local governments to retrofit public sector diesel engines to allow~~

2008 REGULAR SESSION

~~public sector fleets to reduce their emissions)) clean diesel projects, other than for school buses, as described in RCW 70.94.017(2)(a) and may be distributed through grants to air pollution control authorities.~~

Appropriation:

Local Toxics Control Account--State . . . . .	<del>(\$7,170,000)</del>
	\$10,210,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$7,170,000)</del>
	\$10,210,000

**Sec. 3008** 2007 c 520 s 3046 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grants (08-4-008)

Appropriation:

Local Toxics Control Account--State . . . . .	<del>(\$84,475,000)</del>
	\$92,875,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$180,000,000
TOTAL . . . . .	<del>(\$264,475,000)</del>
	\$272,875,000

**Sec. 3009** 2007 c 520 s 3048 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Safe Soils Remediation Grants (08-4-009)

Appropriation:

State Toxics Control Account--State . . . . .	<del>(\$2,000,000)</del>
	\$4,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$4,000,000
TOTAL . . . . .	<del>(\$6,000,000)</del>
	\$8,500,000

**Sec. 3010** 2007 c 520 s 3050 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Skykomish Cleanup (08-4-020)

The appropriation in this section is subject to the following conditions and limitations: \$3,000,000 of the cleanup settlement account appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 6722 (cleanup settlement account)), Laws of 2008. If the bill is not enacted by June 30, 2008, the amount provided in this section shall lapse.

Appropriation:

State Toxics Control Account--State . . . . .	\$7,000,000
Clean Up Settlement Account--State . . . . .	\$3,000,000
Subtotal Appropriation . . . . .	\$10,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	<del>(\$0)</del>
	\$2,050,000
TOTAL . . . . .	<del>(\$7,000,000)</del>
	\$12,050,000

**NEW SECTION. Sec. 3011** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Mason County Consortium (08-4-851)

Appropriation:

State Toxics Control Account--State . . . . .	\$500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$500,000

**NEW SECTION. Sec. 3012** A new section is added to 2007 c 520 (uncodified) to read as follows:

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

**FOR THE DEPARTMENT OF ECOLOGY**

**Flood Protection Study (08-2-855)**

The appropriation in this section is subject to the following conditions and limitations:

The legislature finds that levees across the state provide protection to hundreds of communities from flooding. Many of these levee systems are old, built with substandard materials, and were not designed to provide the level of protection that the communities behind them need. Recent decertification of levees in King and Pierce counties by the United States army corps of engineers indicates a growing problem with levee maintenance. As more levees are decertified, land behind those levees is considered to be located in the regulated floodplain. Because of this, many homeowners and businesses must obtain flood insurance, and new construction projects must meet strict new building codes.

Therefore, the appropriation in this section is provided solely for the department to conduct a study to determine the number of decertified levees in the state and to identify strategies for recertifying the levees so that they provide optimum protection for the communities protected by the levees. The department must prioritize areas to include in the study based on population and the economic impact of potential flood damage.

The study shall include the following components:

(1) A working group of levee managers to advise and inform the study;

(2) A technical review of the structural integrity of levee systems;

(3) An inventory, map, and rate the effectiveness of existing levee systems; and

(4) The development of strategies and actions needed to improve the existing levee system and to ensure certification by the United States army corps of engineers for one-hundred year flood protection.

The study must be completed and a report provided to the appropriate legislative committees by July 1, 2009.

Appropriation:

State Building Construction Account--State . . . .	\$280,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b>\$280,000</b>

**Sec. 3013** 2007 c 520 s 3049 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

**Reduce Public Health Risks from Wood Stove Pollution (08-4-019)**

Appropriation:

Wood Stove Education Account--State . . . . .	\$500,000
Local Toxics Control Account--State . . . . .	\$1,500,000
<u>Subtotal Appropriation . . . . .</u>	<u>\$2,000,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	<del>(\$2,000,000)</del>
<b>TOTAL . . . . .</b>	<b><del>(\$2,500,000)</del></b>
	<u>\$2,000,000</u>

**NEW SECTION. Sec. 3014** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

**Breazeale Interpretive Center (08-2-856)**

Appropriation:

General Fund--Federal . . . . .	\$495,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b>\$495,000</b>

**Sec. 3015** 2007 c 520 s 3060 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

**Facility Preservation - Facilities (06-1-004)**

Reappropriation:

State Building Construction Account--State	<del>(\$6,000,000)</del>
	<u>\$4,700,000</u>
Prior Biennia (Expenditures) . . . . .	\$4,419,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b><del>(\$10,419,000)</del></b>
	<u>\$9,119,000</u>

**Sec. 3016** 2007 c 520 s 3072 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

**Puget Sound Wastewater (06-1-851)**

Reappropriation:

State Building Construction Account--State	<del>(\$6,100,000)</del>
	<u>\$5,814,000</u>
Prior Biennia (Expenditures) . . . . .	\$1,095,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b><del>(\$7,195,000)</del></b>
	<u>\$6,909,000</u>

**NEW SECTION. Sec. 3017** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

**Saint Edward State Park Seminary Building: Preservation (08-1-010)**

The appropriation in this section is subject to the following conditions and limitations: Design and construction to stop ground water intrusion, above-ground water intrusion, and internal leakage from the rain leader system.

Appropriation:

State Building Construction Account--State . . .	\$2,310,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$12,200,000
<b>TOTAL . . . . .</b>	<b>\$14,510,000</b>

**Sec. 3018** 2007 c 520 s 3087 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

**Minor Works - Facility Preservation (08-1-001)**

Appropriation:

State Building Construction Account--State	<del>(\$9,000,000)</del>
	<u>\$8,800,000</u>
State Toxics Control Account--State . . . . .	<u>\$200,000</u>
<u>Subtotal Appropriation . . . . .</u>	<u>\$9,000,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$40,000,000
<b>TOTAL . . . . .</b>	<b>\$49,000,000</b>

**Sec. 3019** 2007 c 520 s 3084 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

**Historic Preservation (08-1-002)**

~~((The appropriation in this section is subject to the following conditions and limitations:~~

~~(1) \$500,000 of the appropriation is provided solely for the design, permits, and drawings for the seminary building at St. Edward State Park.~~

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

~~(2) \$500,000 of the appropriation is provided solely for improvements to prevent further degradation of the seminary building.)~~

Appropriation:

State Building Construction Account--State	<del>(\$7,101,000)</del>
	\$6,191,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,500,000
TOTAL	<del>(\$21,601,000)</del>
	\$20,691,000

**Sec. 3020** 2007 c 520 s 3092 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Trail Development (08-1-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely to construct the ecological trail from Baker Bay to the Pacific ocean at Cape Disappointment state park, as identified in the commission's master capital plan.

(2) \$350,000 of the appropriation is provided solely for upgrades to the Squak mountain trail.

(3) The commission shall permit the city of North Bend to install a water line under part of the John Wayne trail. The city shall pay for all project costs and the cost of restoring the trail to the original or improved condition but shall not be charged a fee for the easement.

Appropriation:

State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

**Sec. 3021** 2007 c 520 s 3095 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Lake Sammamish Major Park Upgrade (08-1-014)

Appropriation:

State Building Construction Account--State	<del>(\$1,033,000)</del>
	\$1,183,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$1,033,000)</del>
	\$1,183,000

**NEW SECTION. Sec. 3022** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Ocean City Comfort Station--Fire Damage Repair (08-1-043)

Appropriation:

State Building Construction Account--State	\$181,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$181,000

**NEW SECTION. Sec. 3023** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Flagler: Parkwide Sewage Treatment System (08-1-044)

Appropriation:

State Building Construction Account--State	\$2,773,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,773,000

**NEW SECTION. Sec. 3024** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Bigelow House (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for capital improvements to the Bigelow house. The commission shall accept the donation of the Bigelow house museum, the grounds, and the contents of the Bigelow house museum from the Bigelow house preservation association if the Bigelow house preservation association agrees to continue to provide staff and programming for the museum.

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

**NEW SECTION. Sec. 3025** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Ike Kinswa State Park Improvement (08-2-950)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

**Sec. 3026** 2007 c 520 s 3102 (uncodified) is amended to read as follows:

**FOR THE ((INTERAGENCY COMMITTEE FOR OUTDOOR)) RECREATION AND CONSERVATION FUNDING BOARD**

Salmon Recovery Funding Board Programs (00-2-001)

Reappropriation:

General Fund--Federal	\$166,000
Salmon Recovery Account--State	<del>(\$1,175,000)</del>
	\$575,000
Subtotal Reappropriation	<del>(\$1,341,000)</del>
	\$741,000
Prior Biennia (Expenditures)	\$100,284,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$101,625,000)</del>
	\$101,025,000

**Sec. 3027** 2007 c 520 s 3134 (uncodified) is amended to read as follows:

**FOR THE ((INTERAGENCY COMMITTEE FOR OUTDOOR)) RECREATION AND CONSERVATION FUNDING BOARD**

Youth Athletic Fields (06-2-952)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for competitive grants for acquisition, development, and renovation of youth athletic fields. The committee shall follow the applicable rules of the youth athletic facilities program, except that grants for maintenance are not eligible and the amount of a grant need not be in proportion to the population of the city or county where the community

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

outdoor athletic facility is located, and if there are not enough project applications submitted in a category within the account to meet the requirement of equal distribution of funds to each category, the recreation and conservation funding board may distribute any remaining funds to other categories within the account.

Reappropriation:

State Building Construction Account--State . . .	\$2,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,500,000

Sec. 3028 2007 c 520 s 3146 (uncodified) is amended to read as follows:

**FOR THE ((INTERAGENCY COMMITTEE FOR OUTDOOR)) RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife Recreation Grants (08-4-011)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for the approved list of projects in LEAP capital document No. 2007-3 as developed on March 17, 2007, and LEAP capital document No. 2008-1 as developed on February 13, 2008.

(2) If additional funds are available after funding the farmlands preservation account projects approved in subsection (1) of this section, the committee may:

(a) Provide one-time grants of up to \$25,000 each to counties requesting assistance in developing farmlands preservation strategies for the purpose of seeking grants from the farmlands preservation account in future grant cycles.

(b) Conduct a second grant cycle in the 2007-2009 biennium for farmlands preservation projects. A ranked list of farmlands preservation projects may be submitted to the governor by November 1, 2007, for approval in the 2008 supplemental capital budget. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the supplemental capital budget request to the legislature.

(3) Funds appropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) shall be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

(4) \$627,299 of the appropriation from the riparian protection account is provided solely for the Chehalis river surge plain natural area preserve. This amount shall not be expended for the project until the department of natural resources has completed a management plan for the preserve that maintains recreational access and that management plan is presented to the house of representatives capital budget and senate ways and means committees.

(5) The recreation and conservation funding board shall research hazards to the public from personal high speed watercraft, also known as jet skis, and shall report to the fiscal committees of the legislature by January 1, 2009, with recommendations for increasing public enjoyment and safety when commingling personal high speed watercraft and other forms of motorized and nonmotorized water recreation.

Appropriation:

Outdoor Recreation Account--State . . . . .	\$36,000,000
Farmlands Preservation Account--State . . . . .	\$9,000,000
Riparian Protection Account--State . . . . .	\$19,000,000
Habitat Conservation Account--State . . . . .	\$36,000,000
Subtotal Appropriation . . . . .	\$100,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$280,000,000
TOTAL . . . . .	\$380,000,000

Sec. 3029 2007 c 520 s 3144 (uncodified) is amended to read as follows:

**FOR THE ((INTERAGENCY COMMITTEE FOR OUTDOOR)) RECREATION AND CONSERVATION FUNDING BOARD**

Nonhighway Off-Road Vehicle Activities (08-4-008)

The appropriation in this section is subject to the following conditions and limitations: \$450,000 of the appropriation is provided solely for grants to local law enforcement and noise enforcement agencies for the enforcement of existing state noise laws and regulations. Grants may be used to acquire noise monitoring equipment and to compensate law enforcement agencies for staff overtime and administrative expenses. Funds for noise enforcement grants shall come from amounts allocated for the purposes specified in RCW 46.09.170(2)(d).

Appropriation:

Nonhighway Off-Road Vehicle Activities Program

Account--State . . . . .	\$9,036,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$42,945,000
TOTAL . . . . .	\$51,981,000

NEW SECTION. Sec. 3030 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

Flood Assistance for Farm Communities (08-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to restore agricultural infrastructure and equipment necessary to repair, replace, or maintain infrastructure that provides public health and safety, water quality, and fish and wildlife habitat protection, including debris removal, fencing, replacing manure lagoons, and properly functioning equipment and facilities.

Appropriation:

State Building Construction Account--State . . .	\$1,500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,500,000

Sec. 3031 2007 c 520 s 3155 (uncodified) is amended to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

Practice Incentive Payment Loan Program (08-4-004)

Appropriation:

Conservation Assistance Revolving Account--State . . . . .	(\$1,000,000)
.....	\$500,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$3,000,000
TOTAL . . . . .	(\$4,000,000)
.....	\$3,500,000

NEW SECTION. Sec. 3032 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

Livestock Nutrient Program (08-4-001)

Appropriation:

Water Quality Capital Account--State . . . . .	\$4,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$4,000,000

Sec. 3033 2007 c 520 s 3161 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Fish and Wildlife Population and Habitat Protection (06-1-003)

The appropriations in this section are subject to the following conditions and limitations: The state building construction account appropriation is provided solely for increasing the allocation for the bank stabilization and fish habitat project on the east fork of the Lewis river.

Reappropriation:

Wildlife Account--State	.....	(( <del>\$288,750</del> ))
		\$289,000

Appropriation:

State Building Construction Account--State	....	\$375,000
Prior Biennia (Expenditures)	.....	((( <del>\$311,250</del> )))
		\$311,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	((( <del>\$600,000</del> )))
		\$975,000

Sec. 3034 2007 c 520 s 3175 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Puget Sound Initiative - Nearshore Salmon Restoration (06-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for efforts to restore nearshore habitat and estuaries in Puget Sound. The department shall focus on restoring natural nearshore processes, including protection and restoration of beach sediments and removal of existing bulkheads.

(2) The department shall provide the Puget Sound partnership, as created by chapter 341, Laws of 2007 the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

(3) Funded projects require a nonstate match or in-kind contributions. The department shall seek to maximize the amount of nonstate match from local, state, tribal, and federal partners. Individual projects require a minimum 33 percent cash or in-kind match.

(4) Eligible projects must be within Puget Sound and identified by a salmon recovery lead entity or marine resource committee and identified in a current salmon recovery, watershed, or nearshore habitat restoration and protection plan.

(5) Project evaluation criteria shall be developed by the Puget Sound nearshore steering committee. The criteria shall be consistent with the technical guidance developed by the Puget Sound nearshore science team and shall be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.

(6) The department shall not utilize any amount of this appropriation to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects shall be obtained from the department's operating budget.

(7) In recognition of the urgent need to complete the Puget Sound nearshore ecosystem restoration project general investigation, up to \$723,000 of this appropriation may be used to match federal funds implementing the cost-share agreement between the department and the United States army corps of engineers.

(8) ((~~\$3,746,875~~)) \$2,698,735 of the appropriation is provided solely for the following projects:

Project	Amount
Carpenter creek estuary phase 1 (South Kingston road)	\$637,000
Duwamish Garden estuary restoration	((( <del>\$1,400,000</del> )))
	\$300,000
Seahurst Park bulkhead phase II	\$1,100,000
Lower Dosewallips floodplain	\$609,875

Titlow Beach pocket estuary restoration \$51,860

Reappropriation:

State Building Construction Account--State ... \$2,300,000

Appropriation:

State Building Construction Account--State	..	\$12,000,000
General Fund--Federal	.....	\$1,000,000
Subtotal Appropriation	.....	\$13,000,000
Prior Biennia (Expenditures)	.....	\$200,000
Future Biennia (Projected Costs)	.....	\$28,000,000
TOTAL	.....	\$43,500,000

Sec. 3035 2007 c 520 s 3179 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Statewide Fencing Renovation and Replacement (08-1-009)

The appropriation in this section is subject to the following conditions and limitations: ((~~\$1,000,000 of the appropriation is provided solely for the replacement of elk fencing lost in the 2005 school fire in the Wooten wildlife area.~~))

(1) Up to \$2,000,000 of the appropriation from the wildlife account that is compensation from the settlement received by the state for damages to the Wooten wildlife area caused by the school fire is for the replacement of elk fencing in the Wooten wildlife area. The department shall contract with another state agency to construct the fence.

(2) \$331,000 of the appropriation is provided solely for the replacement of a barbed wire fence that was destroyed in the Rockpile creek fire of July 2007.

Appropriation:

State Building Construction Account--State	.....	((( <del>\$2,100,000</del> )))
		\$1,431,000
Wildlife Account--Private/Local	.....	\$2,000,000
Subtotal Appropriation	.....	\$3,431,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	((( <del>\$2,100,000</del> )))
		\$3,431,000

Sec. 3036 2007 c 520 s 3187 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Combined State Agency Aviation Facility (08-1-950)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign and design of a single, consolidated aviation facility, including consolidated operations, at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources, and the department of fish and wildlife, and the rotary operations of the department of natural resources. The office of financial management shall not allot design funds until the predesign has undergone a budget evaluation study team review, and the results of the budget evaluation study team review have been provided to the legislative fiscal committees and submitted to the office of financial management for review and approval.

Appropriation:

State Building Construction Account--State	....	((( <del>\$11,000</del> )))
		\$101,000
Wildlife Account--State	.....	\$12,000
Subtotal Appropriation	.....	((( <del>\$23,000</del> )))
		\$113,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$1,608,000
TOTAL	.....	((( <del>\$1,631,000</del> )))
		\$1,721,000

NEW SECTION. Sec. 3037 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Okanogan-Similkameen Land Acquisition (08-2-023)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the acquisition of agricultural easements or land as specified for the following properties:

- (1) South end Palmer lake: Agricultural easement;
- (2) Highway 97 near Riverside: Land acquisition;
- (3) McLaughlin Canyon: Agricultural easement;
- (4) Similkameen and Sinlahekin river intersect: Agricultural easement; and
- (5) Buzzard lake: Land acquisition.

Appropriation:

State Building Construction Account--State . . .	\$3,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,000,000

NEW SECTION. Sec. 3038 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Ebey Island Property (08-2-852)

The appropriation in this section is subject to the following conditions and limitations: Up to \$3,300,000 of the appropriation in this section is for the acquisition of the Ebey island property from the YMCA of Snohomish county. The office of financial management shall not allot funds to the department until the appraisal is complete and shall not allot more than the amount of the appraisal. The department shall assess the cost of: (1) Extending the YMCA segment of the Ebey island road one-quarter of a mile; and (2) constructing a parking lot at the end of the road.

Appropriation:

State Building Construction Account--State . . .	\$2,300,000
General Fund--Federal . . . . .	\$1,000,000
Subtotal Appropriation . . . . .	\$3,300,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$3,300,000

NEW SECTION. Sec. 3039 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Stemilt Basin Acquisition (08-2-029)

Appropriation:

State Building Construction Account--State . . .	\$200,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$200,000

**Sec. 3040** 2007 c 520 s 3198 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Recreation Capital Renovations (08-2-006)

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the appropriation is provided solely for trail system signage. The department shall not plan for or construct new or expanded facilities or trails for off-road vehicles for recreation on state lands until after June 30, 2009, unless the project is already funded, has been considered as part of a landscape-level plan for recreation that has completed state environmental policy act (SEPA) review, which included public participation, and is the best alternative to protect environmental or trust resources and public safety from immediate risk.

Appropriation:

State Building Construction Account--State . . .	\$1,065,000
Prior Biennia (Expenditures) . . . . .	\$0

Future Biennia (Projected Costs) . . . . .	\$15,278,000
TOTAL . . . . .	\$16,343,000

**Sec. 3041** 2007 c 520 s 3211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Combined State Agency Aviation Facility (08-1-952)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign and design of a single, consolidated aviation facility, including consolidated operations, at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources, and the department of fish and wildlife, and the rotary operations of the department of natural resources. The office of financial management shall not allot design funds until the predesign has undergone a budget evaluation study team review, and the results of the budget evaluation study team review have been provided to the legislative fiscal committees and submitted to the office of financial management for review and approval.

Appropriation:

Forest Development Account--State . . . . .	\$15,000
Resource Management Cost Account--State . . . . .	\$16,000
State Building Construction Account--State . . .	<del>(\$23,000)</del>
	\$555,000
Subtotal Appropriation . . . . .	<del>(\$54,000)</del>
	\$586,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$3,783,000
TOTAL . . . . .	<del>(\$3,837,000)</del>
	\$4,369,000

**Sec. 3042** 2007 c 520 s 3204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Transfer (08-2-005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status, or enter into fifty year leases for, certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, housing and essential government services, or recreation purposes. The approved list of projects is identified in the LEAP capital document 2007-5, developed (~~March 20~~) April 19, 2007.

~~((3))~~ (2) Property subject to lease agreements under this section shall be appraised at fair market value. Lease terms shall be fifty years with options to renew for an additional fifty years. Lease payments shall be lump sum payments for the entire term of the lease at the beginning of the lease. The department shall calculate such lump sum payments using professional appraisal standards. These lease payments may not exceed the fee simple purchase price based on current fair market value and shall be deposited by the department to the common school construction account in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

~~((4))~~ (3) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

~~((5))~~ (4) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

~~((6))~~ (5) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer and lease agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose. Transfer and lease agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the original intended public purpose and the department and legislature approves such uses.

~~((7))~~ (6) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

~~((8))~~ (7) The department shall execute trust land transfers that, after the deduction of reasonable costs as provided in subsection ~~((4))~~ (3) of this section, eighty percent of the total value of transferred property is timber value and is deposited in the common school construction account. To achieve the eighty percent requirement, the department may choose to lease properties originally intended as transfers.

~~((9))~~ (8) On June 30, 2009, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction account and the appropriations in this section shall be reduced by an equivalent amount.

Appropriation:

State Building Construction Account--State . . .	\$98,985,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$287,000,000
TOTAL . . . . .	\$385,985,000

**Sec. 3043** 2007 c 520 s 3214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Conversion Land Acquisition (08-1-950)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for acquisition of working forest lands at risk of conversion to nonforest uses. The legislature finds that the chronic loss of working forest lands threatens the long-term prospects of the timber products industry, which in turn threatens the long-term economic return for the beneficiaries of state trust lands. Acquisition of these conversion lands is intended to help stabilize the primary source of revenue to trust land beneficiaries. The department shall submit a report to the appropriate committees of the legislature by October 1, 2008, indicating the lands purchased under this section, showing the locations, acres, purchase price, and within that purchase price, the value of the property attributed to the future value of timber harvests given an expected rate of return for timber lands, and the value of the property attributed to future development of the property. It is the intention of the legislature to lease or otherwise acquire the development rights of these conversion lands and retain them as long-term working forest lands under the sustainable harvest plan. Working forest lands acquired under this section shall be managed at a level equal to or greater than seventy-five percent of the expected harvest under the sustainable harvest plan. The appropriation provided in this section shall lapse unless chapter 504, Laws of 2007, or similar provisions contained in other legislation, is enacted prior to June 30, 2007. No amounts appropriated in this section shall be expended on the central cascade land exchange unless one of the two following conditions are met: (1) The four Stemilt parcels in T21R20E are excluded from the exchange; or (2) the four Stemilt parcels in T21R20E are included in the exchange and

the department and Chelan county, as chair of the Stemilt partnership, agree on a plan for eventual ownership, disposition, and management of the four Stemilt parcels. The department shall manage cash balances in the natural resources real property replacement account such that cash balances are sufficient for the treasurer transfers required in section 6030 of this act. The department may also transfer funds from the land bank subaccount of the resource management cost account to the natural resources real property replacement account to ensure sufficient cash balances.

Appropriation:

Resource Management Cost Account--State . . .	\$40,000,000
Natural Resources Real Property Replacement Account--State . . . . .	\$30,000,000
Subtotal Appropriation . . . . .	\$70,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$70,000,000

**NEW SECTION. Sec. 3044** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Potential School Sites-State Trust Land Study (08-2-854)

The appropriation in this section is subject to the following conditions and limitations:

(1) The joint legislative committee on school construction funding finds that high growth school districts are often unable to acquire lands best suited for siting new schools. Current funding capacity is devoted to current needs and land development in rapidly growing areas of the state competes with the present and future need for undeveloped sites to build new schools.

(2) The appropriation in this section is provided solely for the superintendent of public instruction and the commissioner of public lands to establish a work group to analyze the feasibility of and develop options for using existing state lands in high growth areas of the state for potential future school sites. The work group shall: (a) Prepare an inventory of existing state trust lands suitable for use as school sites; (b) prepare a projection of the needs for school sites in high growth school districts; and (c) develop options for holding and valuing the land for future school district use that are consistent with legal requirements and management objectives for state trust lands and any other state lands.

(3) The work group shall report to the legislature by December 1, 2008.

Appropriation:

Resource Management Cost Account--State . . . . .	\$30,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Cost) . . . . .	\$0
TOTAL . . . . .	\$30,000

**Sec. 3045** 2007 c 520 s 3219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The reappropriation in this section is subject to the following conditions and limitations: If legislation is enacted by June 30, 2009, that moves the energy freedom program to the department of community, trade, and economic development, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Reappropriation:

Energy Freedom Account--State . . . . .	<del>(\$5,971,000)</del>
	\$4,471,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	<del>(\$5,971,000)</del>

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

\$4,471,000

(End of part)

**PART 4  
TRANSPORTATION**

**Sec. 4001** 2007 c 520 s 4004 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Combined State Agency Aviation Facility (08-2-951)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign and design of a single, consolidated aviation facility, including consolidated operations, at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources, and the department of fish and wildlife, and the rotary operations of the department of natural resources. The office of financial management shall not allot design funds until the predesign has undergone a budget evaluation study team review, and the results of the budget evaluation study team review have been provided to the legislative fiscal committees and submitted to the office of financial management for review and approval.

Appropriation:

State Building Construction Account--State . . . ~~(\$12,000)~~  
\$376,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$813,000  
TOTAL . . . . . ~~(\$825,000)~~  
\$1,189,000

**NEW SECTION. Sec. 4002** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Higher Education Campus Security Plan (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a needs analysis and fiscal impact study of higher education campus security as generally described in chapter . . . (Second Substitute House Bill No. 2507), Laws of 2008. If the bill is not enacted by June 30, 2008, the appropriation shall lapse.

Appropriation:

State Building Construction Account--State . . . . \$200,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$200,000

**NEW SECTION. Sec. 4003** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL**

DNA Crime Lab Computer System (08-2-952)

Appropriation:

State Building Construction Account--State . . . . \$500,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$500,000

**NEW SECTION. Sec. 4004** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Seattle Crime Lab Expansion (09-2-102)

Appropriation:

State Building Construction Account--State . . . . \$734,000  
Prior Biennia (Expenditures) . . . . . \$0

Future Biennia (Projected Costs) . . . . . \$6,208,000  
TOTAL . . . . . \$6,942,000  
**NEW SECTION. Sec. 4005** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION**

Culvert Replacements (08-1-001)

Appropriation:

State Building Construction Account--State . . . \$5,000,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . . . \$0  
TOTAL . . . . . \$5,000,000

(End of part)

**PART 5  
EDUCATION**

**Sec. 5001** 2007 c 520 s 5008 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

School Construction Assistance Grants (08-4-200)

The appropriations in this section are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) The legislature has made a commitment to phase in all-day kindergarten programs beginning with the 2007-08 school year. However, the legislature finds that one potential barrier to successful expansion of all-day kindergarten programs may be a lack of facilities that meet the requirements of an all-day kindergarten program. The office of the superintendent of public instruction, in consultation with the school facilities citizen advisory panel, shall examine alternatives for addressing school facilities needs for all-day kindergarten programs, including adapting existing unused space, creating innovative public-private partnerships and partnerships with early learning providers, shifting the location of current programs within a district or a school, and temporary, limited use of portables. The office of the superintendent of public instruction shall submit a report to the capital budget committee of the house of representatives and the ways and means committee of the senate by September 1, 2007, with recommendations on preferred alternatives and an analysis of the feasibility and cost of implementing the alternatives.

(3) Within the amounts appropriated in this section, the office of the superintendent of public instruction shall review and evaluate the cost and other implications of changing the current annual release cycle for the school construction assistance program. The office of the superintendent of public instruction shall prepare a report resulting from their review and evaluation by December 1, 2008. This report must include a specific plan for implementing the change in the 2009-2011 biennium.

Appropriation:

State Building Construction Account--State  
..... ~~(\$109,521,000)~~  
\$22,394,000

Common School Construction Account--State  
..... ~~(\$770,658,000)~~  
\$769,185,000

Common School Reimbursable Construction  
Account--State . . . . . \$180,000  
Subtotal Appropriation . . . . . ~~(\$880,359,000)~~  
\$791,759,000

Prior Biennia (Expenditures) . . . . . \$0

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Future Biennia (Projected Costs) . . . . .	(\$3,500,725,000)
	\$3,495,689,000
TOTAL . . . . .	(\$4,381,084,000)
	\$4,287,448,000

**NEW SECTION. Sec. 5002** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Aviation High School (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: \$900,000 of the appropriation in this section is provided solely for design costs for a new facility at Aviation high school, to include space that would be colocated at the museum of flight on east marginal way. The office of financial management shall not allot funds for design until the Highline school district has secured an operating agreement for a high school program at the museum of flight site.

Appropriation:

State Building Construction Account--State . . .	\$1,175,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,175,000

**NEW SECTION. Sec. 5003** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Greenbridge Early Learning Center (08-1-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the Puget Sound education district for building the center for the thrive-by-five program.

Appropriation:

State Building Construction Account--State . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,000,000

**NEW SECTION. Sec. 5004** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

East Yakima Early Learning Center (08-4-860)

Appropriation:

State Building Construction Account--State . . .	\$100,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$100,000

**NEW SECTION. Sec. 5005** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

North Central Technical Skills Center (08-4-861)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to purchase the option on property owned by the port of Chelan for the north central technical skills center.

Appropriation:

School Construction and Skill Centers	
Building Account--State . . . . .	\$50,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$50,000

**NEW SECTION. Sec. 5006** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Seattle Skills Center Feasibility Study (08-4-858)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for completion of a comprehensive study for the development of skills center programs in the Seattle school district.

Appropriation:

School Construction and Skill Centers	
Building Account--State . . . . .	\$75,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$75,000

**NEW SECTION. Sec. 5007** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Satellite/Branch Campus Feasibility Studies (08-4-859)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for comprehensive feasibility studies regarding potential skill center satellite or branch campuses in underserved areas of Washington.

Appropriation:

School Construction and Skill Centers	
Building Account--State . . . . .	\$475,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$475,000

**NEW SECTION. Sec. 5008** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

K-12 Formula Methods Study (08-2-856)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the office of the superintendent of public instruction to convene a work group to develop methods and options for making the current school construction assistance grant program more transparent in terms of the formula components, assumptions, and expected funding sources for projects funded from the grant program. Within this amount, the office of the superintendent of public instruction shall also develop a pilot template for providing information related to funding sources, including the amount of either bond or other local sources, or both, estimated for each project released in fiscal year 2009. The office of the superintendent of public instruction shall update and consult with the joint legislative task force on school construction funding as work progresses on this effort and must provide a final report to the task force by October 1, 2008.

Appropriation:

Education Construction Account--State . . . . .	\$150,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$150,000

**NEW SECTION. Sec. 5009** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Regional School Construction Assistance Program (08-2-857)

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the office of the superintendent of public instruction to develop and implement a regional school construction technical assistance program for school districts primarily delivered through educational service districts. The program will be prioritized towards school districts with the greatest need in terms of school construction management and school construction capabilities. In developing and implementing this program, to the maximum extent possible and appropriate, the office of the superintendent of public instruction shall receive assistance from the architectural and engineering services division of the department of general administration and the construction services group based out of educational service district 112. As part of the work, the office of the superintendent of public instruction shall review voluntary model contracts for school construction.

Appropriation:

Education Construction Account--State . . . . .	\$1,100,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b>\$1,100,000</b>

**Sec. 5010** 2007 c 520 s 5010 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Vocational Skills Centers (08-4-300)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$9,362,000 from this appropriation is provided solely for minor capital projects at all of the state's skills centers ranked with a "severity score" of 40 points or more.
- (2) \$24,400,000 from this appropriation is provided solely for the design and construction of the Skagit Valley vocational skills center.
- (3) ~~(\$16,366,000)~~ \$15,366,000 from this appropriation is provided solely for the design and construction of the Yakima Valley technical skills center.
- (4) \$23,161,000 from this appropriation is provided solely for the design and construction of the Sno-Isle skills center.
- (5) \$1,118,000 from this appropriation is provided solely for the design and construction of the Clark county skills center.
- (6) \$300,000 from this appropriation is provided solely for the completion of the new market skills center project and to address storm water issues.

Appropriation:

State Building Construction Account--State ( <del>(\$74,707,000)</del> )	<u>\$64,354,000</u>
<u>School Construction and Skill Centers</u>	
<u>Building Account--State . . . . .</u>	<u>\$9,353,000</u>
<u>Subtotal Appropriation . . . . .</u>	<u>\$73,707,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$83,984,000
<b>TOTAL . . . . .</b>	<b><del>(\$158,691,000)</del></b>
	<u>\$157,691,000</u>

**Sec. 5011** 2007 c 520 s 5014 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

K-12 Inventory Pilot Project (08-2-851)

~~((The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the office of the superintendent of public instruction to define and develop a pilot information management system for public school facilities, building on the experience of the community and technical college facilities information management system. Participating school districts must represent a cross-section of~~

~~large and small districts, urban and rural districts, and districts with facilities of varying age and condition. The system must allow for the efficient transfer of information between the office of the superintendent of public instruction and participating school districts. The inventory system must include, but not be limited to, facility and site information necessary for appropriate facility stewardship. Data elements may include facility location, condition, type, current use, size, date and cost of original construction, the cost of any major remodeling or renovation, and energy information. By December 1, 2007, the office of the superintendent of public instruction shall provide a report to the appropriate legislative fiscal committees on the inventory system's scope, potential school district participants, and an implementation plan for the pilot group of school districts.))~~

Appropriation:

Education Construction Account--State . . . . .	<del>(\$900,000)</del>
	<u>\$50,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b><del>(\$900,000)</del></b>
	<u>\$50,000</u>

NEW SECTION. **Sec. 5012** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Grant County Skills Center (08-4-854)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the Grant county/Moses Lake school district skills center.

Appropriation:

School Construction and Skill Centers	
Building Account--State . . . . .	\$927,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b>\$927,000</b>

NEW SECTION. **Sec. 5013** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Northeast King County Skills Center (08-4-855)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the northeast King county school district skills center.

Appropriation:

School Construction and Skill Centers	
Building Account--State . . . . .	\$550,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL . . . . .</b>	<b>\$550,000</b>

NEW SECTION. **Sec. 5014** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Pierce County Skills Center (08-4-856)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the Pierce county skills center. The office of financial management shall not allot design funds until the predesign has undergone a budget evaluation study team review and the results of the budget evaluation study team review have been provided to the legislative fiscal committees and submitted to the office of financial management for review

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

and approval. The predesign and design shall identify options for construction of the facility in two phases.

Appropriation:

School Construction and Skill Centers	
Building Account--State .....	\$3,070,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$3,070,000

NEW SECTION. Sec. 5015 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Potential School Sites - State Trust Lands Study (08-2-860)

The appropriation in this section is subject to the following conditions and limitations:

(1) The joint legislative committee on school construction funding finds that high growth school districts are often unable to acquire lands best suited for siting new schools. Current funding capacity is devoted to current needs and land development in rapidly growing areas of the state competes with the present and future need for undeveloped sites to build new schools.

(2) The appropriation in this section is provided solely for the superintendent of public instruction and the commissioner of public lands to establish a work group to analyze the feasibility of and develop options for using existing state lands in high growth areas of the state for potential future school sites. The work group shall: (a) Prepare an inventory of existing state trust lands suitable for use as school sites; (b) prepare a projection of the needs for school sites in high growth school districts; and (c) develop options for holding and valuing the land for future school district use that are consistent with legal requirements and management objectives for state trust lands and any other state lands.

(3) The work group shall report to the legislature by December 1, 2008.

Appropriation:

Education Construction Account--State .....	\$25,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$25,000

NEW SECTION. Sec. 5016 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Enrollment Projections Evaluation Study (08-2-859)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of the superintendent of public instruction to contract with a research organization to conduct an evaluation of the accuracy and reliability of the current method used for forecasting school district enrollment for determining eligibility for the school assistance program. This evaluation must also include a review of different methodologies used by school districts in projecting their enrollment for capital planning and budgeting purposes. A final report resulting from this evaluation must be submitted by January 1, 2009.

Appropriation:

Education Construction Account--State .....	\$150,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$150,000

Sec. 5017 2007 c 520 s 5016 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

Minor Works - Facility Preservation (08-1-005)

Appropriation:

State Building Construction Account--State ..	<del>(\$770,000)</del>
	\$470,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$2,500,000
TOTAL .....	<del>(\$3,270,000)</del>
	\$2,970,000

Sec. 5018 2007 c 520 s 5017 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

New Physical Education Center (08-2-001)

Appropriation:

State Building Construction Account--State ..	<del>(\$9,000,000)</del>
	\$9,300,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>(\$9,000,000)</del>
	\$9,300,000

NEW SECTION. Sec. 5019 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma - Land Acquisition (09-2-003)

Appropriation:

Education Construction Account--State .....	\$2,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$2,000,000

NEW SECTION. Sec. 5020 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma - Soils Remediation (08-2-852)

Appropriation:

State Toxics Control Account--State .....	\$1,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,000,000

NEW SECTION. Sec. 5021 A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Burke Museum Renovation (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a predesign study for renovation of the Burke museum. The predesign must include a feasibility study and plan for covering at least one-third of the projected renovation cost through nonstate sources.

Appropriation:

State Building Construction Account--State ....	\$300,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$300,000

Sec. 5022 2007 c 520 s 5086 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

Dean Hall Renovation (06-1-004)

The appropriation in this section is subject to the following conditions and limitations: \$1,300,000 of the appropriation is provided solely for furnishings and equipment.

Reappropriation:

State Building Construction Account--State ....	\$924,000
---	-----------

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Appropriation:

State Building Construction Account--State	<del>(\$23,200,000)</del>
	\$24,500,000
Prior Biennia (Expenditures)	\$1,276,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$25,400,000)</del>
	\$26,700,000

Sec. 5023 2007 c 520 s 5100 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Daniel J. Evans Building - Modernization (04-2-006)

The appropriation in this section is subject to the following conditions and limitations: \$1,983,000 of the appropriation is provided solely to finish renovation of the library building by addressing issues of the aging infrastructure while incorporating programmatic needs of the institution.

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$20,250,000
--	--------------

Appropriation:

Education Construction Account--State	\$1,465,000
State Building Construction Account--State	\$518,000
Subtotal Appropriation	\$1,983,000
Prior Biennia (Expenditures)	\$24,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$44,750,000)</del>
	\$46,733,000

Sec. 5024 2007 c 520 s 5117 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code (06-1-082)

Reappropriation:

State Building Construction Account--State	<del>(\$850,000)</del>
	\$727,000
Prior Biennia (Expenditures)	\$1,240,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$2,090,000)</del>
	\$1,967,000

Sec. 5025 2007 c 520 s 5118 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (06-1-084)

Reappropriation:

State Building Construction Account--State	<del>(\$850,000)</del>
	\$657,000
Prior Biennia (Expenditures)	\$1,375,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$2,225,000)</del>
	\$2,032,000

Sec. 5026 2007 c 520 s 5119 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Program (06-2-085)

Reappropriation:

Western Washington University Capital Projects Account--State	<del>(\$2,200,000)</del>
	\$1,239,000
Prior Biennia (Expenditures)	\$5,522,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$7,722,000)</del>
	\$6,761,000

Sec. 5027 2007 c 520 s 5128 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Pacific - Lewis and Clark Station Camp Park Project (02-S-001)

Reappropriation:

State Building Construction Account--State	\$666,000
--	-----------

Appropriation:

State Building Construction Account--State	\$1,935,000
Prior Biennia (Expenditures)	\$1,885,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$2,551,000)</del>
	\$4,486,000

NEW SECTION. Sec. 5028 A new section is added to 2007 c 520 (uncodified) to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Olympia - State Capitol Museum: Building Preservation (08-1-002)

Appropriation:

State Building Construction Account--State	\$207,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$207,000

Sec. 5029 2007 c 520 s 5145 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Museum System Repair and Upgrades/Preservation (08-1-013)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for preservation projects ~~(and to)~~ system repair, ~~(upgrade)~~ and museum ~~(systems)~~ upgrades to enhance delivery of exhibits and K-12 education and American Indian programs.

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

Sec. 5030 2007 c 520 s 5217 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Fort Steilacoom: Cascade Core Phase I (06-1-326)

Reappropriation:

State Building Construction Account--State	\$1,000,000
--	-------------

Appropriation:

State Building Construction Account--State	<del>(\$14,602,000)</del>
	\$17,602,000

Community/Technical College Capital Projects Account--State	\$1,000,000
Subtotal Appropriation	\$18,602,000
Prior Biennia (Expenditures)	\$2,350,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>(\$17,952,000)</del>
	\$21,952,000

Sec. 5031 2007 c 520 s 5255 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Minor Works - Preservation - Repairs and Minor Improvements (08-1-001)

Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL .....</b>	<b>\$2,500,000</b>

Appropriation:

Community/Technical College Capital Projects	
Account--State .....	<del>(\$16,000,000)</del>
	<u>\$15,000,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$70,000,000
<b>TOTAL .....</b>	<b><del>(\$86,000,000)</del></b>
	<u>\$85,000,000</u>

(End of part)

**PART 6  
MISCELLANEOUS AND SUPPLEMENTAL  
PROVISIONS**

**Sec. 5032** 2007 c 520 s 5275 (uncodified) is amended to read as follows:

**Sec. 6001** 2007 c 520 s 6013 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

**ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

Higher Education Cost Escalation (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the state board for community and technical colleges to assist public community and technical colleges in managing unanticipated cost escalation for projects bid during the 2007-2009 biennium. Not more than \$750,000 shall be made available to any single project and amounts provided for this purpose must be matched equally from other resources. The board shall manage the distribution of funds to ensure that the requesting college has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than was originally specified in the design. Prior to the office of financial management approving use of a minor works appropriation as a match, and its transfer to the project with unanticipated cost escalation, the board shall require the college to describe what it has done to identify and develop alternative resources for a match, and the specific minor works projects that would be deferred as a result of the transfer. The board will report to the office of financial management and the appropriate fiscal committees of the legislature on the use of these funds.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Appropriation:

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

State Building Construction Account--State .....	<del>(\$3,238,000)</del>
	<u>\$2,238,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL .....</b>	<b><del>(\$3,238,000)</del></b>
	<u>\$2,238,000</u>

(1) Washington state patrol: Enter into a financing contract for up to \$1,360,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the dormitory facility at the Washington state patrol fire training academy in North Bend, Washington.

**NEW SECTION. Sec. 5033** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

(2) Department of general administration: Enter into a financing contract for up to \$685,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the preservation of the transportation building.

Bellevue Community College: L Building Emergency Repairs (08-1-850)

Appropriation:

State Building Construction Account--State ...	\$1,663,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL .....</b>	<b>\$1,663,000</b>

(3) Department of corrections: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to provide additional work release beds.

**NEW SECTION. Sec. 5034** A new section is added to 2007 c 520 (uncodified) to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

Yakima Valley Community College - Skills Center (08-2-852)

Appropriation:

State Building Construction Account--State ...	\$1,000,000
School Construction and Skill Centers	
Building Account--State .....	\$1,500,000
<b>Subtotal Appropriation .....</b>	<b>\$2,500,000</b>

(5) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station phase 2.

(b) Enter into a financing contract on behalf of Tacoma Community College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an early childhood education and learning center.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing

SIXTIETH DAY, MARCH 13, 2008

expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(d) Enter into a financing contract on behalf of Columbia Basin College for up to \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an academic support and achievement center.

(e) Enter into a financing contract on behalf of Wenatchee Valley College for up to \$3,347,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a 72 bed student housing facility.

(f) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase property adjacent the main campus.

(6) Evergreen State College: Enter into a financing contract for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the college activities building renovation.

(7) Washington state convention and trade center: Enter into a financing contract for up to \$58,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and renovate the museum condominium unit located adjacent to the state convention center. The purchase price shall not exceed fair market value. A purchase agreement with the owner of the unit on the effective date of this section shall include the following requirements: (a) Upon completion of the purchase of the property, the seller shall retain \$5,750,000 of the sale proceeds in a restricted investment account, reserving such funds for capital costs associated with development of its principal heritage center to be located within the city of Seattle. Principal and accrued earnings in such an account shall be available for expenditure by the seller when the seller or the city of Seattle has executed a construction contract for either a new facility or improvements to an existing structure to serve as the principal heritage center to be operated by the seller within the city; and (b) in the event that the conditions of (a) of this subsection are not met by June 30, 2017, the entire amount in the restricted account shall be transferred to the state general fund and shall represent a recovery of the state's contribution towards the development of the museum. In the event of such a transfer, the rightful ownership of the property by the Washington state convention and trade center shall not be impaired.

(8) Department of information services: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state general office building and facilities for the department of information services on the state-owned property called "the Wheeler block" in Olympia. The office buildings shall be constructed and financed so that agencies occupancy costs per gross square foot or per employee will not exceed 110 percent of comparable private market rental rates per gross square foot or per employee. The comparable general office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department in consultation with the department of general administration. In addition to the department of information services, state agency tenants shall include the consolidation of state patrol offices and general office facilities for small agencies and offices. The department of information services shall design and operate the general office facilities for small agencies and offices as a demonstration of the efficiencies gained from the integration of office space and telecommunications and computer technology. The demonstration project shall provide office space, furniture, telecommunications, and computer technology as a single package. The facility shall be designed so that small agencies and offices can move in and out of the facility without the

2008 REGULAR SESSION

typical moving expenses that result from individual agency ownership of furniture and technology. The facility for small agencies and offices shall also provide for staffing and space efficiencies resulting from central reception, support services, and spaces. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (8) have been met. Should the department of information services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this section, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(9) Office of the secretary of state: Enter into a financing contract for up to ~~(\$112,942,000)~~ \$134,935,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the heritage center. The heritage center is one part of a combined facility of the heritage center and executive office building, authorized in subsection (10) of this section. The authorization for financing under this subsection (9) shall lapse unless chapter 523, Laws of 2007 is enacted by June 30, 2007.

(10) Department of general administration:

(a) Enter into a financing contract for up to ~~(\$75,863,000)~~ \$79,981,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the executive office building. The executive office building is one part of a combined facility of the executive office building and the heritage center authorized in subsection (9) of this section. The authorization for financing under this subsection (10) shall lapse unless chapter 523, Laws of 2007 is enacted by June 30, 2007.

(b) Enter into a financing contract for up to \$17,144,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the John L. O'Brien building, subject to approval of the project scope by the speaker of the house of representatives and the chief clerk of the house of representatives.

(c) Enter into a financing contract for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the "Perry street child care site" renovations and purchase.

(d) Enter into a financing contract for up to \$2,685,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for land acquisition in Olympia, Washington.

(11) Department of ecology: Enter into a financing contract for up to \$11,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to rebuild the east wall of the department of ecology's headquarters building in Lacey, Washington.

**Sec. 6002** RCW 43.155.050 and 2007 c 520 s 6036 are each amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans,

SIXTIETH DAY, MARCH 13, 2008

emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005, for the infrastructure investment system implementation plan identified in section 1022 of this act; for the interest rate buy-down pilot program identified in section 1004 of this act; and for the housing assistance, weatherization, and affordable housing program identified in section 1005 of this act.

(2) The job development fund is hereby established in the state treasury. Up to fifty million dollars each biennium from the public works assistance account may be transferred into the job development fund. Money in the job development fund may be used solely for job development fund program grants, administrative expenses related to the administration of the job development fund program created in RCW 43.160.230, and for the report prepared by the joint legislative audit and review committee pursuant to RCW 44.28.801(2). Moneys in the job development fund may be spent only after appropriation. The board shall prepare a prioritized list of proposed projects of up to fifty million dollars as part of the department's 2007-09 biennial budget request. The board may provide an additional alternate job development fund project list of up to ten million dollars. The legislature may remove projects from the list recommended by the board. The legislature may not change the prioritization of projects recommended for funding by the board, but may add projects from the alternate list in order of priority, as long as the total funding does not exceed fifty million dollars.

**Sec. 6003** RCW 48.02.190 and 2007 c 153 s 3 and 2007 c 468 s 1 are each reenacted and amended to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state, every health care service contractor, as defined in RCW 48.44.010, every health maintenance organization, as defined in RCW 48.46.020, or self-funded multiple employer welfare arrangement, as defined in RCW 48.125.010, registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapters 48.44 and 48.46 RCW. "Class three" organizations shall consist of self-funded multiple employer welfare arrangements as defined in RCW 48.125.010.

(b)(i) "Receipts" means (A) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (B) prepayments to health care service contractors, as defined in RCW 48.44.010, health maintenance organizations, as defined in RCW 48.46.020, or participant contributions to self-funded multiple employer welfare arrangements, as defined in RCW 48.125.010, less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(ii) Participant contributions, under chapter 48.125 RCW, used to determine the receipts in this state under this section shall be determined in the same manner as premiums taxable in this state are determined under RCW 48.14.090.

(c) "Regulatory surcharge" means the fees imposed by this section.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations as a regulatory surcharge. Each class of organization shall

2008 REGULAR SESSION

contribute a sufficient amount to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) The regulatory surcharge shall be calculated separately for each class of organization. The regulatory surcharge collected from each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year. However, the regulatory surcharge must not exceed one-eighth of one percent of receipts and the minimum regulatory surcharge shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1st, calculate and bill each organization for the amount of the regulatory surcharge. The regulatory surcharge shall be due and payable no later than June 15th of each year. However, if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such regulatory surcharge within the time specified, the commissioner may use the regulatory surcharge factors for the prior year as the basis for the regulatory surcharge and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. Any organization failing to pay the regulatory surcharges by June 30th shall pay the same penalties as the penalties for failure to pay taxes when due under RCW 48.14.060. The regulatory surcharge required by this section is in addition to all other taxes and fees now imposed or that may be subsequently imposed.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future regulatory surcharges. During the 2007-2009 fiscal biennium, the legislature may transfer from the insurance commissioner's regulatory account to the Washington state heritage center account such amounts as reflect excess fund balance in the account.

(7)(a) Each insurer may annually collect regulatory surcharges remitted in preceding years by means of a policyholder surcharge on premiums charged for all kinds of insurance. The recoupment shall be at a uniform rate reasonably calculated to collect the regulatory surcharge remitted by the insurer.

(b) If an insurer fails to collect the entire amount of the recoupment in the first year under this section, it may repeat the recoupment procedure provided for in this subsection (7) in succeeding years until the regulatory surcharge is fully collected or a de minimis amount remains uncollected. Any such de minimis amount may be collected as provided in (d) of this subsection.

(c) The amount and nature of any recoupment shall be separately stated on either a billing or policy declaration sent to an insured. The amount of the recoupment must not be considered a premium for any purpose, including the premium tax or agents' commissions.

(d) An insurer may elect not to collect the regulatory surcharge from its insured. In such a case, the insurer may recoup the regulatory surcharge through its rates, if the following requirements are met:

(i) The insurer remits the amount of surcharge not collected by election under this subsection; and

(ii) The surcharge is not considered a premium for any purpose, including the premium tax or agents' commission.

**Sec. 6004** RCW 79.64.020 and 2004 c 199 s 226 are each amended to read as follows:

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

A resource management cost account in the state treasury is created to be used solely for the purpose of defraying the costs and expenses necessarily incurred by the department in managing and administering state lands and aquatic lands and the making and administering of leases, sales, contracts, licenses, permits, easements, and rights-of-way as authorized under the provisions of this title. Appropriations from the resource management cost account to the department shall be expended for no other purposes. Funds in the resource management cost account may be appropriated or transferred by the legislature for the benefit of all of the trusts from which the funds were derived. For the 2007-2009 biennium, moneys in the account may be used for the purposes identified in section 3044 of this act.

**Sec. 6005** RCW 40.14.024 and 2003 c 163 s 3 are each amended to read as follows:

The local government archives account is created in the state treasury. All receipts collected by the county auditors under RCW 40.14.027 and 36.22.175 for local government services, such as providing records scheduling, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management, must be deposited into the account, and expenditures from the account may be used only for these purposes. During the 2007-2009 biennium, the legislature may transfer from the local government archives account to the Washington state heritage center account such amounts as reflect the excess fund balance in the account.

**Sec. 6006** RCW 36.22.175 and 2003 c 163 s 5 are each amended to read as follows:

(1)(a) In addition to any other charge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for each document recorded. Revenue generated through this surcharge shall be transmitted monthly to the state treasurer for deposit in the local government archives account under RCW 40.14.024. These funds shall be used solely for providing records scheduling, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management.

(b) The division of archives and records management within the office of the secretary of state shall provide records management training for local governments and shall establish a competitive grant program to solicit and prioritize project proposals from local governments for potential funding to be paid for by funds from the auditor surcharge and tax warrant surcharge revenues. Application for specific projects may be made by local government agencies only. The state archivist in consultation with the advisory committee established under RCW 40.14.027 shall adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria including requirements for records management training for grant recipients.

(2) The advisory committee established under RCW 40.14.027 shall review grant proposals and establish a prioritized list of projects to be considered for funding by January 1st of each even-numbered year, beginning in 2002. The evaluation of proposals and development of the prioritized list must be developed through open public meetings. Funding for projects shall be granted according to the ranking of each application on the prioritized list and projects will be funded only to the extent that funds are available. A grant award may have an effective date other than the date the project is placed on the prioritized list.

(3)(a) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded after January 1, 2002. Revenue generated through this surcharge shall be transmitted to

the state treasurer monthly for deposit in the local government archives account under RCW 40.14.024 to be used exclusively for: (i) The construction and improvement of a specialized regional facility located in eastern Washington designed to serve the archives, records management, and digital data management needs of local government; and (ii) payment of the certificate of participation issued for the Washington state heritage center to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the certificate of participation.

(b) To the extent the facilities are used for the storage and retrieval of state agency records and digital data, that portion of the construction of such facilities used for state government records and data shall be supported by other charges and fees paid by state agencies and shall not be supported by the surcharge authorized in this subsection, except that to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments for the Washington state heritage center, the local government archives account under RCW 40.14.024 may be used for the Washington state heritage center.

(c) At such time that all debt service from construction (on such facility) of the specialized regional archive facility located in eastern Washington has been paid, fifty percent of the surcharge authorized by this subsection shall be reverted to the centennial document preservation and modernization account as prescribed in RCW 36.22.170 and fifty percent of the surcharge authorized by this section shall be reverted to the state treasurer for deposit in the archives and records management account to serve the archives, records management, and digital data management needs of local government, except that the state treasurer shall not revert funds to the centennial document preservation and modernization account and to the archives and records management account if fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the Washington state heritage center.

**Sec. 6007** RCW 43.09.282 and 1995 c 301 s 20 are each amended to read as follows:

For the purposes of centralized funding, accounting, and distribution of the costs of the audits performed on local governments by the state auditor, there is hereby created an account entitled the municipal revolving account. The state treasurer shall be custodian of the account. All moneys received by the state auditor or by any officer or employee thereof shall be deposited with the state treasurer and credited to the municipal revolving account. Only the state auditor or the auditor's designee may authorize expenditures from the account. No appropriation is required for expenditures. The state auditor shall keep such records as are necessary to detail the auditing costs attributable to the various types of local governments. During the 2007-2009 fiscal biennium, the legislature may transfer from the municipal revolving account to the Washington state heritage center account such amounts as reflect excess fund balance in the account.

**NEW SECTION. Sec. 6008** A new section is added to 2007 c 520 (uncodified) to read as follows:

The joint legislative audit and review committee shall conduct an evaluation of the accuracy of capital project cost estimates prepared by state agencies for their budget requests. The evaluation shall include a review of the methods used to prepare estimates at agencies with large capital programs, a review of the process used by the office of financial management and legislative fiscal committees to evaluate project cost estimates, and an analysis of the accuracy of project cost estimates compared to actual project costs over time for a subset of projects. The evaluation will also recommend other areas of capital project risk for assessment in future evaluations. The joint legislative audit and review committee shall submit a report to the relevant fiscal committees of the legislature by August 2009.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

**Sec. 6009** RCW 70.105D.070 and 2007 c 522 s 954, 2007 c 520 s 6033, 2007 c 446 s 2, and 2007 c 341 s 30 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial

resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process.

(c) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(d) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as reflect excess fund balance in the account.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

**Sec. 6010** 2007 c 520 s 6032 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

Education Construction Account: For transfer to the Common School Construction, an amount not to exceed	(( <del>\$138,200,000</del> )) \$133,930,000
Education Savings Account: For transfer to the Common School Construction Account, an amount not to exceed	(( <del>\$43,400,000</del> )) \$103,063,000
<u>State Convention and Trade Center Account: For transfer to the Washington Housing Trust Account, an amount not to exceed</u>	<u>\$8,000,000</u>
<u>Public Works Assistance Account: For transfer to the Washington Housing Trust Account, an amount not to exceed</u>	<u>\$2,800,000</u>
<u>Local Government Archives Account: For transfer to the Washington State Heritage Center Account</u>	<u>\$4,000,000</u>
<u>Insurance Commissioner's Regulatory Account: For transfer to the Washington State Heritage Center Account in July 2008</u>	<u>\$1,500,000</u>
<u>Municipal Revolving Account: For transfer to the Washington State Heritage Center Account</u>	<u>\$500,000</u>
<u>Local Toxics Control Account: For transfer to the State Toxics Control Account</u>	<u>\$3,000,000</u>

**Sec. 6011** RCW 67.40.040 and 2007 c 228 s 106 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

- (a) For reimbursement of the state general fund under RCW 67.40.060;
- (b) After appropriation by statute:
  - (i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;
  - (ii) For expenditures authorized in RCW 67.40.170, and during the 2007-2009 biennium, the legislature may transfer from the state convention and trade center account to the Washington housing trust account such amounts as reflect the excess fund balance in the account;
  - (iii) For acquisition, design, and construction of the state convention and trade center;
  - (iv) For debt service for the acquisition, design, and construction and retrofit of the museum of history and industry museum property or other future expansions of the convention center as approved by the legislature; and
  - (v) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and
- (c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest

on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) Subject to the conditions in subsection (6) of this section, starting in fiscal year 2008, the state treasurer shall transfer:

(a) The sum of four million dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism enterprise account, with the maximum transfer being four million dollars per fiscal year; and

(b) The sum of five hundred thousand dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism development and promotion account, with the maximum transfer being five hundred thousand dollars per fiscal year.

(6)(a) Funds required for debt service payments and reserves for bonds issued under RCW 67.40.030; for debt service authorized under RCW 67.40.170; and for the issuance and sale of financial instruments associated with the acquisition, design, construction, and retrofit of the museum of history and industry museum property or for other future expansions of the center, as approved by the legislature, shall be maintained within the state convention and trade center account.

(b) No less than six million one hundred fifty thousand dollars per year shall be retained in the state convention and trade center account for funding capital maintenance as required by the center's long-term capital plan, facility enhancements, unanticipated replacements, and operating reserves for the convention center operation. This amount shall be escalated annually as follows:

- (i) Four percent for annual inflation for capital maintenance, repairs, and replacement;
  - (ii) An additional two percent for enhancement to the facility; and
  - (iii) An additional three percent for growth in expenditure due to aging of the facility and the need to maintain an operating reserve.
- (c) Sufficient funds shall be reserved within the state convention and trade center account to fund operating appropriations for the annual operation of the convention center.

**Sec. 6012** RCW 79.17.010 and 2003 1st sp. s. c 25 s 939 are each amended to read as follows:

(1) The department, with the approval of the board, may exchange any state land and any timber thereon for any land of equal value in order to:

- (a) Facilitate the marketing of forest products of state lands;
- (b) Consolidate and block-up state lands;
- (c) Acquire lands having commercial recreational leasing potential;
- (d) Acquire county-owned lands;
- (e) Acquire urban property which has greater income potential or which could be more efficiently managed by the department in exchange for state urban lands as defined in RCW 79.19.100; or
- (f) Acquire any other lands when such exchange is determined by the board to be in the best interest of the trust for which the state land is held.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(2) Land exchanged under this section shall not be used to reduce the publicly owned forest land base.

(3) The board shall determine that each land exchange is in the best interest of the trust for which the land is held prior to authorizing the land exchange.

(4) During the biennium ending June 30, ~~((2005, the department, with approval of the board, may exchange any state land and any timber thereon for any land and proceeds of equal value))~~ 2009, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the resource management cost account to pay for administrative expenses incurred in carrying out an exchange transaction. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(5) Prior to executing an exchange under this section, and in addition to the public notice requirements set forth in RCW 79.17.050, the department shall consult with legislative members, other state and federal agencies, local governments, tribes, local stakeholders, conservation groups, and any other interested parties to identify and address cultural resource issues and the potential of the state lands proposed for exchange to be used for open space, park, school, or critical habitat purposes.

**Sec. 6013** RCW 79.17.020 and 2003 1st sp.s. c 25 s 937 and 2003 c 334 s 209 are each reenacted and amended to read as follows:

(1) The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and state forest land owned by the state under the jurisdiction of the department, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential.

(2) During the biennium ending June 30, ~~((2005, the department, with approval of the board, may exchange any state forest land and any timber thereon for any real property and proceeds of equal value))~~ 2009, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the forest development account to pay for administrative expenses incurred in carrying out an exchange transaction. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(3) Prior to executing an exchange under this section, and in addition to the public notice requirements set forth in RCW 79.17.050, the department shall consult with legislative members, other state and federal agencies, local governments,

tribes, local stakeholders, conservation groups, and any other interested parties to identify and address cultural resource issues, and the potential of the state lands proposed for exchange to be used for open space, park, school, or critical habitat purposes.

**Sec. 6014** 2007 c 520 s 6016 (uncodified) is amended to read as follows:

(1) A joint legislative task force on school construction funding is established to review the following:

(a) The statutory provisions regarding the funding of school construction projects;

(b) Eligibility requirements and distribution formulas for the state's school construction assistance grant program;

(c) Flexibility needed in the system to address diverse district and geographic needs including, but not limited to, the construction needs unique to high growth areas, as well as the needs of school districts that have experienced consecutive school levy failures; and

(d) Potential revenue sources and alternative funding mechanisms for school construction including, but not limited to, funding mechanisms that may: (i) Phase out and replace revenue collected under RCW 82.02.050 through 82.02.100 for school facilities; and (ii) encourage cooperative partnerships with early learning providers, skill centers, community and technical colleges, or public baccalaureate institutions through the use of a supermatch concept.

(2) The office of the superintendent of public instruction shall provide progress updates to the task force on the development of the pilot inventory of school district facility information and the design of a process for developing a ten-year projection of the facility needs of school districts as provided for in section 5014 of this act for review and comment by the task force.

(3)(a) The joint legislative task force on school construction funding shall consist of eight members, two members each, one from each major caucus, from the house of representatives committees on capital budget and education, appointed by the speaker of the house of representatives, and two members each, one from each major caucus, from the senate committees on ways and means and early learning and K-12 education, appointed by the president of the senate.

(b) The president of the senate and the speaker of the house of representatives jointly shall appoint two members representing school districts.

(c) The office of the superintendent of public instruction and the office of financial management shall cooperate with the task force and maintain liaison representatives.

(d) The task force shall coordinate with the appropriate standing committees of the legislature and may consult with other interested parties, as may be appropriate, for technical advice and assistance.

(e) The task force shall select a chair from among its legislative membership.

(4) Staff support for the task force must be provided by the house of representatives office of program research and the senate committee services.

(5) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) The task force must report ~~((its))~~ preliminary findings and recommendations to the appropriate committees of the legislature by December 1, 2007, and a final report by January 1, 2009.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

**NEW SECTION. Sec. 6015** A new section is added to 2007 c 520 (uncodified) to read as follows:

(1) A joint task force on local financing options for affordable housing, arts, cultural, education, civic center, Puget Sound restoration and preservation, youth recreation, and community development projects within King county is established. The task force shall review only existing King county-specific revenue options to fund housing, arts, cultural, civic center, Puget Sound restoration and preservation, youth recreation, and community development projects in King county. Such options must include, but are not limited to, admissions, car rental, hotel/motel, restaurant, and other sources currently used to pay for the construction, financing, and mitigation of Safeco and Qwest fields and financing of the Kingdome debt.

(2) The speaker of the house of representatives and the majority leader of the senate shall select members from each of the two largest caucuses in the house of representatives and each of the two largest caucuses in the senate to serve on the task force. The governor shall appoint a representative from the governor's office to serve on the task force. The task force shall not exceed seven members in total.

(3) The task force may seek assistance from members of the senate and house of representatives and other interested parties to provide advice and technical assistance.

(4) Staff support for the task force study group must be provided by the house of representatives office of program research and the senate committee services.

(5) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120.

(6) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) The task force must report its findings and recommendations to the appropriate committees of the legislature by December 1, 2008.

(8) The task force study group expires April 30, 2009.

**Sec. 6016** RCW 43.19.501 and 1994 c 219 s 18 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department of general administration in Thurston county. For the 2007-2009 biennium, moneys in the account may be used for predesign identified in section 1037 of this act.

**Sec. 6017** RCW 43.99N.060 and 2007 c 241 s 11 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(5) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. For the 2005-2007 biennium, moneys in the account may also be used for a recreation level of service study for local and regional active recreation facilities. Only the director of the recreation and conservation office or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the recreation and conservation office. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. In the 2007-2009 biennium, if there are not enough project applications submitted in a category within the account to meet the requirement of equal distribution of funds to each category, the director of the recreation and conservation office may distribute any remaining funds to other categories within the account. The director of the recreation and conservation office may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes.

**NEW SECTION. Sec. 6018** Section 6002 of this act expires June 30, 2011.

**NEW SECTION. Sec. 6019** 2007 c 520 s 6006 (uncodified) is repealed.

SIXTIETH DAY, MARCH 13, 2008

NEW SECTION. Sec. 6020 Part headings in this act are not any part of the law.

NEW SECTION. Sec. 6021 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6022 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of Part)

INDEX	PAGE #
CENTRAL WASHINGTON UNIVERSITY .....	95
COMMUNITY AND TECHNICAL COLLEGE SYSTEM . . .	98
CRIMINAL JUSTICE TRAINING COMMISSION .....	45
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT .....	3
DEPARTMENT OF CORRECTIONS .....	50
DEPARTMENT OF ECOLOGY .....	53
DEPARTMENT OF GENERAL ADMINISTRATION . . . .	36
DEPARTMENT OF HEALTH .....	48
DEPARTMENT OF INFORMATION SERVICES .....	42
DEPARTMENT OF NATURAL RESOURCES .....	75
DEPARTMENT OF PERSONNEL .....	41
DEPARTMENT OF SOCIAL AND HEALTH SERVICES .....	45, 46
DEPARTMENT OF VETERANS AFFAIRS .....	49
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE	1
MILITARY DEPARTMENT .....	43
OFFICE OF FINANCIAL MANAGEMENT .....	30
RECREATION AND CONSERVATION FUNDING BOARD .....	65
STATE CONSERVATION COMMISSION .....	68
STATE PARKS AND RECREATION COMMISSION . . . .	61
STATE SCHOOL FOR THE BLIND .....	93
STATE TREASURER--TRANSFERS .....	116
STATUTE LAW COMMITTEE .....	43
SUPERINTENDENT OF PUBLIC INSTRUCTION .....	84
THE EVERGREEN STATE COLLEGE .....	95
UNIVERSITY OF WASHINGTON .....	94
WASHINGTON STATE HISTORICAL SOCIETY .....	97
WASHINGTON STATE PATROL .....	81
WESTERN WASHINGTON UNIVERSITY .....	96"

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.155.050, 79.64.020, 40.14.024, 36.22.175, 43.09.282, 67.40.040, 79.17.010, 43.19.501, and 43.99N.060; reenacting and amending RCW 48.02.190, 70.105D.070, and 79.17.020; amending 2007 c 520 ss 1020, 1030, 1034, 1031, 1035, 1036, 1041, 1039, 1021, 1042, 1045, 1048, 1050, 1049, 1058, 1065, 1066, 1067, 1073, 1068, 1075, 1090, 2007, 2021, 2037, 2029, 2032, 2042, 2045, 2061, 2054, 2056, 2058, 2075, 3001, 3019, 3036, 3037, 3045, 3046, 3048, 3050, 3049, 3060, 3072, 3087, 3084, 3092, 3095, 3102, 3134, 3146, 3144, 3155, 3161, 3175, 3179, 3187, 3198, 3211, 3204, 3214, 3219, 4004, 5008, 5010, 5014, 5016, 5017, 5086, 5100, 5117, 5118, 5119, 5128, 5145, 5217, 5255, 5275, 6013, 6032, and 6016 (uncodified); adding new sections to 2007 c 520 (uncodified); creating new sections; repealing 2007 c 520 s 6006 (uncodified); providing an expiration date; and declaring an emergency." And the bill do pass as recommended by the conference committee.

Signed by Senators Fraser, Regala and Brandland; Representatives Fromhold, McDonald and Schual-Berke.

MOTION

Senator Fraser moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2765 be adopted.

Senators Fraser and Brandland spoke in favor of passage of the motion.

PERSONAL PRIVILEGE

Senator Fraser: "I just, I was remiss. In trying to zoom my notes as quickly as possible, I meant to also say a great appreciation to Senator Brandland for highly collaborative process between him and me. It was great. We learned from each other and came up with good ideas together and I greatly appreciate Senator Brandland."

The President declared the question before the Senate to be the motion by Senator Fraser that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2765 be adopted.

The motion by Senator Fraser carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2765, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2765, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2765, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

- SECOND SUBSTITUTE SENATE BILL NO. 5596,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5831,
- SENATE BILL NO. 6332,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6665,
- SUBSTITUTE SENATE BILL NO. 6851,
- SECOND SUBSTITUTE SENATE BILL NO. 6855,

SIGNED BY THE PRESIDENT

The President signed:

- SECOND SUBSTITUTE SENATE BILL NO. 6227,
- SUBSTITUTE SENATE BILL NO. 6277,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6295,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6371,
- SUBSTITUTE SENATE BILL NO. 6404,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6438,

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6673,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6760,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6776,

On motion of Senator McDermott, Senator Kastama was excused.

APPOINTMENT OF LAURIE A. JINKINS

PERSONAL PRIVILEGE

Senator Benton: "Thank you Mr. President, I wanted to just, I know that everybody's hungry and wants to go to lunch but before we adjourn I wanted to say to everybody that you may or may not have known that the Governor signed into law this morning the Chelsea Harrison Act. That was sponsored by forty-seven of the forty-nine Senators on this floor. I want to thank everyone of you for three years of helping me get that done. Thank you very much."

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9320, Laurie A. Jinkins as a member of the Board of Trustees, Tacoma Community College District No. 22 .

MOTION

There being no objection, on motion of Senator Kohl-Welles the remarks made in honor and recognition of Representative Helen Sommers be spread upon the Journal.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9320, Laurie A. Jinkins as a member of the Board of Trustees, Tacoma Community College District No. 22 and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

MOTION

On motion of Senator Eide, Engrossed Substitute House Bill No. 2765 was immediately transmitted to the House of Representatives.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 42

MOTION

At 12:59 p.m., on motion of Senator Eide, the Senate recessed until 2:30 p.m.

Absent: Senator Kline - 1  
 Excused: Senators Brown, Hargrove, Pridemore, Regala, Rockefeller and Zarelli - 6

AFTERNOON SESSION

The Senate was called to order at 2:30 p.m. by President Owen.

Gubernatorial Appointment No. 9320, Laurie A. Jinkins, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Tacoma Community College District No. 22 .

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rasmussen moved that Gubernatorial Appointment No. 9353, Karen Seinfeld, as a member of the Board of Trustees, Bates Technical College District No. 28, be confirmed. Senators Rasmussen and Regala spoke in favor of passage of the motion.

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9320, Laurie A. Jinkins, as a member of the Board of Trustees, Tacoma Community College District No. 22 , be confirmed.

On motion of Senator Regala, Senator Kline was excused.

APPOINTMENT OF KAREN SEINFELD

Senator Marr spoke in favor of the motion.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9353, Karen Seinfeld as a member of the Board of Trustees, Bates Technical College District No. 28.

MOTION

On motion of Senator Brandland, Senators Delvin and Zarelli were excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9353, Karen Seinfeld as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

MOTION

On motion of Senator Marr, Senators Brown, Hargrove, Pridemore, Regala and Rockefeller were excused.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 43

MOTION

Excused: Senators Brown, Hargrove, Kline, Pridemore, Rockefeller and Zarelli - 6

Gubernatorial Appointment No. 9353, Karen Seinfeld, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bates Technical College District No. 28.

#### PERSONAL PRIVILEGE

Senator Delvin: "Thank you Mr. President. I just want to acknowledge someone that I have gotten to know since I've been in the Legislature for fourteen years now. Very few lobbyist because he is one that I would call a friend but he's retiring after twenty-eight years in the Legislature. This is his last session. Mike Kapphahn, he represented Farmers Insurance here for almost I think thirty-one or twenty-eight years but he's in with them for thirty-four years. He's a Vietnam Vet. He's just a down to earth guy, a salt of the earth. He started here in the Legislature back in '71 as a doorman when he doormen and his wife-to-be was a hostess. They met down here. They got married. He went to serve his country, came back after college and he's been here twenty-eight years but there's very few lobbyist, don't mean to offend any lobbyist up there, but you know I've become I would call a true friend. Mike is one and sorely going to miss him here but I just wanted to acknowledge the fact that he's straight forward guy, salt of the earth, you know he's believing when he tells you something and I just wanted to acknowledge that, Mr. President."

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Shin moved that Gubernatorial Appointment No. 9314, Robert Holloway, as a member of the Board of Trustees, Big Bend Community College District No. 18, be confirmed.

Senator Shin spoke in favor of the motion.

#### APPOINTMENT OF ROBERT HOLLOWAY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9314, Robert Holloway as a member of the Board of Trustees, Big Bend Community College District No. 18.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9314, Robert Holloway as a member of the Board of Trustees, Big Bend Community College District No. 18 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Pridemore and Rockefeller - 3

Gubernatorial Appointment No. 9314, Robert Holloway, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mike Kapphahn, lobbyist for Farmers Insurance who was seated in the gallery.

#### PERSONAL PRIVILEGE

Senator Benton: "I promised Mike I wouldn't tell a lot of stories about him so those will go to my grave with me Mike. Mike went to work for Farmers Insurance Group a few years before I did actually. I was in California at the time. Farmers is my old almatater and so we hit it off immediately when I got because we knew a lot of the same people from 4680 Wilshire and the same corporate folks and been through all the trials and tribulations of the company. But I want to tell you, I was on the Insurance Committee in the House and I have been on the Insurance Committee in the Senate ever since I've been here and you know a lot of lobbyist come and go but Mike was always a straight shooter. He'd tell you why he wanted you to support something or not support it but he'd also tell you quite honestly who was against him on it so that you could do your own evaluation. I always appreciated that, the real straight talk and that I think as legislators we come to value members of the Third House that really give you the straight scoop because that's how you can really evaluate something. That is one thing that I will always remember about Mike. Yes we've become very good friends and we will continue to be good personal friends. I will tell you this, his replacement is much better looking than he is but we will remain good friends and it's been a privilege and an honor Mr. President, certainly a privilege to work with Mike Kapphahn over the fourteen years that I have been here and I want to thank you for giving me the opportunity to recognize his service to not only his company but to this Legislature as well. Thank you Mr. President."

#### PERSONAL PRIVILEGE

Senator McCaslin: "Since he has an occupation we shouldn't be mentioning on the floor, Mr. X worked for a company, Y. I've never tried to buy a policy from that company but I do remember in Judiciary a woman was testifying and she was in an accident and the Y company that Mr. X works for wasn't taking care of her and I have never seen a man move so fast in my life to get out that door and call his boss to solve her problem but anyway he has been a great, great person around here. I admired him mostly about his hair and I was always envious of that and I'm so happy he's being replaced by a beautiful woman. You know me and women, I don't have any. She's a great, great young lady. Unfortunately she's married and she's much to young for me but other than that she'll probably do a good job. Oh, she's gone? Ok."

#### PERSONAL PRIVILEGE

Senator Haugen: "Well, thank you Mr. President. Well, I too would like to stand and say how much I think of this gentleman. You know he does work on both sides of the aisle. He's been really helpful for me when I've had constituent problems but he's also become a personal friend of mine and I can tell you he's a real gentleman and I think a real life hero. I don't think that we often realize what men like he did for us in the Vietnam War and I think its one of the reasons he's such an exceptional individual. He's made such an impact on all of us. We're going to miss him, I hope he has a great retirement. He has a wonderful family. I know his wife has a long list of honey-do's so he's going to be busy. I do hope he still remembers the

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

friendships he's made here and I look forward to seeing him on Camano Island. Good luck to you Mike."

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Gubernatorial Appointment No. 9310, Michael G. Heuer, as a member of the Board of Trustees, Lower Columbia Community College District No. 13, be confirmed.

Senator Hatfield spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Kohl-Welles was excused.

APPOINTMENT OF MICHAEL G. HEUER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9310, Michael G. Heuer as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9310, Michael G. Heuer as a member of the Board of Trustees, Lower Columbia Community College District No. 13 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Rockefeller - 1

Gubernatorial Appointment No. 9310, Michael G. Heuer, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Morton moved that Gubernatorial Appointment No. 9315, Donald Hover, as a member of the Salmon Recovery Funding Board, be confirmed.

Senator Morton spoke in favor of the motion.

APPOINTMENT OF DONALD HOVER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9315, Donald Hover as a member of the Salmon Recovery Funding Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9315, Donald Hover as a member of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 49;

Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9315, Donald Hover, having received the constitutional majority was declared confirmed as a member of the Salmon Recovery Funding Board.

PERSONAL PRIVILEGE

Senator King: "Mr. President, as we come hopefully to the close of this session I wanted to thank you and the members behind the board with you or the bar with you and to thank all the Senators for the warm and very nice welcome that you have given me as my first year here in the session and tell you how much I have appreciated it and how much I have enjoyed working with each and every one of you. Thank you very much."

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9267, Stephanie Salzman, as a member of the Professional Educator Standards Board, be confirmed.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF STEPHANIE SALZMAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9267, Stephanie Salzman as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9267, Stephanie Salzman as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9267, Stephanie Salzman, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9297, Frank E. Fennerty, Jr., as a member of the Board of Industrial Insurance Appeals, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

#### APPOINTMENT OF FRANK E. FENNERTY, JR.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9297, Frank E. Fennerty, Jr. as a member of the Board of Industrial Insurance Appeals.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9297, Frank E. Fennerty, Jr. as a member of the Board of Industrial Insurance Appeals and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli – 49

Gubernatorial Appointment No. 9297, Frank E. Fennerty, Jr., having received the constitutional majority was declared confirmed as a member of the Board of Industrial Insurance Appeals.

#### MOTION

On motion of Senator King, Senator Morton was excused.

#### REMARKS BY THE PRESIDENT

President Owen: “I have been requested to once again present the President’s awards for 2008. However, the President has decided because of some of the new awards that he would ask Weinstein to exempt him from any future liability. Senator Weinstein?”

Senator Weinstein: “So ordered.”

#### REMARKS BY THE PRESIDENT

President Owen: “The President made these this year the Awards rather than the most likely to although there is a resemblance to that.

The first one would be the Winsley shrill speech award which would be for those who are new here you’d have to know who Senator Winsley was is presented for reaching normally unreachable decibels when getting in touch over excited while speaking: Senator Pam Roach when fired up.

The next one is the best quote award, unquestionable by Senator Ken Jacobsen who’s quoted, ‘If you aren’t at the table you are probably on the menu.’”

The President has come up with the most improved or however, keep in mind this award is presented by the quality of a speech which, in the President’s opinion, is directly related to the length of the speech, short being better. The Senator who has unbelievably shortened her explanations and descriptions of bills although found herself in shock having been gaveled by the

President for going over three minutes although be it once this session goes to, of course; Senator Jeanne Kohl-Welles.

You may be surprised by this one, the most influential; Senator Benton, but what do I mean by the most influential? The unmatched ability when speaking on an otherwise innocuous bill to get people en mass out of their seats to speak who otherwise had absolutely no intentions of speaking.

Runner up, although falling behind this session, is Senator Kline, of course.

The most failed Senator or I will never beat him award goes for the most failed attempts to state a motion faster than the President, Senator Craig Pridemore.

The Kleenex award, just give you three seconds to figure this one out. A winner by a runny nose for emotional speeches including Utsalady woman and Transportation staff introductions: Senator Mary Margaret Haugen.

The broken record award for annoyingly and continuously ending her speeches with, a reminder to all, that this bill has I-960 implications: Senator Janea Holmquist.

The Senator ‘No’ award, now this is obviously not too tough but this contest once again very close and was won by a whisker and deciding on this very prestigious award the President was convinced by one vote among too many to count. This was a vote that both Senator Holmquist and Honeyford had voted no on but later changed to yes, the choice was made clear when Senator Honeyford showed an incredibly high level of disgust and apparent disappointment in deciding or possibly being intimidated to change his no vote to yes on the President’s one and only bill: Senator Honeyford.

The I have no idea what this issue is about or the I spoke and said nothing award, that goes to Senator McAuliffe for her explanation on whatever it was she was explaining to us.

In a related category, the ‘What did he say award?’ goes for giving the most scientific and least understood speech of the session: Senator Mike Carrell.

The look out its lunch time award for the Senators who are consistently first in line at the Cafeteria often before the food is even ready. It’s a very close competition between Senators Benton and Hargrove but Senator Hargrove wins by a belly.

The best speech of the session award, once again no winner.

The special award that the President has come up this session is called Iron Bladder award and it goes to the entire Rostrum staff.

I know you’re all disappointed, you didn’t get an award but there’s always next year.”

#### PERSONAL PRIVILEGE

Senator Hewitt: “Thank you Mr. President. Well, once again, it’s that time to thank the staff and I hope they are all listening on their squawk boxes. We’ve heard this year this is one of the most longest-shortest sessions we’ve ever had. More bills introduced this year than any supplemental year ever, more documentation in front of us, more frustration probably in front of us than we’ve ever seen before but it’s always the people behind the scenes that do so thank you for all the caucus staff, the non-partisan staff, the senate staff, people behind the scenes. We appreciate you, we love you and thank you very much. Thank you Mr. President.”

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

SIXTIETH DAY, MARCH 13, 2008

MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 6231 and passed the bill without the House amendment.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6231,

MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2279 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Weinstein moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 2279.

The President declared the question before the Senate to be motion by Senator Weinstein that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 2279.

The motion by Senator Weinstein carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 2279.

MOTION

On motion of Senator Weinstein, the rules were suspended and Substitute House Bill No. 2279 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2279, by House Committee on Housing (originally sponsored by Representatives Darneille, Springer, Pettigrew, O'Brien, Hasegawa and Santos)

Prohibiting discrimination against affordable housing developments.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following striking amendment by Senator Weinstein be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 It is the public policy of the state to assist in making affordable housing available throughout the

2008 REGULAR SESSION

state. The legislature recognizes that despite ongoing efforts there is still a lack of affordable housing in many areas. The legislature also recognizes that some local governments have imposed development requirements on affordable housing developments that are not generally imposed on other housing developments. The intent of this legislature is to prohibit discrimination against affordable housing developments.

NEW SECTION. Sec. 2 The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable housing development" means a housing development in which at least twenty-five percent of the dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that is considered affordable by a federal, state, or local government housing program.

(2) "Dwelling unit" means that part of a housing development that is used as a home, residence, or place to sleep by one person or two or more persons maintaining a common household.

(3) "Housing development" means a proposed or existing structure that is used as a home, residence, or place to sleep by one or more persons including, but not limited to, single-family residences, manufactured homes, multifamily housing, group homes, and foster care facilities.

(4) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located.

NEW SECTION. Sec. 3 (1) A city, county, or other local governmental entity or agency may not adopt, impose, or enforce requirements on an affordable housing development that are different than the requirements imposed on housing developments generally.

(2) This section does not prohibit any city, county, or other local governmental entity or agency from extending preferential treatment to affordable housing developments intended for including, but not limited to, occupancy by homeless persons, farmworkers, persons with disabilities, senior citizens, or low-income households. Preferential treatment may include, but is not limited to: A reduction or waiver of fees or changes in applicable requirements including, without limitation, architectural requirements, site development requirements, property line requirements, building setback requirements, or vehicle parking requirements; or other treatment that reduces or is likely to reduce the development or operating costs of an affordable housing development.

(3) A city, county, or other local governmental entity or agency may impose and enforce requirements on affordable housing developments as conditions of loans, grants, financial support, tax benefits, subsidy funds, or sale or lease of public property, or as conditions to eligibility for any affordable housing incentive program under RCW 36.70A.540 or any other program involving bonus density, transfer of development rights, waiver of development regulations or fees, or other development incentives.

NEW SECTION. Sec. 4 Sections 2 and 3 of this act constitute a new chapter in Title 43 RCW."

Senator Weinstein spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Weinstein to Substitute House Bill No. 2279.

The motion by Senator Weinstein carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

SIXTIETH DAY, MARCH 13, 2008

On page 1, line 2 of the title, after "developments;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating a new section."

## MOTION

On motion of Senator Weinstein, the rules were suspended, Substitute House Bill No. 2279 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2279 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2279 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 2279 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6609 and again asks Senate to concur therein. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Fairley moved that the Senate adhere to its position and ask the House to recede from the House amendment(s) to Substitute Senate Bill No. 6609.

Senators Fairley spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Fairley that the Senate adhere to its position and refused to concur in the House amendment(s) to Substitute Senate Bill No. 6609.

The motion by Senator Fairley carried and the Senate adhered to its position in the House amendment(s) to Substitute Senate Bill No. 6609.

## MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

2008 REGULAR SESSION

The House receded from its amendment, under suspension of rules SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5905 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5905-S.E2 AMH MORE FRAS 246, and passed the bill as amended by the House.

On page 1, line 10 of the amendment, after "designs" strike "such as the green house model or other models" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5905.

Senator Franklin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5905.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5905 by voice vote.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5905, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5905, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5905, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

March 11, 2008

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6426 and again asks Senate to concur therein. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6426.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Senator McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6426.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6426 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6426, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6426, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Franklin, Fraser, Hatfield, Haugen, Hewitt, Jacobsen, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, McCaslin, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Weinstein and Zarelli - 34

Voting nay: Senators Eide, Fairley, Hargrove, Hobbs, Holmquist, Honeyford, Kauffman, Kline, Kohl-Welles, McDermott, Oemig, Regala, Stevens, Swecker and Tom - 15

SUBSTITUTE SENATE BILL NO. 6426, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hobbs: "You know I got to tell you I'm really proud of being in the Senate today. Every single Senator, Republican and Democrat came up to me in some form or another and said what the House did was wrong. There was only maybe two members in the House that changed this bill into a study. I had the votes in the House to put it the right way, so, to every member in the Senate, thank you for standing by my side. I'm so proud to be here. Thank you."

MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6638, with the following amendment: 6638 AMH HUNT MITC 277

On page 7, line 14, after "affected." insert "Section 2, chapter ..., Laws of 2008 (section 2 of this act), expires July 1, 2009."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Senate Bill No. 6638.

Senator Murray spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Senate Bill No. 6638.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6638 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6638, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6638, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Voting nay: Senators Carrell, Honeyford, McCaslin, Morton, Oemig and Tom - 6

SENATE BILL NO. 6638, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 2008

MR. PRESIDENT:

The House recessed from its amendment, under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 6792 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6792-S.E AMH KAGI H6062.2, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 13.34.215 and 2007 c 413 s 1 are each amended to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) The child has not achieved his or her permanency plan within three years of a final order of termination ~~((or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights))~~; and

(d) ~~((Absent good cause;))~~ The child must be at least twelve years old at the time the petition is filed. Upon the child's motion for good cause shown, or on its own motion, the court may hear a petition filed by a child younger than twelve years old.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, ~~((it appears))~~ the court finds by a preponderance of the evidence that the best interests of the child may be served by

SIXTIETH DAY, MARCH 13, 2008

reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the parent has been successful, the court shall enter a final order of reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

~~((+))~~ (11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services provided to a child for the time period from the date of termination of parental rights to the date parental rights are reinstated.

~~((+))~~ (12) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of

parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

~~((+))~~ (13) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(14) The state, the department, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, or its employees concerning the original termination.

Sec. 2 RCW 13.34.065 and 2007 c 413 s 5 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive ~~((parent))~~ household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. ~~((However,))~~ The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, ~~((and the child was initially placed with a relative pursuant to RCW 13.34.060(1);))~~ the court shall order ~~((continued))~~ placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

**Sec. 3** RCW 13.34.136 and 2007 c 413 s 7 are each amended to read as follows:

(1) ~~Whenever a child is ordered removed from the home, a~~ permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130~~((4))~~ (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130~~((4))~~ (5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date (~~(-preferably before)~~). If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the department to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

**Sec. 4** RCW 26.44.063 and 2000 c 119 s 12 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home or the care of a parent, guardian, or legal custodian often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged ~~((offender))~~ abuser, rather than the child, shall be removed or restrained from the ~~((home))~~ child's residence and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, ~~((13.34.130))~~ chapter 13.34 RCW, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion,

SIXTIETH DAY, MARCH 13, 2008

or the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

- (a) Molesting or disturbing the peace of the alleged victim;
- (b) Entering the family home of the alleged victim except as specifically authorized by the court;
- (c) Having any contact with the alleged victim, except as specifically authorized by the court;
- (d) Knowingly coming within, or knowingly remaining within, a specified distance of a specified location.

(3) If the caretaker is willing, and does comply with the duties prescribed in subsection (8) of this section, uncertainty by the caretaker that the alleged abuser has in fact abused the alleged victim shall not, alone, be a basis to remove the alleged victim from the caretaker, nor shall it be considered neglect.

(4) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

~~((4))~~ (5) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

~~((5))~~ (6) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

~~((6))~~ (7) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

~~((7))~~ (8) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

~~((8))~~ (9) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44 RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

~~((9))~~ (10) If a restraining order issued under this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

**Sec. 5** RCW 71.24.035 and 2007 c 414 s 2, 2007 c 410 s 8, and 2007 c 375 s 12 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and

2008 REGULAR SESSION

other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for adults and children with mental illness. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents, including parents who are ~~((defendants))~~ respondents in dependency cases, in the following order of priority: (i) Persons with acute mental illness; (ii) adults with chronic mental illness and children who are severely emotionally disturbed; and (iii) persons who are seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for persons with mental illness which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in persons with mental illness becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of persons who are minorities, elderly, disabled, children, low-income, and parents who are ~~((defendants))~~ respondents in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320~~((:))~~ and 71.24.330~~((, and 71.24.320+))~~, which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter;

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services;

(o) Certify crisis stabilization units that meet state minimum standards; and

(p) Certify clubhouses that meet state minimum standards.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The standards for certification of crisis stabilization units shall include standards that:

(a) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;

(b) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and

(c) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.

(14) The standards for certification of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(15) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(16) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(17) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

(18) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

**Sec. 6** RCW 74.13.031 and 2007 c 413 s 10 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency(~~(- PROVIDED, That)~~). An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) ~~((Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature))~~ Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed

SIXTIETH DAY, MARCH 13, 2008

child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

**NEW SECTION. Sec. 7** A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

(a) A written signed statement prepared on department letterhead, verifying the following:

(i) The youth is a minor who resides in Washington;

(ii) Pursuant to a court order, the youth is dependent and the department or other supervising agency is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;

(iii) The youth's full name and date of birth;

(iv) The youth's social security number, if available;

(v) A brief physical description of the youth;

(vi) The appropriate address to be listed on the youth's identicard; and

(vii) Contact information for the appropriate person at the department.

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

(a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or

(b) Hand-delivered to a local office of the department of licensing by a department case worker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department shall include the additional information with the submission of information required under subsection (1) of this section.

2008 REGULAR SESSION

**Sec. 8** RCW 46.20.035 and 2004 c 249 s 2 are each amended to read as follows:

The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;

(e) A United States passport; or

(f) An Immigration and Naturalization Service form.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant. Notwithstanding the requirements in subsection (2) of this section, the department shall issue an identicard to an applicant for whom it receives documentation pursuant to section 7 of this act.

(4) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3) of this section at the time of previous issuance.

(5) The form of an applicant's name, as established under this section, is the person's name of record for the purposes of this chapter.

(6) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."

**Sec. 9** RCW 41.06.142 and 2002 c 354 s 208 are each amended to read as follows:

(1) Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

(b) Employees in the classified service whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (4) of this section;

(c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

(3) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1) ~~(and)~~, (4) ~~(through (6))~~, and (5) of this section.

(4) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency requests bids from private entities for a contract for services provided by classified employees, the contracting agency shall notify the classified employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The director of personnel, with the advice and assistance of the department of general administration, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of general administration, with the advice and assistance of the department of personnel, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of general administration to conduct the bidding process.

(5) As used in this section:

(a) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection (4) of this section.

(b) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(c) "Competitive contracting" means the process by which classified employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

~~(6) ((The joint legislative audit and review committee shall conduct a performance audit of the implementation of this section, including the adequacy of the appeals process in subsection (4)(d) of this section, and report to the legislature by January 1, 2007, on the results of the audit.)) The requirements of this section do not apply to RCW 74.13.031(5).~~

NEW SECTION. Sec. 10 A new section is added to chapter 74.15 RCW to read as follows:

To be eligible for placement in a HOPE center, a minor must be either a street youth, as that term is defined in this chapter, or a youth who, without placement in a HOPE center, will continue to participate in increasingly risky behavior. Youth may also self-refer to a HOPE center. Payment for a HOPE center bed is not contingent upon prior approval by the department.

Sec. 11 RCW 74.15.240 and 1999 c 267 s 14 are each amended to read as follows:

To be eligible for placement in a responsible living skills program, the minor must be dependent under chapter 13.34 RCW and must have lived in a HOPE center or in a secure crisis residential center. However, if the minor's caseworker determines that placement in a responsible living skills program would be the most appropriate placement given the minor's current circumstances, prior residence in a HOPE center or secure crisis residential center before placement in a responsible living program is not required. Responsible living skills centers are intended as a placement alternative for dependent youth that the department chooses for the youth because no other services or alternative placements have been successful. Responsible living skills centers are not for dependent youth whose permanency plan includes return to home or family reunification.

NEW SECTION. Sec. 12 (1) The department of social and health services, in collaboration with the administrative office of the courts, shall implement a pilot program in the Thurston, Spokane, King, and Benton-Franklin counties as follows:

(a) A child who is age twelve years or older and who is the subject of a dependency proceeding under chapter 13.34 RCW shall have the following rights with respect to all hearings conducted in the pilot county on his or her behalf:

(i) The right to receive notice of the proceedings and hearings;

(ii) The right to be present at hearings; and

(iii) The right to be heard personally.

(b) At the request of the child, the child's guardian ad litem or attorney, or upon the court's own motion, the court may conduct an interview with the child in chambers to determine the child's wishes regarding the issues pending before the court. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case.

(c) A child's right to attend a hearing conducted on his or her behalf and to be heard by the court cannot be denied or limited by the court, unless the court makes a specific written finding that such denial or limitation is in the best interests of the child and necessary for the health, safety, and welfare of the child.

(d) Prior to each hearing, the child's guardian ad litem or attorney shall determine if the child wishes to be present and to be heard at the hearing. If the child wishes to attend the hearing, the guardian ad litem or attorney shall coordinate with the child's caregiver and the department or supervising agency to make arrangements for the child to attend the hearing. Nothing

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

in this subsection shall be construed to create a duty on the department or supervising agency to transport the child.

(2) The pilot shall operate until June 30, 2010. The department of social and health services and the administrative office of the courts shall brief the legislature regarding the pilot by January 31, 2009, and shall provide a final report regarding the effectiveness of the program by December 1, 2010. To the extent funding is available, the department and the administrative office of the courts shall collaborate with other appropriate entities to compile pertinent information regarding the pilot program, including the comments of youth, court personnel, attorneys, and guardians ad litem in the pilot counties.

**Sec. 13** RCW 13.34.105 and 2000 c 124 s 4 are each amended to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem for a child subject to a proceeding under this chapter, including an attorney specifically appointed by the court to serve as a guardian ad litem, include but are not limited to the following:

(a) To investigate, collect relevant information about the child's situation, and report to the court factual information regarding the best interests of the child;

(b) To meet with, interview, or observe the child, depending on the child's age and developmental status, and report to the court any views or positions expressed by the child on issues pending before the court;

(c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order;

~~((e))~~ (d) To report to the court information on the legal status of a child's membership in any Indian tribe or band;

~~((f))~~ (e) Court-appointed special advocates and guardians ad litem may make recommendations based upon an independent investigation regarding the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties; and

~~((g))~~ (f) To represent and be an advocate for the best interests of the child.

(2) A guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

(3) Except for information or records specified in RCW 13.50.100~~((5))~~ (7), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

(4) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

(5) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100.

**NEW SECTION. Sec. 14** Section 6 of this act takes effect December 31, 2008.

**NEW SECTION. Sec. 15** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6792.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6792.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6792 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6792, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6792, as amended by the House, and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 6792, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, the Rules Committee was relieved of further consideration of House Bill No. 2652 and the bill was placed on the second reading calendar.

## MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

## SECOND READING

HOUSE BILL NO. 2652, by Representatives Morrell, Fromhold, Moeller, McIntire, Simpson and Kenney

Transferring the dependent care assistance program to the health care authority by coordinating benefit plans that allow state and public employees to pay on a pretax basis.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2652.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2652 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a delegation from the Port of Yantai in China, The Sister Port of the Port of Bremerton.

#### PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President. Over the next few hopefully few hours as we make our way towards Sine Die, I would like to let everybody know that there are refreshments in my office. Members and staff, if you find yourself in that corner of the building please feel free to wander in for some refreshments. Senator Delvin of course and you, yourself, Mr. President."

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The House receded from its amendment, under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 5959 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5959-S.E AMH MILO DUPU 060, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The transitional housing operating and rent program is created in the department to assist individuals and families who are homeless or who are at risk of becoming homeless to secure and retain safe, decent, and affordable housing. The department shall provide grants to eligible organizations, as described in RCW 43.185.060, to provide assistance to program participants. The eligible organizations must use grant moneys for:

(a) Rental assistance, which includes security or utility deposits, first and last month's rent assistance, and eligible moving expenses to be determined by the department;

- (b) Case management services designed to assist program participants to secure and retain immediate housing and to transition into permanent housing and greater levels of self-sufficiency;

(c) Operating expenses of transitional housing facilities that serve homeless families with children; and

(d) Administrative costs of the eligible organization, which must not exceed limits prescribed by the department.

(2) Eligible to receive assistance through the transitional housing operating and rent program are:

(a) Families with children who are homeless or who are at risk of becoming homeless and who have household incomes at or below fifty percent of the median household income for their county;

(b) Families with children who are homeless or who are at risk of becoming homeless and who are receiving services under chapter 13.34 RCW;

(c) Individuals or families without children who are homeless or at risk of becoming homeless and who have household incomes at or below thirty percent of the median household income for their county;

(d) Individuals or families who are homeless or who are at risk of becoming homeless and who have a household with an adult member who has a mental health or chemical dependency disorder; and

(e) Individuals or families who are homeless or who are at risk of becoming homeless and who have a household with an adult member who is an offender released from confinement within the past eighteen months.

- (3) All program participants must be willing to create and actively participate in a housing stability plan for achieving permanent housing and greater levels of self-sufficiency.

(4) Data on all program participants must be entered into and tracked through the Washington homeless client management information system as described in RCW 43.185C.180. For eligible organizations serving victims of domestic violence or sexual assault, compliance with this subsection must be accomplished in accordance with 42 U.S.C. Sec. 11383 (a)(8).

- (5) Beginning in 2011, each eligible organization receiving over five hundred thousand dollars during the previous calendar year from the transitional housing operating and rent program and from sources including: (a) State housing-related funding sources; (b) the affordable housing for all surcharge in RCW 36.22.178; (c) the home security fund surcharges in RCW 36.22.179 and 36.22.1791; and (d) any other surcharge imposed under chapter 36.22 or 43.185C RCW to fund homelessness programs or other housing programs, shall apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system, once every three years.

(6) The department may develop rules, requirements, procedures, and guidelines as necessary to implement and operate the transitional housing operating and rent program.

(7) The department shall produce an annual transitional housing operating and rent program report that must be included in the department's homeless housing strategic plan as described in 43.185C.040. The report must include performance measures to be determined by the department that address, at a minimum, the following issue areas:

- (a) The success of the program in helping program participants transition into permanent affordable housing and achieve self-sufficiency or increase their levels of self-sufficiency, which shall be defined by the department based upon the costs of living, including housing costs, needed to support: (1) One adult individual; and (2) two adult individuals and one preschool-aged child and one school aged child.

SIXTIETH DAY, MARCH 13, 2008

(b) The financial performance of the program related to efficient program administration by the department and program operation by selected eligible organizations, including an analysis of the costs per program participant served;

(c) The quality, completeness, and timeliness of the information on program participants provided to the Washington homeless client management information system database; and

(d) The satisfaction of program participants in the assistance provided through the program.

NEW SECTION. **Sec. 2.** The transitional housing operating and rent account is created in the custody of the state treasurer. All receipts from sources directed to the transitional housing operating and rent program must be deposited into the account. Expenditures from the account may be used solely for the purpose of the transitional housing operating and rent program as described in section 1 of this act. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 3.** RCW 59.18.600 (Rental to offenders--Limitation on liability) and 2007 c 483 s 602 are each repealed."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5959.

Senator Hargrove spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Kohl-Welles was excused.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5959.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5959 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5959, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5959, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5959, as amended by the House, having received the constitutional

2008 REGULAR SESSION

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9337, Bob Nichols, as a member of the Salmon Recovery Funding Board, be confirmed.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF BOB NICHOLS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9337, Bob Nichols as a member of the Salmon Recovery Funding Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9337, Bob Nichols as a member of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senators Brandland, Jacobsen and McAuliffe - 3

Gubernatorial Appointment No. 9337, Bob Nichols, having received the constitutional majority was declared confirmed as a member of the Salmon Recovery Funding Board.

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Gubernatorial Appointment No. 9288, Rebecca Chaffee, as a member of the Board of Trustees, Grays Harbor Community College District 2, be confirmed.

Senator Hatfield spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Jacobsen and Kohl-Welles were excused.

APPOINTMENT OF REBECCA CHAFFEE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9288,

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

Rebecca Chaffee as a member of the Board of Trustees, Grays Harbor Community College District 2.

Senator Tom moved that Gubernatorial Appointment No. 9340, Vicki Orrico, as a member of the Board of Trustees, Bellevue Community College District No. 8, be confirmed.  
 Senator Tom spoke in favor of the motion.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9288, Rebecca Chaffee as a member of the Board of Trustees, Grays Harbor Community College District 2 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

APPOINTMENT OF VICKI ORRICO

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9340, Vicki Orrico as a member of the Board of Trustees, Bellevue Community College District No. 8.

Absent: Senator Hargrove - 1

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9340, Vicki Orrico as a member of the Board of Trustees, Bellevue Community College District No. 8 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Excused: Senators Jacobsen and Kohl-Welles - 2

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Gubernatorial Appointment No. 9288, Rebecca Chaffee, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Grays Harbor Community College District 2.

Absent: Senator Pridemore - 1

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline moved that Gubernatorial Appointment No. 9374, Susan Wilder Crane, as a member of the Washington State Apprenticeship and Training Council, be confirmed.

Gubernatorial Appointment No. 9340, Vicki Orrico, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellevue Community College District No. 8.

Senator Kline spoke in favor of the motion.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

APPOINTMENT OF SUSAN WILDER CRANE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9374, Susan Wilder Crane as a member of the Washington State Apprenticeship and Training Council.

Senator Marr moved that Gubernatorial Appointment No. 9345, Raymond C. Rieckers, as a member of the Housing Finance Commission, be confirmed.

Senator Marr spoke in favor of the motion.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9374, Susan Wilder Crane as a member of the Washington State Apprenticeship and Training Council and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

MOTION

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

On motion of Senator Regala, Senator Pridemore was excused.

Absent: Senator Pridemore - 1

APPOINTMENT OF RAYMOND C. RIECKERS

Gubernatorial Appointment No. 9374, Susan Wilder Crane, having received the constitutional majority was declared confirmed as a member of the Washington State Apprenticeship and Training Council.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9345, Raymond C. Rieckers as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9345, Raymond C. Rieckers as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon,

SIXTIETH DAY, MARCH 13, 2008

Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9345, Raymond C. Rieckers, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Regala moved that Gubernatorial Appointment No. 9355, Carol Sexton, as a member of the Small Business Export Finance Assistance Center Board of Directors, be confirmed.

Senator Regala spoke in favor of the motion.

## APPOINTMENT OF CAROL SEXTON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9355, Carol Sexton as a member of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9355, Carol Sexton as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9355, Carol Sexton, having received the constitutional majority was declared confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Shin moved that Gubernatorial Appointment No. 9367, Emily Yim, as a member of the Board of Trustees, Edmonds Community College District No. 23, be confirmed.

Senator Shin spoke in favor of the motion.

## APPOINTMENT OF EMILY YIM

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9367, Emily Yim as a member of the Board of Trustees, Edmonds Community College District No. 23.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9367, Emily Yim as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

2008 REGULAR SESSION

Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Keiser - 1

Gubernatorial Appointment No. 9367, Emily Yim, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Edmonds Community College District No. 23.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9299, Annabelle Fitts, as a member of the Board of Trustees, State School for the Blind, be confirmed.

Senator Pridemore spoke in favor of the motion.

## MOTION

On motion of Senator Hatfield, Senator Prentice was excused.

## APPOINTMENT OF ANNABELLE FITTS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9299, Annabelle Fitts as a member of the Board of Trustees, State School for the Blind.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9299, Annabelle Fitts as a member of the Board of Trustees, State School for the Blind and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Prentice - 1

Gubernatorial Appointment No. 9299, Annabelle Fitts, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Blind.

## SECOND READING

## CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Hargrove moved that Gubernatorial Appointment No. 9239, Stephen Tharinger, as a member of the Salmon Recovery Funding Board, be confirmed.

Senator Hargrove spoke in favor of the motion.

## APPOINTMENT OF STEPHEN THARINGER

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9239, Stephen Tharinger as a member of the Salmon Recovery Funding Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9239, Stephen Tharinger as a member of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senators Keiser, McCaslin and Pridemore - 3

Excused: Senator Prentice - 1

Gubernatorial Appointment No. 9239, Stephen Tharinger, having received the constitutional majority was declared confirmed as a member of the Salmon Recovery Funding Board.

MOTION

At 5:03 p.m., on motion of Senator Marr, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:24 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2279,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:

SECOND SUBSTITUTE SENATE BILL NO. 5596,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5831,  
 SECOND SUBSTITUTE SENATE BILL NO. 6227,  
 SUBSTITUTE SENATE BILL NO. 6231,  
 SUBSTITUTE SENATE BILL NO. 6277,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6295,  
 SENATE BILL NO. 6332,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6371,

SUBSTITUTE SENATE BILL NO. 6404,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6438,  
 SENATE BILL NO. 6657,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6665,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6673,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6760,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6776,  
 SUBSTITUTE SENATE BILL NO. 6806,  
 SUBSTITUTE SENATE BILL NO. 6851,  
 SECOND SUBSTITUTE SENATE BILL NO. 6855,  
 SECOND ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8407,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1273,  
 HOUSE BILL NO. 2263,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2507,  
 SUBSTITUTE HOUSE BILL NO. 2585,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2598,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2624,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2714,  
 HOUSE BILL NO. 2719,  
 HOUSE BILL NO. 2791,  
 SUBSTITUTE HOUSE BILL NO. 2788  
 SECOND SUBSTITUTE HOUSE BILL NO. 2822,  
 SUBSTITUTE HOUSE BILL NO. 2858,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3139,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3145  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3303,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3329,  
 ENGROSSED HOUSE BILL NO. 3360,  
 HOUSE BILL NO. 3362,  
 SUBSTITUTE HOUSE BILL NO. 3374,  
 ENGROSSED HOUSE BILL NO. 3381,  
 ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The House has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2765, and has passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2008

SIXTIETH DAY, MARCH 13, 2008

MR. PRESIDENT:

The House receded from its amendment, and under suspension of rules, SUBSTITUTE SENATE BILL NO. 6609 was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6609-S AMH SIMP MOET 199, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1** A new section is added to chapter 19.27 RCW to read as follows:

(1) The charge under this chapter for building permits for specialty agricultural structures constructed on a commercial agricultural operation may not exceed the sum total of seventy-five dollars plus the vehicle fuel costs for inspections of the structure. This subsection (1) applies only if: (a) The design for the structure has been approved by a state licensed and registered engineer, and certified to meet local conditions related to wind load, snow load, and other natural forces; and (b) the permit application is for a structure with two thousand five hundred square feet or less of floor area.

(2) Specialty agricultural structures are those that are designed and constructed to house farm equipment, hay, grain, poultry, livestock, or other horticultural products. Human habitation, public use, and employment where agricultural products are processed, treated, or packaged are not permitted uses of a specialty agricultural structure.

(3) For purposes of this section, "commercial agricultural operation" means an operation that generates an average of at least ten thousand dollars gross income per year from the sale of agricultural products.

**Sec. 2.** RCW 19.27.100 and 1975 1st ex.s. c 8 s 1 are each amended to read as follows:

Except as provided in section 1 of this act, nothing in this chapter shall prohibit a city, town, or county of the state from imposing fees different from those set forth in the state building code.

NEW SECTION. **Sec. 3.** (1)(a) A legislative task force on agricultural structure permits is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The governor shall appoint one member representing the state building code council.

(b) The task force shall choose its chair from among its legislative membership.

(c) The task force must have the following nonvoting ex officio members:

(i) One member representing cities;

(ii) One member representing counties; and

(iii) Three members representing statewide agricultural organizations.

(2) The task force shall review the following issues:

(a) Permit costs for specialty agricultural structures in Washington and adjoining states and provinces; and

(b) Alternative fee structures and building code requirements for agricultural structures.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the house of representatives and the senate. Task force expenditures are subject to approval by the senate facilities and

2008 REGULAR SESSION

operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the appropriate committees of the house of representatives and the senate by January 1, 2009.

(7) This section expires April 1, 2009."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Fairley moved that the Senate adhere to its position and ask the House to recede in the House amendment(s) to Substitute Senate Bill No. 6609.

Senators Fairley spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Fairley that the Senate adhere to its position and recede in the House amendment(s) to Substitute Senate Bill No. 6609.

The motion by Senator Fairley carried and the Senate adhered on its position in the House amendment(s) to Substitute Senate Bill No. 6609 by voice vote.

#### SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1273,  
HOUSE BILL NO. 2263,  
SECOND SUBSTITUTE HOUSE BILL NO. 2507,  
SUBSTITUTE HOUSE BILL NO. 2585,  
SECOND SUBSTITUTE HOUSE BILL NO. 2598,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2624,  
SECOND SUBSTITUTE HOUSE BILL NO. 2714,  
HOUSE BILL NO. 2719,  
SUBSTITUTE HOUSE BILL NO. 2788,  
HOUSE BILL NO. 2791,  
SECOND SUBSTITUTE HOUSE BILL NO. 2822,  
SUBSTITUTE HOUSE BILL NO. 2858,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
3139,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
3145,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3303,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3329,  
ENGROSSED HOUSE BILL NO. 3360,  
HOUSE BILL NO. 3362,  
SUBSTITUTE HOUSE BILL NO. 3374,  
ENGROSSED HOUSE BILL NO. 3381,  
ENGROSSED SUBSTITUTE HOUSE CONCURRENT  
RESOLUTION NO. 4408,

#### PERSONAL PRIVILEGE

Senator Haugen: "Well, Mr. President, I would just like to tell people this summer there is going to be a very special event that a lot of you have participated in for a long time and you don't realize it and finally it's going to happen. Cama Beach opens June 21, will be the grand opening. This is an extraordinary new state park. It's the first one in twenty years. It's on Camano Island. It is unbelievable. You need to come and see it. It is an old resort that has been restored to the 1930's. It looks just like it did when your relatives may have visited that. I would hope you would take time to come and visit it. It's going to be a special day but it's a wonderful place to bring your

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

friends. Again, that's June 21 on Camano Island and you will be getting an invitation from the state parks. Mark your calendars."

be an event here in Olympia. I'm wondering if starting on April 3 and then during the 2009 Legislative Session we are going to have to address you as 'Sir Brad Owen' instead of Mr. President or would it be, Sir, Mr. President?"

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. I know I have a reputation for very short remarks on the Senate floor but I am going to have to take a couple of minutes. I promise not to go over three though, if that is alright Mr. President?"

REMARKS BY THE PRESIDENT

President Owen: "Meaning my medal that I receive from the King of Spain? You will be able to address me as Don Brad."

REMARKS BY THE PRESIDENT

PERSONAL PRIVILEGE

President Owen: "You're the boss."

Senator Kohl-Welles: "Don!"

PERSONAL PRIVILEGE

REMARKS BY THE PRESIDENT

Senator Kohl-Welles: "I actually have a couple of questions for you Mr. President. I've noticed that when we were honoring Representative Sommers this morning you said that you would have I think four more years to serve in elected office before you would be able to be the longest serving, is it something like that...?"

President Owen: "That is the correct term, yes."

POINT OF ORDER

REMARKS BY THE PRESIDENT

Senator Murray: "Thank you Mr. President. Can I read from the Constitution of the United States, Section 1, Article 9?"

REPLY BY THE PRESIDENT

President Owen: "The President noted that when Senator, right now there's only one person serving longer than the President, serving at this time, and that is Representative Sommers. When she leaves, then I will be the longest serving at the time. When I, if in fact the voters are so kind to return me in the next election, at the end of that term I will tie her only."

President Owen: "No!"

POINT OF ORDER

PERSONAL PRIVILEGE

Senator Kohl-Welles: "So, we can only hope."

Senator Murray: "Mr. President the constitution says....."

REPLY BY THE PRESIDENT

REMARKS BY THE PRESIDENT

President Owen: "Its only for federal officials, Senator. We've have researched this Senator Murray. Senator Murray, go ahead."

President Owen: "Well, thank you."

POINT OF ORDER

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Mr. President, I've also heard and I would appreciate your confirming whether this is accurate or not, whether you are in deed the longest serving Lieutenant Governor in the United States?"

Senator Murray: "Thank you Mr. President. Section 1, Article 9 says that 'no title nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince or foreign state.' This isn't meant personally directed by you, although my Irish blood does react rather viscerally to royal titles but I would ask for a ruling as to whether you can accept the title."

REMARKS BY THE PRESIDENT

REPLY BY THE PRESIDENT

President Owen: "At this time, I'm the longest sitting Lieutenant Governor, yes."

President Owen: "That's a no brainier."

PERSONAL PRIVILEGE

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Sitting, not serving?"

REMARKS BY THE PRESIDENT

Senator Eide: "Well, thank you Mr. President. Well I believe that it's entirely appropriate for you to accept this illustrious title that's going on before you. If the good gentleman here from the forty-third district would be reading the Washington State Constitution rather than United States Constitution he would know its absolutely appropriate for you to be knighted, your honor. I ask that you tell the good gentleman that he's out of order and he needs to return to his bottle of Irish whiskey."

President Owen: "Serving at this time, not having served."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Longest standing Lieutenant Governor in the United States. So, very impressive, but I have another question Mr. President. I'm really not sure what I going to do about this but I understand that on April 2 there's going to

## PERSONAL PRIVILEGE

Senator Marr: "Mr. President, well I have to say I'm somewhat jealous about your honor of knight but I've always wondered this. Do knights get knights of stature, perhaps yourself get a stool to get on the horse? I'm wondering in the event Mr. President if I would receive an honor like this in the future."

## REPLY BY THE PRESIDENT

President Owen: "Keep it up, you won't!"

## PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President, I'm sure there are some people who are listening in on TVW..."

## POINT OF ORDER

Senator Brandland: "I think that Senator Kohl-Welles has already spoken once on this issue."

## POINT OF ORDER

Senator Rockefeller: "Thank you Mr. President. Under Senate Rule 32, I wonder whether your ruling is acceptable to the body and I ask, 'Shall the decision of the President stand as the judgement of the Senate?'"

## REPLY BY THE PRESIDENT

President Owen: "For those of you that are not aware of what he's just done. Je's challenged the rule of the chair. Usually we use words like, foolishly challenged the rule of the chair."

## PERSONAL PRIVILEGE

Senator McCaslin: "Thank you Mr. President, I just want to announce to the Republican Caucus we're now up to nineteen."

## PERSONAL PRIVILEGE

Senator Eide: "Well, thank you Mr. President, I believe I should also recognize Antonio Sanchez for receiving an honor also. My illustrious side, should say neighbor, who now I might have to bow every time I see him. It's an honor and privilege to serve with both of you and congratulations."

## PARLIAMENTARY INQUIRY

Senator Honeyford: "Well, my inquiry is this: If we have to call you Don Juan, what do we call Antonio?"

## REPLY BY THE PRESIDENT

President Owen: "I didn't say Don Juan! Although Linda, oh, never mind."

## PERSONAL PRIVILEGE

Senator McAuliffe: "I just would like to recognize your wife, Linda. Behind every man is a good woman."

## REPLY BY THE PRESIDENT

President Owen: "And some of her excellent carrot cake is in my office right now in case your wondering. Let me introduce also my outstanding daughter-in-law, Carrie Owen, that is with me today."

## POINT OF ORDER

Senator Sheldon: "Thank you Don. I was wondering if this honor is being bestowed on you, of course, by the 'royalty in Spain will remember to carry over than you might remember to introduce a diplomatic corp next time that you preside in the House of Representatives. Would that jog your memory next time?'"

## REMARKS BY THE PRESIDENT

President Owen: "I don't know, are you trying to insult me in front of all my friends here? What you are referring to as somebody forgot to introduce the diplomatic corp last time. I did recover, if you recall."

## REMARKS BY THE PRESIDENT

President Owen: "By the way, my, Linda will legitimately be referred to as 'Dona.' She's insisted that I call her that of course. Well, thank you all very much for your comments and it's a great honor actually to be received, the highest honor, a non-Spanish citizen can receive from the King of Spain and so we're very honored with that and I appreciate you bringing that up Senator Kohl-Welles and you're all a lot of fun. I, by the way, I do appreciate being the straight man for all of you and can't say I could have better people feeding me lines than all of you."

## PERSONAL PRIVILEGE

Senator Kohl-Welles: "I will take all of this back if you have another ruling such as you did the other day, ruling on scope and object. I'm just kidding."

## MOTION

At 6:41 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7:31 p.m. by President Owen.

## MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:

HOUSE BILL NO. 2652,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2765,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

The Speaker has signed the following bills:  
 SUBSTITUTE HOUSE BILL NO. 2279,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2687,  
 and the same are herewith transmitted.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4409. HOUSE CONCURRENT RESOLUTION NO. 4409 was adopted by voice vote.

BARBARA BAKER, Chief Clerk

SECOND READING

SIGNED BY THE PRESIDENT

SENATE CONCURRENT RESOLUTION NO. 8413, by Senators Brown and Hewitt

The President signed:  
 HOUSE BILL NO. 2652,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2765,

Adjourning sine die.

The measure was read the second time.

SIGNED BY THE PRESIDENT

MOTION

The President signed:  
 SUBSTITUTE HOUSE BILL NO. 2279,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2687,

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8413 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

MESSAGE FROM THE HOUSE

March 13, 2008

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8413.

SENATE CONCURRENT RESOLUTION NO. 8413 was adopted by voice vote.

MR. PRESIDENT:  
 The House has adopted:  
 HOUSE CONCURRENT RESOLUTION NO. 4409,  
 and the same is herewith transmitted.

MOTION

BARBARA BAKER, Chief Clerk

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION  
 8743

SUPPLEMENTAL INTRODUCTION AND FIRST READING  
 OF HOUSE BILLS

By Senators Spanel and Parlette

HCR 4409 by Representatives Kessler and Erickson

Returning bills to their house of origin.

WHEREAS, The 2008 Regular Session of the Sixtieth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2008 Regular Session of the Sixtieth Legislature and the convening of the next regular session;

MOTION

On motion of Senator Eide, the rules were suspended and House Concurrent Resolution No. 4409 was placed on the second reading calendar.

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4409, by Representatives Kessler and Erickson

Returning bills to their house of origin.

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4409 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2008 Regular Session of the Sixtieth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8743.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The House has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2687, and has passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The House has adopted the report of Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3139, and has passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
HOUSE CONCURRENT RESOLUTION NO. 4409,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4409,

SIGNED BY THE PRESIDENT

The President signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5905,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5959,  
SUBSTITUTE SENATE BILL NO. 6426,  
SENATE BILL NO. 6638,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6792,

MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5905,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5959,  
SUBSTITUTE SENATE BILL NO. 6426,  
SENATE BILL NO. 6638,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6792,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The House has adopted:  
SENATE CONCURRENT RESOLUTION NO. 8413,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8413,

MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

The Speaker has signed the following bills:  
SENATE CONCURRENT RESOLUTION NO. 8413,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide and without Senate objections, measures on the second and third reading calendars were returned to the Committee on Rules.

March 13, 2008

Under the provisions of the HOUSE CONCURRENT RESOLUTION NO. 4409, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1032,  
ENGROSSED HOUSE BILL NO. 1057,  
HOUSE BILL NO. 1142,  
HOUSE BILL NO. 1143,  
SUBSTITUTE HOUSE BILL NO. 1148,  
HOUSE BILL NO. 1230  
SUBSTITUTE HOUSE BILL NO. 1295,  
HOUSE BILL NO. 1296,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394,

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

HOUSE BILL NO. 1404,  
 HOUSE BILL NO. 1545,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1597,  
 SUBSTITUTE HOUSE BILL NO. 1605,  
 SECOND ENGROSSED HOUSE BILL NO. 1743,  
 HOUSE BILL NO. 1836,  
 SUBSTITUTE HOUSE BILL NO. 1879,  
 ENGROSSED HOUSE BILL NO. 1887,  
 HOUSE BILL NO. 2026,  
 HOUSE BILL NO. 2048,  
 HOUSE BILL NO. 2090,  
 SUBSTITUTE HOUSE BILL NO. 2107,  
 HOUSE BILL NO. 2110,  
 HOUSE BILL NO. 2134,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2143,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2344,  
 HOUSE BILL NO. 2436,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2449,  
 HOUSE BILL NO. 2469,  
 HOUSE BILL NO. 2478,  
 HOUSE BILL NO. 2483,  
 SUBSTITUTE HOUSE BILL NO. 2487,  
 HOUSE BILL NO. 2492,  
 HOUSE BILL NO. 2495,  
 ENGROSSED HOUSE BILL NO. 2516,  
 SUBSTITUTE HOUSE BILL NO. 2522,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2523,  
 SUBSTITUTE HOUSE BILL NO. 2541,  
 SUBSTITUTE HOUSE BILL NO. 2554,  
 HOUSE BILL NO. 2558,  
 HOUSE BILL NO. 2571,  
 HOUSE BILL NO. 2593,  
 ENGROSSED HOUSE BILL NO. 2608,  
 SUBSTITUTE HOUSE BILL NO. 2609,  
 ENGROSSED HOUSE BILL NO. 2613,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626,  
 HOUSE BILL NO. 2629,  
 HOUSE BILL NO. 2656,  
 SUBSTITUTE HOUSE BILL NO. 2676,  
 SUBSTITUTE HOUSE BILL NO. 2690,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2709,  
 HOUSE BILL NO. 2738,  
 HOUSE BILL NO. 2755,  
 SUBSTITUTE HOUSE BILL NO. 2756,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2758,  
 HOUSE BILL NO. 2780,  
 HOUSE BILL NO. 2799,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2807,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2809,  
 HOUSE BILL NO. 2813,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2829,  
 HOUSE BILL NO. 2834,  
 SUBSTITUTE HOUSE BILL NO. 2848,  
 HOUSE BILL NO. 2850,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2869,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,  
 SUBSTITUTE HOUSE BILL NO. 2899,  
 SUBSTITUTE HOUSE BILL NO. 2917,  
 HOUSE BILL NO. 2941,  
 ENGROSSED HOUSE BILL NO. 2985,  
 HOUSE BILL NO. 3005,  
 HOUSE BILL NO. 3007,  
 HOUSE BILL NO. 3020,  
 HOUSE BILL NO. 3106,  
 SECOND SUBSTITUTE HOUSE BILL NO. 3121,  
 HOUSE BILL NO. 3141,  
 HOUSE BILL NO. 3177,  
 HOUSE BILL NO. 3210,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 3216,  
 SECOND SUBSTITUTE HOUSE BILL NO. 3227,  
 HOUSE BILL NO. 3281,  
 SUBSTITUTE HOUSE BILL NO. 3297,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 3306,

March 13, 2008

Under the provisions of the HOUSE CONCURRENT RESOLUTION NO. 4409, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1102,  
 HOUSE BILL NO. 1127,  
 ENGROSSED HOUSE BILL NO. 1129,  
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 1139,  
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 1147,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211,  
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2016,  
 HOUSE BILL NO. 2017,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2082,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2216,  
 SUBSTITUTE HOUSE BILL NO. 2219,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331,  
 SECOND ENGROSSED HOUSE BILL NO. 2373,  
 SUBSTITUTE HOUSE BILL NO. 2380,  
 SUBSTITUTE HOUSE BILL NO. 2455,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2468,  
 SUBSTITUTE HOUSE BILL NO. 2471,  
 HOUSE BILL NO. 2527,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2597,  
 SUBSTITUTE HOUSE BILL NO. 2611,  
 SUBSTITUTE HOUSE BILL NO. 2675,  
 SUBSTITUTE HOUSE BILL NO. 2718,  
 SUBSTITUTE HOUSE BILL NO. 2775,  
 SUBSTITUTE HOUSE BILL NO. 2810,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2882,  
 HOUSE BILL NO. 2901,  
 HOUSE BILL NO. 3025,  
 HOUSE BILL NO. 3027,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3051,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 3115,  
 ENGROSSED HOUSE BILL NO. 3117,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 3125,  
 ENGROSSED HOUSE BILL NO. 3137,  
 HOUSE BILL NO. 3143,  
 HOUSE BILL NO. 3261,  
 SECOND SUBSTITUTE HOUSE BILL NO. 3269,  
 SUBSTITUTE HOUSE BILL NO. 3289,  
 SUBSTITUTE HOUSE BILL NO. 3291,

March 13, 2008

Under the provisions of the HOUSE CONCURRENT RESOLUTION NO. 4409, the following House Bills were returned to the House of Representatives:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1115,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1332,  
 HOUSE BILL NO. 1345,

SIXTIETH DAY, MARCH 13, 2008

SUBSTITUTE HOUSE BILL NO. 1346,  
HOUSE BILL NO. 1403,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1453,  
SUBSTITUTE HOUSE BILL NO. 1534,  
SUBSTITUTE HOUSE BILL NO. 1625,  
SUBSTITUTE HOUSE BILL NO. 1675,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727,  
SECOND SUBSTITUTE HOUSE BILL NO. 1734,  
HOUSE BILL NO. 1775,  
ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO.  
1806,  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.  
1873,  
HOUSE BILL NO. 2203,  
SUBSTITUTE HOUSE BILL NO. 2337,  
SUBSTITUTE HOUSE BILL NO. 2439,  
SUBSTITUTE HOUSE BILL NO. 2444,  
SUBSTITUTE HOUSE BILL NO. 2452,  
HOUSE BILL NO. 2470,  
HOUSE BILL NO. 2473,  
HOUSE BILL NO. 2485,  
HOUSE BILL NO. 2489,  
SUBSTITUTE HOUSE BILL NO. 2501,  
SECOND SUBSTITUTE HOUSE BILL NO. 2530,  
HOUSE BILL NO. 2565,  
SUBSTITUTE HOUSE BILL NO. 2567,  
SUBSTITUTE HOUSE BILL NO. 2595,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2631,  
HOUSE BILL NO. 2651,  
HOUSE BILL NO. 2655,  
SUBSTITUTE HOUSE BILL NO. 2670,  
HOUSE BILL NO. 2728,  
HOUSE BILL NO. 2740,  
HOUSE BILL NO. 2761,  
HOUSE BILL NO. 2764,  
SUBSTITUTE HOUSE BILL NO. 2811,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2818,  
SUBSTITUTE HOUSE BILL NO. 2836,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2864,  
HOUSE BILL NO. 2894,  
HOUSE BILL NO. 2909,  
SUBSTITUTE HOUSE BILL NO. 2925,  
SUBSTITUTE HOUSE BILL NO. 2986,  
HOUSE BILL NO. 3006,  
SUBSTITUTE HOUSE BILL NO. 3059,  
SUBSTITUTE HOUSE BILL NO. 3069,  
SUBSTITUTE HOUSE BILL NO. 3103,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.  
3133,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3148,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3160,  
HOUSE BILL NO. 3161,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
3180,  
ENGROSSED HOUSE BILL NO. 3181,  
SUBSTITUTE HOUSE BILL NO. 3183,  
HOUSE BILL NO. 3220,  
HOUSE BILL NO. 3249,  
SUBSTITUTE HOUSE BILL NO. 3255,  
ENGROSSED HOUSE BILL NO. 3276,  
ENGROSSED HOUSE BILL NO. 3317,  
SECOND SUBSTITUTE HOUSE BILL NO. 3349,  
HOUSE JOINT MEMORIAL NO. 4029,  
HOUSE JOINT MEMORIAL NO. 4030,  
HOUSE JOINT MEMORIAL NO. 4031,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4034,

March 13, 2008

2008 REGULAR SESSION

Under the provisions of the HOUSE CONCURRENT  
RESOLUTION NO. 4409, the following House Bills were  
returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1246,  
ENGROSSED HOUSE BILL NO. 1383,  
ENGROSSED HOUSE BILL NO. 1551,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1561,  
HOUSE BILL NO. 1930,  
ENGROSSED HOUSE BILL NO. 1956,  
HOUSE BILL NO. 2170,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,  
HOUSE BILL NO. 2210,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2225,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2494,  
HOUSE BILL NO. 2497,  
ENGROSSED HOUSE BILL NO. 2518,  
HOUSE BILL NO. 2550,  
HOUSE BILL NO. 2606,  
ENGROSSED HOUSE BILL NO. 2607,  
HOUSE BILL NO. 2619,  
HOUSE BILL NO. 2620,  
SUBSTITUTE HOUSE BILL NO. 2621,  
HOUSE BILL NO. 2636,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2703,  
ENGROSSED HOUSE BILL NO. 2734,  
HOUSE BILL NO. 2763,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2767,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2798,  
SECOND SUBSTITUTE HOUSE BILL NO. 2805,  
SECOND SUBSTITUTE HOUSE BILL NO. 2808,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2826,  
SUBSTITUTE HOUSE BILL NO. 2838,  
SUBSTITUTE HOUSE BILL NO. 2871,  
SUBSTITUTE HOUSE BILL NO. 2904,  
HOUSE BILL NO. 2920,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938,  
ENGROSSED HOUSE BILL NO. 3047,  
SUBSTITUTE HOUSE BILL NO. 3053,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3131,  
SUBSTITUTE HOUSE BILL NO. 3204,  
ENGROSSED HOUSE BILL NO. 3230,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3259,

## MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT  
RESOLUTION NO. 4409, the following Senate bills were  
returned to the Senate:

ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 5106,  
ENGROSSED SENATE BILL NO. 5208,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 5271,  
SUBSTITUTE SENATE BILL NO. 5285,  
SUBSTITUTE SENATE BILL NO. 5318,  
SENATE BILL NO. 5343,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5363,  
SECOND SUBSTITUTE SENATE BILL NO. 5367,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5387,  
SENATE BILL NO. 5432,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5456,  
SUBSTITUTE SENATE BILL NO. 5465,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5517,  
SUBSTITUTE SENATE BILL NO. 5566,  
ENGROSSED SENATE BILL NO. 5657,

SIXTIETH DAY, MARCH 13, 2008

2008 REGULAR SESSION

SUBSTITUTE SENATE BILL NO. 5691,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5714,  
 SECOND ENGROSSED SENATE BILL NO. 5723,  
 SUBSTITUTE SENATE BILL NO. 5900,  
 SUBSTITUTE SENATE BILL NO. 6210,  
 SECOND SUBSTITUTE SENATE BILL NO. 6222,  
 SENATE BILL NO. 6223,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6235,  
 SENATE BILL NO. 6242,  
 SENATE BILL NO. 6251,  
 SUBSTITUTE SENATE BILL NO. 6264,  
 ENGROSSED SENATE BILL NO. 6305,  
 SENATE BILL NO. 6331,  
 SUBSTITUTE SENATE BILL NO. 6347,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6348,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6360,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6380,  
 ENGROSSED SENATE BILL NO. 6386,  
 SUBSTITUTE SENATE BILL NO. 6405  
 SUBSTITUTE SENATE BILL NO. 6445,  
 SUBSTITUTE SENATE BILL NO. 6448,  
 SENATE BILL NO. 6450,  
 SUBSTITUTE SENATE BILL NO. 6452,  
 SUBSTITUTE SENATE BILL NO. 6456,  
 SUBSTITUTE SENATE BILL NO. 6458,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6466,  
 SUBSTITUTE SENATE BILL NO. 6470,  
 SECOND SUBSTITUTE SENATE BILL NO. 6479,  
 SENATE BILL NO. 6486,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6488,  
 SUBSTITUTE SENATE BILL NO. 6514,  
 SENATE BILL NO. 6531,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 6546,  
 SUBSTITUTE SENATE BILL NO. 6600,  
 SUBSTITUTE SENATE BILL NO. 6620,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6644,  
 SENATE BILL NO. 6653,  
 SENATE BILL NO. 6694,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6730,  
 SUBSTITUTE SENATE BILL NO. 6734,  
 SUBSTITUTE SENATE BILL NO. 6742,  
 ENGROSSED SENATE BILL NO. 6745,  
 SUBSTITUTE SENATE BILL NO. 6765,  
 SUBSTITUTE SENATE BILL NO. 6774,  
 SUBSTITUTE SENATE BILL NO. 6790,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6800,  
 SENATE BILL NO. 6849,  
 SENATE BILL NO. 6891,  
 SUBSTITUTE SENATE BILL NO. 6898,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2008

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT  
 RESOLUTION NO. 4409, the following Senate bills were  
 returned to the Senate:

SENATE BILL NO. 5319,  
 ENGROSSED SENATE BILL NO. 5425,  
 ENGROSSED SENATE BILL NO. 5599,  
 SUBSTITUTE SENATE BILL NO. 5628,  
 THIRD SUBSTITUTE SENATE BILL NO. 5743,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,  
 SUBSTITUTE SENATE BILL NO. 5869,  
 SUBSTITUTE SENATE BILL NO. 5929,  
 SENATE BILL NO. 6193,

SUBSTITUTE SENATE BILL NO. 6241,  
 SUBSTITUTE SENATE BILL NO. 6307,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6308,  
 SUBSTITUTE SENATE BILL NO. 6316,  
 SENATE BILL NO. 6321,  
 SUBSTITUTE SENATE BILL NO. 6337,  
 SUBSTITUTE SENATE BILL NO. 6341,  
 SENATE BILL NO. 6358,  
 SENATE BILL NO. 6364,  
 SUBSTITUTE SENATE BILL NO. 6367,  
 SUBSTITUTE SENATE BILL NO. 6385,  
 SUBSTITUTE SENATE BILL NO. 6395,  
 SUBSTITUTE SENATE BILL NO. 6453,  
 SENATE BILL NO. 6492,  
 SUBSTITUTE SENATE BILL NO. 6498,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 6502,  
 SUBSTITUTE SENATE BILL NO. 6508,  
 SENATE BILL NO. 6525,  
 SUBSTITUTE SENATE BILL NO. 6548,  
 SUBSTITUTE SENATE BILL NO. 6569,  
 SENATE BILL NO. 6576,  
 SUBSTITUTE SENATE BILL NO. 6675,  
 SENATE BILL NO. 6728,  
 ENGROSSED SENATE BILL NO. 6744,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6771,  
 SECOND SUBSTITUTE SENATE BILL NO. 6775,  
 SUBSTITUTE SENATE BILL NO. 6777,  
 ENGROSSED SENATE BILL NO. 6868,  
 SENATE BILL NO. 6892,  
 SENATE BILL NO. 6912,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Journal for the 60<sup>th</sup> day of  
 the 2008 session of the 60<sup>th</sup> Legislature was approved.

MOTION

At 7:40 p.m., on motion of Senator Eide, the 2008 Senate  
 Regular Session of the Sixtieth Legislature adjourned SINE  
 DIE.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

**SENATE ROSTER**

**AND**

**COMMITTEE ASSIGNMENTS**

## 2008 SENATE ROSTER

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Benton, Don	17	R	Clark (P)	PO Box 40417 Olympia, WA 98504-0417	1957 - CA	CIO - National Advtsg Conslnt	1995-1996	1997-
Berkey, Jean	38	D	Snohomish (P)	PO Box 40438 Olympia, WA 98504-0438	1938 - CA	State Senator	Appt. 1/22/01-2002	Appt. 1/5/2004
Brandland, Dale	2	R	Whatcom (P)	PO Box 40442 Olympia, WA 9850-4-0442	1948 - MN	Retired County Sheriff		2003-
Brown, Lisa	3	D	Spokane (P)	PO Box 40403 Olympia, WA 98504-0403	1956 - IL	Assoc. Prof. Economics	1993-1996	1997-
Carrell, Mike	28	R	Pierce (P)	10210 Lk Louise Dr SW Tacoma, WA 98498	1944 - WA	Teacher {retired}	1995-2004	Appt. 7/6/04
Delvin, Jerome	8	R	Benton (P)	PO Box 40408 Olympia, WA 98504-0408	1956 - WA	Retired	Appt. 11/28/94-2004	Appt. 5/12/04
Eide, Tracey	30	D	King (P)	PO Box 40430 Olympia, WA 98504-0430	1954 - WA	Senator	1993-1994	1999-
Fairley, Darlene	32	D	King (P), Snohomish (P)	PO Box 40432 Olympia, WA 98504-0432	1943 - WA	State Senator		1995-
Franklin, Rosa	29	D	Pierce (P)	PO Box 40429 Olympia, WA 98504-0429	1927 - SC	Registered Nurse - Retired	1991-1992	Appt. 1/25/93-
Fraser, Karen	22	D	Thurston (P)	PO Box 40422 Olympia, WA 98504-0422	1944 - WA	Senator	1989-1992	1993-
Hargrove, James	24	D	Clallam, Grays Harbor (P), Jefferson	PO Box 40424 Olympia, WA 98504-0424	1953 - OR	Forester	1985-1992	1993-
Hatfield, Brian	19	D	Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	PO Box 40419 Olympia, WA 98504-0419	1966 - WA	Ec Development Specialist	Appt. 9/26/94-2004	Appt. 11/17/06
Haugen, Mary Margaret	10	D	Island, Skagit (P), Snohomish (P)	PO Box 40410 Olympia, WA 98504-0410	1941 - WA	Legislator	1983-1992	1993-
Hewitt, Mike	16	R	Benton (P), Columbia, Franklin (P), Walla Walla	PO Box 40416 Olympia, WA 98504-0416	1946 - WA	Legislator		2001-
Hobbs, Steve	44	D	Snohomish (P)	PO Box 40444 Olympia, WA 98504-0444	1970 - WA	UW Facilities Manager		2007-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Holmquist, Janéa	13	R	Grant (P), Kittitas, Yakima (P)	PO Box 40413 Olympia, WA 98504-0413	1974 - AK	Self Employed	Appt. 12/7/2001- 2006	12/6/06-
Honeyford, Jim	15	R	Clark (P), Klickitat, Skamania, Yakima (P)	PO Box 40415 Olympia, WA 98504-0415	1939 - OR	Farmer/Retired Educator	1995-1998	1999-
Jacobsen, Ken	46	D	King (P)	PO Box 40446 Olympia, WA 98504-0446	1945 - NE	Self-employed	1983-1996	Appt. 1/6/97-
Kastama, Jim	25	D	Pierce (P)	PO Box 40425 Olympia, WA 98504-0425	1959 - WA	Legislator	1997-2000	2001-
Kauffman, Claudia	47	D	King (P)	PO Box 40447 Olympia, WA 98504-0447	1959 - ID	Charity Fund and Federal Liaison		2007-
Keiser, Karen	33	D	King (P)	PO Box 40433 Olympia, WA 98504-0433	1947 - IA	Ret'd Comm. Dir.	1996-2000	2001-
Kilmer, Derek	26	D	Kitsap (P), Pierce (P)	PO Box 40426 Olympia, WA 98504-0426	1974 - WA	Economic Dev. Manager	2005-2006	2007-
King, Curtis	14	R	Yakima	PO Box 40414 Olympia, WA 98504-0414	1946 - WA	Business Manager		elected 11/6/07-
Kline, Adam	37	D	King (P)	PO Box 40437 Olympia, WA 98504-0437	1944 - NJ	Lawyer		Appt. 1/20/97-
Kohl-Welles, Jeanne	36	D	King (P)	PO Box 40436 Olympia, WA 98504-0436	1942 - WI	Sociologist Lecturer, UW	1992-1994	Appt. 10/14/94-
Marr, Chris	6	D	Spokane (P)	PO Box 40406 Olympia, WA 98504-0406	1954 - NJ	Retired		2007-
McAuliffe, Rosemary	1	D	King (P), Snohomish (P)	PO Box 40401 Olympia, WA 98504-0401	1940 - WA	Ownr/Mgr Hollywood Schoolhouse		1993-
McCaslin, Bob	4	R	Spokane (P)	PO Box 40404 Olympia, WA 98504-0404	1926 - OH	Retired Real Estate Broker		1981-
McDermott, Joe	34	D	King(P)	PO Box 40434 Olympia, WA 98504-0434	1967 - WA	Legislator	1997-1998 2003-2007	Appt. 10/15/07

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Morton, Bob	7	R	Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens	PO Box 40407 Olympia, WA 98504-0407	1934 - NY	Legislator	1991-93	Appt. 1/5/94-
Murray, Ed	43	D	King (P)	3302 Fuhrman Ave E #103 Seattle, WA 98102	1955 - WA	Legislator	Appt. 11/4/1995, 1996-2006	2007-
Oemig, Eric	45	D	King (P)	PO Box 40445 Olympia, WA 98504-0445	1967 - WI	Software engineer		2007-
Parlette, Linda Evans	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	PO Box 40412 Olympia, WA 98504-0412	1945 - WA	Pharmacist & Orchardist	1997-2000	2001-
Pflug, Cheryl	5	R	King (P)	PO Box 40405 Olympia, WA 98504-0405	1957 - WA	Registered Nurse	1999-2004	Appt. 1/5/04
Prentice, Margarita	11	D	King (P)	PO Box 40411 Olympia, WA 98504-0411	1931 - CA	Registered Nurse, Retired	Appt. 5/31/88-1992	1993-
Pridemore, Craig	49	D	Clark (P)	PO Box 40449 Olympia, WA 98504-0449	1961 - CA	Legislator		2005-
Rasmussen, Marilyn	2	D	Pierce (P), Thurston (P)	PO Box 40402 Olympia, WA 98504-0402	1939 - WA	Self-Employed	1987-1992	1993-
Regala, Debbie	27	D	Pierce (P)	PO Box 40427 Olympia, WA 98504-0427	1945 - WA	Community Volunteer	1995-2000	2001-
Roach, Pam	31	R	King (P), Pierce (P)	PO Box 40431 Olympia, WA 98504-0431	1948 - CA	Self-Employed		1991-
Rockefeller, Phil	23	D	Kitsap (P)	PO Box 40423 Olympia, WA 98504-0423	1938 - NY	Attorney (retired)	1999-2004	2005-
Schoesler, Mark	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	PO Box 40409 Olympia, WA 98504-0409	1957 - WA	Self-Employed Farmer	1993-2004	2005-
Sheldon, Tim	35	D	Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	PO Box 40435 Olympia, WA 98504-0435	1947 - WA	Tree Farmer	1991-1997	Elected 11/4/97-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Shin, Paull	21	D	Snohomish (P)	PO Box 40421 Olympia, WA 98504-0421	1935 - Korea	Professor-Retired	1993-1994	1999-
Spanel, Harriet	40	D	San Juan, Skagit (P), Whatcom (P)	PO Box 40440 Olympia, WA 98504-0440	1939 - IA	Legislator	1987-1992	1993-
Stevens, Val	39	R	King (P), Skagit (P), Snohomish (P), Whatcom (P)	PO Box 40439 Olympia, WA 98504-0439	1939 - WA	Legislator	1993-1996	1997-
Swecker, Dan	20	R	Lewis, Thurston (P)	PO Box 40420 Olympia, WA 98504-0420	1947 - MT	Sec/Treas Wa. Fish Growers		Appt. 1/5/95-
Tom, Rodney	48	D	King (P)	PO Box 594 Medina, WA 98039	1963 - WA	Real Estate Agent	2003-2006	2007
Weinstein, Brian	41	D	King (P)	PO Box 40441 Olympia, WA 98504-0441	1954 - NY	Attorney		2005-
Zarelli, Joseph	18	R	Clark (P), Cowlitz (P)	PO Box 40418 Olympia, WA 98504-0418	1961 - WA	Business Devlpmnt & Risk Mngt		Elected 11/7/95-
Hoemann, Thomas				PO Box 40482 Olympia, WA 98504-0482	1952 - NE	Secretary of the Senate		2005
Hendrickson, Brad				PO Box 40482 Olympia, WA 98504-0482	1960 - WA	Deputy Secretary of the Senate		(1993-1996 1999-2002) 2005
Ruble, Jim				PO Box 40482 Olympia, WA 98504-0482	1943 - WA	Sergeant At Arms		2005

**Membership of  
Senate Standing Committees  
2008**

**Agriculture & Rural Economic Development (6) – Rasmussen, Chair; Hatfield, Vice Chair; \*Schoesler; Jacobsen; Morton; Shin**

**Consumer Protection & Housing (9) – Weinstein, Chair; Kauffman, Vice Chair; \*Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin; Tom**

**Early Learning & K-12 Education (14) – McAuliffe, Chair; Tom, Vice Chair; \*King; Brandland; Eide; Hewitt; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen; Weinstein; Zarelli**

**Economic Development, Trade & Management (6) – Kastama, Chair; Kilmer, Vice Chair; \*Zarelli; Kauffman; King; Shin**

**Financial Institutions & Insurance (7) – Berkey, Chair; Hobbs, Vice Chair; \*Benton; Franklin; Parlette; Prentice; Schoesler**

**Government Operations & Elections (8) – Fairley, Chair; Oemig, Vice Chair; \*Roach; Benton; Kline; McDermott; Pridemore; Swecker**

**Health & Long-Term Care (9) – Keiser, Chair; Franklin, Vice Chair; \*Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr; Parlette**

**Higher Education (6) – Shin, Chair; Kilmer, Vice Chair; \*Delvin; Berkey; Schoesler; Sheldon**

**Human Services & Corrections (7) – Hargrove, Chair; Regala, Vice Chair; \*Stevens; Brandland; Carrell; Marr; McAuliffe**

**Judiciary (8) – Kline, Chair; Tom, Vice Chair; \*McCaslin; Carrell; Hargrove; McDermott; Roach; Weinstein**

**Labor, Commerce, Research & Development (8) – Kohl-Welles, Chair; Keiser, Vice Chair; \*Holmquist; Franklin; Hewitt; King; Murray; Prentice**

**Natural Resources, Ocean & Recreation (9) – Jacobsen, Chair; Hatfield, Vice Chair; \*Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens; Swecker**

**Rules (19) – Lieutenant Governor, Chair; Franklin, Vice Chair; \*Hewitt; Brown; Eide; Fraser; Haugen; Keiser; Kline; Kohl-Welles; McAuliffe; Murray; Parlette; Pflug; Regala; Schoesler; Spanel; Stevens; Zarelli**

**Transportation (17) – Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; \*Swecker; Benton; Berkey; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kaufmann; Kilmer; King; Pflug; Sheldon; Spanel**

**Water, Energy & Telecommunications (11) – Rockefeller, Chair; Murray, Vice Chair; \*Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Oemig; Pridemore; Regala**

**Ways & Means (21) – Prentice, Chair; Fraser, Vice Chair Capital Budget; Pridemore, Vice Chair Operating Budget; \*Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler; Tom**

\* Ranking Minority Member

**Member Assignments to  
Senate Standing Committees  
2008**

<b>Benton, Don</b>	*Financial Institutions & Insurance; Government Operations & Elections; Transportation
<b>Berkey, Jean</b>	Financial Institutions & Insurance, Chair; Higher Education; Transportation
<b>Brandland, Dale</b>	Early Learning & K-12 Education; Human Services & Corrections; Ways & Means
<b>Brown, Lisa</b>	Rules
<b>Carrell, Mike</b>	Health & Long-Term Care; Human Services & Corrections; Judiciary; Ways & Means
<b>Delvin, Jerome</b>	*Higher Education; Consumer Protection & Housing; Transportation; Water, Energy & Telecommunications
<b>Eide, Tracey</b>	Early Learning & K-12 Education; Rules; Transportation
<b>Fairley, Darlene</b>	Government Operations & Elections, Chair; Health & Long-Term Care; Ways & Means
<b>Franklin, Rosa</b>	Health & Long-Term Care, Vice Chair; Rules, Vice Chair; Financial Institutions & Insurance; Labor, Commerce, Research & Development
<b>Fraser, Karen</b>	Ways & Means, Vice Chair Capital Budget; Natural Resources, Ocean & Recreation; Rules; Water, Energy & Telecommunications
<b>Hargrove, James</b>	Human Services & Corrections, Chair; Judiciary; Natural Resources, Ocean & Recreation
<b>Hatfield, Brian</b>	Agriculture & Rural Economic Development, Vice Chair; Natural Resources, Ocean & Recreation, Vice Chair; Water, Energy & Telecommunications; Ways & Means
<b>Haugen, Mary Margaret</b>	Transportation, Chair; Consumer Protection & Housing; Rules
<b>Hewitt, Mike</b>	*Rules; Early Learning & K-12 Education; Labor, Commerce, Research & Development; Ways & Means
<b>Hobbs, Steve</b>	Financial Institutions & Insurance, Vice Chair; Early Learning & K-12 Education; Ways & Means
<b>Holmquist Janea</b>	*Labor, Commerce, Research & Development; Early Learning & K-12 Education; Transportation; Water, Energy & Telecommunications
<b>Honeyford, Jim</b>	*Consumer Protection & Housing; *Water, Energy & Telecommunications; Ways & Means
<b>Jacobsen, Ken</b>	Natural Resources, Ocean & Recreation, Chair; Agriculture & Rural Economic Development; Consumer Protection & Housing; Transportation
<b>Kastama, Jim</b>	Economic Development, Trade & Management, Chair; Health & Long-Term Care; Transportation
<b>Kauffman, Claudia</b>	Consumer Protection & Housing, Vice Chair; Early Learning & K-12 Education; Economic Development, Trade & Management; Transportation
<b>Keiser, Karen</b>	Health & Long-Term Care, Chair; Labor, Commerce, Research & Development, Vice Chair; Rules; Ways & Means
<b>Kilmer, Derek</b>	Economic Development, Trade & Management, Vice Chair; Higher Education, Vice Chair; Consumer Protection & Housing; Transportation
<b>King, Curtis</b>	*Early Learning & K-12 Education; Economic Development, Trade & Management; Labor, Commerce, Research & Development; Transportation
<b>Kline, Adam</b>	Judiciary, Chair; Government Operations & Elections; Rules
<b>Kohl-Welles, Jeanne</b>	Labor, Commerce, Research & Development, Chair; Health & Long-Term Care; Rules; Ways & Means
<b>Marr, Chris</b>	Transportation, Vice Chair; Health & Long-Term Care, Human Services & Corrections
<b>McAuliffe, Rosemary</b>	Early Learning & K-12 Education, Chair; Human Services & Corrections; Rules
<b>McCaslin, Bob</b>	*Judiciary; Consumer Protection & Housing
<b>McDermott, Joe</b>	Early Learning & K-12 Education; Government Operations & Elections; Judiciary
<b>Morton, Bob</b>	*Natural Resources, Ocean & Recreation; Agriculture & Rural Economic Development; Water, Energy & Telecommunications

<b>Murray, Ed</b>	Transportation, Vice Chair; Water, Energy & Telecommunication, Vice Chair; Labor, Commerce, Research & Development; Rules
<b>Oemig, Eric</b>	Government Operations & Elections, Vice Chair; Early Learning & K-12 Education; Water, Energy & Telecommunications; Ways & Means
<b>Parlette, Linda Evans</b>	Financial Institutions & Insurance; Health & Long-Term Care; Rules; Ways & Means
<b>Pflug, Cheryl</b>	*Health & long-Term Care; Rules; Transportation
<b>Prentice, Margarita</b>	Ways & Means, Chair; Financial Institutions & Insurance; Labor, Commerce, Research & Development
<b>Pridemore, Craig</b>	Ways & Means, Vice Chair Operating Budget; Government Operation & Elections; Water, Energy & Telecommunications
<b>Rasmussen, Marilyn</b>	Agriculture & Rural Economic Development, Chair; Early Learning & K-12 Education; Ways & Means
<b>Regala, Debbie</b>	Human Services & Corrections, Vice Chair; Rules; Water, Energy & Telecommunications; Ways & Means
<b>Roach, Pam</b>	*Government Operations & Elections; Judiciary; Ways & Means
<b>Rockefeller, Phil</b>	Water, Energy & Telecommunications, Chair; Natural Resources, Ocean & Recreation; Ways & Means
<b>Schoesler, Mark</b>	*Agriculture & Rural Economic Development; Financial Institutions & Insurance; Higher Education; Rules; Ways & Means
<b>Sheldon, Tim</b>	Higher Education; Transportation
<b>Shin, Paull</b>	Higher Education, Chair; Agriculture & Rural Economic Development; Economic Development, Trade & Management
<b>Spanel, Harriet</b>	Natural Resources, Ocean & Recreation; Rules; Transportation
<b>Stevens, Val</b>	*Human Services & Corrections; Natural Resources, Ocean & Recreation; Rules
<b>Swecker, Dan</b>	*Transportation; Government Operations & Elections; Natural Resources, Ocean & Recreation
<b>Tom, Rodney</b>	Early Learning & K-12 Education, Vice Chair; Judiciary, Vice Chair; Consumer Protection & Housing; Ways & Means
<b>Weinstein, Brian</b>	Consumer Protection & Housing, Chair; Early Learning & K-12 Education; Judiciary
<b>Zarelli, Joseph</b>	*Economic Development, Trade & Management; *Ways & Means; Early Learning & K-12 Education; Rules

\*Ranking Minority Member

**2007 1<sup>ST</sup> SPECIAL SESSION  
GOVERNOR'S MESSAGE ON SENATE BILLS  
SIGNED AFTER ADJOURNMENT**

MESSAGE FROM THE GOVERNOR

November 30, 2007

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on November 29, 2007, Governor Gregoire approved the following Senate Bill entitled:

**Substitute Senate Bill No. 6178**

Relating to providing a fifty percent property tax deferral for households with income of fifty-seven thousand dollars or less.

Sincerely,  
Marty Brown, Legislative Director

**2008 REGULAR SESSION  
GOVERNOR'S MESSAGE ON SENATE BILLS  
SIGNED AFTER ADJOURNMENT**

MESSAGE FROM THE GOVERNOR

February 6, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on February 6, 2008, Governor Gregoire approved the following Senate Bill entitled:

**Senate Bill No. 6335**

Relating to the homeless families services fund.

Sincerely,  
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

February 11, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on February 11, 2008, Governor Gregoire approved the following Senate Bill entitled:

**Senate Bill No. 6272**

Relating to expanding financial literacy through education and counseling to promote greater homeownership security.

Sincerely,  
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

February 14, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on February 14, 2008, Governor Gregoire approved the following Senate Bill entitled:

**Substitute Senate Bill No. 6794**

Relating to the procurement of new ferry vessels that carry no more than one hundred motor vehicles.

Sincerely,  
Marty Brown, Legislative Director

## MESSAGE FROM THE GOVERNOR

March 13, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 13, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Senate Bill No. 6183**

Relating to dissolution of school directors' districts in first-class school districts.

**Substitute Senate Bill No. 6184**

Relating to most serious offenses.

**Substitute Senate Bill No. 6260**

Relating to enhancing the department of fish and wildlife's ability to facilitate outdoor recreation opportunities for a terminally ill person.

**Senate Bill No. 6283**

Relating to membership on the apple commission.

**Senate Bill No. 6284**

Relating to the dairy products commission.

**Senate Bill No. 6464**

Relating to judicial district population estimates.

Sincerely,  
Marty Brown, Legislative Director

## MESSAGE FROM GOVERNOR

March 14, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 14, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Substitute Senate Bill No. 6604**

Relating to enhancing the mobility of certified public accountants.

**Second Substitute Senate Bill No. 6626**

Relating to creating a sales and use tax deferral program for eligible investment projects in community empowerment zones.

Sincerely,  
Marty Brown, Legislative Director

## MESSAGE FROM THE GOVERNOR

March 17, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 17, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Engrossed Second Substitute Senate Bill No. 5278**

Relating to use of public funds for political purposes.

**Substitute Senate Bill No. 6244**

Relating to facilities to house offenders violating community custody.

**Senate Bill No. 6271**

Relating to compensation of special purpose district commissioners.

**Substitute Senate Bill No. 6309**

Relating to presale disclosure of greenhouse gas emissions from new passenger cars, light duty trucks, and medium duty passenger vehicles.

**Substitute Senate Bill No. 6322**

Relating to revising the definition of a weapon.

**Substitute Senate Bill No. 6324**

Relating to liability immunity for aerial search and rescue activities managed by the department of transportation.

**Senate Bill No. 6465**

Relating to temporary fishing license fees.

**Substitute Senate Bill No. 6500**

Relating to leave sharing for victims of domestic violence, sexual assault, and stalking.

**Senate Bill No. 6504**

Relating to exempting certain minor new construction associated with construction storm water general permits from the state environmental policy act.

**Substitute Senate Bill No. 6544**

Relating to the seriousness level of criminal mistreatment.

**Senate Bill No. 6685**

Relating to ethical restrictions on mailings by legislators.

**Senate Bill No. 6753**

Relating to changes in calling burn bans on solid fuel burning devices.

**Substitute Senate Bill No. 6770**

Relating to alcoholic beverage regulation.

Sincerely,  
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

March 18, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 18, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Engrossed Substitute Senate Bill No. 5179**

Relating to snowmobile registrations.

**Substitute Senate Bill No. 6224**

Relating to modifying the interest accrual methodology for vendor overpayments.

**Substitute Senate Bill No. 6246**

Relating to travel expenses for closed industrial insurance claims.

Sincerely,  
Marty Brown, Legislative Director

MESSAGE FROM GOVERNOR

March 19, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 19, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Substitute Senate Bill No. 6060**

Relating to unlawful detainer actions based on nonpayment of rent.

**Substitute Senate Bill No. 6273**

Relating to nondivisible gross weight limit of farm implements on public highways.

**Senate Bill No. 6275**

Relating to drainage district commissioners' authority.

**Senate Bill No. 6447**

Relating to allowing unpaid leaves of absence for military personnel needs.

**Senate Bill No. 6471**

Relating to protecting consumers by regulating loans under the consumer loan act and mortgage broker practices act.

**Senate Bill No. 6677**

Relating to composition of the board of directors of the Washington materials management and financing authority.

**Substitute Senate Bill No. 6678**

Relating to special license plates for parents of United States armed forces members who have died while in service to his or her country or as a result of such service.

**Substitute Senate Bill No. 6761**

Relating to service areas for wetlands mitigation banks.

Sincerely,  
Marty Brown, Legislative Director

## MESSAGE FROM THE GOVERNOR

March 20, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 20, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Substitute Senate Bill No. 5254**

Relating to industry skill panels.

**Substitute Senate Bill No. 6343**

Relating to establishing a pilot program to examine the impacts of small scale mineral prospecting on coastal areas.

**Substitute Senate Bill No. 6389**

Relating to exempting certain military housing from property and leasehold excise taxes.

**Substitute Senate Bill No. 6400**

Relating to moral guidance of incarcerated persons.

**Substitute Senate Bill No. 6423**

Relating to strengthening the tax credit and modifying the governing board of a Washington motion picture competitiveness program.

**Engrossed Substitute Senate Bill No. 6437**

Relating to bail bond agents and bail bond recovery agents.

**Engrossed Substitute Senate Bill No. 6573**

Relating to providing additional revenues for public safety, including law enforcement officers and firefighters plan 2 pension plan benefits.

**Engrossed Substitute Senate Bill No. 6663**

Relating to improving the administration of department of revenue tax programs by correcting and clarifying statutes.

**Senate Bill No. 6722**

Relating to the creation and use of the cleanup settlement account.

**Senate Bill No. 6740**

Relating to the provision of teacher certification services.

**Substitute Senate Bill No. 6828**

Relating to the excise taxation of the aerospace industry.

**Senate Bill No. 6837**

Relating to the prescription drug assistance foundation.

**Senate Bill No. 6839**

Relating to workers' compensation coverage for work performed outside the state of Washington.

**Substitute Senate Bill No. 6857**

Relating to heavy haul industrial corridors.

**Engrossed Second Substitute Senate Bill No. 6874**

Relating to Columbia river water delivery.

**Substitute Senate Bill No. 6933**

Relating to admissibility of evidence in sex offense cases.

Sincerely,  
Marty Brown, Legislative Director

## MESSAGE FROM THE GOVERNOR

March 21, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 21, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Substitute Senate Bill No. 5524**

Relating to the restriction of mobile home or manufactured home locations in mobile home parks or manufactured housing communities.

**Senate Bill No. 6215**

Relating to reserve accounts and studies for condominium associations.

**Senate Bill No. 6332**

Relating to increasing the debt limit of the housing finance commission.

**Senate Bill No. 6381**

Relating to fiduciary duties of mortgage brokers.

**Engrossed Substitute Senate Bill No. 6606**

Relating to the licensing of home inspectors.

**Second Substitute Senate Bill No. 6732 (Partial Veto)**

Relating to implementing the recommendations of the joint legislative task force on the underground economy in the construction industry.

**Substitute Senate Bill No. 6847**

Relating to real estate settlement services.

Sincerely,  
Marty Brown, Legislative Director

## MESSAGE FROM THE GOVERNOR

March 25, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 25, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Substitute Senate Bill No. 5378**

Relating to deeds of trust.

**Substitute Senate Bill No. 6195**

Relating to the definition of rural county for economic development purposes.

**Senate Bill No. 6267**

Relating to the prescriptive authority of advanced registered nurse practitioners.

**Substitute Senate Bill No. 6457**

Relating to the adverse health events and incident reporting system.

**Engrossed Substitute Senate Bill No. 6532**

Relating to the management of state-owned aquatic lands by cities for the purposes of operating a publicly owned marina.

**Substitute Senate Bill No. 6602**

Relating to the pilotage act.

**Substitute Senate Bill No. 6710**

Relating to standards for fire protection of hospitals.

**Senate Bill No. 6739**

Relating to psychiatric advanced registered nurse practitioners.

**Substitute Senate Bill No. 6791**

Relating to clarifying permitted uses of moneys currently collected under the county legislative authority sales and use tax for chemical dependency or mental health treatment programs and services or therapeutic courts.

**Substitute Senate Bill No. 6805**

Relating to promoting farm and forest land preservation and environmental restoration through conservation markets.

**Substitute Senate Bill No. 6932**

Relating to ferry vessel and terminal planning.

Sincerely,  
Marty Brown, Legislative Director

## MESSAGE FROM THE GOVERNOR

March 26, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 26, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Substitute Senate Bill No. 5104**

Relating to the applied baccalaureate degree pilot program.

**Senate Bill No. 6313**

Relating to disability history month.

**Substitute Senate Bill No. 6328**

Relating to campus safety.

**Senate Bill No. 6369**

Relating to the Washington community learning center program.

**Second Substitute Senate Bill No. 6377 (Partial Veto)**

Relating to secondary career and technical education.

**Senate Bill No. 6398**

Relating to fines levied in truancy court actions.

**Senate Bill No. 6534**

Relating to the revision of the mathematics standards.

**Substitute Senate Bill No. 6556**

Relating to school anaphylactic policy guidelines.

**Senate Bill No. 6588**

Relating to transfers of accumulated leave of common school and higher education employees.

**Senate Bill No. 6657**

Relating to salary bonuses for individuals certified by the national board for professional teaching standards.

**Substitute Senate Bill No. 6726**

Relating to the professional educator standards board establishing a professional-level certification assessment.

**Substitute Senate Bill No. 6879**

Relating to the joint task force on basic education finance.

**Senate Bill No. 6941**

Relating to a waste reduction and recycling awards program in K-12 schools.

Sincerely,  
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

March 27, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 27, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Substitute Senate Bill No. 5256**

Relating to excluding veterans benefits from the income calculation for the retired person property tax relief program.

**Senate Bill No. 5868**

Relating to defining civil disorder.

**Senate Bill No. 5878**

Relating to identity theft.

**Senate Bill No. 6187**

Relating to conditional scholarships for food animal veterinarians.

**Senate Bill No. 6196**

Relating to definitions applicable to local infrastructure financing tool program demonstration projects.

**Senate Bill No. 6204**

Relating to water resource inventory area 14.

**Second Substitute Senate Bill No. 6206**

Relating to agency reviews and reports regarding child abuse, neglect, and near fatalities.

**Senate Bill No. 6237**

Relating to armed forces and veterans license plates.

**Senate Bill No. 6261**

Relating to adult youth programs.

**Senate Bill No. 6310 (Partial Veto)**

Relating to correcting obsolete references concerning chapter 10.77 RCW.

**Substitute Senate Bill No. 6340**

Relating to water system acquisition and rehabilitation.

**Engrossed Substitute Senate Bill No. 6371**

Relating to tuition and fee waivers for veterans' families.

**Substitute Senate Bill No. 6426**

Relating to an interstate compact on educational opportunity for military children.

**Second Substitute Senate Bill No. 6483**

Relating to local food production.

**Engrossed Substitute Senate Bill No. 6560**

Relating to public utility district contracts.

**Engrossed Senate Bill No. 6591**

Relating to insurance producers.

**Senate Bill No. 6717**

Relating to public utility district commissioner salaries.

**Senate Bill No. 6950**

Relating to limited waiver or suspension of statutory obligations during officially declared emergencies.

Sincerely,  
Marty Brown, Legislative Director

## MESSAGE FROM THE GOVERNOR

March 28, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 28, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Engrossed Substitute Senate Bill No. 5010**

Relating to creating a state park foster home pass.

**Second Substitute Senate Bill No. 5642**

Relating to reduced cigarette ignition propensity.

**Substitute Senate Bill No. 5651**

Relating to investigating and assessing performance in meeting community credit needs.

**Senate Bill No. 6216**

Relating to authorizing the governor to enter into a cigarette tax contract with the Shoalwater Bay Tribe.

**Second Substitute Senate Bill No. 6227**

Relating to strengthening Washington's outer coast marine resources committees.

**Substitute Senate Bill No. 6231**

Relating to improving the coordination of marine protected areas in Washington.

**Senate Bill No. 6289**

Relating to Puget Sound Dungeness crab catch record cards.

**Senate Bill No. 6421**

Relating to providing medical coverage for smoking cessation programs.

**Substitute Senate Bill No. 6439**

Relating to radiologist assistants.

**Engrossed Substitute Senate Bill No. 6570**

Relating to private businesses in state-owned housing provided under Title 77 RCW or chapter 79A.05 RCW.

**Substitute Senate Bill No. 6572**

Relating to off-premises microbrewery warehouses.

**Substitute Senate Bill No. 6596**

Relating to the creation of a sex offender policy board.

**Substitute Senate Bill No. 6607**

Relating to shellfish protection district wastewater discharge fees, rates, and charges.

**Substitute Senate Bill No. 6743 (Partial Veto)**

Relating to autism awareness instruction for teachers of students with autism.

**Substitute Senate Bill No. 6807 (Partial Veto)**

Relating to discharge of long-term care residents.

**Engrossed Senate Bill No. 6821**

Relating to fish and wildlife harvest management.

**Senate Bill No. 6885**

Relating to abstracts of driving records.

Sincerely,  
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

March 31, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 31, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Engrossed Substitute Senate Bill No. 5831**

Relating to certification of heating, ventilation, air conditioning, and refrigeration contractors and mechanics.

**Second Engrossed Substitute Senate Bill No. 5905**

Relating to certificate of capital authorization.

**Engrossed Substitute Senate Bill No. 5959**

Relating to expanding availability of housing for individuals and families at risk of homelessness.

**Substitute Senate Bill No. 6277**

Relating to accommodating certain private transit providers at park and ride lots.

**Engrossed Substitute Senate Bill No. 6295**

Relating to workplace-based electronically distributed learning.

**Substitute Senate Bill No. 6306**

Relating to visitation rights for relatives of dependent children.

**Senate Bill No. 6375**

Relating to providing a sales tax exemption for trail grooming on private and state-owned land.

**Substitute Senate Bill No. 6404**

Relating to community-based behavioral health services.

**Engrossed Second Substitute Senate Bill No. 6438**

Relating to a statewide high-speed internet deployment and adoption initiative.

**Engrossed Senate Bill No. 6629**

Relating to making clarifications to the nursing facility medicaid payment system in relation to the use of minimum occupancy in setting cost limits and application of statewide average payment rate specified in the biennial appropriations act.

**Senate Bill No. 6638**

Relating to reallocation of existing lodging taxes for support of heritage and arts programs in a county with a population of one million or more.

**Engrossed Substitute Senate Bill No. 6760**

Relating to the developmental disabilities community trust account.

**Engrossed Substitute Senate Bill No. 6776**

Relating to state employee whistleblower protection.

**Engrossed Substitute Senate Bill No. 6792**

Relating to dependency matters.

**Substitute Senate Bill No. 6806**

Relating to property and leasehold excise tax exemptions for anaerobic digester production.

**Substitute Senate Bill No. 6851**

Relating to the documentation required in order to obtain a real estate excise tax exemption at the time of inheritance.

Sincerely,  
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

April 1, 2008

**REVISED**

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 1, 2008, Governor Gregoire approved the following Senate Bills entitled:

**Second Engrossed Substitute Senate Bill No. 5100**

Relating to information for students regarding health insurance.

**Engrossed Substitute Senate Bill No. 5261**

Relating to granting the insurance commissioner the authority to review individual health benefit plan rates.

**Second Substitute Senate Bill No. 5596 (Partial Veto)**

Relating to fair payment for chiropractic services.

**Engrossed Senate Bill No. 5751**

Relating to wine and beer tasting.

**Engrossed Senate Bill No. 5927**

Relating to exempting certain internal control documents from disclosure under the public records act.

**Engrossed Second Substitute Senate Bill No. 6111 (Partial Veto)**

Relating to generating electricity from tidal and wave energy.

**Substitute Senate Bill No. 6181**

Relating to county canvassing board membership.

**Substitute Senate Bill No. 6297**

Relating to elected prosecuting attorney salaries.

**Substitute Senate Bill No. 6317**

Relating to the payment of interest upon failure to pay death benefits that are payable under the terms of a group life insurance policy.

**Engrossed Substitute Senate Bill No. 6333**

Relating to the creation of a citizens' work group on health care reform.

**Substitute Senate Bill No. 6339**

Relating to address confidentiality of victims of trafficking.

**Engrossed Senate Bill No. 6357**

Relating to service of process in domestic violence cases.

**Engrossed Substitute Senate Bill No. 6442**

Relating to the office of public defense.

**Second Substitute Senate Bill No. 6468**

Relating to the taxation of honey beekeepers.

**Substitute Senate Bill No. 6510**

Relating to providing a source of funding to assist small manufacturers in obtaining innovation and modernization services.

**Substitute Senate Bill No. 6527**

Relating to the transfer of motor vehicle certificate of ownership and license registration.

**Engrossed Substitute Senate Bill No. 6580 (Partial Veto)**

Relating to mitigating the impacts of climate change through the growth management act.

**Substitute Senate Bill No. 6583**

Relating to eligibility for medical assistance.

**Senate Bill No. 6628**

Relating to clarifying the state's ability to recover from defendants the cost of mental health treatment provided at state hospitals.

**Engrossed Senate Bill No. 6641**

Relating to providing that voter-approved property tax increases do not permanently increase a taxing district's levy base, unless expressly stated in the ballot proposition.

**Engrossed Substitute Senate Bill No. 6665 (Partial Veto)**

Relating to the intensive case management and integrated response pilot programs.

**Engrossed Second Substitute Senate Bill No. 6673 (Partial Veto)**

Relating to learning opportunities to assist students to obtain a high school diploma.

**Substitute Senate Bill No. 6711**

Relating to preventing foreclosures by creating the smart homeownership choices program.

**Substitute Senate Bill No. 6751**

Relating to allowing individuals who left work to enter certain apprenticeship programs to receive unemployment insurance benefits.

**Senate Bill No. 6799**

Relating to the sourcing, for sales and use tax purposes, of sales of tangible personal property by florists.

**Engrossed Substitute Senate Bill No. 6809**

Relating to providing a tax exemption for working families measured by the federal earned income tax credit.

**Senate Bill No. 6818 (Partial Veto)**

Relating to transparency in state expenditures.

**Second Substitute Senate Bill No. 6855 (Partial Veto)**

Relating to dedicated funding for jobs, economic development, and local capital projects.

Sincerely,  
Marty Brown, Legislative Director

**GOVERNOR'S MESSAGE ON PARTIAL VETOES OF SENATE BILLS  
AFTER ADJOURNMENT**MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL NO. 6732

March 21, 2008

To the Honorable President and members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 11 and 13, Second Substitute Senate Bill No. 6732 entitled:

“AN ACT Relating to implementing the recommendations of the joint legislative task force on the underground economy in the construction industry.”

This bill provides precise tools to both the Department of Labor and Industries and the Employment Security Department to crack down on the underground construction economy. This legislation strengthens the ability of the two departments to enforce the statutes most frequently violated by unregistered contractors. It also provides the enforcement staff and the penalties necessary to make an impact on the underground construction economy.

Section 11 directs the Department of Labor and Industries to hire three staff members, including a working supervisor. While it is understandable that the Legislature wishes to make clear its intent regarding the Department's enforcement staff, specific reporting relationships and staffing levels are decisions best left to the Department and its management. The underlying strategies and tools described in the bill as a whole depend upon increased staffing in the Department's fraud audit infraction and revenue team. Therefore, I am directing the Department of Labor and Industries to hire investigative staff, consistent with the legislative appropriation provided for implementation of this bill, to carry out the activities and functions necessary to curb the activities of the underground construction economy.

Section 13 directs the Department of Labor and Industries to establish a pilot program with local jurisdictions surrounding the collection and sharing of building permit information. The intent and makeup of this study is unclear and the language provides little direction as to the nature of the pilot project. Since the pilot was intended to run until the end of 2014, I believe the legislature can revisit this idea in the next session.

For these reasons, I have vetoed Sections 11 and 13 of Second Substitute Senate Bill No. 6732.  
With the exception of Sections 11 and 13, Second Substitute Senate Bill No. 6732 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
VETO ON SUBSTITUTE SENATE BILL NO. 6804

March 21, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval, Substitute Senate Bill No. 6804 entitled:

“AN ACT Relating to capital grants for integrated long-term care worker training labs in the community and technical college system.”

If it had been funded, this bill would have established a capital grant program for up to four long-term care worker training labs in the community and technical college system. However, the bill includes a clause stating that the proposed pilot grant program is null and void unless funding for the program is included in the 2008 supplemental budget. The Legislature did not include funding in either the operating or capital supplemental budgets. By simultaneously including the null and void clause in the bill while not appropriating funding, the Legislature did not intend the bill to become effective.

For these reasons, I have vetoed Substitute Senate Bill No. 6804 in its entirety.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL NO. 6377

March 26, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 204 and 307, Second Substitute Senate Bill No. 6377 entitled:

“AN ACT Relating to secondary career and technical education.”

Section 204 provides for three-year grants to high schools and skills centers for implementing integrated work skills, basic skills and English skills program. The Legislature did not allocate funding for Section 204 of this bill in either the supplemental operating budget or in Engrossed Second Substitute Senate Bill No. 6673, which specified the purposes of the appropriations for this legislation. Instead, the Legislature allocated funding in the supplemental operating budget for program development and plans for implementing integrated programs at five skills center. I look forward to receiving the report on these efforts in November. This will guide future program development in this area.

Section 307 creates a new program, the In-Demand Scholars Program, to be administered by the Workforce Training and Education Board. The Legislature did not allocate funding for this new program in either the supplemental operating budget or in Engrossed Second Substitute Senate Bill No. 6673, which specified the purposes of the appropriations for this bill.

For these reasons, I have vetoed Sections 204 and 307 of Second Substitute Senate Bill No. 6377.

With the exceptions of Sections 204 and 307, Second Substitute Senate Bill No. 6377 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SENATE BILL NO. 6310

March 27, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning without my approval as to Section 15, Senate Bill No. 6310 entitled:

“AN ACT Relating to correcting obsolete references concerning chapter 10.77 RCW.”

Section 15 is an emergency clause. An emergency clause is to be used where it is necessary for the immediate preservation of the public peace, health or safety or whenever it is essential for the support of state government. This bill makes technical corrections to existing law by deleting obsolete terms and correcting references. I do not believe that an emergency clause is warranted.

For these reasons, I have vetoed Section 15 of Senate Bill No. 6310.

With the exception of Section 15, Senate Bill No. 6310 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 6743

March 28, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 1, Substitute Senate Bill No. 6743 entitled:

“AN ACT Relating to autism awareness instruction for teachers of students with autism.”

This bill provides for training and guidelines for teachers of students with autism.

Section 1 includes an extensive listing of items for an autism guidebook that is being developed by the Caring for Washington Individuals with Autism Task Force with staff support from the Department of Health. These items are very specific regarding possible strategies and activities that could be included to support children with autism in our public schools.

The OSPI already has a guide developed as a resource for both educators and parents, produced by the Autism Outreach Project, which maintains an informational web site as well as an e-mail address for communication with individuals with specific questions and concerns. I believe that this guide is the most appropriate document to address the many issues raised in Section 1.

Therefore, I have asked the OSPI to update its guide and to emphasize tools for parents to use. I have also asked that this updated guide be distributed to educational service districts, school districts, appropriate school employees and parent advocacy groups.

Additionally, I have asked the Professional Educator Standards Board and the OSPI to develop recommendations for autism awareness instruction and methods of teaching students with autism that will strengthen learning for students. The recommendations will address appropriate content in teacher preparation and professional development. These reports will be completed by December 1, 2008.

For these reasons, I am vetoing Section 1 of Substitute Senate Bill No. 6743.

With the exception of Section 1, Substitute Senate Bill No. 6743 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 6807

March 28, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning without my approval as to Section 2, Substitute Senate Bill No. 6807 entitled:

“AN ACT Relating to discharge of long-term care residents.”

Substitute Senate Bill No. 6807 prohibits a boarding home from transferring or discharging a current resident on the basis that it is voluntarily withdrawing from the Medicaid program.

Section 2 requires all long-term care facilities to disclose in writing to any potential resident prior to admission the facility policy on accepting Medicaid as a payment source. Upon admission, the disclosure will be considered a legally binding contract between the resident and the facility.

I am concerned that this section is impossible to implement retroactively, and there is no recourse for those who would be in violation of this bill the moment it becomes effective. In addition, Washington’s administrative code already requires the disclosure contemplated in Section 2.

For these reason, I have vetoed Section 2 of Substitute Senate Bill No. 6807.

With the exception of Section 2, Substitute Senate Bill No. 6807 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL NO. 5596

April 1, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 3, Second Substitute Senate Bill No. 5596 entitled:

“AN ACT relating to fair payment for chiropractic services.”

This bill provides that a health insurance carrier may not pay a chiropractor less for a given service or procedure than it pays any other provider for that service or procedure.

Section 3 directs the Insurance Commissioner after January 1, 2010 to contract for an evaluation of the impact of Section 1 on the utilization and cost of health care services, and requires carriers to provide any data necessary to complete the evaluation. The evaluation is due to the Legislature by January, 2012. Since it was not otherwise funded, the study will be paid for through the administrative assessment levied on carriers by the Office of the Insurance Commissioner. This is a significant administrative burden on carriers with little benefit.

For these reasons, I have vetoes Section 3 of Second Substitute Senate Bill No. 5596.

With the exception of Section 3, Second Substitute Senate Bill No. 5596 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6111

April 1, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning without my approval as to Sections 5, 6, 8, 9, and 11, Engrossed Second Substitute Senate Bill No. 6111 entitled:

“AN ACT Relating to generating electricity from tidal and wave energy.”

Washington State is currently working with tidal and wave energy project proponents and federal agencies to identify what will need to take place to specify potential environmental impacts and Engrossed Second Substitute Senate Bill No. 6111 establishes a workgroup to further this inquiry.

Sections 5 and 6 require that a public-private entity be created to support hydrokinetic energy development, and that a report to the Legislature be submitted in December 2008. I believe that this work is premature until we understand the potential impact on Puget Sound and our ocean resources.

Sections 8 and 9 exempt machinery and equipment used in generating tidal or wave energy from state and local retail sales and use taxes and public utility taxes. Such tax exemptions are more appropriately considered once commercial production of tidal turbines is viable.

Section 11 is a null and void clause which, due to the veto of Sections 5 and 6, is unnecessary.

For these reasons, I have vetoed Sections 5, 6, 8, 9, and 11 of Engrossed Second Substitute Senate Bill No. 6111.

With the exception of Sections 5, 6, 8, 9, and 11, Engrossed Second Substitute Senate Bill No. 6111 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6580

April 1, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 7, 8, 9 and 10, Engrossed Substitute Senate Bill No. 6580 entitled:

“AN ACT Relating to mitigating the impacts of climate change through the growth management act.”

Section 2 requires the Department of Community, Trade and Economic Development to develop advisory methods for how counties and cities can evaluate and respond to climate change. In my view, this section of the bill does not create a new mandate for local governments, and does not provide grounds for new litigation under the Growth Management Act. The section appropriately recognizes the differences between our urban and rural settings, and requires the Department to follow the recommendations of the policy committee created in Section 4 of the bill. The bill directs the committee, which will include legislators, county and city officials, tribes, state agencies, business, agriculture, forestry, land use and other interests, to develop recommendations for whether and how climate change could be addressed in the GMA. Any further action on this topic is subject to future decisions by the Legislature. In addition, Section 6 of the bill ensures that the ongoing Ruckelshaus Center process related to agriculture and land use is not affected.

Section 3 establishes a voluntary pilot global warming mitigation and adaptation program for up to three counties and up to six cities. The Department is required to provide grants and technical assistance to local governments who are addressing climate change through their land use plans. Only partial funding was provided for the pilot program – enough for the Department to provide limited technical assistance, but not enough to provide state grant funds to the pilot jurisdictions. I ask the Department to encourage local jurisdictions that have their own resources to begin, on a voluntary basis, to address the role of land use and transportation planning in mitigating climate change. However, given the state’s budget forecast, I strongly believe that additional state funding for the pilots will not be available next biennium.

Section 7 is an emergency clause to allow the bill to take effect immediately. An emergency clause is to be used where it is necessary for the immediate preservation of the public peace, health or safety or whenever it is essential for the support of state government. The clause would allow the Department to promptly convene a committee and begin work on a report due later this year. However, there was no supplemental funding provided to implement the bill in fiscal year 2008. As a result, the emergency clause is not needed.

Section 8 would declare this act null and void if funding were not provided specifically for Section 2 of the bill (advisory methods) in the omnibus appropriations act. Section 9 would declare this act null and void if funding were not provided specifically for Section 3 of the bill (pilot program) in the omnibus appropriations act. Section 10 of the bill would declare this act null and void if funding were not provided specifically for this measure in the omnibus appropriations act. Funding for this bill, including Sections 2 and 3, was included in the omnibus appropriations act. As a result, the null and void clauses are not needed.

For these reasons, I have vetoed Sections 7, 8, 9 and 10 of Engrossed Substitute Senate Bill No. 6580.

With the exception of Sections 7, 8, 9 and 10, Engrossed Substitute Senate Bill No. 6580 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6665

April 1, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 4, Engrossed Substitute Senate Bill No. 6665 entitled:

“AN ACT Relating to the intensive case management and integrated response pilot programs.”

This bill extends the life of two pilot programs authorized by the Legislature in 2005, the Intensive Case Management and the Integrated Crisis Response pilots. Section 4 provides the Department of Social and Health Services with the authority to expand the number of intensive crisis response pilots. Vetoing this sections allows time for the Washington State Institute for Public Policy to adequately study the effectiveness of these programs prior to making a determination on whether to expand their availability.

For these reasons, I have vetoed Section 4 of Engrossed Substitute Senate Bill No. 6665.

With the exception of Section 4, Engrossed Substitute Senate Bill No. 6665 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6673

April 1, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning without my approval as to Sections 6, 11, 12 and 13, Engrossed Second Substitute Senate Bill No. 6673 entitled:

“AN ACT Relating to learning opportunities to assist students to obtain a high school diploma.”

Engrossed Second Substitute Senate Bill No. 6673 provides support for students in need of additional time or assistance to meet state academic standards and graduation requirements. Key components of this bill enhance the Learning Assistance Program, assure parent notification of student progress, and explore on-line curriculum support in languages other than English and build teacher instructional capacity. This bill also creates a number of new programs.

Section 6 creates a new duty for school districts to provide all tenth graders enrolled in the district the option of taking the PSAT at no cost to the student. While this test may provide students some information regarding their readiness for the SAT and college preparedness, there has not been coordination with the other college readiness assessment work already in progress, specifically work being done in mathematics.

Section 11 directs Educational Service Districts to develop and provide a program of outreach to community-based programs and organizations that are serving non-English speaking segments of the population as well as those programs that target groups of students who are struggling academically. This is an idea that should be considered within the context of the several studies, due this December, that will analyze and make recommendations on how to close the achievement gap.

Section 12 direct the Office of the Superintendent of Public Instruction to allocate grant funds to school districts to provide summer school funding for all middle and high school students to explore career opportunities rich in math, science, and technology. School districts and skills centers should be finding ways to engage students in learning and career exploration as part of their basic missions. Once exciting opportunity initiated in 2006 in the Washington Aerospace Scholars, a statewide partnership though the Washington Aerospace Scholars Foundation with The Museum of Flight, schools and business partners. The program gives high school students the opportunity to participate in hands-on engineering activities; tour facilities at Boeing, the University of Washington, Microsoft, and Battelle; receive mentoring from astronauts, pilots, engineers, and scientists; and conduct a project on Mars exploration. Future funds need to support targeted programs that have been proven effective.

Section 13 directs the Office of the Superintendent of Public Instruction to contract with a national organization to establish and operate an endowment for the promotion of geography education. There are no funds provided for the creation of the endowment program.

For these reasons, I am vetoing Sections 6, 11, 12 and 13 of Engrossed Second Substitute Senate Bill No. 6673.

With the exception of Sections 6, 11, 12 and 13, Engrossed Second Substitute Senate Bill No. 6673 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SENATE BILL NO 6818

April 1, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning without my approval as to Section 4, Senate Bill No. 6818 entitled:

“AN ACT Relating to transparency in state expenditures.”

Section 4 of this bill would have the Legislative Evaluation and Accountability Program prepare and post to the web a presentation about school funding programs and categories. The Joint Task Force on Basic Education is currently reviewing basic education funding, and will produce a recommendation for a new K-12 funding framework for consideration by the Legislature during the 2009 session. One of the criteria for the new funding system is that it be more transparent. Because the categories and cost allocations specified in Section 4 will be outdated and need to be changed very soon, I am concerned that this provision could cause more, rather than less, confusion about how the state funds K-12 education.

For these reasons, I have vetoed Section 4 of Senate Bill No. 6818.

With the exception of Section 4, Senate Bill No. 6818 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL NO. 6855

April 1, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 10 and 12, Second Substitute Senate Bill No. 6855 entitled:

“AN ACT Relating to dedicated funding for jobs, economic development, and local capital projects.”

This bill expands upon the existing Community Services Facilities Program by creating the Building Communities Fund Account in the State Treasury. I am very supportive of the policy underlying this bill.

Section 10 give responsibility to the Economic Development Commission that it already has and this is not something the Commission requested. Reiterating it in this legislation is unnecessary. Therefore, I am vetoing Section 10 to avoid any expectations about requirements either on the Community Economic Development Board of the Economic Development Commission.

I support the concept of expanding the existing Community Services Facilities Program but it is unnecessary to outline legislative findings in this legislation. Therefore, I am vetoing Section 12.

Fro these reasons, I have vetoed Sections 10 and 12 of Second Substitute Senate Bill No. 6855.

With the exception of Sections 10 and 12, Second Substitute Senate Bill No. 6855 is approved.

Respectfully submitted,  
CHRISTINE O. GREGOIRE, Governor

BEARERS OF COUNTY FLAGS, OPENING DAY

Ms. Lindsay Adams, Intern, Office of Senator Haugen  
Miss Kennah Allen, Page sponsored by Senator Carrell  
Miss Heather Bean, Page sponsored by Senator Swecker  
Miss Erin Bentler, Page sponsored by Senator Prentice  
Miss Natalie Campese, Page sponsored by Senator Swecker  
Mr. Nathan Campese, Page sponsored by Senator Swecker  
Ms. Rachel Carter, Intern, Office of Senator Eide  
Ms. Melissa Crumbaker, Intern, Office of Senator Zarelli  
Mr. Mark Feddes, Intern, Office of Senator Benton  
Mr. Sam Flor, Page sponsored by Senator McAuliffe  
Mr. Michael Fuller, Page sponsored by Senator Zarelli  
Mr. Rustam Goychayev, Intern, Office of Senator Tom  
Miss Adriana Graves, Page sponsored by Senator Swecker  
Miss Kelly Ann Hewitt, Page sponsored by Senator Carrell  
Ms. Brittani Hoeks, Intern, Office of Senator Sheldon  
Miss Susie Hughes, Page sponsored by Senator Stevens  
Mr. Owen Jarnagin, Intern, Office of Senator Holmquist  
Miss Megan Lopez, Page sponsored by Senator Honeyford  
Ms. Maria Martinez-Escobar, Intern, Office of Senator Regala  
Ms. Monique Mascio, Intern, Office of Senator Kline  
Miss Lauren Mathews, Page sponsored by Senator Fairley  
Mr. Matthew Merritt, Intern, Office of Senator Weinstein  
Ms. Aimee Miles, Intern, Office of Senator Pflug  
Miss Shanelle Pridemore, Page sponsored by Senator Pridemore  
Mr. Sean Richards, Page sponsored by Senator Parlette  
Mr. Ryan Rodin, Intern, Office of Senator Morton  
Mr. Raimond Rogers, Page sponsored by Senator Rasmussen  
Mr. Norbert Rojsza, Intern, Office of Senator Berkey  
Miss Savanna Shores, Page sponsored by Senator Kastama  
Mr. Chunpeng Stankus, Page sponsored by Senator Hargrove  
Mr. Jay Steele, Intern, IT Intern, Office of the Secretary of the Senate  
Ms. Gabrielle Stilwater, Intern, Office of Senator King  
Ms. Korbie Vicklund, Intern, Office of Senator Jacobsen  
Ms. Sarah Warren, Intern, Office of Senator Kohl-Welles  
Mr. Landon Wilkinson, Page sponsored by Senator King  
Mr. Riley Wilkinson, Page sponsored by Senator King  
Miss Jasmine Wilson, Page sponsored by Senator Franklin  
Miss Carina Wolf, Page sponsored by Senator Eide  
Miss Chelsea Wood, Page sponsored by Senator Regala

## HISTORY OF SENATE GUBERNATORIAL APPOINTMENTS

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Karen Brown		90		SGA 9092
Rosemarie Duffy			453	SGA 9108
Phillip Eaton		91		SGA 9109
Gary Harris			454	SGA 9122
Janet Lewis			251	SGA 9144
Howard Lincoln		91	351	SGA 9145
Michael Martino		91		SGA 9149
Michael Worthy			105	SGA 9196
Stephen Tharinger		451	1528	SGA 9239
Ariele Belo			143	SGA 9254
Sanford Kinzer			106	SGA 9255
Steven Drury			143	SGA 9256
Tom Koenninger		91	648	SGA 9257
Dan Connolly			454	SGA 9259
Myra Johnson	35	154	438	SGA 9261
Kirstin Haugen			106	SGA 9262
James Garrison		91	648	SGA 9263
Jim Tsang		91	268	SGA 9264
Stephanie Salzman	35	154	1511	SGA 9267
David Valdez		501	1318	SGA 9273
Paul Winters		501	1318	SGA 9274
John Ellis	29	264		SGA 9281
W. Ron Allen	35			SGA 9283
Rick S. Bender	35			SGA 9284
Greg Bever	29			SGA 9285
Lori Blanchard	34	154	412	SGA 9286
Scott Carson	34			SGA 9287
Rebecca Chaffee	33	91	1526	SGA 9288
Gene L. Chase	37	91	253	SGA 9289
Harold Cochran	30	440		SGA 9290
Craig W. Cole	33	440	715	SGA 9291
James Cunningham	29	91	258	SGA 9292
Edward Davila	36	91		SGA 9293
Edward Delmore	33	101	339	SGA 9294
Joseph Dolezal	33	176		SGA 9295
Frank E. Fennerty, Jr.	29	264	1512	SGA 9297
Renee Finke	36	109	1319	SGA 9298
Annabelle Fitts	33	154	1528	SGA 9299
Francois Forgette	31	91	254	SGA 9300
Billy Frank, Jr	30	81	305	SGA 9301
Diana Gale	31	501	678	SGA 9302
Isaura Gallegos	32	92	296	SGA 9303
Sherry Gates	32	92	1345	SGA 9304
William J. Gordon	36	501	734	SGA 9305
Claire Grace	33	647		SGA 9306
Paula Hammond	37	457	685	SGA 9307
Ann C. Heath	34	101	351	SGA 9308
Jesus Hernandez	30	92	273	SGA 9309
Michael G. Heuer	36	92	1511	SGA 9310
Tony Hey	29	264	1015	SGA 9311
Rebecca Hille	36			SGA 9312
Betsy Hollingsworth	36			SGA 9313
Robert Holloway	31	92	1510	SGA 9314
Donald Hover	34	451	1511	SGA 9315
Elsie Hulsizer	29			SGA 9316
Dr. Keith Hunziker	36			SGA 9317

<b>Appointee</b>	<b>Introduction</b>	<b>Committee Report</b>	<b>Confirmed</b>	<b>Appointment Number</b>
Frank Irigon	33	92	258	SGA 9318
Sally Jewell	31	92	254	SGA 9319
Laurie A. Jinkins	32	92	1509	SGA 9320
Michael R. Kawamura	33	101	339	SGA 9322
James L. Kemp	33	154	815	SGA 9323
Martha Kongsgaard	34	81	305	SGA 9324
Sheryl Lambertson	37			SGA 9325
Capt. Craig Lee	37			SGA 9326
Erin Lennon	31	441	715	SGA 9327
M.A. Leonard	34	647		SGA 9328
Dennis Madsen	31	92	351	SGA 9329
Jean Magladry	34	92		SGA 9330
Thomas Malone	29	92		SGA 9331
George Masten	36	71	373	SGA 9332
Julie McCulloch	35	109	453	SGA 9333
Donald Meyer	32	93	437	SGA 9334
John Miller	35	109	738	SGA 9335
Rebecca Neighbors	31			SGA 9336
Bob Nichols	35	451	1526	SGA 9337
Dan O'Neal	30	82	324	SGA 9338
George Orr	31	1015	1147	SGA 9339
Vicki Orrico	32	501	1527	SGA 9340
Bertha Ortega	32	93	296	SGA 9341
Antasia Parker	32	93	340	SGA 9342
Philip A. Parker	35	132	1345	SGA 9343
Raymond C. Rieckers	32	648	1527	SGA 9345
Barbara Rofkar	35	93	1319	SGA 9346
William D. Ruckelshaus	31	82	305	SGA 9347
Tom Sahlberg	31			SGA 9348
Steve Sakuma	30	501	685	SGA 9349
Dave Seabrook	30	117	267	SGA 9351
Robert M. Segura	32			SGA 9352
Karen Seinfeld	29	93	1509	SGA 9353
Rhona Sen Hoss	30	93	209	SGA 9354
Carol Sexton	36	502	1528	SGA 9355
Sasha Sleiman	30	176	1147	SGA 9356
Kay Slonim	35			SGA 9357
Jerry Smith	33	93		SGA 9358
Sam Smith	30	93	251	SGA 9359
William Snyder	36			SGA 9360
John Stephens	34	109	233	SGA 9361
Keith Thompson	32			SGA 9362
Robyn Todd	34	502		SGA 9363
Richard N. Wadley	31	93	272	SGA 9364
Joyce Westgard	30	154	412	SGA 9365
Darlene Wilder	34	93	254	SGA 9366
Emily Yim	37	176	1528	SGA 9367
Karen Daubert	71			SGA 9368
Glenn Gorton	71	141	374	SGA 9369
Bruce Montgomery	71	264	892	SGA 9370
Mike Ragan	71	141	373	SGA 9371
Celeste Strahl	71	441		SGA 9372
Martina Whelshula	71	502	1319	SGA 9373
Susan Wilder Crane	71	264	1527	SGA 9374
Jim Clements	82	118	267	SGA 9375
Hartley Kruger	101	264		SGA 9376
Eldon Vail	109	141	209	SGA 9377
Rita Colwell	176	264	1015	SGA 9378

<b>Appointee</b>	<b>Introduction</b>	<b>Committee Report</b>	<b>Confirmed</b>	<b>Appointment Number</b>
Jeff Parsons	231			SGA 9379
Yvonne Lopez Morton	288			SGA 9380
Richard K. Wallace	288	466	754	SGA 9381
Bill Wilkerson	288	466	678	SGA 9382
Harry Barber	451			SGA 9383
Raul Almeida	467			SGA 9384
Patricia Warren	1015			SGA 9385
J. A. Bricker	1344			SGA 9386

**SENATE BILLS PASSED REGULAR SESSION BY  
BOTH SENATE AND HOUSE SHOWING THE ACTION BY THE GOVERNOR THEREON**

CHPT#	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/EFFECTIVE DATE
238	ESSB 5010	State park foster home pass	3/28/2008	6/12/2008**
302	2ESSB 5100	Health ins info for students	4/1/2008	6/12/2008**
166	SSB 5104	Baccalaureate pilot prog	3/26/2008	6/12/2008**
52	ESSB 5179	Snowmobile registration	3/18/2008	6/12/2008
103	SSB 5254	Industry skill panels	3/20/2008	6/12/2008**
182	SSB 5256	Veterans/property tax relief	3/27/2008	6/12/2008
303	ESSB 5261	Ins commissioner authority	4/1/2008	6/12/2008
29	E2SSB 5278	Public funds for politics	3/17/2008	6/12/2008
153	SSB 5378	Deeds of trust	3/25/2008	6/12/2008
117	SSB 5524	Manufactured home parks	3/21/2008	6/12/2008
304	2SSB 5596	Chiropractic services	4/1/2008	PV 6/12/2008
239	2SSB 5642	Cigarette ignition	3/28/2008	8/1/2009**
240	SSB 5651	Community credit needs	3/28/2008	6/12/2008
305	ESB 5751	Wine and beer tasting	4/1/2008	6/12/2008
254	ESSB 5831	HVAC and refrigeration	3/31/2008	6/12/2008
206	SB 5868	Civil disorder	3/27/2008	6/12/2008
207	SB 5878	Identity theft reports	3/27/2008	6/12/2008
255	2ESSB 5905	Capital authorization cert	3/31/2008	6/12/2008
306	ESB 5927	Disclosure of documents	4/1/2008	6/12/2008*
256	ESSB 5959	Homeless individuals/family	3/31/2008	6/12/2008
75	SSB 6060	Nonpayment of rent	3/19/2008	6/12/2008
307	E2SSB 6111	Tidal and wave energy	4/1/2008	PV 6/12/2008
308	SSB 6181	Canvassing board membership	4/1/2008	6/12/2008
9	SB 6183	First-class school districts	3/13/2008	6/12/2008
7	SSB 6184	Most serious offenses	3/13/2008	6/12/2008
208	SB 6187	Food animal veterinarians	3/27/2008	6/12/2008**
131	SSB 6195	Rural county definition	3/25/2008	7/1/2009**
209	SB 6196	Local infrastructure finance	3/27/2008	6/12/2008
210	SB 6204	Water resource inventory	3/27/2008	6/12/2008
211	2SSB 6206	Child fatality	3/27/2008	6/12/2008***
115	SB 6215	Condominium associations	3/21/2008	6/12/2008
241	SB 6216	Cigarette tax contract	3/28/2008	6/12/2008
53	SSB 6224	Vendor overpayments	3/18/2008	6/12/2008
242	2SSB 6227	Coast marine resources	3/28/2008	6/12/2008
243	SSB 6231	Marine protected areas	3/28/2008	6/12/2008
183	SB 6237	Armed forces	3/27/2008	6/12/2008
30	SSB 6244	Housing of offenders	3/17/2008	6/12/2008
54	SSB 6246	Industrial insurance claims	3/18/2008	6/12/2008
10	SSB 6260	Outdoor recreation	3/13/2008	6/12/2008
212	SB 6261	Adult youth programs	3/27/2008	6/12/2008**
154	SB 6267	Nurse practitioner authority	3/25/2008	6/12/2008
31	SB 6271	District commissioners	3/17/2008	6/12/2008
3	SB 6272	Financial literacy	2/11/2008	2/11/2008
76	SSB 6273	Farm implements on highways	3/19/2008	6/12/2008
77	SB 6275	Drainage dist commissioners	3/19/2008	6/12/2008
257	SSB 6277	Private transit providers	3/31/2008	6/12/2008
11	SB 6283	Apple commission membership	3/13/2008	6/12/2008
12	SB 6284	Dairy products commission	3/13/2008	6/12/2008
244	SB 6289	Puget Sound Dungeness crab	3/28/2008	6/12/2008
258	ESSB 6295	Workplace e-learning	3/31/2008	6/12/2008
309	SSB 6297	Prosecuting atty salaries	4/1/2008	7/1/2008**
259	SSB 6306	Visitation rights	3/31/2008	6/12/2008
32	SSB 6309	Gas vehicle emissions	3/17/2008	6/12/2008
213	SB 6310	Chapter 10.77 RCW references	3/27/2008	PV 6/12/2008
167	SB 6313	Disability history	3/26/2008	6/12/2008
310	SSB 6317	Death benefits	4/1/2008	6/12/2008
33	SSB 6322	Definition of weapon	3/17/2008	6/12/2008
34	SSB 6324	Aerial search and rescue	3/17/2008	6/12/2008
168	SSB 6328	Campus safety and security	3/26/2008	6/12/2008**
111	SB 6332	Housing finance commission	3/21/2008	6/12/2008
311	ESSB 6333	Health care work group	4/1/2008	6/12/2008**
2	SB 6335	Homeless families services	2/6/2008	2/6/2008
312	SSB 6339	Victims of trafficking	4/1/2008	6/12/2008
214	SSB 6340	Water system program	3/27/2008	6/12/2008
83	SSB 6343	Sm scale mineral prospecting	3/20/2008	6/12/2008
287	ESB 6357	DV service of process	4/1/2008	6/12/2008
169	SB 6369	WA community learning center	3/26/2008	6/12/2008

188	ESSB 6371	Tuition and fee waivers	3/27/2008		6/12/2008
260	SB 6375	Trail grooming services tax	3/31/2008		6/12/2008
170	2SSB 6377	Career and technical edu	3/26/2008	PV	6/12/2008**
109	SB 6381	Mortgage brokers	3/21/2008		6/12/2008
84	SSB 6389	Military housing	3/20/2008		6/12/2008
171	SB 6398	Truancy court action fines	3/26/2008		6/12/2008
104	SSB 6400	Incarcerated persons	3/20/2008		6/12/2008
261	SSB 6404	Regional support networks	3/31/2008		6/12/2008
245	SB 6421	Smoking cessation programs	3/28/2008		6/12/2008**
85	SSB 6423	Motion picture program	3/20/2008		6/12/2008
189	SSB 6426	Military children	3/27/2008		6/12/2008
105	ESSB 6437	Bail bond agents	3/20/2008		6/12/2008
262	E2SSB 6438	Internet deployment/adoption	3/31/2008		6/12/2008**
246	SSB 6439	Radiologist assistants	3/28/2008		6/12/2008
313	ESSB 6442	Office of public defense	4/1/2008		6/12/2008
71	SB 6447	Military personnel leave	3/19/2008		6/12/2008
136	SSB 6457	Health events/incidents	3/25/2008		6/12/2008*
13	SB 6464	Judicial district population	3/13/2008		6/12/2008
35	SB 6465	Temporary fishing license	3/17/2008		6/12/2008
314	2SSB 6468	Honey beekeeper taxation	4/1/2008		7/1/2008
78	SB 6471	Loan regulations	3/19/2008		6/12/2008
215	2SSB 6483	Local food production	3/27/2008		6/12/2008**
36	SSB 6500	Leave sharing for victims	3/17/2008		10/1/2008
37	SB 6504	SEPA waste discharge permits	3/17/2008		6/12/2008
315	SSB 6510	Sm manufacturer assistance	4/1/2008		6/12/2008**
316	SSB 6527	Vehicle title/registration	4/1/2008		6/12/2008
132	ESSB 6532	Publicly owned marinas	3/25/2008		6/12/2008
172	SB 6534	Mathematics standards	3/26/2008		3/26/2008
38	SSB 6544	Criminal mistreatment	3/17/2008		6/12/2008
173	SSB 6556	Anaphylactic policy	3/26/2008		6/12/2008
216	ESSB 6560	PUD contracts	3/27/2008		6/12/2008
247	ESSB 6570	State-owned housing/business	3/28/2008		6/12/2008
248	SSB 6572	Microbreweries	3/28/2008		6/12/2008*
99	ESSB 6573	Public safety	3/20/2008		6/12/2008
289	ESSB 6580	Climate change impacts	4/1/2008	PV	6/12/2008
317	SSB 6583	Medical assistance	4/1/2008		7/1/2009**
174	SB 6588	School accumulated leave	3/26/2008		6/12/2008
217	ESB 6591	Insurance producers	3/27/2008		7/1/2009
249	SSB 6596	Sex offender policy board	3/28/2008		6/12/2008
128	SSB 6602	Pilotage act	3/25/2008		6/12/2008*
16	SSB 6604	CPA mobility	3/14/2008		6/12/2008
119	ESSB 6606	Home inspectors	3/21/2008		6/12/2008**
250	SSB 6607	Shellfish protection	3/28/2008		6/12/2008
15	2SSB 6626	Community empowerment zones	3/14/2008		7/1/2009
318	SB 6628	Mental health treatment	4/1/2008		4/1/2008
263	ESB 6629	Nursing facility payment sys	3/31/2008		6/12/2008
264	SB 6638	Heritage and arts programs	3/31/2008		7/1/2008
319	ESB 6641	Property tax levy limits	4/1/2008		4/1/2008
175	SB 6657	Salary bonuses	3/26/2008		6/12/2008
86	ESB 6663	Tax program administration	3/20/2008		6/12/2008
320	ESSB 6665	Crisis response programs	4/1/2008	PV	6/12/2008**
321	E2SSB 6673	Learning opportunities	4/1/2008	PV	6/12/2008
79	SB 6677	WA materials mgmt/financing	3/19/2008		6/12/2008
72	SSB 6678	Special license plates	3/19/2008		6/12/2008
39	SB 6685	E-mail ethics	3/17/2008		6/12/2008
155	SSB 6710	Hospital fire protection	3/25/2008		6/12/2008
322	SSB 6711	Smart homeownership choices	4/1/2008		6/12/2008**
218	SB 6717	PUD commissioner salaries	3/27/2008		6/12/2008
106	SB 6722	Cleanup settlement account	3/20/2008		6/12/2008*
176	SSB 6726	Certification assessments	3/26/2008		6/12/2008
120	2SSB 6732	Construction industry	3/21/2008	PV	6/12/2008**
156	SB 6739	Psychiatric ARNP	3/25/2008		6/12/2008
107	SB 6740	Teacher certification	3/20/2008		6/12/2008
220	SSB 6743	Students with autism	3/28/2008	PV	6/12/2008
323	SSB 6751	Apprenticeship programs	4/1/2008		6/12/2008
40	SB 6753	Burns bans	3/17/2008		6/12/2008
265	ESSB 6760	Developmental disabilities	3/31/2008		6/12/2008
80	SSB 6761	Wetlands mitigation banks	3/19/2008		6/12/2008
41	SSB 6770	Alcohol beverage regulation	3/17/2008		6/12/2008*
266	ESSB 6776	Whistleblower protection	3/31/2008		6/12/2008**
157	SSB 6791	Treatment programs	3/25/2008		6/12/2008
267	ESSB 6792	Dependency matters	3/31/2008		6/12/2008***
4	SSB 6794	Ferry vessels	2/14/2008		2/14/2008

324	SB 6799	Florists' personal property	4/1/2008		7/1/2008
	SSB 6804	Long-term care training		V	
133	SSB 6805	Conservation markets	3/25/2008		6/12/2008**
268	SSB 6806	Anaerobic digester	3/31/2008		7/1/2008
251	SSB 6807	Long-term care facilities	3/28/2008	PV	3/28/2008
325	ESSB 6809	Earned income tax credit	4/1/2008		6/12/2008
326	SB 6818	State expenditures	4/1/2008	PV	6/12/2008
252	ESB 6821	Fish/wildlife harvest	3/28/2008		6/12/2008
81	SSB 6828	Aerospace industry tax	3/20/2008		7/1/2008
87	SB 6837	Prescription drug assistance	3/20/2008		6/12/2008
88	SB 6839	Workers' comp coverage	3/20/2008		6/12/2008
110	SSB 6847	Real estate settlement	3/21/2008		6/12/2008
269	SSB 6851	Inheritance/tax exemption	3/31/2008		6/12/2008
327	2SSB 6855	Economic development	4/1/2008	PV	4/1/2008*
89	SSB 6857	Heavy haul corridor	3/20/2008		6/12/2008
82	E2SSB 6874	Columbia river water	3/20/2008		7/1/2008**
177	SSB 6879	Basic education finance	3/26/2008		6/12/2008
253	SB 6885	Driving record abstracts	3/28/2008		8/1/2008
124	SSB 6932	Ferry vessels and terminals	3/25/2008		6/12/2008
90	SSB 6933	Evidence admissibility	3/20/2008		6/12/2008
178	SB 6941	Waste reduction & recycling	3/26/2008		6/12/2008
181	SB 6950	Emergencies/limited waiver	3/27/2008		6/12/2008*

**HOUSE BILLS PASSED REGULAR SESSION BY  
BOTH SENATE AND HOUSE SHOWING THE ACTION BY THE GOVERNOR THEREON**

CHPT#	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/EFFECTIVE DATE
219	ESHB 1030	Eluding a police vehicle	3/28/2008	6/12/2008
138	ESHB 1031	Electronic devices	3/25/2008	6/12/2008
134	4SHB 1103	Health professions	3/25/2008	PV 3/25/2008*
221	SHB 1141	Diversion records	3/28/2008	6/12/2008
17	HB 1149	Advance property tax payment	3/14/2008	6/12/2008
290	2SHB 1273	Financial fraud	4/1/2008	6/12/2008
185	EHB 1283	High school diplomas	3/27/2008	6/12/2008
50	HB 1391	Office of mayor	3/17/2008	6/12/2008
18	SHB 1421	Address confidentiality	3/14/2008	6/12/2008
42	HB 1493	Development activity	3/17/2008	6/12/2008
116	E2SHB 1621	Manufactured/mobile home	3/21/2008	6/12/2008
55	ESHB 1623	Aquatic lands	3/18/2008	6/12/2008
139	2ESHB 1637	Anatomical gifts	3/25/2008	6/12/2008
222	3SHB 1741	Oral history program	3/28/2008	PV 6/12/2008
122	E2SHB 1773	Imposition of tolls	3/25/2008	3/25/2008
43	ESHB 1865	Landlords	3/17/2008	PV 6/12/2008
19	HB 1923	Motor vehicle transporter	3/14/2008	6/12/2008
113	SHB 2014	Conversion condominiums	3/21/2008	8/1/2008
223	3SHB 2053	Motor vehicle fuel	3/28/2008	7/1/2008
192	HB 2137	School employees' children	3/27/2008	6/12/2008
29	2E2SHB 2176	Interpreter services	4/1/2008	6/12/2008
193	HB 2263	Dishwashing detergent	3/27/2008	6/12/2008
118	SHB 2279	Affordable housing	3/21/2008	6/12/2008
140	HB 2283	Home care quality authority	3/25/2008	6/12/2008
20	SHB 2427	Cosmetology apprenticeship	3/14/2008	6/12/2008
56	SHB 2431	Cord blood banking	3/18/2008	7/1/2010
5	HB 2437	Public works board projects	3/7/2008	3/7/2008
8	ESHB 2438	Cougar hunting pilot project	3/13/2008	6/12/2008
73	HB 2448	Campaign finance report	3/19/2008	6/12/2008
57	EHB 2459	Electronic recording	3/18/2008	6/12/2008
194	HB 2460	Amphitheater property	3/27/2008	6/12/2008
292	HB 2467	Fertilizer regulations	4/1/2008	6/12/2008
195	SHB 2472	Recreational opportunities	3/27/2008	6/12/2008
141	SHB 2474	Social worker licenses	3/25/2008	6/12/2008
58	SHB 2475	Health care assistants	3/18/2008	6/12/2008
224	EHB 2476	Tribal police officers	3/28/2008	7/1/2008
271	2SHB 2479	Wireless number disclosure	3/31/2008	6/12/2008
123	ESHB 2480	Public transportation fares	3/25/2008	6/12/2008
196	SHB 2482	Annexation petitions	3/27/2008	6/12/2008
	SHB 2496	CPA mobility	3/20/2008	V
59	HB 2499	Business corporation notice	3/18/2008	6/12/2008
293	2SHB 2507	Higher edu institutions	4/1/2008	6/12/2008**
142	HB 2510	Medicare only benefits	3/25/2008	6/12/2008
225	2SHB 2514	Orca whale protection	3/28/2008	6/12/2008**
272	SHB 2525	Flood damage	3/31/2008	6/12/2008
197	E2SHB 2533	Utility pole attachments	3/27/2008	6/12/2008
143	2SHB 2537	Health insurance partnership	3/25/2008	6/12/2008**
294	HB 2540	Hunters and fishers	4/1/2008	6/12/2008
226	HB 2542	Cigarette taxes	3/28/2008	6/12/2008
137	HB 2544	Temporary medical housing	3/25/2008	7/1/2008
295	E2SHB 2549	Patient-centered care	4/1/2008	6/12/2008**
158	SHB 2551	Juvenile treatment programs	3/26/2008	6/12/2008
227	2SHB 2557	Trial court operation	3/28/2008	7/1/2008
144	SHB 2560	Small employer insurance	3/25/2008	6/12/2008
125	HB 2564	Drivers' edu curriculum	3/25/2008	6/12/2008
60	SHB 2575	Fire sprinkler systems	3/18/2008	6/12/2008
186	SHB 2580	Military employees' paydates	3/27/2008	6/12/2008
162	SHB 2582	Higher edu child care	3/26/2008	6/12/2008
273	SHB 2585	Newspaper supplement tax	3/31/2008	7/1/2008
100	HB 2594	Insurance commissioner	3/20/2008	6/12/2008
274	2SHB 2598	Online math curriculum	3/31/2008	6/12/2008**
286	SHB 2602	Victims' employment leave	4/1/2008	4/1/2008
275	E2SHB 2624	Human remains	3/31/2008	6/12/2008**
159	2SHB 2635	School district boundaries	3/26/2008	6/12/2008**
21	HB 2637	Criminal case records	3/14/2008	6/12/2008
198	SHB 2639	Renewable resources	3/27/2008	6/12/2008
160	EHB 2641	Edu performance agreements	3/26/2008	6/12/2008

288	E2SHB 2647	Children's safe products	4/1/2008	PV	6/12/2008**
228	HB 2650	Cigarette tax agreement	3/28/2008		3/28/2008
229	HB 2652	Dependent care assistance	3/28/2008		1/1/2009
22	SHB 2654	Mental health services	3/14/2008		6/12/2008
61	SHB 2661	Self-service storage	3/18/2008		6/12/2008
145	SHB 2666	Long-term care insurance	3/25/2008		1/1/2009
146	E2SHB 2668	Long-term care programs	3/25/2008	PV	6/12/2008**
135	2SHB 2674	Counselor credentialing	3/25/2008		6/12/2008**
296	HB 2678	Timber industry tax	4/1/2008		6/12/2008
297	SHB 2679	Students in foster care	4/1/2008	PV	6/12/2008
329	ESHB 2687	Operating budget	4/1/2008	PV	4/1/2008
199	HB 2699	Minimum wage	3/27/2008		6/12/2008
44	HB 2700	Military dept account	3/17/2008		6/12/2008
276	E2SHB 2712	Criminal street gangs	3/31/2008		6/12/2008**
97	2SHB 2713	DNA identification	3/20/2008		6/12/2008
230	2SHB 2714	Sex/kidnapping offenders	3/28/2008		6/12/2008*
231	HB 2719	Accurate sentences	3/28/2008		6/12/2008*
298	2SHB 2722	Achievement gap	4/1/2008		6/12/2008**
62	SHB 2727	Personality rights	3/18/2008		6/12/2008
200	SHB 2729	Identification documents	3/27/2008		6/12/2008
45	HB 2730	Port district ferry service	3/17/2008		6/12/2008
126	SHB 2746	Fuel purchases	3/25/2008		6/12/2008
63	HB 2762	Cowlitz county judges	3/18/2008		6/12/2008
328	ESHB 2765	Capital budget	4/1/2008	PV	4/1/2008
108	SHB 2770	Homeownership security	3/21/2008		6/12/2008
91	HB 2774	Amber alert	3/20/2008		6/12/2008
23	SHB 2778	Real estate licensure	3/14/2008		7/1/2010
191	SHB 2779	Huckleberries	3/27/2008		6/12/2008
190	HB 2781	State history/govt courses	3/27/2008		6/12/2008
	E2SHB 2783	Edu transfer/articulation	4/1/2008	V	
98	HB 2786	Level I offenders	3/20/2008		6/12/2008
277	SHB 2788	Title 77 RCW definitions	3/31/2008		6/12/2008
278	HB 2791	Distressed property	3/31/2008		6/12/2008
24	HB 2792	Parimutuel system breaks	3/14/2008		6/12/2008
14	E2SHB 2815	Greenhouse gas emissions	3/13/2008		6/12/2008**
201	E2SHB 2817	Meth contamination	3/27/2008		6/12/2008**
279	2SHB 2822	Family/juvenile court prog	3/31/2008		6/12/2008**
202	SHB 2823	Willapa harbor oysters	3/27/2008		6/12/2008
64	HB 2825	Alcohol in nonbeverage form	3/18/2008		6/12/2008
232	HB 2835	Fed criminal history checks	3/28/2008	PV	6/12/2008
299	E2SHB 2844	Urban forestry	4/1/2008	PV	6/12/2008**
92	ESHB 2847	Weatherization assistance	3/20/2008		6/12/2008
233	SHB 2858	Metal property	3/28/2008		6/12/2008
25	SHB 2859	Massage therapist licensing	3/14/2008		7/1/2009
65	2SHB 2870	Instructional assistants	3/18/2008		6/12/2008**
121	ESHB 2878	Transportation budget	3/25/2008	PV	3/25/2008*
66	SHB 2879	Spyware regulation	3/18/2008		6/12/2008
147	SHB 2881	Practice of dentistry	3/25/2008		6/12/2008
70	SHB 2885	Geoduck harvesters	3/18/2008		1/9/2009
300	HB 2887	PERS/judges	4/1/2008		6/12/2008
46	SHB 2893	Forest practices board	3/17/2008		6/12/2008
93	SHB 2902	Lemon law arbitration fee	3/20/2008		6/12/2008
148	2SHB 2903	Access coordinator	3/25/2008		6/12/2008**
26	HB 2923	Transporting hay or straw	3/14/2008		6/12/2008
67	HB 2949	Liquor revolving fund	3/18/2008		7/1/2009
74	HB 2955	Criminal justice info access	3/19/2008		6/12/2008
94	SHB 2959	Craft distilleries	3/20/2008		6/12/2008*
203	SHB 2963	WSU collective bargaining	3/27/2008		6/12/2008**
68	ESHB 2996	Antifreeze products	3/18/2008		6/12/2008
69	HB 2999	Chief for a day program	3/18/2008		6/12/2008
149	SHB 3002	Arbitration to bargaining	3/25/2008		6/12/2008
234	HB 3011	Securities/insurers	3/28/2008		6/12/2008
161	ESHB 3012	Estate distribution document	3/26/2008		6/12/2008
204	HB 3019	TRS/SERS	3/27/2008		6/12/2008
101	HB 3024	TRS service credit plans	3/20/2008		6/12/2008
51	SHB 3029	Secure internet-based system	3/17/2008		6/12/2008
114	SHB 3071	Condominium statutes	3/21/2008		6/12/2008
150	HB 3088	Dental assistant education	3/25/2008		6/12/2008
270	ESHB 3096	State route number 520	3/31/2008		6/12/2008
27	HB 3097	Board of education director	3/14/2008		6/12/2008
6	2SHB 3104	Domestic partnerships	3/12/2008		6/12/2008*
235	SHB 3120	Construction tax exemption	3/28/2008		6/12/2008
102	ESHB 3122	Independent contractor	3/20/2008		6/12/2008

47	E2SHB 3123	Nurse staffing	3/17/2008		6/12/2008**
129	SHB 3126	Local govts to license/tax	3/25/2008		6/12/2008
95	2SHB 3129	College credit	3/20/2008		6/12/2008**
280	E2SHB 3139	Industrial insurance orders	3/31/2008		6/12/2008*
112	EHB 3142	Rapid response loan program	3/21/2008		6/12/2008
151	SHB 3144	Consumer protection website	3/25/2008		6/12/2008
281	E2SHB 3145	Foster parent licensing	3/31/2008		6/12/2008
236	SHB 3149	Investment board personnel	3/28/2008		6/12/2008
48	HB 3151	National disaster counties	3/17/2008		7/1/2008
163	ESHB 3166	St assessment system/WASL	3/26/2008		6/12/2008**
164	2SHB 3168	WA head start program	3/26/2008		6/12/2008
301	E2SHB 3186	Beach management districts	4/1/2008	PV	6/12/2008
237	HB 3188	Waste vegetable oil	3/28/2008		7/1/2008
96	HB 3200	County cemetery district	3/20/2008		6/12/2008
152	E2SHB 3205	Child long-term well-being	3/25/2008		6/12/2008
28	SHB 3206	Annual econ impact report	3/14/2008		6/12/2008
165	SHB 3212	Groups of students	3/26/2008		6/12/2008
127	SHB 3224	Commuter rail services	3/25/2008		6/12/2008**
282	E2SHB 3254	DUI liquor/drugs	3/31/2008	PV	6/12/2008***
130	2SHB 3274	Port district contracting	3/25/2008		6/12/2008**
49	HB 3275	Grocery distribution co-ops	3/17/2008		6/12/2008
184	SHB 3283	Military personnel/taxes	3/27/2008		6/12/2008
283	ESHB 3303	Polysilicon manufacturers	3/31/2008		6/12/2008**
205	ESHB 3329	Education capital projects	3/27/2008		6/12/2008
187	EHB 3360	Time certificate of deposit	3/27/2008		6/12/2008
284	HB 3362	Energy efficient equipment	3/31/2008		7/1/2008
179	SHB 3374	Flood mitigation/facilities	3/27/2008		3/27/2008
180	HB 3375	Catastrophic flood relief	3/27/2008		3/27/2008
285	EHB 3381	WA health, safety, education	3/31/2008		3/31/2008

**SENATE MEMORIALS AND RESOLUTION PASSED  
BY BOTH SENATE AND HOUSE****Sixtieth Legislature  
2008 Regulars Session****Senate Bill No.****Status Title**

---

**SENATE JOINT MEMORIALS**SJM 8024  
SJM 8028Vietnam war veterans'  
Taiwan in world health org**SENATE CONCURRENT RESOLUTIONS**2ESSCR 8407  
SCR 8411  
SCR 8413Liquor laws  
Session cutoff dates  
Adjourning SINE DIE

**HOUSE MEMORIALS AND RESOLUTIONS PASSED  
BY BOTH SENATE AND HOUSE**

**Sixtieth Legislature  
2008 Regular Session**

**House Bill No.**

**Status Title**

---

**HOUSE CONCURRENT RESOLUTIONS**

HCR 4405	Legislature organized
HCR 4406	Bill reintroduction
HCR 4407	Joint session
ESHCR 4408	Higher edu master plan
HCR 4409	Bills to house of origin

## HISTORY OF SENATE BILLS

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
5010-S			409	410	1283(P), 1120, 409, 1344(S), 1120, 410, 409,	C238
5043		60, 151				
5100-S			355	355	1176(P), 1030, 354, 1317(S), 1029, 1030, 355, 354	C302
5104-S				228	1176(P), 1317(S), 228, 1031, 1030, 1031	C166
5106		81	328			
5106-S2			328	329	1536, 329	
5179		130	411			C52
5179-S			411	411	1085(S), 858(P), 754	C52
5180		211				
5208			346	347	1536, 347, 346	
5213		60, 211				
5254			281			C103
5254-S			281	281	1283(P), 1344(S), 1122, 1121,	C103
5256		151	418			C182
5256-S			418	418	1085(S), 858(P), 754	C182
5261		116	120, 121			C303
5261-S			120, 121, 122	150	1176(P), 1317(S), 149, 1035, 1035, 1031, 122	C303
5271		168	415			
5271-S2			415	416	1536, 416	
5278-S		90	254		714	C29
5278-S2			255	256	819(S), 738(P), 255	C29
5285			129			
5285-S			129	129	1536	
5295		60, 188				
5318-S				252	252, 1536	
5319			322	323	1537	
5343			390	390	1536	
5363			343			
5363-S			343	344	1536, 344	
5367		238	281			
5367-S2			281	281	1536	
5378			282			C153
5378-S			282	282	1329(P), 1344(S), 1222, 1217,	C153
5387-S			277	278	1536, 277	
5425			236	236	1537	
5432			252	252	1536	
5456-S				300	300, 1536	
5465			327			
5465-S			327	327	1536	
5500		108				
5517-S			331, 332	332	331, 1536, 331	
5524			165			C117
5524-S			165	165	1317(S), 1176(P), 714	C117
5566-S				428	428, 1536	
5596		168	253			C304PV
5596-S2			253	253	1330, 1134, 1529(S), 1508(P), 1122, 1330, 1123, 1329	C304PV
5599			226	226	1537	
5628			358			

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
5628-S			358	358	1537	
5642		151	411			C239
5642-S2			411	412	1176(P), 1317(S), 1035, 1036, 1035	C239
5651			278			C240
5651-S			278	278	1318(S), 1176(P), 715	C240
5657			122, 143	149	1536, 149, 143	
5691-S				268	268, 1537	
5714-S			262	262	1537, 262	
5723			278	279	1537, 279, 278	
5733-S		211				
5743-S2		135	281		136	
5743-S3			281	281	1537	
5746			330			
5746-S			330	330	1537	
5751			234, 235	235	1123, 1283(P), 1344(S), 1123, 235,	C305
5762		60, 168				
5780		151				
5831		188, 238	299			C254
5831-S			299	300	1331, 1172, 1529(S), 1508(P), 1171, 1161, 1331, 299, 1331	C254
5860		211				
5863		211			220	
5868			235	236	1318(S), 1176(P), 715	C206
5869-S			321	321	1537	
5878			224	225	1283(P), 1344(S), 1124, 1125, 1124	C207
5892		140, 200				
5900			229			
5900-S			230	230	1537	
5905-S			326	327	1534(P), 1514, 326, 1534(S), 327, 1085, 1514, 326, 1514	C255
5927			274	275	1071(P), 1173(S), 275, 1016, 274	C306
5929			227			
5929-S			227	227	1537	
5959		60	76			C256
5959-S			76	77	1526, 1322, 1534(S), 1534(P), 1264, 1250, 1526, 77, 1525	C256
5981		179				
5989		60, 168			172	
5996		135				
6000		211				
6042		175				
6060		188	366			C75
6060-S			366	366	1085(S), 1014(P), 1013	C75
6088		60				
6111		494	651			C307PV
6111-S2			651	652	1176(P), 1318(S), 1037, 1038, 1036	C307PV
6135		168				
6144		70				
6150		238				
6170		211				
6175						

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6176	7					
6177	7	8			8	
6178	7	8	9			C 2 L 07 E1
6178-S			9, 10	10	13(S), 13(P), 13	C 2 L 07 E1
6179	7					
6180	17	108				
6181	17	108	352			C308
6181-S			352	353	1085(S), 858(P), 754	C308
6182	17					
6183	17	168	228	228	1013(S), 858(P), 754	C9
6184	17	116	334			C7
6184-S			334	335	819(S), 738(P), 738	C7
6185	18	168				
6186	18	100				
6187	18	135	324	324	1176(P), 1318(S), 1040, 1038,	C208
6188	18					
6189	18					
6190	18					
6191	18					
6192	18				26	
6193	18	188	366	366	1537	
6194	18	81				
6195	18	168	279			C131
6195-S			279	279	1283(P), 1344(S), 1125,	C131
6196	18	160	269	269	1085(S), 858(P), 754	C209
6197	18					
6198	18					
6199	18					
6200	19					
6201	19	100				
6202	19	188				
6203	19	151			155	
6204	19	60	356	356	1173(S), 1071(P), 1016	C210
6205	19	135				
6206	19	211, 238	358			C211
6206-S2			358	358	1283(P), 1344(S), 1129, 1125,	C211
6207	19					
6208	19					
6209	19					
6210	19	211	429			
6210-S			429	429	1537	
6211	19	70				
6212	19	179				
6213	19	70				
6214	19	70				
6215	20	81	225	225	1176(P), 1318(S), 1045, 1046, 1040	C115
6216	20	160	401	401	1085(S), 858(P), 754	C241
6217	20	116				
6218	20	188, 494				
6219	20					
6220	20	116, 238	422			
6220-S2			422	422	1017	
6221	20					
6222	20	116, 212	298			
6222-S2			298	299	1537	

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6223	20	116	129	129	1537	
6224	20	238	404			C53
6224-S			404	404	1085(S), 858(P), 754	C53
6225	20					
6226	20	140				
6227	20	188, 238	389			C242
6227-S2			389	390	1529(S), 1508(P), 1345	C242
6228	20					
6229	20	188				
6230	21	116				
6231	21	188, 238	403			C243
6231-S			403	403	1325, 1513(P), 1529(S), 1322, 1017, 1265, 1513	C243
6232	21	151				
6233	21					
6234	21					
6235	21	212	404			
6235-S			404	408	1537, 407	
6236	21					
6237	21	108, 151	408	408	1085(S), 858(P), 754	C183
6238	21	116				
6239	21	151				
6240	21	152				
6241	21	200	393			
6241-S			393	393	1537	
6242	21	212	413	413	1537	
6243	21	130			132	
6244	22	168	327			C30
6244-S			327	327	819(S), 738(P), 715	C30
6245	22					
6246	22	189	360		195	C54
6246-S			360	361	1085(S), 858(P), 754	C54
6247	22					
6248	22					
6249	22					
6250	22	130	236	236		
6251	22	175	327	328	1537	
6252	22	117				
6253	22					
6254	22	135				
6255	22	189				
6256	22	212				
6257	22					
6258	22	212				
6259	22					
6260	23	117	236			C10
6260-S			237	237	819(S), 738(P), 714	C10
6261	23	90	227	227	1176(P), 1318(S), 1047, 1046,	C212
6262	23	90			93	
6263	23	140				
6264	23	135	358			
6264-S			358	359	1537	
6265	23					
6266	23					
6267	23	135	273	274	858(P), 1085(S), 754, 273	C154
6268	23	189				
6269	23	61, 130				

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6270	23	160				
6271	23	90	225	225	819(S), 738(P), 715	C31
6272	23	61, 70	78	78	196(S), 187(P), 187	C3
6273	23	130	237			C76
6273-S			237	237	1085(S), 1014(P), 1013	C76
6274	24					
6275	24	175	300	300	858(P), 1085(S), 754, 26	C77
6276	24	212				
6277	24	179	390			C257
6277-S			390	390	1271, 1508(P), 1529(S), 1271, 1120, 1270	C257
6278	24	61				
6279	24					
6280	24	189, 239				
6281	24					
6282	24	152				
6283	24	90	237	237	819(S), 738(P), 714	C11
6284	24	81	234	234	819(S), 738(P), 714	C12
6285	24					
6286	24					
6287	24	160				
6288	24					
6289	25	117, 212	269	270	1048, 1176(P), 1318(S), 1048, 1047, 118	C244
6290	25					
6291	25					
6292	25					
6293	25	212				
6294	25					
6295	25	90, 239	359			C258
6295-S			359	360	1272, 1508(P), 1529(S), 360, 1272, 1021, 1271	C258
6296	25	135			26	
6297	25	212	348			C309
6297-S			348	348	1176(P), 1318(S), 1052, 1051,	C309
6298	25					
6299	25					
6300	25					
6301	25	179				
6302	26	117, 239				
6303	38					
6304	38					
6305	38	169	392	392	1537	
6306	38	169	269			C259
6306-S			269	269	1173(S), 1071(P), 1016	C259
6307	38	152, 239	369			
6307-S			369, 370	371	1537	
6308	38	169, 239	367			
6308-S			367	367	1537	
6309	38	130	251			C32
6309-S			252	252	819(S), 738(P), 738	C32
6310	38	61	79	79	1176(P), 1318(S), 1053, 1052,	C213PV
6311	39					
6312	39	108				
6313	39	152	428	428	1283(P), 1344(S), 1130, 1131, 1130	C167

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6314	39	169				
6315	39	152				
6316	39	169	273			
6316-S			273	273	1537	
6317	39	179	348			C310
6317-S			348	349	1173(S), 1071(P), 1016	C310
6318	39	108				
6319	39	169				
6320	39					
6321	39	152	342	342	1537	
6322	39	130	333			C33
6322-S			333	334	819(S), 738(P), 715	C33
6323	39	135, 494				
6324	39	152	343			C34
6324-S			343	343	819(S), 738(P), 715	C34
6325	40	169				
6326	40					
6327	40					
6328	40	189	283			C168
6328-S			283	284	1176(P), 1318(S), 1050, 1049,	C168
6329	40					
6330	40					
6331	40	189	282	282	1537	
6332	40	130	164	164	1332, 1508(P), 1529(S), 1332, 1086, 1331	C111
6333	40	200, 239	368			C311
6333-S			368	368	1283(P), 1344(S), 1133, 1134, 1132	C311
6334	40	169				
6335	40	61	79	79	196(S), 187(P), 187	C2
6336	40					
6337	40	213	390			
6337-S			390	391	1537	
6338	40		423			
6339	40	108	164			C312
6339-S			164	164	1283(P), 1344(S), 1134,	C312
6340	40	81, 222	369			C214
6340-S			369	369	1173(S), 1071(P), 1016	C214
6341	41	130	360		42	
6341-S			360	360	1537	
6342	41	239				
6343	41	189	367			C83
6343-S			367	368	1085(S), 858(P), 754	C83
6344	41					
6345	41	189				
6346	41					
6347	41	240	392			
6347-S			392	392	1537	
6348	41	189	276			
6348-S			276	276	1537	
6349	41					
6350	41					
6351	41					
6352	41	200				
6353	41	179				
6354	41	100				
6355	41	130				

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6356	42					
6357	42	117	233	234	1129, 1283(P), 1344(S), 1130, 1129, 233	C287
6358	42	189	408	408	1537	
6359	42	200				
6360	42	200	429			
6360-S			429	430	1537, 430	
6361	42					
6362	49	100, 179				
6363	49	100				
6364	49	117	225	225	1537	
6365	49					
6366	49	175				
6367	49	169	274			
6367-S			274	274	1537	
6368	49					
6369	49	190	321	322	1085(S), 858(P), 754	C169
6370	49					
6371	49	108	229			C188
6371-S			229	229	1272, 1508(P), 1529(S), 1273, 1022, 1272	C188
6372	49	179				
6373	49	190				
6374	49	100				
6375	50	108, 494	534	534	1344(S), 1329(P), 1317	C260
6376	50	160				
6377	50	169, 240	256			C170PV
6377-S2			256	256	1283(P), 1344(S), 1141, 1142, 1134	C170PV
6378	50					
6379	50					
6380	50	200, 240	256		256	
6380-S			256	257	1537	
6381	50	131	186	186	1176(P), 1318(S), 1051,	C109
6382	50					
6383	50					
6384	50					
6385	50	131	165			
6385-S			165	167	1537	
6386	50	213	286	287	1537, 286	
6387	51					
6388	51	169, 240				
6389	51	160	417			C84
6389-S			417	418	1283(P), 1344(S), 1143, 1142,	C84
6390	51					
6391	51	90				
6392	51	135			136	
6393	51					
6394	51					
6395	51	179	323		181	
6395-S			323	323	1537	
6396	51					
6397	51	108				
6398	51	190	317	318	1085(S), 858(P), 754	C171
6399	51	190				
6400	51	213	361			C104
6400-S			361	361	1176(P), 1318(S), 1053,	C104

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6401	51					
6402	52	213			220	
6403	52					
6404	52	213	317		220	C261
6404-S			317	317	1273, 1508(P), 1529(S), 1273, 1088, 1273	C261
6405	52	190	279			
6405-S			279	279	1537	
6406	52	213				
6407	52	170				
6408	52	213				
6409	52	152				
6410	52	152				
6411	52					
6412	52	81				
6413	52	81				
6414	53	160				
6415	53					
6416	54					
6417	54	135				
6418	54	200			205	
6419	54	175				
6420	54	231				
6421	54	161, 240	325	325	1283(P), 1344(S), 1144, 1143,	C245
6422	54	213				
6423	54	100, 494	649			C85
6423-S			649	649	1173(S), 1071(P), 1016	C85
6424	54					
6425	54					
6426	54	201	420			C189
6426-S			420	420	1514, 1534(P), 1534(S), 1515, 1022, 1514	C189
6427	54	190				
6428	54					
6429	55	190			195	
6430	55	213				
6431	55				58	
6432	55					
6433	55	190				
6434	55	109				
6435	55	170				
6436	55	170				
6437	55	131	332			C105
6437-S			332, 333	333	858(P), 1085(S), 754, 333	C105
6438	55	180, 240	418			C262
6438-S2			418	420	1276, 1508(P), 1529(S), 419, 1276, 1023, 1274	C262
6439	55	201	331		205	C246
6439-S			331	331	1176(P), 1318(S), 1059, 1057,	C246
6440	56					
6441	56	170				
6442	56	117	226			C313
6442-S			226	226	1176(P), 1318(S), 1053, 1054, 1053	C313
6443	56	201				
6444	56	190				

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6445	56	170	347			
6445-S			347	347	1537	
6446	56					
6447	56	152	408	408	1176(P), 1318(S), 1054,	C71
6448	56	161, 240	423			
6448-S			423	423	1537	
6449	56	70				
6450	56	201, 240	534	534	1537	
6451	56					
6452	56	131	186		58	
6452-S			186	186	1537	
6453	56	161	329			
6453-S			329	329	1537	
6454	57	161				
6455	57					
6456	57	201	268		205	
6456-S			268	268	1537	
6457	57	190	270			C136
6457-S			270	270	819(S), 738(P), 738	C136
6458	57	152, 241	325			
6458-S			325	326	1537	
6459	57					
6460	57	70, 494				
6461	57					
6462	57					
6463	57	170				
6464	57	153	334	334	819(S), 738(P), 715	C13
6465	57	117	235	235	819(S), 738(P), 715	C35
6466	57	201, 241	420			
6466-S			420	421	1537	
6467	58					
6468	58	153, 494	533			C314
6468-S2			533	533	1283(P), 1344(S), 1144, 1145, 1144	C314
6469	58	214			58	
6470	61	201	334			
6470-S			334	334	1537	
6471	61	131	421	421	1014(P), 1085(S), 1013, 132	C78
6472	61					
6473	61					
6474	61					
6475	62	131				
6476	62	153				
6477	62					
6478	62	109				
6479	62	214, 241	298			
6479-S2			298	298	1537	
6480	62					
6481	62	161			161	
6482	62	136				
6483	62	175, 241	300			C215
6483-S2			300	301	1283(P), 1344(S), 1151, 1152, 1148	C215
6484	62					
6485	62					
6486	62	201	332	332	1537	
6487	63					
6488	63	190	318			

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6488-S			318	320	1537, 320	
6489	63	191				
6490	63	201				
6491	63	100				
6492	63	131	371	371	1537	
6493	63	140				
6494	63					
6495	63					
6496	63	191				
6497	63					
6498	63	191	361			
6498-S			361	361	1537	
6499	64	100, 180			68	
6500	64	140	229			C36
6500-S			229	229	819(S), 738(P), 738	C36
6501	64					
6502	64	214, 241	422			
6502-S2			422	423	1537	
6503	64	153				
6504	64	81	282	282	819(S), 738(P), 738	C37
6505	64					
6506	64	201				
6507	64					
6508	64	131	185			
6508-S			185	185	1537	
6509	64					
6510	64	136, 241	284			C315
6510-S			284	284	1283(P), 1344(S), 1146, 1145,	C315
6511	65	109				
6512	65					
6513	65	100			68	
6514	65	71, 180	391			
6514-S			391	391	1537	
6515	65					
6516	65	140				
6517	65					
6518	65					
6519	65					
6520	65					
6521	65	191			68	
6522	65	214, 241				
6523	66	214			220	
6524	66					
6525	66	117	227	227	1537	
6526	66					
6527	66	170	421			C316
6527-S			422	422	1283(P), 1344(S), 1132, 1131,	C316
6528	66	170				
6529	66					
6530	66	170				
6531	66	180	340	340	1537	
6532	66	191	301			C132
6532-S			301	302	1014(P), 1085(S), 1013, 301	C132
6533	66					
6534	66	153	262	262	1223, 1329(P), 1344(S), 1224, 1222, 262	C172

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6535	66		170			
6536	66					
6537	67					
6538	67		153			
6539	67					
6540	67					
6541	67					
6542	67					
6543	67					
6544	67		214	328		C38
6544-S			328	328	819(S), 738(P), 738	C38
6545	67					
6546	67		214, 241	323	220	
6546-S2			323	324	1537	
6547	67		214			
6548	67		214	318		
6548-S			318	318	1537	
6549	67		161			
6550	72					
6551	72					
6552	72					
6553	72					
6554	72		215			
6555	72					
6556	72		202	259		C173
6556-S			259	259	1283(P), 1344(S), 1152,	C173
6557	72					
6558	72					
6559	72					
6560	72		215	413		C216
6560-S			413	414	1055, 1176(P), 1318(S), 1055, 414,	C216
6561	72					
6562	72					
6563	73		215		220	
6564	73					
6565	73				353	
6566	73					
6567	73					
6568	73					
6569	73		231	340		
6569-S			340	341	1537	
6570	73		140	228		C247
6570-S			228	229	1176(P), 1318(S), 1059,	C247
6571	73					
6572	73		191	322		C248
6572-S			322	322	1085(S), 858(P), 754	C248
6573	73		242	425		C99
6573-S			425	426	1226, 1329(P), 1344(S), 1226, 1224, 426	C99
6574	73					
6575	73					
6576	73		242	325	325	1537
6577	74					
6578	74					
6579	74					
6580	74		191, 242	401		C289PV
6580-S			401	403	1057, 1176(P), 1318(S),	C289PV

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
					1057, 1055, 403	
6581	74					
6582	74					
6583	74	191, 242	311			C317
6583-S			311	311	1283(P), 1344(S), 1154, 1152,	C317
6584	74	215			220	
6585	74					
6586	74					
6587	74					
6588	74	202	258	258	1085(S), 1014(P), 1013	C174
6589	74	215				
6590	74					
6591	74	153	417	417	819(S), 738(P), 738	C217
6592	75					
6593	75	191			195	
6594	75					
6595	75					
6596	75	191, 242	306			C249
6596-S			306	306	1176(P), 1318(S), 1057,	C249
6597	75					
6598	75	109				
6599	75					
6600	75	215	320			
6600-S			320	320	1537	
6601	75	215				
6602	75	180	341			C128
6602-S			341	341	1173(S), 1071(P), 1016	C128
6603	75					
6604	76	192	282			C16
6604-S			282	283	819(S), 738(P), 715	C16
6605	76	215				
6606	76	192	297			C119
6606-S			297	297	1176(P), 1318(S), 1062, 1059,	C119
6607	76	192	371			C250
6607-S			371	371	1176(P), 1318(S), 1063, 1062,	C250
6608	82					
6609	82	192	347			
6609-S			348	348	1530, 1514, 1024	
6610	82					
6611	82	202				
6612	82					
6613	83	192				
6614	83					
6615	83	180				
6616	83	202				
6617	83					
6618	83	192				
6619	83	215			89	
6620	83	192, 242	330			
6620-S			330	331	1537	
6621	83					
6622	83					
6623	83	216				
6624	83					
6625	83					

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6626	83	109, 495	650			C15
6626-S2			650	650	1176(P), 1318(S), 1063, 1064, 1063	C15
6627	84	136				
6628	84	192	1185	1185	1344(S), 1329(P), 1317	C318
6629	84	242	1185	1188	1329(P), 1344(S), 1317, 1188	C263
6630	84				89	
6631	84					
6632	84					
6633	84					
6634	84					
6635	84					
6636	84	216				
6637	84	140				
6638	84	243	421, 423	424	1515, 1534(P), 1534(S), 1515, 423,	C264
6639	84					
6640	85	170				
6641	85	161	426, 427	427	1014(P), 1085(S), 1014, 427	C319
6642	85					
6643	85					
6644	85	216	302			
6644-S			302	304	1537, 304	
6645	85	243				
6646	85					
6647	85					
6648	85					
6649	85					
6650	85	243				
6651	85					
6652	85	243				
6653	86	243	429	429	1537	
6654	86	243				
6655	86	243				
6656	86	243				
6657	86	1082	1321	1321	1529(S), 1346(P), 1345	C175
6658	86	153				
6659	86					
6660	86	216			89	
6661	86	216			221	
6662	86					
6663	86	216	284	284	1085(S), 858(P), 754	C86
6664	86					
6665	86	216, 244	306			C320PV
6665-S			306	311	1336, 1508(P), 1529(S), 310, 1336, 1093, 1332	C320PV
6666	86					
6667	87					
6668	87	216				
6669	87	171				
6670	87					
6671	87					
6672	87					
6673	87	171, 244	259			C321PV
6673-S2			259	260	1280, 1509(P), 1529(S), 1280, 1025, 1276	C321PV
6674	87	202				

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6675	87	136	318			
6675-S			318	318	1537	
6676	87	109				
6677	87	171	356	356	1085(S), 858(P), 754	C79
6678	87	231	341			C72
6678-S			341	342	1173(S), 1071(P), 1016	C72
6679	87	192				
6680	88					
6681	88	216				
6682	88	202			205	
6683	88	216				
6684	88	217, 244				
6685	88	171	270	270	819(S), 738(P), 738	C39
6686	88					
6687	94					
6688	94					
6689	94					
6690	94	171				
6691	95	217				
6692	95	217				
6693	95	217				
6694	95	217	409	409	1537	
6695	95	161				
6696	95	217			221	
6697	95					
6698	95	202				
6699	95	193				
6700	95					
6701	95	217				
6702	95	217				
6703	95	193				
6704	95	217				
6705	96					
6706	96					
6707	96					
6708	96					
6709	96	141				
6710	96	193	414			C155
6710-S			414	414	1085(S), 858(P), 754	C155
6711	96	180, 244	391			C322
6711-S			391	392	1176(P), 1318(S), 1064,	C322
6712	96	180, 244				
6713	96	202				
6714	96	180				
6715	96	171				
6716	96	171			172	
6717	97	193	331	331	858(P), 1085(S), 754, 195	C218
6718	97	218				
6719	97	131				
6720	97					
6721	97	218				
6722	97	244	424	424	1283(P), 1344(S), 1158, 1154,	C106
6723	97	218				
6724	97	193			99	
6725	97	141				
6726	97	202	258			C176
6726-S			259	259	1173(S), 1071(P), 1016	C176

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6727	97	193				
6728	97	153	186	187	1537	
6729	98	218				
6730	98	153	424			
6730-S			424	425	1537	
6731	98	193				
6732	98	171, 244	280			C120PV
6732-S2			280	280	1176(P), 1318(S), 1069, 1065,	C120PV
6733	98	131				
6734	98	231	329			
6734-S			329	330	1537	
6735	98					
6736	98	203, 244				
6737	98	218, 245				
6738	98					
6739	98	203	373	373	1176(P), 1318(S), 1073, 1074, 1071	C156
6740	98	203	260	260	1085(S), 858(P), 754	C107
6741	98					
6742	99	203	322			
6742-S			322	322	1537	
6743	99	203	321			C220PV
6743-S			321	321	1176(P), 1318(S), 1075, 1074,	C220PV
6744	99	193, 245	371	372	1537, 372	
6745	99	180	374, 382, 388, 389	389	1537, 389, 374	
6746	99					
6747	101					
6748	101					
6749	101					
6750	101	193				
6751	101	218	261			C323
6751-S			261	262	1176(P), 1318(S), 1075, 1076, 1075	C323
6752	101	203				
6753	102	171	410	411	819(S), 738(P), 738	C40
6754	102					
6755	102	245				
6756	102					
6757	102	193				
6758	102					
6759	102					
6760	102	245	368			C265
6760-S			368	369	1509(P), 1529(S), 1317, 1317, 1097	C265
6761	102	245	342			C80
6761-S			342	342	1176(P), 1318(S), 1076, 1077, 1076	C80
6762	102	194				
6763	102	181				
6764	102					
6765	102	171, 245	297		172	
6765-S			297	297	1537	
6766	102	218				
6767	102					
6768	103	203				
6769	103					

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6770	103	194	391			C41
6770-S			391	391	819(S), 738(P), 738	C41
6771	103	245	344			
6771-S			344	345	1537	
6772	103					
6773	103	171				
6774	103	171, 246	280			
6774-S			280	280	1537	
6775	103	172, 246	280			
6775-S2			280	280	1537	
6776	103	218, 246	361			C266
6776-S			361	366	1281, 1509(P), 1529(S), 365, 1281, 1098, 1280	C266
6777	103	218	345			
6777-S			345	346, 354	1537, 354, 354, 346, 353	
6778	104	218				
6779	104					
6780	104	219				
6781	104	203				
6782	104	219			222	
6783	104					
6784	104	194				
6785	104					
6786	104					
6787	104					
6788	110					
6789	110	203				
6790	110	172	311			
6790-S			311	311	1537	
6791	110	219	311			C157
6791-S			311	312	1085(S), 1014(P), 1014	C157
6792	110	194	312			C267
6792-S			312	317	1524, 1534(P), 1534(S), 317, 1524, 1102, 1515	C267
6793	110					
6794	110	153	185			C4
6794-S			185	186	253(S), 251(P), 250	C4
6795	111					
6796	111	154, 203				
6797	111	194				
6798	111					
6799	111	246	357	357	1085(S), 858(P), 754	C324
6800	111	246	356			
6800-S			356, 357	357	1537	
6801	111					
6802	111					
6803	111					
6804	111	194, 246	306			Vetoed
6804-S			306	306	1176(P), 1318(S), 1077,	Vetoed
6805	111	175, 246	414			C133
6805-S			414	415	1176(P), 1318(S), 1079, 1077,	C133
6806	111	219, 667	724			C268
6806-S			724	724	1529(S), 1346(P), 1329	C268
6807	111	231	298			C251PV
6807-S			298	298	1177(P), 1318(S), 1080, 1081, 1079	C251PV
6808	111	246				

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6809	111	247	430			C325
6809-S			430, 431	431	1283(P), 1344(S), 1158,	C325
6810	112					
6811	112					
6812	112					
6813	112	172				
6814	112					
6815	112					
6816	112					
6817	112					
6818	112	247	348	348	1159, 1283(P), 1344(S), 1159, 1158, 348	C326PV
6819	119	194				
6820	119	203				
6821	119	194	416	417	1160, 1283(P), 1344(S), 1160, 1159, 417	C252
6822	119	247				
6823	119					
6824	119	231				
6825	119					
6826	119	172				
6827	119					
6828	119	495	650			C81
6828-S			651	651	1344(S), 1329(P), 1317	C81
6829	119					
6830	119					
6831	119					
6832	119	204				
6833	120					
6834	120	219				
6835	120	194				
6836	120	247				
6837	120	194	321	321	819(S), 738(P), 738	C87
6838	132					
6839	132	219	276	276	1283(P), 1344(S), 1161,	C88
6840	132	181				
6841	132					
6842	132	219				
6843	132	195				
6844	132	495				
6845	133					
6846	133	219				
6847	133	204	411			C110
6847-S			411	411	1085(S), 1014(P), 1014	C110
6848	133	247				
6849	133	204, 247	349	349	1537	
6850	133	247			134	
6851	133	219	404			C269
6851-S			404	404	1508(P), 1529(S), 1336,	C269
6852	133	181, 204				
6853	133					
6854	133					
6855	133	172, 247	283			C327PV
6855-S2			283	283	1342, 1508(P), 1529(S), 1342, 1113, 1336	C327PV
6856	136					
6857	136	248	342			C89
6857-S			342	342	1085(S), 858(P), 754	C89

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6858	137					
6859	137					
6860	137					
6861	137					
6862	137					
6863	137					
6864	137					
6865	137					
6866	137	495				
6867	137					
6868	137	195	285	285	1537	
6869	137					
6870	141	220			221	
6871	141	220				
6872	141	204				
6873	141					
6874	141	195, 248	284		142	C82
6874-S2			284	285	1177(P), 1318(S), 1082, 1081,	C82
6875	141	204				
6876	141					
6877	142					
6878	142					
6879	142	204	261			C177
6879-S			261	261	1085(S), 858(P), 754	C177
6880	142					
6881	142					
6882	155	220				
6883	155					
6884	155					
6885	156	248	301	301	1085(S), 858(P), 754	C253
6886	156					
6887	156					
6888	156					
6889	156	204				
6890	156	195				
6891	156	220	428	429	1537	
6892	156	175, 248	369	369	1537	
6893	156					
6894	156	175				
6895	156	175				
6896	156				157	
6897	156					
6898	156	181	426			
6898-S			426	426	1537	
6899	161					
6900	162	181				
6901	162					
6902	162					
6903	162	248				
6904	162					
6905	162					
6906	162					
6907	162					
6908	172	204				
6909	172	195				
6910	173	204				
6911	173					

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
6912	173	495	652	653	1537	
6913	176					
6914	176					
6915	177					
6916	177					
6917	177					
6918	177					
6919	177					
6920	181					
6921	181					
6922	181					
6923	181					
6924	182	220				
6925	182	220				
6926	182					
6927	182					
6928	182					
6929	182	220				
6930	183	204			205	
6931	183	248	649	655	183	
6932	183	248	345			C124
6932-S			345	345	1177(P), 1318(S), 1083,	C124
6933	197	220	403			C90
6933-S			403	404	1177(P), 1318(S), 1084,	C90
6934	197					
6935	197					
6936	197					
6937	197					
6938	197					
6939	197					
6940	197					
6941	197	220	270	270	1177(P), 1318(S), 1084,	C178
6942	222					
6943	232					
6944	232					
6945	232					
6946	264					
6947	289					
6948	289					
6949	289	667				
6950	336		366	366	1226, 1329(P), 1344(S), 1226, 339,	C181
6951	442					
6952	452					
6953	457					
6954	648					
6955	1173					
6956	1344					
6957	1344					

## HISTORY OF SENATE JOINT RESOLUTIONS

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action
8222	7				
8223	42		117		
8224	68				
8225	68				
8226	76				353
8227	88				
8228	163				

## HISTORY OF SENATE CONCURRENT RESOLUTIONS

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action
8407-S			1191	1192	1191, 1329, 1346(P), 1529(S),
8410	7		12		7, 12, 13, 13(S), 13(P)
8411	26		26		26, 37, 38(P), 48(S),
8412	26	136			
8413	1344		1533		1533, 1534(S), 1534(P), 1534

## HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER	SUBJECT	ACTION
8692	Senate now organized	17
8693	Bruce Eldredge	59
8694	Senate Permanent Rules	28
8695	Sarah Osborne	99
8696	Dr. Jon R. Almquist	296
8697	Washington national guard	80
8698	Classified school employees	251
8699	WA state potato industry	68
8700	Tahoma senior high school	232
8701	Karen Marchioro	105
8702	WA state achievers	503
8703	Town of Wapato	114
8704	City of Stevenson	115
8705	Senate civic education day	439
8706	Catholic schools week	158
8707	Safe kids week	139
8708	Washington scholars	198
8709	Stryker brigade combat team	163
8710	Freemasons of Washington	1070
8711	4-H youth development	352
8712	The Grange	446
8713	Human trafficking	158
8714	WA dairy industry	142
8715	"Barnyard coalition"	139
8716	Council of police & sheriffs	198
8717	Kathy McEntee	462
8718	Beach watchers	178
8719	La conner h.s. lady braves	178
8720	J.P. Patches	210
8721	Girls & women in sports day	184
8722	Perianesthesia Nurses	199
8723	Karen Morse	224
8724	Autism Awareness	271
8725	Paul Conner	1346
8726	Dr. Jerilyn McIntyre	649
8727	Tom Lantos	446
8728	Future farmers of America	447
8729	Impact of violent crime	449
8730	Fred Oldfield day	452
8731	University of Livingstonia	902
8732	Donate life month	503
8733	Commercial fishing fleet	463
8734	Colorectal cancer awareness	463
8735	Andrea Peterson	467
8737	Daffodil festival	714
8738	Sunnyside Christian	668
8739	Skagit valley tulip festival	679
8740	Utsalady ladies aid	815
8741	Josephine sunset home	815
8742	Linda Cowan	1016
8743	Interim governance	1534
8744	Apple blossom festival	1249

## HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
1030-S	112	655	835	837	1192(P), 1173(S), 110, 837	C219
1031-S	265	644	686	687	1192(P), 1173(S), 687, 251, 1071	C138
1032-S	112	455			1534, 110	
1057	113	464			1534, 110	
1102-S	68	495			1535, 61	
1103-S4	289	464, 668	819, 831	835	1192(P), 1173(S), 271, 834	C134PV
1115-S2	432	644			1535, 648, 394	
1127	68	459			1535, 61	
1129	289				1535, 271	
1139-S	265				1535, 251	
1141-S	113	455	921	923	1321(P), 1320(S), 923, 110, 1172	C221
1142	113	655			1534, 110	
1143	113	655			1534, 110	
1147-S	137	655			1535, 666, 136	
1148-S	88	450			1534, 82	
1149	88	455	699	699	818(S), 819(P), 82	C17
1211-S	173				1535, 172	
1230	113	668			1534, 110	
1246-S	173				1536, 172	
1273-S2	289	644	776, 1281	776, 1283	1282, 1530(P), 1529(S), 1281, 272, 1281, 776	C290
1283	113	644	887	887	1085(S), 1130(P), 110	C185
1295-S	177	440			1534, 176	
1296	177	655			1534, 176	
1332-S2	432	656			1535, 394	
1345	113	459			1535, 110	
1346-S	133	455			1536, 132	
1383	289				1536, 271	
1391	137	459	789	789	1085(S), 1130(P), 136	C50
1394-S	113	450			1534, 110	
1403	113	495			1536, 110	
1404	113	667			1535, 110	
1421-S	289	459	711	711	818(S), 819(P), 272	C18
1453-S	177	440			1536, 172	
1493	265	455	863	863	1085(S), 1130(P), 250	C42
1534-S	336	656			1536, 288	
1545	395	656			1535, 350	
1551	138				1536, 132	
1561-S	336				1536, 305	
1597-S	177	656			1535, 176	
1605-S	177	455			1535, 176	
1621-S2	395	644	739	742	741, 1192(P), 1173(S), 350, 1071, 648	C116
1623-S	138	440	887	887	1085(S), 1130(P), 132	C55
1625-S	133	669			1536, 132	
1637-S	156	495	928	933	1192(P), 1173(S), 155, 933	C139
1675-S	222	495, 669			1536, 209	
1727-S	88	495, 669			1536, 82	
1734-S2	173	459			1536, 172	
1741-S3	432	656	707	710	1192(P), 1173(S), 709, 394, 666	C222PV
1743	265	464			1535, 251	
1773-S2	395	669	742, 747, 748	749	1192(P), 1173(S), 350, 749	C122
1775	395	656			1536, 350	

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
1806-S4	289	656, 669			1536, 271	
1836	265	656			1535, 250	
1865-S	289	450	917	917	1085(S), 1130(P), 271	C43PV
1873-S3	395	496, 669	885, 886, 890	890	1536, 890, 350	
1879-S	113	440			1535, 110	
1887	157	496			1535, 155	
1923	113	455	710	710	818(S), 819(P), 110	C19
1930	173				1536, 172	
1956	88	136			1536, 82	
2014-S	89	464	755, 758, 760	760	1192(P), 1173(S), 760, 82, 758	C113
2016-S	289	656			1535, 666, 271	
2017	113				1535, 110	
2026	157	656			1535, 155	
2048	222	455			1535, 209	
2053-S3	177	669	1174	1174	1320(S), 1321(P), 176	C223
2082-S2	265	450			1535, 250	
2090	113	455			1535, 110	
2107-S	222	440			1535, 209	
2110	433	496			1535, 395	
2134	395	669			1535, 350	
2137	114	644	775	775	1085(S), 1130(P), 110	C192
2143-S	442	657			1535, 666, 432	
2170	114				1536, 110	
2176-S2	157	450, 670	882, 883	885	1192(P), 1173(S), 885, 155, 451	C291
2191-S	114				1536, 110	
2203	138	657			1536, 136	
2210	336				1536, 288	
2216-S2	290				1535, 272	
2219-S	157	464			1535, 155	
2225-S	157				1536, 155	
2263	442	496	973, 1283	973, 1284	1530(P), 1529(S), 1283, 432, 1283	C193
2279-S	89	644	964, 1513	965, 1514	1513, 1533(P), 1533(S), 965, 82, 1513, 1529	C118
2283	222	450	871	871	1085(S), 1130(P), 209	C140
2331-S	138				1535, 136	
2337-S	290	456			1536, 272	
2344-S2	395	670			1535, 350	
2373	157				1535, 155	
2380-S	157				1535, 155	
2416	8		11, 12	12	13(P), 13(S), 8,	C 1 L 07 E1
2427-S	290	459	682	683	818(S), 819(P), 272	C20
2431-S	265	496	778	778	1085(S), 1130(P), 250	C56
2436	265	456			1535, 250	
2437	114	195	438	438	668(P), 668(S), 438, 110, 667	C5
2438-S	442	657	712	712	818(S), 819(P), 432	C8
2439-S	265	657			1536, 250	
2444-S	395	657			1536, 350	
2448	173	459	923	923	1085(S), 1130(P), 172	C73
2449-S2	396	657, 670			1535, 350	
2452-S	442	657			1536, 432	
2455-S	433				1535, 394	
2459	138	459	934	934	1085(S), 1130(P), 136	C57
2460	290	670	1174	1174	1320(S), 1321(P), 272	C194
2467	173	459	965	967	967, 1321(P), 1320(S), 172,	C292

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
					1172, 965	
2468-S	433	657			1535, 394	
2469	290	450			1535, 272	
2470	433	496			1536, 394	
2471-S	336	644			1535, 288	
2472-S	290	658	776, 777	778	1192(P), 1173(S), 272, 777	C195
2473	173	459			1536, 172	
2474-S	290	658	934	935	1192(P), 1173(S), 271, 935	C141
2475-S	290	460	787	787	1085(S), 1130(P), 272	C58
2476	433	658	917, 918	919	1321(P), 1320(S), 919, 412, 918	C224
2478	174	456			1535, 172	
2479-S2	222	644	987	990	989, 1321(P), 1320(S), 209, 1172, 224	C271
2480-S	336	496	936	938	1321(P), 1320(S), 938, 305, 1172	C123
2482-S	290	460	892	894	1321(P), 1320(S), 894, 272, 1172	C196
2483	290	496			1535, 271	
2485	396	460			1536, 350	
2487-S	290	658			1535, 272	
2489	222	456			1536, 209	
2492	290	456, 670			1535, 271	
2494-S	290				1536, 271	
2495	174	460			1535, 172	
2496-S	291	460	700	700	818(S), 819(P), 271	Vetoed
2497	291				1536, 272	
2499	174	450	935	935	1085(S), 1130(P), 172	C59
2501-S	336	460			1536, 288	
2507-S2	396	496, 670	1175	1176	1530(P), 1529(S), 1176, 350, 1329	C293
2510	291	670	865	867	1192(P), 1173(S), 271, 866	C142
2514-S2	396	658	761	762	1192(P), 1173(S), 350, 761	C225
2516	291	645			1535, 271	
2518	291				1536, 271	
2522-S	291	456			1535, 272	
2523-S2	291	645, 670			1535, 271	
2525-S	443	658	717	719	1192(P), 1173(S), 718, 432, 1112	C272
2527	396	496			1535, 350	
2530-S2	433	497, 671			1536, 395	
2533-S2	433	658	788	789	1192(P), 1173(S), 394, 788	C197
2537-S2	396	464, 671	993, 998, 1000, 1010, 1011, 1012	1013	1192(P), 1173(S), 350, 1013	C143
2540	174	440	956	956	1085(S), 1130(P), 172	C294
2541-S	291	450			1535, 271	
2542	433	497	1188	1189	1320(S), 1321(P), 395	C226
2544	291	497	1189	1189	1320(S), 1321(P), 272	C137
2549-S2	336	497, 671	715, 716	717	1192(P), 1173(S), 305, 717	C295
2550	138				1536, 136	
2551-S	291	464	967	971	1321(P), 1320(S), 971, 272, 1172	C158
2554-S	443	497			1535, 432	
2557-S2	396	658	719, 721	724	723, 1192(P), 1173(S), 350, 1071, 721	C227
2558	291	456			1535, 272	
2560-S	336	451	894	894	1085(S), 1130(P), 288	C144
2564	443	671	837	837	1085(S), 1130(P), 432	C125

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
2565	291	658			1536, 271	
2567-S	291	460			1536, 271	
2571	292	451, 671			1535, 271	
2575-S	433	464	936	936	1085(S), 1130(P), 394	C60
2580-S	396	658	910	910	1085(S), 1130(P), 350	C186
2582-S	292	451	790	791	1192(P), 1173(S), 791, 272, 395	C162
2585-S	433	1082	1342, 1343	1343	1529(S), 1530(P), 1343	C273
2592-S	433				1535, 394	
2593	138	497			1535, 136	
2594	138	497	956	956	1085(S), 1130(P), 136	C100
2595-S	337	659			1536, 288	
2597-S2	443	645			1535, 432	
2598-S2	292	464	861, 1227	862, 1228	1228, 1227, 1529(S), 1530(P), 1227, 272, 862, 1329	C274
2602-S	433	659	679	682	1192(P), 1173(S), 682, 394, 1071	C286
2606	222				1536, 209	
2607	292				1536, 272	
2608	292	497			1535, 271	
2609-S	434	659			1535, 394	
2611-S	443				1535, 432	
2613	337	465			1535, 305	
2619	223				1536, 209	
2620	177				1536, 176	
2621-S	434				1536, 395	
2624-S2	396	659, 671	895, 1284	897, 1287	1287, 1530(P), 1529(S), 1284, 350, 1284, 897	C275
2626-S	434	659			1535, 394	
2629	292	465			1535, 272	
2631-S2	337	659			1536, 288	
2635-S2	434	645	990	992	1321(P), 1320(S), 992, 394, 1172	C159
2636	223				1536, 209	
2637	292	659	719	719	818(S), 819(P), 271	C21
2639-S	396	659	772, 775	775	1192(P), 1173(S), 350, 775	C198
2641	292	645, 671	888	889	1192(P), 1173(S), 272, 889	C160
2647-S2	434	659, 671	1000, 1002, 1004, 1006, 1007, 1008,	1010	1321(P), 1320(S), 1010, 412, 1172, 1009	C288PV
2650	396	497	863	863	1085(S), 1130(P), 350	C228
2651	443	672			1536, 432	
2652	292	672	1524	1525	1532(S), 1533(P), 271	C229
2654-S	292	465	727	728	818(S), 819(P), 271	C22
2655	292	460			1536, 272	
2656	223	456			1535, 209	
2661-S	293	456	789	789	1085(S), 1130(P), 271	C61
2666-S	434	645	701	706	1192(P), 1173(S), 395, 706	C145
2668-S2	397	645, 672	904	908	1321(P), 1320(S), 908, 350, 1172	C146PV
2670-S	293	497			1536, 271	
2674-S2	293	498	762, 766	770	1192(P), 1173(S), 769, 271, 765	C135
2675-S	434				1535, 394	
2676-S	337	465			1535, 339, 288	
2678	337	498	1189	1189	1320(S), 1322(P), 288	C296
2679-S	293	465, 672	908	909	1322(P), 1320(S), 909, 271, 1172	C297PV

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
2687-S	461	498	534, 639, 640, 641, 642	643	1175, 642, 1533(S), 1533(P), 640, 461, 1467, 1534, 1174	C329PV
2690-S	434	659, 672			1535, 412	
2693-S	434	645, 672	872	882	882, 412	
2699	443	660	864	864	1085(S), 1130(P), 432	C199
2700	337	667	993	993	1085(S), 1130(P), 288	C44
2703-S2	434				1536, 394	
2709-S2	443	460, 660			1535, 432	
2712-S2	434	660, 672	975, 987	987	1322(P), 1320(S), 987, 394, 1172	C276
2713-S2	435	660	914	915	1192(P), 1173(S), 394, 915	C97
2714-S2	265	660	686, 1229	686, 1239	1239, 1228, 1529(S), 1530(P), 1228, 250, 686, 1329	C230
2718-S	337				1535, 288	
2719	265	660	791, 1288	814, 1314	1314, 1288, 1529(S), 1530(P), 1287, 250, 814, 791	C231
2722-S2	293	465, 672	770, 818	770, 818	1322(P), 1320(S), 818, 271, 1172	C298
2727-S	337	660	901	901	1085(S), 1130(P), 288	C62
2728	266	660			1536, 250	
2729-S	223	672	957	958	1322(P), 1320(S), 958, 209, 1172	C200
2730	293	498	694	694	818(S), 819(P), 272	C45
2734	443				1536, 432	
2738	223	460			1535, 209	
2740	293	660			1536, 272	
2746-S	435	673	863	864	1192(P), 1173(S), 395, 864	C126
2755	223	460			1535, 209	
2756-S	397	660			1535, 350	
2758-S	337	661			1535, 288	
2761	223	451			1536, 209	
2762	293	661	920	921	1085(S), 1130(P), 272	C63
2763	223				1536, 209	
2764	397	465			1536, 350	
2765-S	462	498	504	533	1175, 533, 1532(S), 1533(P), 461, 1508, 1529, 1175	C328PV
2767-S	435				1536, 394	
2770-S	197	498	889	890	1085(S), 1130(P), 196	C108
2774	223	661	920	920	1192(P), 1173(S), 209, 920	C91
2775-S	293	645			1535, 272	
2778-S	337	661	694	694	818(S), 819(P), 288	C23
2779-S	443	661	724	727	1192(P), 1173(S), 727, 432, 1071	C191
2780	338	661			1535, 288	
2781	397	646	700	701	1192(P), 1173(S), 700, 351, 1071	C190
2783-S2	293	498, 673	898	899	1322(P), 1320(S), 899, 272, 1172	Vetoed
2786	266	456	899	901	1192(P), 1173(S), 250, 901	C98
2788-S	338	661	923, 1315	925, 1316	1316, 1530(P), 1529(S), 1314, 288, 1314, 925	C277
2791	197	661	778, 782, 1240	787, 1244	1244, 1240, 1529(S), 1530(P), 1329, 1240, 786, 782	C278
2792	435	661	727	727	818(S), 819(P), 394	C24
2798-S2	293				1536, 272	

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
2799	223	440			1535, 209	
2805-S2	293				1536, 271	
2807-S2	443	661			1535, 432	
2808-S2	294				1536, 271	
2809-S2	443	646, 673			1535, 432	
2810-S	294	465			1535, 272	
2811-S	294	646, 673			1536, 272	
2813	444	456			1535, 432	
2815-S2	444	498, 673	734, 735, 736, 737	738	819(P), 818(S), 432, 737	C14
2817-S2	435	498, 673	958	960	1322(P), 1320(S), 959, 395, 1172	C201
2818-S	444	662			1536, 666, 432	
2822-S2	444	662, 673	910, 1245	912, 1247	912, 1246, 1329, 432, 1244	C279
2823-S	397	498	902	902	1085(S), 1130(P), 351	C202
2825	223	457	837	838	1085(S), 1130(P), 209	C64
2826-S2	294				1536, 272	
2829-S2	397	646			1535, 350	
2834	266	451			1535, 250	
2835	266	662, 673	971, 972	972	1192(P), 1173(S), 972, 250, 666	C232PV
2836-S	397	662			1536, 350	
2838-S	397				1536, 351	
2844-S2	435	662, 674	838, 846, 847	858	1346(P), 1344(S), 858, 394, 1281	C299PV
2847-S	444	674	973	973	1085(S), 1130(P), 432	C92
2848-S	294	662			1535, 272	
2850	397	457			1535, 350	
2858-S	266	662	694, 695, 698, 1247	698, 1247	698, 1530(P), 1529(S), 250, 1247, 1329	C233
2859-S	338	646	719	719	819(S), 819(P), 288	C25
2864-S	435	662	912		1536, 913, 412	
2869-S2	294	646			1535, 648, 272	
2870-S2	294	646, 674	887	887	1085(S), 1130(P), 272	C65
2871-S	294				1536, 272	
2878-S	457	465	468, 489, 490, 491, 492, 493	493	493, 467, 1344(S), 1346(P), 457, 1217, 1318, 1112	C121PV
2879-S	444	646	993	993	1085(S), 1130(P), 432	C66
2881-S	294	499	816	816	1192(P), 1173(S), 271, 816	C147
2882-S2	444	646			1535, 432	
2884-S	397	662			1535, 350	
2885-S	338	663	960	960	1085(S), 1130(P), 288	C70
2887	435	674	728	730	1192(P), 1173(S), 730, 395, 1071	C300
2893-S	397	499	849	849	1085(S), 1130(P), 350	C46
2894	266	465			1536, 250	
2899-S	338	499, 674			1535, 288	
2901	435				1535, 394	
2902-S	266	466	871	871	1085(S), 1130(P), 250	C93
2903-S2	444	663	904	904	1085(S), 1130(P), 432	C148
2904-S	435				1536, 394	
2909	294	451			1536, 272	
2917-S	435	499			1535, 395	
2920	294				1536, 272	
2923	266	457	707	707	819(S), 819(P), 250	C26
2925-S	338	646, 674			1536, 288	
2938-S	444				1536, 432	
2941	223	457			1535, 209	

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
2949	397	674	964	964	1085(S), 1130(P), 350	C67
2955	266	663	992	992	1085(S), 1130(P), 250	C74
2959-S	398	663	865	865	1085(S), 1130(P), 351	C94
2963-S	398	663	683	684	684, 1192(P), 1173(S), 350, 1071, 666	C203
2985	398	647			1535, 350	
2986-S	295	663			1536, 272	
2996-S	398	663	901	901	1085(S), 1130(P), 350	C68
2999	266	663	926	926	1085(S), 1130(P), 250	C69
3002-S	398	663	817	817	1085(S), 1130(P), 351	C149
3005	266	499			1535, 250	
3006	266	499			1536, 250	
3007	266	674			1535, 250	
3011	177	499	787	788	1085(S), 1130(P), 176	C234
3012-S	436	663	699	699	819(S), 819(P), 394	C161
3019	444	499	960	961	1085(S), 1130(P), 432	C204
3020	223	499			1535, 209	
3024	224	499	960	960	1085(S), 1130(P), 209	C101
3025	436				1535, 394	
3027	444				1535, 432	
3029-S	295	500	684	684	819(S), 819(P), 272	C51
3047	398				1536, 350	
3051-S	398				1535, 350	
3053-S	177				1536, 176	
3059-S	436	647, 674			1536, 394	
3069-S	436	675			1536, 395	
3071-S	436	647	849	849	1085(S), 1130(P), 395	C114
3088	338	461	706, 707	707	1192(P), 1173(S), 288, 707	C150
3096-S	668	675	749, 750, 751, 752	752	1192(P), 1173(S), 668, 752	C270
3097	267	500	698	699	819(S), 819(P), 250	C27
3103-S	267	663			1536, 250	
3104-S2	398	466	711	712	819(S), 819(P), 350	C6
3106	399	461			1535, 351	
3115-S2	338	647			1535, 288	
3117	444				1535, 432	
3120-S	338	675	916	916	916, 1322(P), 1320(S), 288, 1172, 339	C235
3121-S2	338	461, 675			1535, 288	
3122-S	338	664	787	787	1085(S), 1130(P), 288	C102
3123-S2	399	500	685	685	819(P), 819(S), 350, 502	C47
3125-S2	399	647			1535, 350	
3126-S	339	675	925	926	1085(S), 1130(P), 288	C129
3129-S2	399	500	816	817	1192(P), 1173(S), 350, 817	C95
3131-S	445	500			1536, 432	
3133-S	445	664			1536, 432	
3137	445				1535, 432	
3139-S2	436	664	961, 963	964	964, 963, 1529(S), 1530(P), 412, 1329, 1534, 1173	C280
3141	197	647			1535, 196	
3142	436	466, 675	859, 860	861	1192(P), 1173(S), 861, 395, 467	C112
3143	339				1535, 288	
3144-S	178	466	903	904	1322(P), 1320(S), 904, 176, 1172	C151
3145-S2	399	664	858, 1323	859, 1324	1324, 1530(P), 1529(S), 1323, 350, 1323, 859	C281
3148-S	445	664			1536, 432	
3149-S	436	675	974	974	1322(P), 1320(S), 974, 395,	C236

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action	Action by Governor
					1281	
3151	436	500	700	700	819(S), 819(P), 395	C48
3160-S	445	664			1536, 432	
3161	267	664			1536, 250	
3166-S	399	664	731, 732	734	733, 1192(P), 1173(S), 350, 1071, 732	C163
3168-S2	295	466, 675	926, 927	927	1322(P), 1320(S), 927, 272, 1281	C164
3177	436	676			1535, 395	
3180-S2	399	647, 676			1536, 350	
3181	445	461			1536, 432	
3183-S	399	500			1536, 350	
3186-S2	436	466	687	694	1192(P), 1173(S), 693, 395, 1071	C301PV
3188	436	676	1176	1176	1320(S), 1322(P), 395	C237
3200	295	461	915	916	1085(S), 1130(P), 272	C96
3204-S	295				1536, 272	
3205-S2	399	664, 676	867	871	871, 1322(P), 1320(S), 350, 1172, 870	C152
3206-S	436	461	710	710	819(S), 819(P), 394	C28
3210	339	500			1535, 288	
3212-S	295	500	770	772	1322(P), 1320(S), 772, 272, 1247	C165
3216-S2	399	466, 676			1535, 350	
3220	295	665			1536, 272	
3224-S	445	676	903	903	1085(S), 1130(P), 432	C127
3227-S2	399	665			1535, 350	
3230	437				1536, 395	
3249	445	676			1536, 432	
3254-S2	437	665, 676	938, 948, 949, 950, 952	956	955, 1322(P), 1320(S), 952, 412, 1172, 666	C282PV
3255-S	339	665			1536, 288	
3259-S	400				1536, 350	
3261	445				1535, 432	
3269-S2	437	647			1535, 395	
3274-S2	400	665	849, 853, 857	857	857, 1192(P), 1173(S), 350, 666, 853	C130
3275	400	500	684	684	819(S), 819(P), 350	C49
3276	400	501			1536, 350	
3281	400	665			1535, 350	
3283-S	400	676	730	731	1192(P), 1173(S), 731, 350, 1071	C184
3289-S	445				1535, 432	
3291-S	400	665			1535, 350	
3297-S	295	457			1535, 272	
3303-S	437	667	1325	1325	1529(S), 1530(P), 395	C283
3306-S2	295	501			1535, 502, 272	
3317	445	665			1536, 432	
3329-S	400	667	1177, 1178	1179	1530(P), 1529(S), 1179, 350, 1329	C205
3349-S2	400	665, 677			1536, 350	
3360	437	1082	1179	1180	1530(P), 1529(S), 1180, 412, 1329	C187
3362	339	677	1180	1182	1530(P), 1529(S), 1181, 288, 1329	C284
3374-S	462	1082	1182	1185	1530(P), 1529(S), 1184, 461, 1329	C179
3375	462	1083	1185	1185	1320(S), 1322(P), 461	C180
3381	1174		1320, 1321	1326	1321, 1530(P), 1529(S), 1172, 1174, 1320	C285

**HISTORY OF HOUSE JOINT MEMORIALS**

<b>Bill No.</b>	<b>Introduction &amp; 1<sup>st</sup> Reading</b>	<b>Committee Report</b>	<b>2<sup>nd</sup> Reading Amendments</b>	<b>3<sup>rd</sup> Reading Final Passage</b>	<b>Other Action</b>
4029	400	501			350, 1536
4030	400	501			350, 1536
4031	339	665			288, 1536
4034-S	1017				1016, 1017, 1536

## HISTORY OF HOUSE CONCURRENT RESOLUTIONS

Bill No.	Introduction & 1 <sup>st</sup> Reading	Committee Report	2 <sup>nd</sup> Reading Amendments	3 <sup>rd</sup> Reading Final Passage	Other Action
4405	26		27		26, 27, 27, 38(S), 38(P),
4406	26		27		26, 27, 27, 28, 38(S), 38(P),
4407	26		27		26, 27, 38(S), 38(P),
4408-S	295	501, 1083	1189	1191	272, 502, 1191, 1329, 1529(S), 1530(P)
4409	1533		1533		1533, 1534(P), 1534(S), 1534, 1535, 1536, 1537,

MESSAGE FROM THE GOVERNOR

Gubernatorial Appointments . . . . . 29, 71, 82, 101, 109, 176,  
231, 288, 451, 467, 1015, 1344

Pardons & Commutations . . . . . 205

PV Engrossed Second Substitute Senate Bill No. 5841 . . . . . 4

PV Engrossed Second Substitute Senate Bill No. 5930 . . . . . 1

PV Engrossed Second Substitute Senate Bill No. 6117 . . . . . 4

PV Engrossed Second Substitute Senate No. 5923 . . . . . 2

PV Engrossed Substitute Senate Bill No. 5774 . . . . . 3

PV Engrossed Substitute Senate Bill No. 6001 . . . . . 1

PV Engrossed Substitute Senate Bill No. 6023 . . . . . 3

PV Engrossed Substitute Senate Bill No. 6099 . . . . . 5

PV Second Substitute Senate Bill No. 5790 . . . . . 4

PV Second Substitute Senate Bill No. 5955 . . . . . 4

PV Senate Bill No. 5272 . . . . . 5

PV Senate Bill No. 5313 . . . . . 1

PV Senate Bill No. 6156 . . . . . 6

PV Substitute Senate Bill No. 5108 . . . . . 2

PV Substitute Senate Bill No. 5320 . . . . . 2

PV Substitute Senate Bill No. 5718 . . . . . 2

PRESIDENT OF THE SENATE

Intro. Newly elected Senator McDermott . . . . . 7

Intro. Special Guest . . . . . 7, 278, 437

Intro. Special Guest, "We the People" . . . . . 232

Intro. Special Guest, 2008 Daffodil Princess . . . . . 714

Intro. Special Guest, 2008 Miss Omak, Page Davisson . . . . . 185

Intro. Special Guest, Adjutant General, Timothy Lowenberg . . . . . 80

Intro. Special Guest, Alex Jonlin . . . . . 295

Intro. Special Guest, Apple Blossom Court . . . . . 1249, 1250

Intro. Special Guest, Army National Guard . . . . . 70

Intro. Special Guest, Autism Society of Washington . . . . . 271

Intro. Special Guest, Brigadier General Gordon Toney . . . . . 70

Intro. Special Guest, Bruce Eldredge . . . . . 59

Intro. Special Guest, Civic Educators . . . . . 439

Intro. Special Guest, Coast Guard Leaders . . . . . 678

Intro. Special Guest, College Presidents . . . . . 224

Intro. Special Guest, Colonel Dave Funk . . . . . 163

Intro. Special Guest, Conners family . . . . . 1346

Intro. Special Guest, Consul General of China . . . . . 414

Intro. Special Guest, Dairy Ambassador, Kalin Fohn . . . . . 142

Intro. Special Guest, Dairy Federation . . . . . 143

Intro. Special Guest, Delegation from China . . . . . 1525

Intro. Special Guest, Dr. Jerily S. McIntyre . . . . . 649

Intro. Special Guest, Dr. Jon Almquist . . . . . 296

Intro. Special Guest, Dr. Linda Cowan . . . . . 1016

Intro. Special Guest, Dr. Terry Bergeson . . . . . 467

Intro. Special Guest, family of Karen Marchioro . . . . . 105

Intro. Special Guest, First Gentleman, Mike Gregoire . . . . . 163

Intro. Special Guest, former Senator Albert Bauer . . . . . 772

Intro. Special Guest, former Senator Barney Goltz . . . . . 754

Intro. Special Guest, Freemasons of Washington members . . . . . 1070

Intro. Special Guest, J. P. Patches, Chris Wedes . . . . . 210

Intro. Special Guest, Josephine Sunset Home Staff . . . . . 815

Intro. Special Guest, Lakefair Queen, Maria Anne Noonan . . . . . 14

Intro. Special Guest, Living Legacy Foundation . . . . . 503

Intro. Special Guest, members of Utsalady Aid . . . . . 815

Intro. Special Guest, Mike Kappahan . . . . . 1510

Intro. Special Guest, Mrs. Washington, Jennifer Adkisson . . . . . 276

Intro. Special Guest, Ms. Andrea Peterson . . . . . 467

Intro. Special Guest, Navy Region Northwest members . . . . . 394

Intro. Special Guest, Perianesthesia Nurse Association . . . . . 199

Intro. Special Guest, Representative Sommers . . . . . 1471

Intro. Special Guest, Safe Kids group leader Ms. Mary Borges . . . . . 139

Intro. Special Guest, School Employees . . . . . 251

Intro. Special Guest, Silver Star recipients . . . . . 163

Intro. Special Guest, Student Exchange Program . . . . . 358

Intro. Special Guest, Tulip Ambassadors .....	754
Intro. Special Guest, University of Livingstonia members .....	902
Intro. Special Guest, WA Council of Police & Sheriff .....	198
Intro. Special Guest, WN State's Poet, Samuel Green .....	14
Intro. Special Guests .....	158
Intro. Special Guests, 2007 Miss Tri Cities .....	163
Intro. Special Guests, Newly elected Senator King .....	7
Remarks by the President .....	8, 14, 163, 185, 268, 269, 353, 421, 504, 650, 751, 775, 1069, 1264, 1317, 1320, 1469, 1471, 1512, 1531, 1532
Remarks by the President, The 2008 Session Awards .....	1512
Reply by the President .....	340, 353, 361, 390, 438, 490, 748, 848, 917, 958, 999, 1007, 1011, 1013, 1051, 1070, 1273, 1472, 1531, 1532
Ruling by the President .....	10, 12, 149, 423, 654, 857, 1010, 1113, 1172, 1322, 1325
Welcomed Senator McDermott .....	7
<b>PRESIDENT OF THE SENATE (SENATOR FRANKLIN PRESIDING)</b>	
Intro. Special Guest, family of Mrs. McEntee .....	462
Intro. Special Guest, Fred Oldfield .....	452
Intro. Special Guest, Future Farmers of America .....	447
Intro. Special Guest, Guest & Friends of Fred Oldfield .....	452
Intro. Special Guest, State Grange members .....	446
Intro. Special Guest, Violent Crime Victims .....	448
Remarks by President Pro Tempore .....	453
Remarks by the President Pro Tempore .....	653, 1008
Reply by President Pro Tempore .....	120, 122
Reply by the President Pro Tempore .....	121
<b>WASHINGTON STATE LEGISLATURE</b>	
Appointment of Special Committee, escort Governor Gregoire .....	43
Appointment of Special Committee, escort State Elected Officials .....	42
Appointment of Special Committee, escort Supreme Court Justices .....	42
Intro. Special Guest, Consular Corps .....	43
Intro. Special Guest, Former Governor Mike Lowry .....	43
Joint Session .....	42
Remarks by the President .....	42
State of the State .....	43
<b>WASHINGTON STATE SENATE</b>	
Apple Blossom Queen Justine Vanderpool remarks .....	1249
Message from Sec. State, Election Results .....	16
Message from Sec. State, Initiatives .....	15
Message from State Offices .....	196
Message from State Offices, Client Characteristics .....	48
Message from State Offices, Dept. of Agriculture .....	441
Message from State Offices, Dept. of Health .....	502
Message from State Offices, Dept. of Social & Health Services .....	118
Message from State Offices, Dept. Social & Health .....	94
Message from State Offices, Dept. Social & Health Services .....	118, 155, 195, 196, 441, 442, 502
Message from State Offices, Growth Management Services .....	441
Message from State Offices, Joint Legislative Task Force .....	441
Message from State Offices, Joint Task Force Report .....	118
Message from State Offices, WA State Board of ED. .....	93
Message from State Offices, WA State Health Care Authority .....	155
Message from State Offices, WA State Parks & Recreation .....	196
Moment of Silence, School bus accident .....	439
Parliamentary Inquiry, Senator Benton .....	128, 1051
Parliamentary Inquiry, Senator Benton .....	407, 421, 958
Parliamentary Inquiry, Senator Brandland .....	390
Parliamentary Inquiry, Senator Eide .....	122
Parliamentary Inquiry, Senator Hatfield .....	353, 748
Parliamentary Inquiry, Senator Honeyford .....	340, 1273, 1317, 1532
Parliamentary Inquiry, Senator Jacobsen .....	1471
Parliamentary Inquiry, Senator Kline .....	361, 917
Parliamentary Inquiry, Senator Pflug .....	1011
Parliamentary Inquiry, Senator Pflug .....	120

Parliamentary Inquiry, Senator Schoesler	149
Parliamentary Inquiry, Senator Zarelli	118
Personal Privilege, Senator Benton	78, 420, 1509, 1510
Personal Privilege, Senator Brown	15, 1468, 1525
Personal Privilege, Senator Delvin	1510
Personal Privilege, Senator Eide	114, 268, 1069, 1531, 1532
Personal Privilege, Senator Fairley	1316
Personal Privilege, Senator Franklin	78, 439, 1471
Personal Privilege, Senator Fraser	1469, 1508
Personal Privilege, Senator Hargrove	1468
Personal Privilege, Senator Haugen	106, 394, 437, 755, 1217, 1469, 1510, 1530
Personal Privilege, Senator Hewitt	257, 269, 1512
Personal Privilege, Senator Hobbs	1515
Personal Privilege, Senator Holmquist	164
Personal Privilege, Senator Honeyford	1287, 1471
Personal Privilege, Senator Jacobsen	129, 295, 1346, 1469
Personal Privilege, Senator Keiser	1471
Personal Privilege, Senator King	257, 1511
Personal Privilege, Senator Kohl-Welles	164, 1470, 1531, 1532
Personal Privilege, Senator Marr	1070, 1532
Personal Privilege, Senator McAuliffe	431, 439, 1317, 1470, 1532
Personal Privilege, Senator McCaslin	1468, 1510, 1532
Personal Privilege, Senator McDermott	1468
Personal Privilege, Senator Murray	1469
Personal Privilege, Senator Parlette	1469
Personal Privilege, Senator Pflug	268, 751, 1469
Personal Privilege, Senator Prentice	78, 106, 453, 1471
Personal Privilege, Senator Pridemore	210
Personal Privilege, Senator Rasmussen	106, 449, 1470
Personal Privilege, Senator Roach	407
Personal Privilege, Senator Schoesler	1346
Personal Privilege, Senator Sheldon	164
Personal Privilege, Senator Shin	79, 1470
Personal Privilege, Senator Spanel	755, 1468
Personal Privilege, Senator Stevens	1468
Personal Privilege, Senator Swecker	394, 678
Point of Inquiry, Senator Benton	261, 422, 973
Point of Inquiry, Senator Brown	1467
Point of Inquiry, Senator Fairley	770
Point of Inquiry, Senator Hargrove	166, 752
Point of Inquiry, Senator Hewitt	424
Point of Inquiry, Senator Hobbs	889
Point of Inquiry, Senator Honeyford	329, 438
Point of Inquiry, Senator Jacobsen	324, 814
Point of Inquiry, Senator Morton	848
Point of Inquiry, Senator Pflug	121, 122, 166, 323
Point of Inquiry, Senator Rasmussen	789
Point of Inquiry, Senator Roach	285, 333, 340, 897, 1147
Point of Inquiry, Senator Schoesler	257, 401
Point of Inquiry, Senator Shin	269
Point of Inquiry, Senator Weinstein	752
Point of Order, Senator Benton	653
Point of Order, Senator Brandland	1532
Point of Order, Senator Eide	8, 10, 12, 1008
Point of Order, Senator Holmquist	1171
Point of Order, Senator Honeyford	848, 1088, 1264, 1270
Point of Order, Senator Keiser	1013
Point of Order, Senator Marr	751
Point of Order, Senator McCaslin	438, 1008
Point of Order, Senator Murray	1531
Point of Order, Senator Parlette	999
Point of Order, Senator Pflug	490
Point of Order, Senator Rockefeller	1006, 1007, 1532
Point of Order, Senator Schoesler	1320, 1321
Point of Order, Senator Sheldon	649, 1532
Remarks by Kalin Fohn, Dairy Federation	142
Remarks by Lakefair Queen, Maria Anne Noonan	14
Remarks by Samuel Green	14

Remarks by Senator Benton .....	353
Remarks by Senator Brown .....	650
Remarks by Senator Eide .....	120, 122, 353
Remarks by Senator Fraser .....	448
Remarks by Senator Haugen .....	407
Remarks by Senator Keiser .....	128, 448
Remarks by Senator Kohl-Welles .....	185, 448
Remarks by Senator Pflug .....	120, 128
Remarks by Senator Roach .....	447
Statement for the Journal, Senator Holmquist .....	1217
Statement for the Journal, Senator Parlette .....	174
Statement for the Journal, Senator Tom .....	1330

**911**

Enhanced emergency radio network, work group to study delivery of emergency information: ESHB 2225

**ACCOUNTANTS**

Certified public accountants, mobility: \*SHB 2496 (2008) V, SB 6604

**ACTIONS AND PROCEEDINGS (See also CIVIL PROCEDURE; CRIMINAL PROCEDURE)**

Account receivable definition modified for purposes of commencing an action: \*HB 1145, CH 124 (2007)

Auto theft, civil cause of action: \*HB 2034, CH 393 (2007)

Building code, cause of action for county or city negligence to enforce state code: SB 5892

Community supervision, criminal liability: SB 6401

Construction contracts, clause which waives claim rights of contractor based on failure to submit claim: ESHB 1765

Consumer protection act, procedures for actions: SB 6382

Consumer protection act, protection of indirect purchasers for injuries arising from violations of: SB 5228

Contract employees and appointments: SB 6400

Corrections department, employee liability: SB 5997

Criminal act, definition: SB 5526

Design professional, claim filed against: SB 5833

Exemplary damages, recovery: SB 6614

Health and environmental laws, citizen may commence action against violator: SB 6104, SB 6833

Health care provider billing statements as evidence: SB 5725

Health care, informed consent protections: SB 5619

Medical malpractice, notice requirement of intent to file: SB 5910

Metal theft, landowner not liable for unintentional injuries: SHB 1987, SB 6050

Money laundering, proceedings: SB 6701

Off-road vehicles, public and private landowners not liable for unintentional injuries in unauthorized areas: SB 6901

Recreational access to private lands, landowner liability provisions: SB 5215

Residential construction defects, cause of action: SB 5046

Seat belts and child car seats, failure to use may be admissible as evidence of negligence: SB 5198

Settlement agreements, effect: SB 6058

Sexual assault protection orders, fees for petitioners: \*HB 1437, CH 55 (2007), SB 5637

Sexual assault protection orders, victims who do not qualify for domestic violence protection orders: \*SHB 1555, CH 212 (2007)

Social and health services department, employee liability: SB 5997

Unfair business practices, civil actions for damages: SB 5815

Workplace bullying and harassment, legal redress: SB 6622

Wrongful injury or death of a child, requirements and recoveries: ESHB 1873, E3SHB 1873, SB 6696

Wrongful injury or death, requirements and recoveries: SB 5816

**ADMINISTRATIVE PROCEDURE (See also REGULATORY REFORM)**

Agency actions, scope: SB 5354

Agency rules, small business economic impact statement criteria: \*EHB 1525, CH 239 (2007)

Emergency response plans for long-term care facilities: EHB 1347

General provisions for proceedings: SB 5189

Pilot rule making, clarification: SB 6278

**ADULT FAMILY HOMES**

Advisory committee, law enforcement officer as member: \*SB 5490, CH 40 (2007)

Care providers, training and collective bargaining: \*E2SHB 2284, CH 361 (2007), SB 6066

Caregivers, centralized referral registry and account: SB 6350

Caregivers, collective bargaining: SB 6123, SB 6350

Caregivers, program to improve quality care and recruitment and retention: SB 6123

Emergency response plans for long-term care facilities: EHB 1347

Governor as public employer of adult family home providers, collective bargaining: \*ESHB 2111, CH 184 (2007), SB 5949

Infrastructure and basic services available in municipalities, rules and standards: SB 5211

Union organizations, use of funds intended for long-term care services: SB 5940

Voluntary certification program: 2SHB 1242, SB 5480

### **ADVANCED COLLEGE TUITION PAYMENT PROGRAM**

Field of dreams program, college tuition GET units for students working in agricultural jobs: E2SHB 2082  
GET ready for math and science scholarship program: \*E2SHB 1779, CH 214 (2007), SB 5555

### **ADVERTISING**

Political, mailed advertising must be filed with secretary of state to be archived: SB 5329  
Truth in music: SB 6577

### **AFRICAN-AMERICANS**

Achievement gap for students, advisory committee: \*2SHB 2722, CH 298 (2008)  
Historically Black college fund pilot project: SB 5365  
Juneteenth, day of remembrance: \*HB 1870, CH 61 (2007)

### **AGRICULTURE (See also FARMS; LIVESTOCK)**

Adulterated pet food: SB 6258  
Animal health laws, inspection and enforcement: \*ESB 5204, CH 71 (2007)  
Animal health, fees to fund inspections: SB 6723  
Animal identification system, livestock identification advisory committee: ESHB 1151  
Animal identification system, state prohibited from establishing or participating in: SB 5753  
Apple commission, membership: \*SB 6283, CH 11 (2008)  
Asparagus, exception to standards for fruits and vegetables: \*HB 1416, CH 237 (2007), SB 5397  
Beef, business and occupation tax relief expiration date extended: SB 6055  
Biofuel economic development program: SB 6170  
Brassica seed production: \*HB 1888, CH 181 (2007), SB 5749  
Commodities, public utilities tax deduction for transportation: \*HB 1443, CH 330 (2007), SB 5431  
Community agricultural worker safety grant program: 2ESB 5723  
Conservation futures levy, farm and agricultural land: SB 5362  
County facilities for agricultural promotion, lodging tax provisions: SB 5568  
Dairies, exemption from shellfish protection district charges: SHB 2676, SB 6607  
Dairies, purchase of carbon credits from methane-producing entities: SB 5237  
Dairies, tax credit to light and power businesses for purchase of energy credits to reduce methane emissions: SB 5238  
Dairy products, commission: \*SB 6284, CH 12 (2008)  
Farmers market technology improvement pilot program: E2SHB 2798, SB 6483  
Farmers to food banks pilot program: E2SHB 2798, SB 6483  
Farmland preservation, office of: SB 5108  
Fertilizers, registration and administration: \*HB 2467, CH 292 (2008), SB 6194  
Field of dreams program, college tuition GET units for students working in agricultural jobs: E2SHB 2082  
Fruit and vegetable processing and storage tax deferral, application process: \*HB 2032, CH 243 (2007)  
Fruits and vegetables, disclosure exemption: \*EHB 1688, CH 177 (2007)  
Grain elevators, sales and use taxation: SB 5805  
Growth management, agricultural activities and critical areas: ESHB 2212, SB 5248  
Growth management, conservation of agricultural lands: SB 5145  
Heritage barn preservation program: \*SHB 2115, CH 333 (2007), SB 5542  
Huckleberries, specialized forest products permit: \*SHB 2779, CH 191 (2008), SB 6232  
Livestock identification advisory committee: ESHB 1151  
Local agricultural products, working conference on enhancing marketing opportunities: SB 6956  
Meat and poultry inspection, programs: SB 6954  
Methane emissions, purchase of carbon credits from dairies: SB 5237  
Methane emissions, tax credit to light and power businesses for purchase of energy credits from dairies: SB 5238  
Milk products, wholesale sales of unprocessed milk exempted from business and occupation tax: \*HB 1549, CH 131 (2007), SB 5641  
Mobile livestock unit demonstration project: SB 6955  
Nuisance laws, protection from : \*EHB 1648, CH 331 (2007), SB 5076  
Open space program, agricultural land use for housing: SB 5143  
Organic crop irrigation, allocating water from Columbia and Lower Snake rivers: SB 6758

Organic foods commission act: SB 5160  
 Overtime compensation exemption for agriculture, forestry, and fisheries: SB 6564  
 Pesticides, registration and licensing fees: SB 6242  
 Poultry, confinement of caged egg laying hens: SB 6061  
 Specialty agricultural buildings, exemption from building code requirements: SB 6609  
 Specialty agricultural buildings, limitation on allowable permit charges: ESHB 2767  
 Transporting hay or straw, alternative method for weight tickets: **\*HB 2923, CH 26 (2008)**  
 Walla Walla sweet onion, state vegetable: **\*HB 1556, CH 137 (2007)**  
 Washington heritage livestock and poultry breed recognition program: SB 6256  
 Weight tickets, alternative method for transporting hay or straw: **\*HB 2923, CH 26 (2008)**  
 Wildlife damage claims, big game: SB 5673  
 Wildlife damage claims, commercial livestock valuation and appeals committee: 2ESHB 1147, SB 6592  
 Wildlife damage claims, farm tag for hunting deer causing crop damage: SB 5992

#### **AGRICULTURE, DEPARTMENT**

Cattle identification program, advisory committee: SB 5811  
 Community agricultural worker safety grant program: 2ESB 5723  
 Energy freedom program, transferred to department of community, trade, and economic development: **\*E2SHB 1303, CH 348 (2007) PV**  
 Labeling on meat, country of origin: SB 6338  
 License fees: **\*EHB 3381, CH 285 (2008)**  
 Local agricultural products, working conference on enhancing marketing opportunities: SB 6956

#### **AIDS**

Parent and child health services, sexually transmitted diseases: SB 5585

#### **AIR POLLUTION**

Atmospheric transport of global pollution source, funding to study: SJM 8000  
 Burn bans, solid fuel burning devices: **\*SB 6753, CH 40 (2008)**  
 Carbon dioxide mitigation, business and occupation tax credit: SB 5416  
 Control agencies, fund disbursement: **\*SHB 1258, CH 164 (2007)**, SB 5142  
 Greenhouse gases, rules for emission levels and reduction objectives: SB 6001  
 Motor vehicle emissions, California standards: SB 5109  
 Outdoor burning, allowed in urban growth areas of certain small cities: SB 6081  
 Outdoor burning, allowed in urban growth areas to protect life or property: SB 5075  
 Outdoor burning, limitations: SB 6919  
 Outdoor burning, small city outdoor burning advisory task force: SB 6081  
 Solid fuel burning devices, alternate ambient air level for certain area east of Cascades: SB 5745  
 Washington clean air act, nonsubstantive changes: SB 6902  
 Wood smoke, alternate ambient air level for certain area east of Cascades: SB 5745  
 Wood smoke, department of ecology report on reduction recommendations: SB 5745  
 Wood smoke, work group and update of state wood smoke control program: **\*SHB 2261, CH 339 (2007)**

#### **AIRPORTS**

Airline passengers, rights: SB 6269  
 International airport expedited security screening task force: SB 5068

#### **ALCOHOL AND DRUG ABUSE (See also DRIVING UNDER THE INFLUENCE)**

Alcohol vaporizing devices, violations and penalties: SHB 1215  
 Alcohol violators, restricted driver's license: SB 6579  
 Counselors, chemical professional trainee credential: E2SHB 1993, **\*2SHB 2674, CH 135 (2008)**, SB 6456  
 Drug courts, right of offender to petition when not referred to drug court: SB 5342  
 Drug overdoses, prosecution limits for person reporting: SB 5348  
 Involuntary treatment and crisis response, detention: **\*ESB 6018, CH 120 (2007)**  
 Juvenile chemical dependency disposition alternative: **\*SHB 2551, CH 158 (2008)**, SB 5974, SB 6325  
 Psychoactive substance control, commission: SB 6124  
 Voluntary intoxication, defense in criminal charge: EHB 1471

**ALCOHOLIC BEVERAGES (See also DRIVING UNDER THE INFLUENCE)**

- Alcohol vaporizing devices, violations and penalties: SHB 1215
- Automatic service charges paid to servers, disclosure for customer: \*SHB 1583, CH 390 (2007), SB 5650
- Beer and wine distribution, expiration date removed from 2006 bill regarding direct shipment to retailers: \*SB 5011, CH 9 (2007)
- Beer commission authority to receive gifts, grants, and endowments: \*SHB 1338, CH 211 (2007)
- Beer, activities between wineries and breweries and certificate of approval holders: \*HB 2240, CH 217 (2007)
- Beer, caterer's endorsement for licensed microbreweries: SB 5639
- Beer, grocery store warehousing and distribution: SB 6033
- Beer, second retail location for microbreweries and domestic breweries: SB 5611
- Beer, tasting in grocery stores: \*ESB 5751, CH 305 (2008)
- Bottled wine, wine warehouses authorized to handle: SB 6770
- Bouncers, exempt from security guard regulations: SB 5541
- Craft distilleries: \*SHB 2959, CH 94 (2008), SB 6292, SB 6496
- Dogs allowed in bars: SB 5484
- Enforcement, liquor control board investigation of records and authority to issue subpoenas: \*SB 5551, CH 221 (2007)
- Food and confections, alcohol content in: \*ESHB 1047, CH 226 (2007)
- Liquor laws, review: SCR 8407
- Liquor licenses, application procedures: SB 5993
- Liquor licenses, hotel: SB 6078
- Liquor licenses, issuance objections by cities and counties: \*EHB 2113, CH 473 (2007)
- Liquor licenses, nightlife license: SB 5859
- Liquor licenses, summary suspension: SB 5121
- Malt liquor, container size for sales of: \*HB 1349, CH 53 (2007), SHB 2501
- Microbreweries, allowing contract-production: SB 6770
- Nonbeverage form, allowing alcohol permit holders to obtain directly from suppliers: \*HB 2825, CH 64 (2008), SB 6637
- Off-premises microbrewery warehouses: SB 6572
- Out-of-state online wine retailers, allowing shipment to consumers in Washington state: SB 6384
- Permanent resident cards allowed as identification for purchase of liquor: SB 6412
- Permit holders, obtaining alcohol in nonbeverage form directly from suppliers: \*HB 2825, CH 64 (2008), SB 6637
- Restaurant liquor licenses, catering endorsement holder may store liquor on premises of another: SHB 1975, SB 5838
- Small domestic wineries, excise tax collections: SB 6831
- Sports/entertainment facilities, financial arrangements regarding alcoholic beverages: SB 5721
- Sunday sales, additional stores: SB 5902
- Wine and beer distribution, expiration date removed from 2006 bill regarding direct shipment to retailers: \*SB 5011, CH 9 (2007)
- Wine, activities between manufacturers and importers and retailers: SB 5822
- Wine, activities between wineries and breweries and certificate of approval holders: \*HB 2240, CH 217 (2007)
- Wine, common carrier for shipment: SB 5898
- Wine, electrical equipment exemption: SB 6190
- Wine, grocery store warehousing and distribution: SB 6033
- Wine, society or organization defined: SB 5899
- Wine, tasting in grocery stores: \*ESB 5751, CH 305 (2008)

**ANATOMIC GIFTS**

- Drivers' licenses, statements: SB 6174
- Revised uniform anatomical gift act: \*2ESHB 1637, CH 139 (2008), ESB 5657

**ANIMALS (See also HORSES AND HORSE RACING; LIVESTOCK; WILDLIFE)**

- Abandonment, penalties: SB 5227
- Adulterated pet food: SB 6258
- Animal massage practitioners, certification: SB 5403
- Body-gripping traps, restrictions: SB 5722
- Caged egg laying hens, confinement: SB 6061
- Cloned animals, labeling on food from: SB 5161
- Cougar, official state mammal: SB 6918

Dangerous wild animals, keeping of: \***HB 1418, CH 238 (2007)**, SB 5379  
 Dogs, allowed in bars: SB 5484  
 Dogs, protections for purchasers: SB 6735  
 Domestic violence, animal protection orders: SHB 2836, SB 5066  
 Exotic, regulations: SB 6132  
 Gray wolf depredation, management: SJM 8023  
 Health laws, inspection and enforcement: \***ESB 5204, CH 71 (2007)**  
 Health, fees to fund inspections: SB 6723  
 Identification system, livestock identification advisory committee: ESHB 1151  
 Identification system, state prohibited from establishing or participating in: SB 5753  
 Olympic marmot, state indigenous mammal: SB 6957  
 Pack and saddle stock animals on public lands: \***ESHJM 4011 (2007)**, SJM 8007  
 Pet dealers: SB 6408  
 Potentially dangerous wild animals, definition: SB 6315  
 Restrictive confinement of a calf or pig, penalties: SB 6062  
 Service animals and pets, emergency preparedness planning for: SB 5106  
 Vegetation management services, taxation: SB 5761, SB 5781  
 Wolf-hybrid, definition: SB 6315

#### **APPLIANCES**

Dishwashing detergent, phosphorus content: \***HB 2263, CH 193 (2008)**  
 Energy efficient appliances and equipment, tax incentives: SB 6379  
 Fluorescent lamps, sale of mercury containing lamps prohibited: SB 6502  
 HVAC/R and gas piping, trade coordination panel and review of laws: SHB 1876  
 HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: SB 5875  
 HVAC/R, joint legislative task force: SB 5831  
 Lighting, energy efficiency requirements and hazardous substance regulations: E2SHB 2703

#### **APPRENTICES**

Cosmetology apprenticeship program: \***SHB 2427, CH 20 (2008)**  
 Cosmetology apprenticeships: SB 6279  
 Public works projects, school districts: \***EHB 1898, CH 437 (2007)**  
 Unemployment benefits for individuals who left work to enter certain apprentice programs: SB 6751

#### **AQUACULTURE**

Aquatic invasive species control and enforcement: SB 5923  
 Geoduck, intertidal commercial aquaculture: SB 6509  
 Maury Island aquatic reserve: SB 6011

#### **ARBITRATION**

Automobile insurance disputes: SHB 1492  
 Health care provider billing statements as evidence: SB 5725  
 State patrol, collective bargaining: \***SHB 3002, CH 149 (2008)**, SB 6618

#### **ARCHAEOLOGY**

Graves and cemeteries, preservation of Indian and non-Indian sites: SB 5938  
 Pacific Northwest maritime national heritage area feasibility assessment act: SB 6144

#### **ARCHAEOLOGY AND HISTORIC PRESERVATION, DEPARTMENT**

Heritage barn preservation fund: \***SHB 2115, CH 333 (2007)**  
 Human remains, development and maintenance of database and geographic info systems: \***E2SHB 2624, CH 275 (2008)**, SB 6521  
 State physical anthropologist, director to appoint: \***E2SHB 2624, CH 275 (2008)**, SB 6521  
 Washington heritage livestock and poultry breed recognition program: SB 6256

#### **ARCHITECTS**

Architecture, practice: SB 6757  
 Design professional, claim filed against: SB 5833

**ART WORKS**

Charitable donations, use tax credits: SB 6008

Property tax exemption for organizations operated for art, scientific, or historic purposes: HB 2901, SB 6700

**ATTORNEY GENERAL**

Consumer protection act, protection of indirect purchasers for injuries arising from violations of: SB 5228

Consumer protection web site and information line, study: \***SHB 3144, CH 151 (2008)**

Eminent domain information pamphlet: HB 2920, SB 6594

Manufactured/mobile home dispute resolution program: \***E2SHB 1461, CH 431 (2007) PV**, SB 5477

National instant criminal background check system improvement amendments act, work group: SB 6763

Open public meetings, model rules for public agencies: SB 6705

Unsolicited direct mail marketing, do not mail registry and restrictions on mailing: SB 5719

**ATTORNEYS**

City attorneys and county prosecutors may not dismiss charges in exchange for charitable donations: SB 6100

City attorneys and county prosecutors, authority to enforce certain provisions in consumer protection act: SB 6840

Dishonored checks, attorneys' fees: SB 5482

Invoices, public disclosure: \***SHB 1897, CH 391 (2007)**

Prosecuting attorney, nonpartisan office: SB 6783

Prosecuting attorneys, salaries: SB 6297

Service of process, recovery of actual costs: \***SB 6059, CH 121 (2007)**

Statutory costs, provisions: HB 1142

**AUCTIONS AND AUCTIONEERS**

Vessels, auctioneer requirements: SB 5112

**AUDITORS AND AUDITING (See also STATE AUDITOR)**

Performance audits, school and educational service district cost reimbursement: SB 6450

Performance audits, school district board of directors: SB 5535

Performance audits, school district cost reimbursement: SB 6451

**AUTISM**

Autism awareness license plate: SB 5886

Autism spectrum disorder: SB 6388

Autism spectrum disorder diagnostic clinics, public hospital districts: SB 6812

Caring for Washington individuals with autism task force, duties: SB 6114

Regional centers for Washington individuals with autism program: SB 6122

Students, development of programs and guidelines: SB 6742

**AVIATION**

Aero-space related tax incentives, neutrality towards unionization: SB 5700

Aerospace industry, excise taxation: SB 6828

Aerospace manufacturing, joint legislative task force and review: SCR 8406

Aerospace product development businesses, excise tax relief: SB 6168

Airline passengers, rights: SB 6269

Airline seats for employees, health and safety standards: SB 5300

Helicopters, study on access for emergencies: SB 6920

**AWARDS**

State quality award, council responsibilities: SB 5901

**BACKGROUND CHECKS**

Bureau of Indian affairs-funded schools, record checks for employees and applicants: HB 1326, \***SB 5382, CH 35 (2007)**

Child placement in out-of-home care, federal name-based criminal history record checks: \***HB 2835, CH 232 (2008)**

**PV**, SB 6436

Department of early learning, employees and service providers: SB 5774

Department of social health and services, employees and service providers: SB 5774

Developmental disabilities service providers, record checks: SB 5314

Fair credit reporting act provisions applied to background check reports: SB 5274  
 Health care providers: SB 5424  
 National instant criminal background check system improvement amendments act: SB 6763  
 State school for the blind, employee record check: SB 5371  
 State school for the deaf, employee record check: SB 5371  
 Work group to review laws and rules regarding sharing of confidential information: SB 5275

#### **BAIL AND BAIL BONDS**

Agents, provisions revised: SB 6437  
 Forfeitures, provisions: SB 5961  
 Recovery agents, provisions revised: SB 6437

#### **BANKS AND BANKING (See also FINANCIAL INSTITUTIONS)**

Community credit needs, microenterprise development needs: SB 5651  
 Credit cards, posting of time and date when paying in person: SB 6091  
 Electronically delivered financial information, sales and use tax exemptions: \***ESHB 1981, CH 182 (2007)**, SB 5768  
 Interstate branching: \***SHB 2286, CH 167 (2007)**, SB 6029

#### **BEACH MANAGEMENT DISTRICTS**

Counties authorized to create districts: \***E2SHB 3186, CH 301 (2008) PV**, SB 6035, SB 6508

#### **BEEES AND BEEKEEPING**

Honey beekeepers, taxation: SB 6468  
 Nuisance laws, protection from: \***EHB 1648, CH 331 (2007)**  
 Tax exemptions: SB 6299

#### **BIDS AND BIDDING (See also PUBLIC WORKS)**

County competitive bid limits, purchase of materials and equipment: \***SB 6075, CH 88 (2007)**  
 Fire stations, threshold for construction projects without formal bidding : SB 5337  
 Higher education construction projects, threshold for public works bid requirements: SB 5646, SB 5770  
 Public works, bidder responsibility criteria: \***SHB 2010, CH 133 (2007)**, SB 5856  
 Transportation projects, design-build construction: \***SB 5798, CH 152 (2007)**

#### **BIOTECHNOLOGY (See also TECHNOLOGY)**

Biotechnology product and medical device tax deferral, application deadlines: SB 6319  
 Biotechnology product and medical devices, business and occupation tax rate: SB 5763

#### **BIRDS (See also WILDLIFE)**

Ornithologist, state: SB 5015

#### **BLIND**

Business enterprises program, commercial food service establishment in Pritchard building: SHB 2003  
 State school, record check for employees: SB 5371  
 Talking book and Braille library, administration: SB 5911

#### **BOARDING HOMES**

Care providers, training and collective bargaining: \***E2SHB 2284, CH 361 (2007)**, SB 6066  
 Certificates of need, criteria for nursing home beds in boarding homes: SB 5144  
 Emergency response plans for long-term care facilities: EHB 1347  
 Long-term care, discharge of residents: SB 6944  
 Long-term care, expansion of programs: \***E2SHB 2668, CH 146 (2008) PV**  
 Medicaid contracted services, payments: SB 5904  
 Medicaid participation, requirements for withdrawal: SHB 3204  
 Offender status of residents or those seeking admission, notification: SB 5980  
 Residents, discharge: SB 6807  
 Temporary management upon license suspension: \***HB 1447, CH 162 (2007)**, SB 5417  
 Union organizations, use of funds intended for long-term care services: SB 5940

**BOATS (See also COMMERCIAL VESSELS AND SHIPPING)**

- Aquatic invasive species control and enforcement: SB 5923
- Auctions, auctioneer requirements: SB 5112
- Ballast water, standards and exemptions for discharge: SB 5923
- Boating activities program: \***SHB 1651, CH 311 (2007)**, SB 6015
- Derelict vessels, provisions: SB 6044
- DUI, offender scoring: \***SB 5711, CH 116 (2007)**
- Historic vessels, preservation: SB 6218
- Inspections and sampling of fish and wildlife, authority of fish and wildlife employees: \***SHB 1646, CH 337 (2007)**, SB 5131
- Lady Washington, state ship: \***HB 1084, CH 351 (2007)**
- Mandatory liability insurance, certain motor-driven vessels: SB 5954
- Methamphetamine contamination, restrictions: \***E2SHB 2817, CH 201 (2008)**
- Registration, surcharge to fund the removal of derelict vessels: SB 6044
- Sales and use tax exemptions for certain vessels purchased by nonresidents: \***SHB 1002, CH 22 (2007)**, SB 5007

**BODY PIERCING**

- Minors, prohibition unless parent provides informed consent: SB 5820
- Registration and regulations: SB 5180
- Standard universal precautions: EHB 1383, SB 5860
- Standards and regulations: SB 5821

**BOILERS**

- Recovered wood waste boiler equipment, sales and use tax exemptions: SB 5026

**BONDS**

- Centralia-Chehalis flood control project, general obligation bonds: SB 6460
- Contractors, surety bond requirements: SB 5047
- General obligation bonds, affordable housing programs: SB 6462
- General obligation bonds, capital and operating appropriations: \***SHB 1138, CH 521 (2007)**, SB 5111
- General obligation bonds, flood mitigation and facilities for career and technical education: \***SHB 3374, CH 179 (2008)**
- General obligation bonds, port districts: ESHB 3259
- High-capacity transportation corridor areas, general obligation bonds: SB 6667
- Highway improvements, bond amounts for certain department of transportation construction contracts: ESB 5208
- Highway improvements, general obligation bonds: \***SHB 2394, CH 519 (2007)**, SB 5081, SB 5107
- Regional transit authorities, general obligation bonds: SB 6072
- Rural library districts, term increase for nonvoter approved general obligation bonds: HB 1930
- University of Washington and Washington State University local borrowing authority: \***SHB 1398, CH 24 (2007)**, SB 5384
- University stadium renovation projects, issuance of bonds: SB 6848

**BOUNDARY REVIEW BOARDS**

- Decisions, expansion of objectives: SB 6934

**BRIDGES**

- Alaskan Way Viaduct and state route number 520 funding: SB 6169
- Day labor project requirements, small county exemption: SB 6347
- Local bridge owners required to maintain or replace deficient bridges: SB 6808
- State route number 520, replacement project: \***ESHB 3096, CH 270 (2008)**, SB 6754
- Tacoma Narrows bridge, named Bob Oke bridge: SJM 8026
- Tolling, authority and provisions: \***E2SHB 1773, CH 122 (2008)**
- Tolling, central Puget Sound authority: SB 6543
- Tolling, charges and revenue: SB 6396
- Tolling, facility or corridor revenue use: SJR 8208
- Tolls, imposition: SB 6355

**BUDGET**

Budget stabilization account: SB 5311, SJR 8206  
 Capital, 2007-09 biennium and 2005-07 supplemental: \***ESHB 1092, CH 520 (2007) PV**  
 Capital, funding for public works projects: SB 6853  
 Capital, supplemental 2005-07: SB 5156  
 Capital, supplemental 2008: \***ESHB 2765, CH 328 (2008) PV**  
 Operating, 2007-09: SB 5140  
 Operating, 2007-09 biennium and 2005-07 supplemental: \***SHB 1128, CH 522 (2007) PV**  
 Operating, supplemental 2005-07: SB 5139  
 Operating, supplemental 2008: \***ESHB 2687, CH 329 (2008) PV**, SB 6378, SB 6461  
 State budget database: SB 6387  
 State expenditure information web site: \***SB 6818, CH 326 (2008) PV**  
 Tax expenditure report, biennial budget documents: SB 6054  
 Taxpayer transparency act: SB 6387  
 Transportation, 2007-09: SB 5136  
 Transportation, 2007-09 biennium and 2005-07 supplemental: \***ESHB 1094, CH 518 (2007) PV**  
 Transportation, supplemental 2005-07: SB 5138  
 Transportation, supplemental 2008: \***ESHB 2878, CH 121 (2008) PV**, SB 6298

**BUILDING CODE COUNCIL**

Fire sprinklers for residences, technical advisory group to research and review policies and procedures: ESHB 2292,  
 \***SHB 2575, CH 60 (2008)**

**BUILDING CODES/PERMITS**

Cause of action for county or city negligence to enforce state building code: SB 5892  
 Land use permit applications, vesting: SB 5507  
 Permits, adequate water supply: SB 6126

**BUSES (See also PUBLIC TRANSIT)**

School, seat belt requirement: SB 5103

**BUSINESSES (See also CORPORATIONS; NONPROFIT CORPORATIONS; TAXES - BUSINESS AND OCCUPATION TAX)**

Aero-space related tax incentives, neutrality towards unionization: SB 5700  
 Alarm system companies, licensing requirements: SB 6370  
 Associate development organizations, contracts for services: 2SHB 1178, SB 5092  
 Athletic trainers, licensing requirements and advisory committee: SB 5503  
 Automatic service charges paid to servers, disclosure for customer: \***SHB 1583, CH 390 (2007)**, SB 5650  
 Breaches of security that compromise personal information stored on computers, direct cause of action: SHB 2838, SB 6425  
 Breaches of security that compromise personal information stored on computers, disclosure violations and penalties: SB 5341  
 Carbon dioxide mitigation, business and occupation tax credit: SB 5416  
 Certified capital companies: SB 5309, SB 5621  
 City and town licensure, business not physically located in city: SB 5471  
 Commercial parking businesses: SB 6472  
 Construction contractors, licenses and certificates to be in possession while working: ESHB 1597  
 Construction industry, joint legislative task force on underground economy: 2SHB 3121, \***SB 5926, CH 288 (2007)**, SB 6732  
 Consumer protection act, protection of indirect purchasers for injuries arising from violations of: SB 5228  
 Credit and debit cards, information: HB 2620  
 Crowd management and guest services, exemption from security guard regulations: \***SB 6090, CH 154 (2007)**  
 Economic development strategic reserve account, business and occupation tax credit for contributions to: SB 5496  
 Entrepreneurial and small business development online curriculum: SB 5612  
 Entrepreneurial training opportunities, workforce training and education coordinating board: \***SB 5613, CH 149 (2007)**  
 Exchange facilitators, regulations: SB 6845  
 Export assistance services, partnerships with local organizations: SB 5829

Export assistance services, rural manufacturer outreach program: SB 6087  
 Fruit and vegetable business tax deferral, application deadlines: SB 6319  
 Haulers of logs, advisory rates of compensation: SB 6069  
 High technology business and occupation tax credit: SB 5685  
 Industry clusters, work group to support: SB 5399  
 Innovation partnership zones to promote research based firms and industries: \***SHB 1091, CH 227 (2007)**, SB 5090  
 International trade, trade corps fellowship program: SB 5367  
 ISO-9000 quality standards assistance program: SB 5744  
 Licensing, public input during sunrise review process: SB 5119  
 Math and science technology student employees, tax credits for employers: SB 5486  
 Microenterprise development program: SB 5652  
 Nightclubs, automatic fire protection sprinkler system requirements: \***2SHB 1811, CH 434 (2007) PV**, SB 5832  
 Pet dealers: SB 6408  
 Plurality voting for directors of corporations: \***SHB 1041, CH 467 (2007)**  
 Printing and publishing, business and occupation tax classifications: SB 5574  
 Process servers: SB 6824, SB 6943  
 Property management companies, business and occupation tax exemption for on-site property managers: SB 5982, SB 6265  
 Radio frequency identification tag, notice to consumers: SB 6020  
 Recycled material, business and occupation tax incentives for businesses using: SB 6811  
 Retailers, radio frequency identification tag: SB 6020  
 Rural counties, business and occupation tax credit for eligible projects: \***SHB 1566, CH 485 (2007)**, SB 5573  
 Significant business transactions, share acquisition time period: \***HB 1042, CH 45 (2007)**  
 Small, agency rule economic impact statement requirements: \***EHB 1525, CH 239 (2007)**  
 Small, business and occupation tax credit increase: SB 6407  
 Small, credit against tax due: SB 5667  
 Small, credit card transaction fees: SB 6825  
 Small, entrepreneurial and small business development online curriculum: SB 5612  
 Small, health care insurance plan options: SB 5789  
 Small, health care reinsurance program: SB 5658  
 Small, incubator property tax exemption for nonprofit organizations: ESHB 1796  
 Small, property tax exemption for startup businesses: SB 5989  
 Sports/entertainment facilities, financial arrangements regarding alcoholic beverages: SB 5721  
 Technology commercialization process to promote economic development: SB 5387  
 Temporary staffing services, taxation: SB 5758  
 Unfair business practices, civil actions for damages: SB 5815  
 Uniform regulations of business and professions, revisions: \***SHB 1574, CH 256 (2007)**, SB 5582  
 Vegetation management services, taxation: SB 5761, SB 5781  
 Veteran-owned, list: HB 2210, \***SB 5253, CH 11 (2007)**, SB 5289

## **CAMANO ISLAND**

Livingston bay renamed Floyd Jones Flyway: SB 6512

## **CAMPAIGNS**

Advertising, mailed advertising must be filed with secretary of state to be archived: SB 5329  
 Candidates, city and county incumbents prohibited from appearing on publicly funded television during election: SHB 2904  
 Candidates, filing when two or more candidates have same or similar names: SB 5562  
 Candidates, general revisions: SHB 1534, SB 5604  
 Contributions, agency shop fees: \***HB 2079, CH 438 (2007)**, SB 5921  
 Contributions, citizens public campaign fund and voluntary limits on contributions: SB 5510  
 Finance reform, citizens public campaign fund and voluntary limits on contributions: SB 5510  
 Finance report, time frame for preelection report: \***HB 2448, CH 73 (2008)**, SB 6186  
 Funding and disclosure laws recodified: SHB 1734, 2SHB 1734  
 Judicial independence act: SB 5226  
 Limited liability companies, regulations: EHB 1189

Local, use of public funds to finance campaigns for local office: EHB 1551, SB 5278

Persons authorized to make expenditures on behalf of candidate or committee, disclosure requirements: **\*ESB 6128, CH 358 (2007)**

Primaries, costs associated with partisan primaries: SB 5096

#### **CANADA**

Border crossing, enhanced drivers' licenses and identicards: **\*ESHB 1289, CH 7 (2007)**, SB 5366

#### **CANCER**

Colorectal cancer screening, insurance coverage: **\*SHB 1337, CH 23 (2007)**, SB 5494

Tanning facilities to post warning signs: SB 5580

#### **CAPITOL CAMPUS**

Commercial food service establishment in Pritchard building, business enterprises program: SHB 2003

Legislative gift center: **\*2SHB 1896, CH 453 (2007)**

State capitol park: SB 5163

#### **CASELOAD FORECAST COUNCIL**

Powers and duties, developmentally disabled programs: SB 5549

#### **CELL PHONES**

Driving a motor vehicle, text messaging prohibited: **\*EHB 1214, CH 416 (2007)**

Driving a motor vehicle, traffic infraction for cell phone use: SB 5037

Phone numbers, subscribers' consent to disclosure: **\*2SHB 2479, CH 271 (2008)**, SB 6374

#### **CEMETERIES (See also FUNERALS; HUMAN REMAINS)**

District, establishment in a county: **\*HB 3200, CH 96 (2008)**

Eastern Washington state veterans' cemetery: **\*HB 1292, CH 43 (2007)**, SB 5058

Funerals, disorderly conduct: **\*HB 1168, CH 2 (2007)**

Private cemeteries, provisions revised: HB 2740

#### **CENTRAL WASHINGTON UNIVERSITY**

Operating fee waiver: **\*ESHB 1497, CH 130 (2007)**, SB 5466

#### **CHARITABLE DONATIONS**

City attorneys and county prosecutors may not dismiss charges in exchange for charitable donations: SB 6100

Raffles, public employees: **\*HB 1599, CH 452 (2007)**, SB 5693

#### **CHARITABLE ORGANIZATIONS (See also NONPROFIT ORGANIZATIONS)**

Solicitations, advisory boards and education program: **\*SHB 1777, CH 471 (2007)**, SB 5662

#### **CHECKS AND CHECK CASHING**

Dishonored checks, attorneys' fees: SB 5482

Dishonored checks, notice of: HB 1143

Family prosperity act, tax on small loans: 2SHB 2256

Fraud, deception, and unlicensed internet lending: **\*SB 5199, CH 81 (2007)**

#### **CHILD ABUSE**

Child protective services, training pilot program: SB 5807

Commercial sexual abuse of minor, penalties: SB 5718

Council for children and families: HB 2761, SB 6415

Council for the prevention of child abuse and neglect, membership : HB 1791, **\*SB 5258, CH 144 (2007)**

Definitions revised, report and record requirements: SB 5321

Family and children's services, department: SB 5506

Family, children, and youth administration created within department of social and health services: SB 5754

Guardian ad litem task force: SB 6721

Guardian ad litem, notification of child abuse or neglect allegations: SB 6207

Home visitation services for improving parenting skills and outcomes for children: SB 5830

Homicide by abuse of child, penalties: SB 5584

Law enforcement officer instruction on handling child abuse or neglect complaints, Sirta's law: **\*SHB 1333, CH 410 (2007)**, SB 5381  
 Long-term well-being: **\*E2SHB 3205, CH 152 (2008)**  
 Multiple reports: SB 6209  
 Protective services investigations: SB 6367  
 Reactive attachment disorders, screening and treatment: SB 6479  
 Reporting, mandatory: SB 6208, SB 6236  
 Reporting, nonmandatory: SB 5839  
 Reporting, office of family and children's ombudsman: SB 6209  
 Sirta's law, law enforcement officer instruction on handling child abuse or neglect complaints: **\*SHB 1333, CH 410 (2007)**  
 Washington state center for childhood deafness and hearing loss, investigations: HB 2629

### **CHILD CUSTODY**

Dependency hearings, child may petition: SB 6792  
 Dissolution proceedings, provisions revised: SB 5470  
 Grandparents, visitation rights: SB 5071  
 Military, parents deployed in: HB 2478  
 Parenting plans, designation of residential time: SB 6747  
 Parenting plans, shared parental responsibilities: SB 5234  
 Parenting plans, temporary changes if based on the military service of a parent: SB 6331  
 Visitation rights for nonparents: SB 5277

### **CHILD SUPPORT**

Failure to comply, department of licensing to issue restricted licenses: SB 6803  
 Health insurance coverage, deficit reduction act implemented: SB 5244  
 Support schedule, work groups to review and update: **\*2SHB 1009, CH 313 (2007)**

### **CHILDREN (See also CHILD ABUSE; CHILD CUSTODY; CHILD SUPPORT; FOSTER CARE; JUVENILE OFFENDERS)**

Amber alert, false or misleading statement: HB 1537, **\*HB 2774, CH 91 (2008)**, SB 5929  
 At-risk youth, energy efficient worker training program: SB 6605  
 At-risk youth, public access to hearings: **\*SHB 1565, CH 213 (2007)**  
 Athletic coaches, registration of commercial youth coaches: SB 5151  
 Autism spectrum disorder: SB 6388, SB 6812  
 Chemical dependency disposition alternative: SB 5974  
 Child in need of services, public access to hearings: **\*SHB 1565, CH 213 (2007)**  
 Child protective services, training pilot program: SB 5807  
 Children in motor vehicles, smoking prohibited: SB 6287  
 Children's administration, social worker standards: SB 6891  
 Children's administration, use of information services: SB 6928  
 Council for children and families: HB 2761, SB 6415  
 Day care, licensing actions: SB 6661  
 Day care, window blind cords prohibited: **\*SHB 1256, CH 299 (2007)**  
 Deaf and hearing impaired, delivery of educational services: HB 2629  
 Deafness, Washington state center: ESHB 2246  
 Dependency proceedings, documentation provided by petitioner : **\*2SHB 1334, CH 411 (2007)**  
 Dependency proceedings, legal representation pilot program: SB 6896  
 Dependency proceedings, permanency plan hearings for termination of parental rights: **\*E2SHB 3205, CH 152 (2008)**  
 Dependency proceedings, Raphael Gomez act: **\*2SHB 1334, CH 411 (2007)**  
 Dependency proceedings, reunification: SB 5452  
 Dependent children, contracting for services: SB 6871  
 Dependent children, independent youth housing program: **\*2SHB 1922, CH 316 (2007)**  
 Dependent children, placement provisions: **\*HB 1377, CH 412 (2007)**, SB 5246  
 Dependent children, returning home provisions: **\*SHB 1333, CH 410 (2007)**

Dependent children, returning home provisions and review of services identified in federal safe adoption and safe families act: SB 5381  
 Dependent children, Sirta's law: \***SHB 1333, CH 410 (2007)**  
 Dependent children, visitation rights for relatives: SB 6306  
 Developmental disabilities, intensive behavior support services: SB 6448  
 Developmental disabilities, reallocation of existing lodging taxes for heritage and arts programs: SB 6935  
 Disabilities, early intervention services: SHB 2230  
 Disabilities, tax credit for educational opportunities: SB 6764  
 Emergency assistance program: \***SB 6950, CH 181 (2008)**  
 Environmental health and protection advisory council: SB 5279, SB 5379  
 Family and children's services, department: SB 5506  
 Family and juvenile court improvement program: \***2SHB 2822, CH 279 (2008)**  
 Family child care providers, collective bargaining: \***ESHB 1916, CH 278 (2007)**, SB 5783  
 Fatality, reviews: SB 6206  
 HOPE centers, eligibility requirements for placement: SB 6843  
 Infant-friendly employers: SB 5153  
 Insurance, policies to cover dependents: SB 5223  
 Labor, exemption for working with parents: SB 6197  
 Lead blood level assessments, coverage by department of social and health services: SHB 3059  
 Learning disabilities, pilot programs: SB 6388  
 Living skills program, eligibility requirements for placement: SB 6843  
 Mental health, delivery of services: \***2SHB 1088, CH 359 (2007)**  
 Military children, interstate compact on educational opportunity: SB 6426  
 Motorcycles, age restriction for child to ride as a passenger: SB 5152  
 Near fatality, reviews: SB 6206  
 Newborn screening, fees: ESHB 2023  
 Newborns, additional transfer locations: ESB 5425  
 Personal information, publication prohibited: ESB 6386  
 Placement in out-of-home care, federal name-based criminal history record checks required: \***HB 2835, CH 232 (2008)**  
     **PV**, SB 6436  
 Product safety: \***E2SHB 2647, CH 288 (2008) PV**, SB 6444, SB 6530  
 Public assistance, health care services for children: SB 5093  
 Publication of minor's information, prohibited: ESB 6386  
 Racial disproportionality and disparity in child welfare and juvenile justice, advisory committee: \***SHB 1472, CH 465 (2007)**, SB 5971  
 Reactive attachment disorders, screening and treatment: SB 6479  
 Roving early interventional specialist pilot program: 2SHB 3269, SB 6813  
 Safe products: \***E2SHB 2647, CH 288 (2008) PV**, SB 6444, SB 6530  
 Seriously ill, outdoor recreational opportunities afforded by the department of fish and wildlife: SB 6260  
 Teen pregnancy, prevention: ESB 6305  
 Toxins in households or dwellings, disclosure: SB 6852  
 Washington head start program, department of early learning to establish: \***2SHB 3168, CH 164 (2008)**  
 Welfare services, disclosure of reactive child: SB 5321  
 Welfare services, out-of-home placement information requirements: SB 5321  
 Wrongful injury or death of a child, requirements and recoveries: ESHB 1873, E3SHB 1873  
 Youth soccer referees, employment criteria: \***HB 1457, CH 464 (2007)**, SB 5559

## **CHIROPRACTORS**

Insurance contracts, discrimination: SB 5596  
 Insurance contracts, requirements: SB 5597  
 Worker's compensation, chiropractic advisory committee: SB 5290

## **CIGARETTES (See also TOBACCO)**

Ignition propensity, standards: SB 5642  
 Medical assistance coverage for smoking cessation programs: \***SB 6421, CH 245 (2008)**  
 Stamped and unstamped cigarettes, tax: \***HB 2542, CH 226 (2008)**, SB 6270

Tax agreements, Shoalwater Bay Tribe: **\*SB 6216, CH 241 (2008)**  
 Tax agreements, Spokane Tribe: **\*HB 1674, CH 320 (2007)**, SB 5380  
 Tax agreements, Yakama Nation: **\*HB 2650, CH 228 (2008)**, SB 6414

**CITIES AND TOWNS (See also LOCAL GOVERNMENT; METROPOLITAN MUNICIPAL CORPORATIONS; PUBLIC FACILITIES DISTRICTS)**

Affordable housing developments, discrimination prohibited: **\*SHB 2279, CH 118 (2008)**  
 Annexation, ad hoc review board processes: SB 6239  
 Annexation, assessed valuation requirements: HB 2483, SB 6238  
 Annexation, clarifying procedures with fire districts: ESHB 2938  
 Annexation, petition requirements: **\*SHB 2482, CH 196 (2008)**, SB 5594, SB 6240  
 Annexation, territory within a code city: SB 6668  
 Antifreeze, rules for placement of averse agents: **\*ESHB 2996, CH 68 (2008)**  
 Aquifer conservation zones: **\*SHB 1135, CH 159 (2007)**  
 Assistance, funding increase for city-county assistance account: SB 6798  
 Attorneys for the city may not dismiss charges in exchange for charitable donations: SB 6100  
 Bridges, maintenance and replacement requirements: SB 6808  
 Building code, cause of action for county or city negligence to enforce state code: SB 5892  
 Building communities fund program: E2SHB 3125  
 Building permit moratoriums for cities with unprocessed water right permit applications, phase out: SB 5073  
 Business licensure, business not physically located in city: SB 5471  
 City hardship assistance program, funds for street maintenance: SHB 1482, SB 5483  
 Code cities, annexation of territory: SB 6668  
 Code cities, apportionment of investment funds: **\*HB 2161, CH 64 (2007)**  
 Community preservation and development authorities: 2SHB 1992  
 Community renewal law, modifications: SB 6595  
 Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: SB 5872  
 Customer location, defined for purposes of municipal taxes: SB 6894  
 Disincorporation, process simplified: SB 6926  
 Driving records, abstracts may be acquired if authorized to self-insure: **\*SB 6885, CH 253 (2008)**  
 Economic development infrastructure projects, local tax on public and private utilities as incentive for grants and loans: SB 6529  
 Elections, ranked choice voting: SB 6000  
 Federal new markets tax credit program: **\*HB 1430, CH 230 (2007)**, SB 5630  
 Fire departments, recovery of costs when incident occurs involving a commercial vessel: SB 6445  
 Forest land, conversion of land to nonforestry uses: SB 5883  
 Gifts, acceptance of gifts by municipal officers: SB 6507  
 Growth management, comprehensive plan to ensure sufficient land and densities: SB 6727  
 Growth management, comprehensive plans for sufficient land and density availability: ESHB 1727  
 Growth management, cooperation regarding designation and modification of urban growth areas: SB 6137  
 Growth management, manufactured housing community development in rural areas: SB 6171  
 Growth management, marine transportation of sand and gravel: SB 6109  
 Growth management, population accommodation requirements: SB 5913  
 Growth management, small city loans for certain appeals: SB 6493  
 Growth management, transportation concurrency and impact fees: SB 6566  
 Health sciences and services program: **\*E2SHB 1705, CH 251 (2007)**  
 High-capacity transportation corridor areas, provisions established: SB 6667  
 Homelessness, programs for ending: E2SHB 1115  
 Horse park, ownership of land: EHB 3276  
 House-banked card games, relocation zoning ordinances: SB 5558  
 Indigent defense grants, number of cities eligible: **\*HB 1793, CH 59 (2007)**  
 Jails, contracts for services with counties and cities in adjacent states: SB 5625  
 Libraries, annexation of rural county library district: SB 5522  
 License and tax, interaction of streamlined sales and use tax legislation: **\*SHB 3126, CH 129 (2008)**, SB 6917  
 Liquor licenses, issuance objections: **\*EHB 2113, CH 473 (2007)**

Local infrastructure financing tools projects: **\*2SHB 1277, CH 229 (2007)**, HB 2485, SB 5115, **\*SB 6196, CH 209 (2008)**

Local sales and use, credited against state tax and used to offset services to annexed areas: 2ESHB 1139, SB 5330

Manufactured and mobile homes, location restriction ordinances prohibited: SHB 1148

Manufactured and mobile homes, regulations for manufactured home parks or housing communities: SB 5524

Marinas, lease agreements to operate publicly owned marinas: SB 6532

Medical coverage for elected officials: SHB 1392, **\*SB 5525, CH 42 (2007)**

Military leave of absence, paid: SB 6815

Mobile home parks, financial assistance programs: ESB 6868

Monorail transportation authority, dissolution provisions: SB 5690

Municipal business and occupation tax, definition of customer location: SB 6894

Municipal officers, beneficial interest in contracts: **\*SHB 1255, CH 298 (2007)**

Parks and recreational facilities, funding: SB 5531

Property taxes, accrual of revenues: SHB 2031, SB 5836

Public defense office, termination repealed and provisions modified: SB 6442

Public facilities districts, state sales and use tax credit: SB 6795

Public hospital districts, alternative method for withdrawal: SB 5818

Raffles, limitations: HB 3220

Rail transit safety plans, updates to comply with federal regulations: **\*SB 5084, CH 422 (2007)**

Regional centers, financing: SB 6497, SB 6767

Regional centers, financing date extension: SB 6368

Regional transportation authority: SB 6772

Regional transportation investment districts, elimination: SB 6771

Second class, councilmember eligible to fill mayor vacancy: **\*HB 1391, CH 50 (2008)**

Shoreline master program, one year extension: **\*HB 1412, CH 170 (2007)**, SB 5474

Special excise tax, collection: SB 6848

Streets as part of state highways, population threshold for state highway maintenance responsibility: **\*SB 5086, CH 84 (2007)**

Streets, city hardship assistance program funds for maintenance: SHB 1482, SB 5483

Tax relief for certain limited purpose public corporations, commissions, and authorities: SHB 1323, **\*SB 5572, CH 381 (2007)**

Toll bridges, authority to build and maintain and charge: SB 6355

Transit, authority to establish schedule of fines and penalties for civil infractions for fares: **\*ESHB 2480, CH 123 (2008)**

Transportation authority, dissolution provisions: SB 5690

Transportation, city planning and growth program and account: ESHB 2331

Transportation, jurisdictional route transfers: SB 6321

Urban forestry partnerships, evergreen cities recognition program: **\*E2SHB 2844, CH 299 (2008) PV**, SB 6469

Utilities, environmental mitigation: **\*SHB 1929, CH 349 (2007)**, SB 6046

Water-efficient products, application for grants: SB 6810

Water-sewer districts, annexation of city territory: SHB 1238, SB 5231

Web sites, required information: SB 5420, SB 5672

Welfare tax payments, voter authorization: SB 6291

Zoning ordinances, motor vehicle collection and restoration: SB 6403

#### **CIVIL PROCEDURE**

Account receivable definition modified for purposes of commencing an action: **\*HB 1145, CH 124 (2007)**

Auto theft, civil cause of action: **\*HB 2034, CH 393 (2007)**

Construction contracts, clause which waives claim rights of contractor based on failure to submit claim: ESHB 1765

Design professional, claim filed against: SB 5833

Health and environmental laws, citizen may commence action against violator: SB 6104, SB 6833

Seat belts and child car seats, failure to use may be admissible as evidence of negligence: SB 5198

Service of process, attorneys allowed to recover actual costs: **\*SB 6059, CH 121 (2007)**

Service of process, domestic violence cases: **\*ESB 6357, CH 287 (2008)**

Settlement agreements, effect: SB 6058

Statutory costs, provisions: HB 1142

Wrongful injury or death of a child, requirements and recoveries: ESHB 1873, E3SHB 1873, SB 6696

Wrongful injury or death, requirements and recoveries: SB 5816

### **CIVIL SERVICE**

Employee assistance program, confidentiality: SB 5538

Reclassifications, class studies, and salary adjustment provisions: \***HB 1671, CH 489 (2007)**, SB 5537

Sheriffs' offices, authority of civil service commissions: \***SB 5620, CH 12 (2007)**

Sheriffs' offices, five member commissions: HB 2738, SB 5742

### **CLALLAM COUNTY**

Higher education needs, assessment: SB 5978

### **CLIMATE**

Climate change mitigation and comprehensive state assessment: \***E2SHB 1303, CH 348 (2007) PV**, SB 5586

Climate change, mitigation of impacts through growth management act: SB 6580

Global warming adaptation pilot program: SB 6580

Greenhouse gas, reporting study panel: SB 5359

Northwest weather and avalanche center: SB 5219

Office of Washington state climatologist: SB 6110

Science on human caused climate change, report by department of ecology: \***E2SHB 2815, CH 14 (2008)**, SB 6516

State forests, response preparation for consequences of climate change: SB 5966

Weatherization assistance program, tax exemptions for materials and services: \***ESHB 2847, CH 92 (2008)**, SB 6746

### **COASTAL AREAS**

Outer coast marine resources committee: SB 6227

Small scale mineral prospecting on coastal areas, pilot program to examine: SB 5704

### **CODE REVISER**

Gender references in RCW: \***ESB 5063, CH 218 (2007)**, SB 6413

Published code reviser's notes in financial institutions and insurance titles of the RCW: SB 6038

Register, electronic filing: \***HB 1859, CH 456 (2007)**, SB 5638

Terminology in RCW, consistency: SB 6819

### **COLLECTIVE BARGAINING**

Access to quality child care workforce act: E2SHB 2449

Adult family home caregivers, provisions: SB 6123

Adult family home providers, governor as public employer: \***ESHB 2111, CH 184 (2007)**, SB 5949

Child care center directors and workers: E2SHB 2449, SB 6522

Family child care providers, interest arbitration: \***ESHB 1916, CH 278 (2007)**, SB 5783

Higher education institutions and related boards, certain employees: \***SHB 2361, CH 136 (2007)**, SB 5622

Long-term care providers, training requirements: \***E2SHB 2284, CH 361 (2007)**, SB 6066

Master collective bargaining agreements: SB 6589

Nuclear plants, employees working under a site certificate: HB 2203

Public employee organizations, certification: SB 5772

State ferry employees, time periods: \***SHB 1693, CH 160 (2007)**, SB 5082

State patrol, arbitration: \***SHB 3002, CH 149 (2008)**, SB 6618

Term of existence: \***ESB 5251, CH 75 (2007)**, SB 5661

Washington state labor management relations act: SB 6835

Washington State University employees enrolled as students: \***SHB 2963, CH 203 (2008)**, SB 6737

### **COLLEGES AND UNIVERSITIES (See also COMMUNITY AND TECHNICAL COLLEGES)**

Bereavement leave, employees: SB 6639

Capital project requests, prioritization: \***ESHB 3329, CH 205 (2008)**, SB 6903

Child care program for students with children, grant provisions: \***SHB 2582, CH 162 (2008)**, SB 5782, SB 6730

Collective bargaining, certain employees of higher education institutions and related boards: \***SHB 2361, CH 136 (2007)**, SB 5622

College credit, online learning programs for high school students: \***2SHB 3129, CH 95 (2008)**

College in high school program: SB 5105

Construction projects, threshold for public works bid requirements: SB 5646, SB 5770

Course materials, disclosure of certain information: EHB 3047  
 Course materials, sales and use tax exemption: SB 5784  
 Disability history month: **\*SB 6313, CH 167 (2008)**  
 Driving records, abstracts may be acquired: **\*SB 6885, CH 253 (2008)**  
 Early learning and child care grant program: SB 5769  
 Educational loans and student loan revenue bonds, higher education facilities authority: EHB 1436, **\*ESB 5385, CH 36 (2007)**  
 Electronic learning, work group: E2SHB 3306  
 Employees, transfer of accumulated leave between common school and higher education systems: **\*SB 6588, CH 174 (2008)**  
 Faculty, associate members: SB 6888  
 Faculty, plan to achieve certain amount of full-time equivalent positions: SB 5514  
 Field of dreams program, college tuition GET units for students working in agricultural jobs: E2SHB 2082  
 Financial aid, part-time students allowed state need grants: **\*ESHB 1179, CH 404 (2007)**  
 Financial aid, passport to college promise pilot program for foster care youth: **\*ESHB 1131, CH 314 (2007)**, SB 5155  
 Financial aid, state need grant calculation: SB 5411  
 Firearms on campus, regulation: SB 6304, SB 6841, SB 6860  
 Foster care youth, passport to college promise pilot program: **\*ESHB 1131, CH 314 (2007)**, SB 5155  
 Freedom of press and speech for high school and college students: ESHB 1307  
 Freedom of student press and speech: SB 6449  
 Governing boards, full-time faculty member: SB 6070  
 Governing boards, modifications: SB 6390  
 Higher education investment district: SB 6149  
 Historically Black college fund pilot project: SB 5365  
 Intellectual diversity: SB 6893  
 Mapping institutions of higher education: **\*2SHB 2507, CH 293 (2008)**  
 Math and science technology student employees, tax credits for employers: SB 5486  
 Mathematics, placement and common college readiness tests: **\*2SHB 1906, CH 396 (2007)**  
 Multiple-unit housing, campus facilities master plans: **\*ESHB 2164, CH 185 (2007)**  
 North Puget Sound region, new institution: SB 6352  
 Performance agreements, pilot program: **\*EHB 2641, CH 160 (2008)**  
 Polytechnic college, study: SB 6539  
 Qualified professions conditional scholarship for math, science, and engineering: SB 5369  
 Resident student, classification: SB 6849  
 Safety and security, campus plan: SB 6328  
 Scholarships, guaranteed opportunities scholarship: SB 5098  
 Scholarships, qualified professions conditional scholarship for math, science, and engineering: SB 5369  
 Snohomish-Island-Skagit county region, new institution: SB 5322  
 Student athletes' bill of rights: SB 5571  
 Textbooks, publishers' requirements: **\*SHB 2300, CH 186 (2007)**, SB 6077  
 Transfer and articulation between institutions: **\*E2SHB 2783 (2008) V**  
 Tuition and fee waivers, families of veterans: SB 6371  
 Tuition and fees, exemption: SB 6394  
 Tuition waivers, dollars for military scholars program for veterans and national guard: SB 5280  
 Tuition waivers, national guard members and families: SB 6936  
 Tuition waivers, veterans and national guard: SB 5002, SB 5442  
 Tuition, economic development and diversification incentive program: SB 6262  
 Tuition, limits on increases: SB 5013, SB 6133  
 University stadium renovation projects, financing: SB 6848  
 Voter registration, availability: SHB 2917, SB 6698  
 Washington investment in student excellence scholarship program: SB 6820  
 Washington learns, implementation: SB 5501, SB 5806

### **COLUMBIA RIVER**

Fishing guides, areas: SB 6139  
 Water rights, changes in point of diversion regarding the Columbia and Snake rivers: ESHB 1453, SB 5519

**COMMERCIAL VESSELS AND SHIPPING (See also BOATS)**

- Aquatic invasive species control and enforcement: SB 5923
- Ballast water, program to address nonballast water ship vectors as a source of nonindigenous species: SB 5748
- Ballast water, standards and exemptions for discharge: SB 5923
- Derelict vessels, provisions: SB 6044
- Fire protection and public safety services, recovery of costs when incident occurs: SB 6445
- Freight congestion relief account, study to evaluate fees on processing shipping containers: SB 5207
- Inspections and sampling of fish and wildlife, authority of fish and wildlife employees: **\*SHB 1646, CH 337 (2007)**, SB 5131
- Nonindigenous species, data collection and program: SB 5748
- Registration, surcharge to fund the removal of derelict vessels: SB 6044

**COMMUNITY AND TECHNICAL COLLEGES (See also COLLEGES AND UNIVERSITIES)**

- Applied baccalaureate degree pilot projects for degrees in applied science and technology: SB 5104
- Associate transfer degrees from public technical colleges: SB 6675
- Bellevue Community College, pilot program to establish student position on board of trustees: SB 6699
- Capital project requests, prioritization: **\*ESHB 3329, CH 205 (2008)**, SB 6903
- Child care program for students with children, grant provisions: **\*SHB 2582, CH 162 (2008)**, SB 5782, SB 6730
- Collective bargaining, certain employees of higher education institutions and related boards: **\*SHB 2361, CH 136 (2007)**, SB 5622
- College credit, online learning programs for high school students: **\*2SHB 3129, CH 95 (2008)**
- Construction projects, threshold for public works bid requirements: SB 5770
- Course materials, cost savings: **\*HB 1224, CH 457 (2007)**, SB 5183
- Course materials, disclosure of certain information: EHB 3047
- Course materials, sales and use tax exemption: SB 5784
- Disability history month: **\*SB 6313, CH 167 (2008)**
- Driving records, abstracts may be acquired: **\*SB 6885, CH 253 (2008)**
- Early learning and child care grant program: SB 5769
- Economic development, clarification of term: EHB 2608, SB 6264
- Educational loans and student loan revenue bonds, higher education facilities authority: EHB 1436, **\*ESB 5385, CH 36 (2007)**
- Electronic learning, work group: E2SHB 3306
- Employees, transfer of accumulated leave between common school and higher education systems: **\*SB 6588, CH 174 (2008)**
- Executive state officers, boards of trustees of technical colleges: **\*SB 5759, CH 15 (2007)**
- Faculty, associate members: SB 6888
- Faculty, medical services training to treat patients with developmental disabilities: SB 6470
- Faculty, opportunities: SB 6393
- Faculty, plan to achieve certain amount of full-time equivalent positions: SB 5514
- Faculty, salary increments: SB 5495
- Field of dreams program, college tuition GET units for students working in agricultural jobs: E2SHB 2082
- Financial aid, part-time students allowed state need grants: **\*ESHB 1179, CH 404 (2007)**
- Financial aid, passport to college promise pilot program for foster care youth: **\*ESHB 1131, CH 314 (2007)**, SB 5155
- Financial aid, state need grant calculation: SB 5411
- Firearms on campus, regulation: SB 6304, SB 6841, SB 6860
- Foster care youth, passport to college promise pilot program: **\*ESHB 1131, CH 314 (2007)**, SB 5155
- Freedom of press and speech for high school and college students: ESHB 1307
- Freedom of student press and speech: SB 6449
- Grants, opportunity program: **\*2SHB 1096, CH 277 (2007)**, SB 5410
- High school completion programs: **\*HB 1051, CH 355 (2007) PV**
- Higher education investment district: SB 6149
- Industry skill panels, grants: SB 5254
- Intellectual diversity: SB 6893
- Long-term care worker training: SB 6804
- Mapping institutions of higher education: **\*2SHB 2507, CH 293 (2008)**
- Mathematics, placement and common college readiness tests: **\*2SHB 1906, CH 396 (2007)**

Multiple-unit housing, campus facilities master plans: \***ESHB 2164, CH 185 (2007)**  
 North Puget Sound region, new institution: SB 6352  
 Opportunity grant program: SB 6832  
 Part-time faculty, associate faculty positions: SB 5019  
 Part-time faculty, health care eligibility: \***HB 1644, CH 302 (2007)**, SB 5609  
 Part-time faculty, salary increment awards: SB 5021  
 Part-time faculty, salary schedule: SB 5020  
 Performance agreements, pilot program: \***EHB 2641, CH 160 (2008)**  
 Polytechnic college, study: SB 6539  
 Public technical colleges, offering associate transfer degrees: SB 6675  
 Resident student, classification: SB 6849  
 Safety and security, campus plan: SB 6328  
 Scholarships, guaranteed opportunities scholarship: SB 5098  
 Secondary career and technical education: E2SHB 2826, SB 6377  
 Skill centers, agreement: E2SHB 2826, SB 6377  
 Student athletes' bill of rights: SB 5571  
 Students, medical services training to treat patients with developmental disabilities: SB 6470  
 Textbooks, publishers' requirements: \***SHB 2300, CH 186 (2007)**, SB 6077  
 Transfer and articulation between institutions: \***E2SHB 2783 (2008) V**  
 Tuition and fee waivers, families of veterans: SB 6371  
 Tuition and fees, exemption: SB 6394  
 Tuition waivers, national guard members and families: SB 6936  
 Tuition waivers, veterans and national guard: SB 5002, SB 5442  
 Tuition, economic development and diversification incentive program: SB 6262  
 Tuition, limits on increases: SB 5013, SB 6133  
 Voter registration, availability: SHB 2917, SB 6698  
 Washington investment in student excellence scholarship program: SB 6820  
 Washington learns, implementation: SB 5501, SB 5806  
 Workforce, clarification of term: EHB 2608, SB 6264

#### **COMMUNITY AND TECHNICAL COLLEGES, BOARD**

Adult literacy education, media campaign: SHB 2899  
 Applied baccalaureate degree pilot projects for degrees in applied science and technology: SB 5104  
 Child care program for students with children, administration: \***SHB 2582, CH 162 (2008)**, SB 6730  
 College in high school program: SB 5105  
 Early learning programs and services, inventory and survey: \***HB 2319, CH 395 (2007)**  
 Electronic learning at institutions of higher education, work group: E2SHB 3306  
 Grants, opportunity program: \***2SHB 1096, CH 277 (2007)**, SB 5410  
 High demand fields, committee on the education of students in: SB 5731  
 High demand, definition: SHB 2317  
 Higher education capital facility financing study: \***ESHB 3329, CH 205 (2008)**, SB 6903  
 Job skills program, economic clusters and quality management practices: SB 5743  
 Regional opportunity grant program: SB 5806

#### **COMMUNITY ECONOMIC REVITALIZATION BOARD**

Dedicated funding provisions: SB 5762  
 Local infrastructure financing tools projects: \***2SHB 1277, CH 229 (2007)**, HB 2485, SB 5115, \***SB 6196, CH 209 (2008)**

#### **COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT**

Affordable housing and community facilities rapid response loan program: SB 6712  
 Affordable housing for all: \***E2SHB 1359, CH 427 (2007)**  
 Affordable housing land acquisition revolving loan fund program: \***2SHB 1401, CH 428 (2007)**  
 Affordable housing, surplus publicly owned land and buildings suitable for development: E2SHB 1332  
 Anaerobic digestion power, clean streams grant program: E2SHB 1035  
 Asset building coalition: 2SHB 2256

Associate development organizations, contracts for services: 2SHB 1178, SB 5092  
 Broadband technologies, survey on the deployment among households: SB 5120  
 Building communities fund program: E2SHB 3125  
 Certified capital companies: SB 5309, SB 5621  
 Climate change mitigation and comprehensive state assessment: **\*E2SHB 1303, CH 348 (2007) PV**, SB 5586  
 Community development fund, grants for local economic development and services: SHB 2325  
 Community revitalization partnership program: SB 5455  
 Community schools act: SHB 3291, SB 6872  
 Competitive grant program, department to support community safety activities: SB 6563  
 Criminal offenders, community transition and reentry programs: SB 5070, SB 6172  
 Dependent children, independent youth housing program: **\*2SHB 1922, CH 316 (2007)**  
 Director appointed ex officio nonvoting member of workforce training and education coordinating board: SB 5400  
 Early learning and child care grant program: SB 5769  
 Economic development and diversification tuition incentive program: SB 6262  
 Economic development strategic reserve account, business and occupation tax credit for contributions to: SB 5496  
 Economic development, clarification of term: EHB 2608, SB 6264  
 Educational outreach program for water-efficient products, department to establish: SB 6810  
 Energy efficiency standards, adoption: ESHB 2758  
 Energy efficient worker training program: SB 6605  
 Energy freedom program: **\*E2SHB 1303, CH 348 (2007) PV**  
 Entrepreneurial and small business development online curriculum: SB 5612  
 Environmentally certified residential and commercial construction tax incentives, review: **\*SHB 3120, CH 235 (2008)**  
 Export assistance services, partnerships with local organizations: SB 5829  
 Export assistance services, rural manufacturer outreach program: SB 6087  
 Family prosperity act, Washington asset building coalition: 2SHB 2256  
 Financial fraud and identity theft crimes investigation and prosecution program: **\*2SHB 1273, CH 290 (2008)**  
 Financial fraud and identity theft crimes investigation and prosecution program, administration: SB 6850  
 Financial fraud and identity theft, pilot program of assistance for jurisdictions enforcing laws: SB 6103  
 Forestry carbon offset program: SB 6679  
 Growth management, director to develop program for the loan of city costs for certain appeals: SB 6493  
 Homeless housing and assistance, recodifying statutes relating to: SHB 1117  
 Homelessness, programs for ending: E2SHB 1115  
 Homeowners' association dispute resolution processes, study: ESB 6744  
 Housing communities program: E2SHB 3180  
 Housing infrastructure program: E2SHB 3180  
 Housing trust fund floating loan program: E2SHB 3180  
 Hydrokinetic energy, work group: E2SHB 3216  
 Incarcerated parents, programs and policies for children and families: **\*E2SHB 1422, CH 384 (2007)**, SB 5643  
 Industry clusters, work group to support: SB 5399  
 Innovation partnership zones to promote research based firms and industries: **\*SHB 1091, CH 227 (2007)**, SB 5090  
 International trade, trade corps fellowship program: SB 5367  
 ISO-9000 quality standards assistance program: SB 5744  
 Job development fund program, termination: SHB 2338  
 Light bulbs, federal minimum energy efficiency standards: E2SHB 2703  
 Local agricultural products, working conference on enhancing marketing opportunities: SB 6956  
 Low-income households, sustainable residential weatherization: HB 3141  
 Manufactured/mobile home communities, loans and grants and tax credits for preservation of affordable housing: SB 6073  
 Manufactured/mobile home dispute resolution, registration of communities: SB 5477  
 Manufactured/mobile home installation, powers and duties transferred to department of labor and industries: **\*SHB 2118, CH 432 (2007) PV**  
 Microenterprise development program: SB 5652  
 Military improvement zone, pilot program: SB 6802  
 Natural gas and electric utilities, systems benefit charge and sustainable energy trust: SHB 1032  
 Neighborhood organizations: SB 6563  
 Nonprofit equity account program: E2SHB 3180

Nonprofit organizations, assistance: SB 6854  
 Prostitution prevention and intervention services, expansion: SB 6683  
 Public facilities loans and grants, dedicated funding: SB 5762  
 Regional industry cluster growth, provisions revised: SB 6774  
 Regional transfer of development rights program: \***2SHB 1636, CH 482 (2007)**, SB 5656  
 Small business incubators, certification program: E2SHB 3115  
 Small manufacturers, modernization services and assistance: SB 6510  
 Smart grid energy technology, strategic plan and tax exemptions: SB 6112  
 State trade fair fund, provisions: SB 5170  
 Temporary witness assistance grant program: \***E2SHB 2712, CH 276 (2008)**  
 Tidal and wave energy, siting and operation review: SB 6111  
 Tourism, public-private partnerships and tourism commission: \***SHB 1276, CH 228 (2007)**, SB 5116  
 Urban forestry partnerships, evergreen cities recognition program: \***E2SHB 2844, CH 299 (2008) PV**, SB 6469  
 Vehicle electrification demonstration grant program: \***E2SHB 1303, CH 348 (2007) PV**  
 Workforce, clarification of term: EHB 2608, SB 6264

### COMMUTING

Telework enhancement funding board: SB 5162

### COMPUTERS (See also INTERNET)

Breaches of security that compromise personal information stored on computers, direct cause of action: SHB 2838, SB 6425  
 Breaches of security that compromise personal information stored on computers, disclosure violations and penalties: SB 5341  
 Broadband technologies, survey on the deployment among households: SB 5120  
 Cable and video services, state-issued authorization for competitive providers: SB 6003  
 Server equipment, partial sales and use tax exemptions: SB 6666  
 Spyware, regulations: \***SHB 2879, CH 66 (2008)**, SB 6499

### CONCURRENT RESOLUTIONS

Aerospace manufacturing, joint legislative task force and review: SCR 8406  
 Bills, returned to house of origin: \***HCR 4406 (2008)**, \***HCR 4409 (2008)**, \***SCR 8408 (2007)**  
 Columbia river crossing project, study: SCR 8405  
 Cutoff dates, 2007 regular session: \***HCR 4401 (2007)**  
 Cutoff dates, 2008 regular session: \***SCR 8411 (2008)**  
 Deceased former members, joint session to honor: \***HCR 4403 (2007)**  
 Higher education, statewide strategic master plan: \***ESHCR 4408 (2008)**, SCR 8412  
 Joint rules: \***SCR 8400 (2007)**  
 Joint sessions: \***HCR 4402 (2007)**, \***HCR 4407 (2008)**  
 Latino-Americans, joint select committee on accessibility to higher education: SCR 8403  
 Legislature organized, governor notified: \***HCR 4400 (2007)**, \***HCR 4405 (2008)**  
 Legislature, commission on the evaluation of: SCR 8402  
 Liquor laws: SCR 8407  
 Poet laureate, state: SCR 8401  
 Sine Die, regular session: \***SCR 8409 (2007)**, \***SCR 8413 (2008)**  
 Sine Die, special session: \***SCR 8410 (2007)**  
 Workforce training, 2006 update to state comprehensive plan: HCR 4404, \***SCR 8404 (2007)**

### CONDOMINIUMS

Associations, reserve accounts and studies: SHB 2541, \***SB 6215, CH 115 (2008)**  
 Condominium act governance task force: SB 6875  
 Conversion condominiums, protection of tenants: SB 5031  
 Conversion condominiums, regulations: \***SHB 2014, CH 113 (2008)**, SB 6411  
 Liability insurance task force: SB 6724  
 Political signage: SB 6681  
 Reserve accounts and studies for associations: SHB 2541, \***SB 6215, CH 115 (2008)**  
 Termination, statute harmonization: \***SHB 3071, CH 114 (2008)**

**CONSERVATION**

Aquifer conservation zones: **\*SHB 1135, CH 159 (2007)**  
 Conservation futures program, funding increase: SB 5217  
 Easements, provisions: SB 5692  
 Public works performance-based contracting conservation of water, wastewater, or solid waste: SB 5481  
 Special assessments, population requirements: SB 6834  
 Veterans conservation corps program: SB 5164  
 Washington state conservation commission, farm-based conservation markets study : SB 6805  
 Washington state conservation commission, upper Chehalis subbasin flood mitigation work group: SB 6882  
 Yukon to Yellowstone conservation initiative: SB 5318

**CONSERVATION COMMISSION**

Farmland preservation, office of: SB 5108

**CONSERVATION DISTRICTS (See also SPECIAL DISTRICTS)**

Special assessments, amount: SB 5861  
 Special assessments, population: SB 6834

**CONSUMER PROTECTION**

Antitrust laws, protection of indirect purchasers for injuries arising from violations of: SB 5228  
 Background checks, fair credit reporting act provisions applied to reports: SB 5274  
 County prosecutors and city attorneys, authority to enforce certain provisions in consumer protection act: SB 6840  
 Dog purchaser protection: SB 6735  
 Fees to implement programs: **\*EHB 3381, CH 285 (2008)**  
 Loans, regulations: **\*SB 6471, CH 78 (2008)**  
 Unfair business practices, civil actions for damages: SB 5815  
 Violations, civil action provisions: SB 6382  
 Web site and information line: **\*SHB 3144, CH 151 (2008)**

**CONTRACTORS**

Construction contractors advisory board created, licensing requirements established: SB 5045  
 Construction contractors, licenses and certificates to be in possession while working: ESHB 1597  
 Construction contractors, regulations and provisions modified: **\*SHB 1843, CH 436 (2007)**, SB 5735  
 Construction contracts, clause which waives claim rights of contractor based on failure to submit claim: ESHB 1765  
 Construction defects, duty to exercise reasonable care in construction of improvements: SB 6385  
 Construction defects, statute of limitations: SB 5044, SB 5048  
 Construction projects, application of chapter 39.12 RCW: SB 6938  
 Construction trades, regulation by department of labor and industries: SB 6106  
 Construction, state route number 520 bridge replacement financing: **\*ESHB 3096, CH 270 (2008)**, SB 6754  
 Environmentally certified residential and commercial construction tax incentives, study: **\*SHB 3120, CH 235 (2008)**  
 Environmentally certified residential and commercial construction, sales and use tax exemptions: SB 6773  
 Home inspectors, licensing: SB 6606  
 Home inspectors, study: SB 5788  
 HVAC/R and gas piping, trade coordination panel and review of laws: SHB 1876  
 HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: SB 5875  
 HVAC/R, joint legislative task force: SB 5831  
 Liens, construction: SB 6036  
 New home construction or sale, warranty requirements: SB 5550  
 New home warranties: SB 5049  
 Public works projects, certified payroll records: ESHB 2864  
 Residential construction, cause of action for defects: SB 5046  
 Residential construction, committee: SB 5890  
 Residential construction, duty to exercise reasonable care in construction of improvements: SB 6385  
 Residential contractors, sunrise review for licensing: 2SHB 3349  
 Surety bond requirements: SB 5047  
 Underground economy in construction industry, joint legislative task force : 2SHB 3121, **\*SB 5926, CH 288 (2007)**, SB 6732

Violations, subcontract to or employ an unregistered contractor: SB 5453

### CONVENTION AND TRADE CENTERS

Temporary medical housing by a health or social welfare organization, tax: \***HB 2544, CH 137 (2008)**, SB 6623

### CORPORATIONS (See also NONPROFIT CORPORATIONS)

Annexation petitions, officer of corporation owning land in the area involved may provide signature: \***SHB 2482, CH 196 (2008)**

Asbestos-related liabilities: SB 5804

Directors, consideration of best interest of corporation: SB 5294

Plurality voting for directors: \***SHB 1041, CH 467 (2007)**

Significant business transactions, share acquisition time period: \***HB 1042, CH 45 (2007)**

Tax relief for certain limited purpose public corporations, commissions, and authorities: \***SB 5572, CH 381 (2007)**

Unemployment insurance, personal liability for failure to pay taxes: SB 5252

Washington business corporation act, notice: \***HB 2499, CH 59 (2008)**

### CORRECTIONS, DEPARTMENT

Chaplains, state institutions: SB 5801

Community custody, court discretion: SB 6243

Corrections personnel training requirements: SHB 1607, SB 5634

Criminal offenders, community transition and reentry programs: SB 5070, SB 6172

Drug offender sentencing alternative, adjustment to standard range: HB 2763, SB 6525

Employees of correctional facilities, stalking protection: \***SHB 1319, CH 201 (2007)**, HB 2170, SB 5307

Facilities, housing offenders violating community supervision: SB 6244

Incarcerated parents, programs and policies for children and families: \***E2SHB 1422, CH 384 (2007)**, SB 5643

Incarcerated persons, moral guidance oversight committee: SB 6400

Inmate labor, limitations on the use of: \***SJR 8212 (2007)**

Inmate postsecondary education, pilot program: SB 6790

Liability for selecting alternative course of action, individual of department or representative of state: SB 5997

Offender education: SB 6406

Offenses eligible for notification, domestic violence court order violation: HB 2764, SB 6422

Ombudsman, office of corrections: SB 5295

Search and seizure of offenders, standards: SB 6826

Sex offenders, costs of electronic monitoring: HB 3161

Sex offenders, immigration status and deportation: SHB 2439

Work release facilities, siting: E2SHB 1733

Work release, crime victims to submit input: HB 2436

### COSMETOLOGY

Apprenticeship program: \***SHB 2427, CH 20 (2008)**

Apprenticeships: SB 6279

### COUGARS

Dog hunting, pilot project made permanent: \***ESHB 2438, CH 8 (2008)**

State mammal: SB 6918

### COUNSELORS AND COUNSELING

Chemical dependency professional trainee credential: E2SHB 1993, \***2SHB 2674, CH 135 (2008)**, SB 6456

Child abuse or neglect, duty to report: SB 6367

Credentialing standards revised and provisions for associates and trainees created: E2SHB 1993

Credentialing standards revised and provisions for interns and trainees created: SB 5579

Credentialing standards revised and provisions for interns and trainees created, advisory committee: SB 6456

Family preparation course: SB 5472

Genetic counselors, licensing: SB 6756

Home visits by mental health professionals and crisis intervention workers, backup: \***SHB 1456, CH 360 (2007)**, SB 5563

Hypnotherapist, registration: E2SHB 1993, \***2SHB 2674, CH 135 (2008)**, SB 5579, SB 6456

Social worker, defined: SB 5950

Social workers, supervised experience requirements: \***SHB 2474, CH 141 (2008)**

Washington state certified counselors and hypnotherapist advisory committee: \***2SHB 2674, CH 135 (2008)**

**COUNTIES (See also GROWTH MANAGEMENT; LOCAL GOVERNMENT; PUBLIC FACILITIES DISTRICTS)**

Affordable housing developments, discrimination prohibited: \***SHB 2279, CH 118 (2008)**

Agricultural promotion facilities, lodging tax provisions: SB 5568

Antifreeze, rules for placement of averse agents: \***ESHB 2996, CH 68 (2008)**

Assistance, funding increase for city-county assistance account: SB 6798

Beach management districts, counties authorized to create: \***E2SHB 3186, CH 301 (2008) PV**, SB 6035, SB 6508

Boundary review board decisions, expansion of objectives: SB 6934

Bridge and viaduct projects, sales and use taxes: SB 5022

Bridges, maintenance and replacement requirements: SB 6808

Building code, cause of action for county or city negligence to enforce state code: SB 5892

Building communities fund program: E2SHB 3125

Car-sharing activities, sales and use tax exemption: SB 6830

Cemetery districts, ballot proposition may be provided through ordinance or resolution: \***HB 3200, CH 96 (2008)**

Chemical dependency or mental health treatment programs and services, sales and use tax: SB 6791

Clark, reactive attachment disorder pilot program: SB 6479

Climate change, mitigation of impacts through growth management act: SB 6580

Commissioners, election by district: SB 5701

Community preservation and development authorities: 2SHB 1992

Competitive bid limits, purchase of materials and equipment: \***SB 6075, CH 88 (2007)**

Conservation districts, special assessments: SB 6834

Conservation futures levy, farm and agricultural land: SB 5362

Conservation futures program, funding increase: SB 5217

Cowlitz county, number of district court judges: \***HB 2762, CH 63 (2008)†**, SB 6252

Criminal justice costs, extraordinary criminal justice revolving fund for aggravated murder cases: SB 5896

Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: SB 5872

Criminal offenders, community transition and reentry programs: SB 5070, SB 6172

Day labor project requirements, small county exemption: SB 6347

Developmental disabilities, contracts with department of social and health services for early intervention: SB 6713

Dialysis stations, certificates of need: SB 6916

Driving records, abstracts may be acquired if authorized to self-insure: \***SB 6885, CH 253 (2008)**

Economic development offices, local sales and use tax to finance: \***HB 1543, CH 250 (2007)**, SB 5388

Elected officials, keeping offices at county seat: SB 6927

Election officials, notification when a person summoned for jury service does not meet qualifications: SB 6555

Elections, ranked choice voting: SB 6000

Ex parte orders, legislative authority to authorize via the clerk: SB 6937

Federal new markets tax credit program: \***HB 1430, CH 230 (2007)**, SB 5630

Financial fraud and identity theft, pilot program of assistance for jurisdictions enforcing laws: SB 6103

Forest land, conversion of land to nonforestry uses: SB 5883

Forest practices, jurisdiction of conversion-related practices transferred to local government: \***SHB 1409, CH 236 (2007)**

Gifts, acceptance of gifts by municipal officers: SB 6507

Growth management, agricultural activities occurring on agricultural lands: ESHB 2212

Growth management, comprehensive plan energy element: SB 5871

Growth management, comprehensive plan to ensure sufficient land and densities: SB 6727

Growth management, conservation easements: SB 5692

Growth management, cooperation regarding designation and modification of urban growth areas: SB 6137

Growth management, critical areas nonregulatory measures and voluntary activities: SB 5301

Growth management, industrial development on reclaimed surface coal mine sites: \***SB 6014, CH 194 (2007)**

Growth management, industrial land bank termination date: HB 1925

Growth management, major industrial development within industrial land banks: \***SHB 1965, CH 433 (2007)**

Growth management, major industrial developments: SB 5684

Growth management, manufactured housing community development in rural areas: SB 6171

Growth management, marine transportation of sand and gravel: SB 6109

\* - Passed Legislation

Growth management, new regulations may not prohibit legally existing uses: SB 5734  
 Growth management, performance and reasonable measures: SB 5914  
 Growth management, regional transfer of development rights program: \***2SHB 1636, CH 482 (2007)**, SB 5656  
 Growth management, rural villages: SB 5852  
 Growth management, transportation concurrency: SB 5210  
 Growth management, transportation concurrency and impact fees: SB 5683, SB 6566  
 Growth management, voluntary environmental management and incentive zone plans: SB 5449  
 Health sciences and services program: \***E2SHB 1705, CH 251 (2007)**  
 Heritage and arts programs, reallocation of existing lodging taxes: SB 6935  
 High-capacity transportation corridor areas, provisions established: SB 6667  
 Higher education investment district: SB 6149  
 Historic property leased to counties, property tax exemption: HB 1746  
 House-banked card games, relocation zoning ordinances: SB 5558  
 Intensive case management: SB 6665  
 Juvenile offender programs, pilot program to increase family participation: SB 6430  
 Land use permit applications, vesting: SB 5507  
 Liquor licenses, issuance objections: \***EHB 2113, CH 473 (2007)**  
 Local health board, composition: SB 6939  
 Local infrastructure financing tools projects: \***2SHB 1277, CH 229 (2007)**, HB 2485, SB 5115, \***SB 6196, CH 209 (2008)**  
 Local option motor vehicle taxes to fund highway construction projects: SB 5414  
 Local project review, vesting of rights in land use actions: SB 5355  
 Local public works assistance funds: EHB 2985  
 Lodging tax, facilities for agricultural promotion: SB 5568  
 Manufactured and mobile homes, location restriction ordinances prohibited: SHB 1148  
 Manufactured and mobile homes, regulations for manufactured home parks or housing communities: SB 5524  
 Manufactured housing communities, siting: SB 6633  
 Military leave of absence, paid: SB 6815  
 Mobile home parks, siting: SB 6633  
 Municipal officers, beneficial interest in contracts: \***SHB 1255, CH 298 (2007)**  
 National disaster area, sales and use tax extensions for public facilities districts: \***HB 3151, CH 48 (2008)**, SB 6905  
 Noxious weed control boards: 2EHB 1743  
 Outdoor burning, limitations: SB 6919  
 Outer coast marine resources committee: SB 6227  
 Parks and recreational facilities, funding: SB 5531  
 Parks, real estate excise tax for operation and maintenance: SB 6074  
 Polysilicon manufacturing, business and occupation tax credit: \***ESHB 3303, CH 283 (2008)**, SB 6866  
 Prosecutors may not dismiss charges in exchange for charitable donations: SB 6100  
 Public facilities districts, state sales and use tax credit: SB 6795  
 Public facilities, joint task force on siting of essential: SB 5194  
 Public facilities, sales and use tax in rural counties: SB 5925, SB 6476  
 Public transportation benefit areas, membership: HB 3143, SB 6913  
 Puget Sound, marine resources committees: \***SHB 2049, CH 344 (2007)**  
 Raffles, limitations: HB 3220  
 Real estate excise tax, funding for park operation and maintenance: SB 6074  
 Regional centers, financing: SB 6497  
 Regional transfer of development rights program: \***2SHB 1636, CH 482 (2007)**, SB 5656  
 Regional transportation authority: SB 6772  
 Regional transportation commissions: SB 5803  
 Regional transportation investment districts, elimination: SB 6771  
 Renewable fuel, grants for conversion: SB 6914  
 Rental of county equipment, rates: \***HB 1005, CH 195 (2007)**  
 Rural, business and occupation tax credit for eligible projects: \***SHB 1566, CH 485 (2007)**, SB 5573  
 Rural, definition regarding economic development: HB 2527, SB 6195  
 Rural, sales and use tax for conversion of certain power lines: SB 5660

Rural, sales and use tax for public facilities: SB 5925, SB 6476  
 Rural, tax incentives for eligible business projects: SB 6323  
 Sales and use tax deferral, application deadlines: SB 6319  
 Sales and use tax, economic development facilities: SB 5557  
 Sales and use tax, economic development offices: \***HB 1543, CH 250 (2007)**, SB 5388  
 Sales and use tax, public facilities: SB 5094, SB 6797  
 Sales and use tax, viaduct and bridge projects: SB 5022  
 Sales and use tax, water quality projects: SB 6203  
 Shellfish protection districts and program: E2SHB 1595, \***SB 5778, CH 150 (2007)**  
 Shoreline master program, one year extension: \***HB 1412, CH 170 (2007)**, SB 5474  
 Special excise tax, collection: SB 6848  
 State correctional institutions: SB 6349  
 Transit, personal rapid and magnetic levitation transit systems: SB 5159  
 Transportation authority, nonvoting labor member: 2SHB 2216, SB 6495  
 Transportation benefit district highway projects, funding: SB 6288, SB 6748  
 Transportation, jurisdictional route transfers: SB 6321  
 Urban forestry partnerships, evergreen cities recognition program: \***E2SHB 2844, CH 299 (2008) PV**, SB 6469  
 Viaduct and bridge projects, sales and use taxes: SB 5022  
 Voice over internet protocol services, excise tax parity: SB 6884  
 Water-efficient products, application for grants: SB 6810  
 Web sites, required information: SB 5420, SB 5672  
 Welfare tax payments, voter authorization: SB 6291  
 Zoning ordinances, motor vehicle collection and restoration: SB 6403

#### **COUNTY ASSESSORS**

Annual revaluations: SHB 2611, SB 6706  
 Fair market property values, assessor to consider growth management restrictions: SB 5863  
 Parcel numbers, real property to be identified by: SB 6514  
 Real property owners' personal information, publication restrictions: SB 5515  
 Regional transportation authority, responsibility to certify annually: SB 6772  
 Revaluation plans: SHB 2609  
 Valuation and notice, requirements: SB 6480

#### **COUNTY AUDITORS**

Process servers, registration: SB 6943  
 Voter registration, proof of citizenship: SB 6862

#### **COUNTY CLERKS**

Certificates of discharge: \***HB 1431, CH 171 (2007)**, SB 5407  
 Legal financial obligations, collection: SB 6193

#### **COUNTY LEGISLATIVE AUTHORITY**

Canvassing board, appointment eligibility: SB 6181  
 Ex parte orders, authorization: SB 6937  
 Higher education investment district: SB 6149  
 Hunting from off-road vehicles: SB 5185  
 Local public works assistance funds: EHB 2985  
 Mobile home parks, financial assistance programs: ESB 6868  
 Shellfish protection districts and program: E2SHB 1595, \***SB 5778, CH 150 (2007)**

#### **COUNTY TREASURERS**

Administrative provisions modified: \***HB 1166, CH 295 (2007)**, SB 5149  
 Property tax payment schedule, authority to establish: SB 6185  
 Property tax payment, authority to transfer electronic funds: SB 6234  
 Receipting current year taxes, restrictions: \***SB 5732, CH 105 (2007)**

**COURT OF APPEALS**

Judges, travel reimbursement: **\*SB 5351, CH 34 (2007)**

Marriages, supreme court and court of appeals commissioners to solemnize: **\*SB 5079, CH 29 (2007)**

Nonpartisan commission for judicial nominees: SB 5326

Nonpartisan judicial commission: SB 5325

**COURTS (See also COURT OF APPEALS; DISTRICT COURT; JURIES; MUNICIPAL COURT; SUPERIOR COURT; SUPREME COURT)**

Address confidentiality program, standards for issuing orders: **\*SHB 1421, CH 18 (2008)**

Community custody, authority to impose: SB 6243

Costs of mental health treatment at state hospitals, clarification of state's ability to recover from defendants: **\*SB 6628, CH 318 (2008)**

Dissolution proceedings, provisions revised: SB 5470

Drug courts, right of offender to petition when not referred to drug court: SB 5342

Interpreter services, written language assistance plan: **\*2E2SHB 2176, CH 291 (2008)**, SB 6005

Juror compensation: SB 6779

Overpayments received by courts: **\*HB 1994, CH 183 (2007)**, SB 5847

Treatment programs, authority to impose as an alternative to total confinement: SB 6702

Trial courts, revises operations: **\*2SHB 2557, CH 227 (2008)**

Truancy courts, fines levied: **\*SB 6398, CH 171 (2008)**

**COURTS, OFFICE OF THE ADMINISTRATOR**

Certificates of discharge: **\*HB 1431, CH 171 (2007)**, SB 5407

Court access and accommodations coordinator: **\*2SHB 2903, CH 148 (2008)**

Family and juvenile court improvement program, grant applications: **\*2SHB 2822, CH 279 (2008)**

Federal safe adoption and safe families act, review of services identified in: SB 5381

National instant criminal background check system improvement amendments act, work group: SB 6763

Vulnerable adults, standard petition and order protection forms: SHB 2487

Vulnerable adults, standard petition and order protection forms and court staff instruction handbook: **\*ESHB 1008, CH 312 (2007)**

**CREDIT CARDS**

Breaches of security that compromise personal information stored on computers, direct cause of action: SHB 2838, SB 6425

Interchange and associated fees: SB 5065

Interchange fees, limits: SJM 8020

Interchange fees, prohibited on state sales tax portion of transaction : SB 5885

Interchange fees, sales tax exemption for retailers: SB 5884

Payments made in person, posting of time and date: SB 6091

Securing information, requirements for retailers: HB 2620

Transaction fees, cap: SB 6825

**CREDIT SERVICES ORGANIZATIONS**

Credit reports, credit freeze: ESHB 1755, SB 5826

Credit reports, procurement for job related purposes: SB 5827

Electronically delivered financial information, sales and use tax exemptions: **\*ESHB 1981, CH 182 (2007)**, SB 5768

Identity theft, no police report for credit freeze when notified of a security breach: SB 5853

**CREDIT UNIONS**

Electronically delivered financial information, sales and use tax exemptions: **\*ESHB 1981, CH 182 (2007)**, SB 5768

**CRIMES (See also CRIMINAL OFFENDERS; DOMESTIC VIOLENCE; DRIVING UNDER THE INFLUENCE; SENTENCING; SEX OFFENSES AND OFFENDERS)**

Amber alert, false or misleading statement: HB 1537, **\*HB 2774, CH 91 (2008)**, SB 5929

Animal abandonment, penalties: SB 5227

Auto theft, civil cause of action: **\*HB 2034, CH 393 (2007)**

Auto theft, prevention authority created and penalties revised: **\*E3SHB 1001, CH 199 (2007)**

Auto theft, task force program created and penalties revised: SB 5413  
Civil disorder, definition: \***SB 5868, CH 206 (2008)**  
Commercial sexual abuse of minor, penalties: SB 5718  
Controlled substances, marketing to minors: SB 6741  
Criminal mistreatment, sentencing range increased: SB 6544  
Death penalty, task force created to review statutes: SB 5786  
Disorderly conduct, penalties: \***HB 1168, CH 2 (2007)**  
DNA identification system, broader collection of biological samples: \***2SHB 2713, CH 97 (2008)**, SB 5095, SB 6488  
Drug offense, penalties: SB 6561  
DUI, penalties to pay for chemical dependency and treatment prevention programs: SB 5615  
DUI, offender scoring: \***SB 5711, CH 116 (2007)**  
DUI, prior offense definition: \***SHB 2130, CH 474 (2007)**  
Eluding a police vehicle, Guillermo "Bobby" Aguilar and Edgar F. Trevino-Mendoza act: \***ESHB 1030, CH 219 (2008)**  
Eluding a police vehicle, penalties: \***ESHB 1030, CH 219 (2008)**, SB 5060  
Felony sentencing, provisions revised: SB 6898  
Financial fraud and identity theft crimes investigation and prosecution program: SB 6850  
Financial fraud and identity theft, pilot program of assistance for jurisdictions enforcing laws: SB 6103  
Firearms, restoration of right to possess: SB 5465  
Gambling, underage: HB 1345, SB 5375  
Gang-related offenses, penalties: SB 5987  
Gang-related offenses, pilot projects and programs to prevent: \***E2SHB 2712, CH 276 (2008)**, SB 6608  
Homicide by abuse of child, penalties: SB 5584  
Hunting, unlawfully hunting upon the property of another: SB 5129  
Identification devices, privacy protections and violations: \***ESHB 1031, CH 138 (2008)**  
Identity crimes, criminal liability: SB 6354  
Identity crimes, financial fraud and identity theft crimes investigation and prosecution program: \***2SHB 1273, CH 290 (2008)**  
Identity crimes, no police report for credit freeze when notified of a security breach: SB 5853  
Identity crimes, penalties revised: SB 6672  
Identity crimes, pilot program of assistance for jurisdictions enforcing financial fraud and identity theft laws: SB 6103  
Identity crimes, police incident report: HB 2636, \***SB 5878, CH 207 (2008)**, SB 6670  
Identity crimes, provisions revised: SB 6672  
Identity theft, analysis center: SB 6523  
Information describing the locations where minors may be found, penalties: ESB 6386  
Leave from employment for victims of domestic violence, sexual assault, or stalking: SB 6500  
Livestock, killing or harming livestock belonging to another: HB 1775  
Luring of a child with developmental disabilities, crimes included within each seriousness level: SB 6079  
Mail, crimes related to: SB 6467  
Malicious mischief, revocation of driving privilege: SB 5422  
Metal theft, landowner not liable for unintentional injuries: SHB 1987, SB 6050  
Metal theft, penalties for private metal property: \***SHB 2858, CH 233 (2008)**  
Metal theft, protection and recovery of metal property: ESHB 1251, SB 6098  
Money laundering, property subject to seizure and forfeiture: SB 6701  
Most serious offenses, out-of-state conviction for felony offense with sexual motivation: SB 5502, SB 6184  
Most serious offenses, robbery 2 removed from list: SB 5349  
Motor vehicle theft, prevention authority created and penalties revised: \***E3SHB 1001, CH 199 (2007)**, SB 5038  
Motor vehicle theft, task force program created and penalties revised: SB 5413  
Motor vehicles, penalties for convicted offenders chemical dependency and treatment prevention programs: SB 5615  
Motor vehicles, taking without permission: SB 5061  
Murder, aggravated first degree when victim fourteen or younger: SB 5706  
Murder, extraordinary criminal justice revolving fund for costs of aggravated murder cases: SB 5896  
National crime prevention and privacy compact, implementation: SB 6714  
No-contact orders, violations and penalties: \***SHB 1642, CH 173 (2007)**, SB 5697  
Persistent offenders, assault 2 and robbery 2 excluded: SB 5964  
Possession of dangerous weapons on school facilities, penalties: ESHB 2268

Property, threshold values for crimes against: SB 5343  
 Public benefits, theft: SB 5897  
 Publishing personal information of a minor, penalties: ESB 6386  
 Robbery 2, removed from most serious offenses list: SB 5349  
 Robbery in first degree, financial institutions: SB 5705  
 School employees, list of crimes requiring dismissal or certificate revocation: SHB 3103  
 Sexual assault protection orders, fees for petitioners: \***HB 1437, CH 55 (2007)**, SB 5637  
 Sexual assault protection orders, victims who do not qualify for domestic violence protection orders: \***SHB 1555, CH 212 (2007)**  
 Stalking, protection for employees of correctional facilities: \***SHB 1319, CH 201 (2007)**, HB 2170, SB 5307  
 Strangulation, penalties: HB 2119, \***SB 5953, CH 79 (2007)**  
 Theft, damages to victim greatly exceed value of stolen property: SB 6049  
 Theft, public benefits: SB 5897  
 Transporting vulnerable adults and persons with developmental disabilities, crimes committed while: \***SHB 1097, CH 20 (2007)**, SB 5439  
 Vehicular assault, penalties: SHB 2621  
 Vehicular homicide, penalties: SHB 2621  
 Victims of trafficking, address confidentiality: SB 6339  
 Viewing depictions of minors engaged in sexually explicit conduct, penalties: SB 6373  
 Weapon, definition: SB 6322

#### **CRIMINAL JUSTICE SERVICES**

Extraordinary criminal justice revolving fund, county reimbursement for aggravated murder cases: SB 5896  
 Fiscal notes and appropriations for bills increasing incarceration periods: SB 5872  
 National crime prevention and privacy compact, implementation: SB 6714  
 National instant criminal background check system improvement amendments act: SB 6763

#### **CRIMINAL JUSTICE TRAINING COMMISSION**

Chief for the day program: \***HB 2999, CH 69 (2008)**, SB 6428  
 Child abuse, law enforcement officer instruction on handling child abuse or neglect complaints: \***SHB 1333, CH 410 (2007)**, SB 5381  
 Core training requirements: SB 5633  
 Corrections personnel training requirements: SHB 1607, SB 5634  
 Polygraph tests, law enforcement officers: \***SB 5635, CH 14 (2007)**  
 Sirita's law, law enforcement officer instruction on handling child abuse or neglect complaints: \***SHB 1333, CH 410 (2007)**

#### **CRIMINAL OFFENDERS (See also JUVENILE OFFENDERS; SEX OFFENSES AND OFFENDERS)**

Alternative sentencing, earned release credit in county programs: SB 5796  
 Arson offenders, registration requirements: SB 6052  
 Certificates of discharge, procedures: \***HB 1431, CH 171 (2007)**, SB 5407, SB 6703  
 Community custody, clarification and uniformity: SB 6842  
 Community custody, court discretion: SB 6243  
 Community supervision, converting existing facilities to house offenders: SB 6244  
 Community supervision, criminal liability: SB 6401  
 Dangerous mentally ill, case management series: SB 5698  
 Death penalty, offenders who are mentally retarded or have a severe mental disorder: SB 5787  
 Death penalty, task force created to review statutes: SB 5786  
 DNA identification system, broader collection of biological samples: \***2SHB 2713, CH 97 (2008)**, SB 5095, SB 6488  
 Drug offender sentencing alternative, adjustment to standard range: HB 2763, SB 6525  
 Drug offenders, registration: SB 6561  
 E-mail addresses and web sites, kidnapping offenders required to submit information regarding: SHB 2444  
 Exceptional sentence, notice of possibility: SB 5347  
 Extraordinary prisoner medical expenses, local government assistance: SB 6788  
 Firearms, restoration of right to possess: SB 5465  
 Identity crime offenders, liability: SB 6354

Incarcerated parents, programs and policies for children and families: \***E2SHB 1422, CH 384 (2007)**, SB 5643  
 Incarcerated persons, moral guidance: SB 6400  
 Inmate postsecondary education, pilot program: SB 6790  
 Judgments, accrual of interest: SB 5346  
 Juvenile suspended disposition alternative, expansion of treatment programs: \***SHB 2551, CH 158 (2008)**, SB 6325  
 Legal financial obligations, collection: SB 5190, SB 6193  
 Level I offenders, failure to maintain registration: \***HB 2786, CH 98 (2008)**, SB 6489  
 Moneys received by an inmate, deductions: \***SB 5429, CH 365 (2007)**  
 Nursing and boarding homes, notification of offender status of residents or those seeking admission: SB 5980  
 Offender accountability act: SB 6842  
 Offender education: SB 6406  
 Ombudsman, office of corrections: SB 5295  
 Persistent offenders, assault 2 and robbery 2 excluded: SB 5964  
 Predatory perpetrators, definition revised: SB 6358  
 Public records, compensation for denials by agencies: SB 6294  
 Reentry into community, programs: SB 5070, SB 6172  
 Registration, subsequent offense that is not a sex or kidnapping offense: HB 1836  
 Release, restoration of civil rights: SB 5221  
 Search and seizure, standards in department of corrections field offices: SB 6826  
 Total confinement, treatment programs as an alternative: SB 6702  
 Treatment at state hospitals, clarification of state's ability to recover costs from defendants: \***SB 6628, CH 318 (2008)**  
 Treatment programs: SB 6702  
 Voting rights, restoration: SB 5221, SB 5530  
 Work release time, increase: SB 5306  
 Work release, crime victims to submit input: HB 2436

#### **CRIMINAL PROCEDURE (See also SENTENCING)**

Arson offenders, registration requirements: SB 6052  
 City attorneys and county prosecutors may not dismiss charges in exchange for charitable donations: SB 6100  
 Death penalty, offenders who are mentally retarded or have a severe mental disorder: SB 5787  
 Defenses, affirmative when assisting and acting at discretion of law enforcement officers: HB 2565, SB 6372  
 Defenses, voluntary intoxication: EHB 1471  
 Deferred prosecution, domestic violence: ESHB 2191  
 Drug offenders, registration requirements: SB 6561  
 Evidence, admissibility in sex offense cases: SB 6363, SB 6933  
 Judgments entered against offenders, accrual of interest: SB 5346  
 Mental illness, procedures for individuals engaged in criminal behavior: SB 5533  
 Polygraph examinations, sexual assault victims: \***HB 1520, CH 202 (2007)**  
 Records, access for legal process purposes: \***HB 2637, CH 21 (2008)**, SB 5870, SB 6671  
 Sex offenses, statute of limitations removed for certain offenses against minors: SB 5817  
 Sexual assault protection orders, fees for petitioners: \***HB 1437, CH 55 (2007)**, SB 5637

#### **DAY CARE**

Access to quality child care workforce act: E2SHB 2449  
 Collective bargaining, child care center directors and workers: E2SHB 2449, SB 6522  
 Department of early learning child care safety measures: SB 5317  
 Family child care providers, collective bargaining: \***ESHB 1916, CH 278 (2007)**, SB 5783  
 Insurance requirements: SB 5316  
 Students in higher education, child care program grant provisions for students with children: \***SHB 2582, CH 162 (2008)**, SB 5782  
 Voluntary quality rating and improvement system: SB 5828  
 Window blind cords prohibited: \***SHB 1256, CH 299 (2007)**

#### **DEAF**

State school, record check for employees: SB 5371  
 Washington state center for childhood deafness: ESHB 2246

Washington state center for childhood deafness and hearing loss: HB 2629

#### **DEATH PENALTY**

Offenders who are mentally retarded or have a severe mental disorder: SB 5787

Task force created to review statutes: SB 5786

#### **DEEDS**

Deeds of trust, generally: SB 5378

#### **DENTAL HYGIENISTS**

School sealant programs and health care facilities, employment: \***SHB 1298, CH 270 (2007)**, SB 5293

#### **DENTISTS AND DENTISTRY**

Dental assistants, education and training programs: \***HB 3088, CH 150 (2008)**

Dental assistants, fees: \***EHB 3381, CH 285 (2008)**, SB 6952

Dental assistants, registration and scope of practice: \***SHB 1099, CH 269 (2007)**

Nonbeverage form of alcohol, allowing certain permit holders to obtain directly from suppliers: \***HB 2825, CH 64 (2008)**, SB 6637

Practice, licensure without examination: \***SHB 2881, CH 147 (2008)**

#### **DEVELOPMENTAL DISABILITIES, PERSONS WITH (See also DISABILITIES, PERSONS WITH)**

Background checks for service providers: SB 5314

Community trust account, modification: SB 6760

Discrimination, disability defined in regard to laws against: SHB 1322, SB 5340

Early intervention services, department of social and health services contracts with counties: SB 6713

Fircrest school campus, exchange of land parcels: SB 6760

Heritage and arts programs, reallocation of existing lodging taxes for children: SB 6935

Hunting and fishing license fees merged for certain veterans and persons with disabilities: \***SHB 1079, CH 254 (2007)**, SB 5125

Independent supported living providers, permitting making living decisions: SB 6669

Individual and family services program: SB 5467

Intensive behavior support services: SB 6448

Intermediate care facilities: SB 6617

Lifelong services program: SB 6736

Medical services, training for medical students, nurses, and medical technicians and assistants: SB 6470

Ombudsman, office of: SB 5547

Protections, crimes committed by persons providing transportation: \***SHB 1097, CH 20 (2007)**, SB 5439

Residential services and support, enforcement standards: SHB 1246, SB 5285

Special needs transportation services, light and power business tax credit for contributions: SB 5454

Students, graduation ceremonies: \***ESHB 1050, CH 318 (2007)**, SB 5450

Students, Kevin's law: \***ESHB 1050, CH 318 (2007)**, SB 5450

Supported living providers, vendor rates: SB 6192

University of Washington, medical research and training to improve services: ESHB 1394

#### **DIABETES**

Glucagon, authority of emergency medical technicians to administer: SB 6223

Nursing tasks, delegation: SB 6220

#### **DISABILITIES, PERSONS WITH (See also DEVELOPMENTAL DISABILITIES, PERSONS WITH)**

Autism spectrum disorder: SB 6388

Children with learning disabilities, pilot programs: SB 6388

Children, early intervention services: SHB 2230

Children, Washington state center for childhood deafness: ESHB 2246

Courts, access and accommodations coordinator: \***2SHB 2903, CH 148 (2008)**

Disability history month: \***SB 6313, CH 167 (2008)**

Discrimination, disability defined in regard to laws against: SHB 1322, SB 5340

Hunters and fishers, advisory committee: \***HB 2540, CH 294 (2008)**

Parking places, physician assistants allowed to determine eligibility for special parking privilege: **\*HB 1505, CH 262 (2007)**, SB 5795  
 Parking privileges, porphyria: **\*HB 1000, CH 44 (2007) PV**  
 Property tax exemption, exclusion of medical expenses: SB 6880  
 Property tax relief: SB 5201, SB 6026, SB 6557, SB 6912  
 Public education, disability history month: **\*SB 6313, CH 167 (2008)**  
 Service-connected disabilities, property tax exemption: SB 6473  
 Special license plates: SB 6642  
 Special needs transportation services, light and power business tax credit for contributions: SB 5454  
 Students, graduation ceremonies: **\*ESHB 1050, CH 318 (2007)**, SB 5450  
 Students, Kevin's law: **\*ESHB 1050, CH 318 (2007)**, SB 5450

## **DISCRIMINATION**

Affordable housing developments, discrimination prohibited: **\*SHB 2279, CH 118 (2008)**  
 Chiropractors, insurance: SB 5596  
 Civil marriage equality, gender neutrality: SB 5335  
 Claims, impermissible motive element: SB 6782  
 Community athletic programs, discrimination prohibited: SB 6547  
 Court access and accommodations coordinator: **\*2SHB 2903, CH 148 (2008)**  
 Disability defined in regard to laws against discrimination: SHB 1322, SB 5340  
 Domestic partnership registry, protection by granting certain rights and benefits: SB 5336  
 Employer, human rights commission definition: SB 5873  
 Lawful source of income, discrimination based upon: EHB 1956, SB 5823, SB 6533  
 Materialpersons, RCW gender reference revisions: HB 1327, SB 5945  
 Optometry, insurance provider discrimination: SB 5624  
 Sexual equality laws, compliance in schools: SB 5837

## **DISSOLUTION OF MARRIAGE (See also CHILD CUSTODY; CHILD SUPPORT; MARRIAGE AND MARRIED PERSONS)**

Dissolution proceedings, provisions revised: SB 5470  
 Domestic partnerships, rights and responsibilities: **\*2SHB 3104, CH 6 (2008)**, SB 6716  
 Parenting plans, designation of residential time: SB 6747  
 Parenting plans, shared parental responsibilities: SB 5234  
 Parenting plans, temporary changes if based on the military service of a parent: SB 6331  
 Visitation rights for grandparents: SB 5071

## **DISTRICT COURT**

Civil inspection warrants, authority to issue: SB 6105  
 Clerks, authority to collect fees: SB 6217  
 Cowlitz county, number of judges: **\*HB 2762, CH 63 (2008)**, SB 6252  
 Fees, collection by clerks: SB 6217  
 Judgments, transferring municipal court judgment into district court: **\*SHB 1144, CH 46 (2007)**  
 Judicial district population, estimates: **\*SB 6464, CH 13 (2008)**  
 Juror compensation: SB 6779  
 Probation and supervision services, liability: **\*SHB 1669, CH 174 (2007)**  
 Statutory costs, provisions: HB 1142

## **DNA (DEOXYRIBONUCLEIC ACID)**

DNA identification system, broader collection of biological samples: **\*2SHB 2713, CH 97 (2008)**, SB 5095, SB 6488  
 Genetic counselors, licensing: SB 6756

## **DOMESTIC RELATIONS (See also CHILD CUSTODY; DISSOLUTION OF MARRIAGE; MARRIAGE AND MARRIED PERSONS)**

Dissolution proceedings, provisions revised: SB 5470  
 Domestic partners, retirement benefits: SB 5069, SB 5724  
 Domestic partnership registry, protection by granting certain rights and benefits: SB 5336  
 Domestic partnerships, rights and responsibilities: **\*2SHB 3104, CH 6 (2008)**, SB 6716

**DOMESTIC VIOLENCE**

Address confidentiality program: HB 1421, \***SHB 1421, CH 18 (2008)**, SB 5409  
 Advocate pilot program: SB 6276  
 Animal protection orders: SHB 2836, SB 5066  
 Court order violation, eligible for notification by the department of corrections: HB 2764, SB 6422  
 Deferred prosecution, limitations: ESHB 2191  
 Leave from employment for victims of domestic violence, sexual assault, or stalking: \***SHB 2602, CH 286 (2008)**, SB 5900, SB 6500  
 No-contact orders, violations and penalties: \***SHB 1642, CH 173 (2007)**, SB 5697  
 Offenses eligible for notification, domestic violence court order violation: HB 2764, SB 6422  
 Service of process: \***ESB 6357, CH 287 (2008)**  
 Sexual assault protection orders, victims who do not qualify for domestic violence protection orders: \***SHB 1555, CH 212 (2007)**  
 Strangulation, penalties: HB 2119, \***SB 5953, CH 79 (2007)**

**DRIVER TRAINING SCHOOLS**

Bicycle and pedestrian safety information: SHB 1588, \***HB 2564, CH 125 (2008)**, SB 6420  
 Driver improvement schools: SHB 3069  
 Grant program to provide financial assistance for low-income individuals: SB 6022  
 Matthew "Tatsuo" Nakata act: SHB 1588  
 Mobility education pilot program: SHB 1588  
 Parent taught, provisions: SB 5448, SB 6625  
 Securing loads on highways, instruction: SB 5809  
 Students in home-based instruction: SB 5521  
 Uniform driver training education curriculum: SB 5333

**DRIVERS' LICENSES (See also DRIVER TRAINING SCHOOLS)**

Alcohol violators, restricted driver's license: SB 6579  
 Anatomical gift statements: SB 6174  
 Application, passport proof of legal presence in United States: SB 6140  
 Application, proof of residency: SB 6140  
 Canadian border crossing, enhanced drivers' licenses and identicards: \***ESHB 1289, CH 7 (2007)**, SB 5366  
 Commercial, requirements: \***SHB 1267, CH 418 (2007)**, SB 5133  
 Driver training, required for all first time drivers: SB 6022  
 Driver's license security act, verification of legal residency: SB 6416  
 Driving privilege, revocation for malicious mischief: SB 5422  
 Examinations: SB 6344  
 Federal selective service requirements, compliance: SB 5858  
 Identicards, renewal by mail for individuals over seventy: EHB 1887  
 Ignition interlock driver's license: \***E2SHB 3254, CH 282 (2008) PV**, SB 6546  
 Impound, driving without specially endorsed license: \***SB 5134, CH 86 (2007)**  
 Intermediate, sunset act application repealed: \***SB 5036, CH 28 (2007)**  
 Intermediate, violations and penalties: SB 5655  
 Privacy, compliance with federal REAL ID Act of 2005: SB 5087  
 Privacy, confidentiality of personal information collected upon application for licenses and identicards: SB 6250  
 Privacy, confidentiality of personal information when license or identicard is required as proof of identity: \***SHB 2729, CH 200 (2008)**  
 Process servers: SB 6824  
 Renewal, age restrictions: SB 5802  
 Renewal, exemption for active foreign service members: SB 6150  
 Restricted driver's license: SB 6579, SB 6803  
 Senior citizens, insurance premium reduction for older insureds completing an accident prevention course: \***SHB 1953, CH 258 (2007)**  
 Teenage drivers, provisions relating to: SB 5333  
 Traumatic brain injury account, funding: SB 5024

**DRIVING UNDER THE INFLUENCE**

Chemical dependency treatment, funding: SB 6931  
 Convicted DUI-related offenders, fluorescent yellow license plates: SB 6402  
 Convicted motor vehicle offenders, penalties to pay for chemical dependency and treatment prevention programs: SB 5615  
 Enforcement patrols, funding: SB 6931  
 Fluorescent yellow license plates, issuance for persons convicted of certain DUI-related offenses: SB 6402  
 Ignition interlock devices, impound of vehicle when in violation of requirements: SB 5944  
 Ignition interlock devices, program for monitoring compliance: \***E2SHB 3254, CH 282 (2008) PV**, SB 6546  
 Ignition interlock devices, required to drive employer's vehicle: SB 5345  
 Ignition interlock devices, vehicle registration cancelled when in violation of requirement: SB 6113  
 Ignition interlock driver's license: \***E2SHB 3254, CH 282 (2008) PV**, SB 6546  
 Offender scoring provisions: \***SB 5711, CH 116 (2007)**  
 Physician convictions, notice and report: EHB 1967  
 Prior offense, definition: \***SHB 2130, CH 474 (2007)**  
 Restricted driver's license: SB 6579  
 Traumatic brain injury account, funding: SB 5024  
 Vehicular assault, penalties: SHB 2621  
 Vehicular homicide, penalties: SHB 2621

**DRUGS (See also ALCOHOL AND DRUG ABUSE)**

Chemical dependency treatment, funding: SB 6931  
 Controlled substances, marketing to minors: SB 6741  
 Marijuana, medical use clarifications: SB 6032  
 Methamphetamine, restrictions for contaminated motor vehicles and vessels: \***E2SHB 2817, CH 201 (2008)**  
 Offenders, registration: SB 6561  
 Pharmaceutical manufacturers, marketing activities and gift disclosures: SB 5917, SB 6302  
 Prescription drug assistance foundation, board of directors: \***SB 6837, CH 87 (2008)**  
 Prescription, authority of advanced registered nurse practitioners: HB 2497, \***SB 6267, CH 154 (2008)**  
 Prescription, business and occupation tax deduction for certain drugs: \***SHB 1891, CH 447 (2007)**  
 Prescription, controlled substances prescription monitoring program: SB 5973  
 Prescription, evidence-based education act: SB 6200  
 Prescription, insurance for pharmacy services: SB 5605  
 Prescription, part D copayment program: \***2SHB 1095, CH 3 (2007)**, SB 5091  
 Prescription, pharmaceutical manufacturer marketing activities and gift disclosure: SB 5917, SB 6302  
 Prescription, purchase of brand name drugs when cost-effective for all state programs: SB 5565  
 Prescription, sale and use of prescriber data for commercial purposes: SB 6241  
 Prescription, timely dispense of pharmaceuticals: SB 6189  
 Prescription, wholesale distributor licensing: SB 5631  
 Psychoactive substance control, commission: SB 6124

**EARLY LEARNING, DEPARTMENT**

Access to quality child care workforce act: E2SHB 2449  
 Advisory council and voluntary quality rating and improvement system for child care centers: SB 5828  
 Background checks for employees and service providers: SB 5774  
 Child care center directors and workers, collective bargaining agreements: E2SHB 2449  
 Child care licensing actions: SB 6661  
 Child care safety measures: SB 5317  
 Child care, joint report with advisory council on implementation of directives: SB 6865  
 Council for the prevention of child abuse, membership: \***SB 5258, CH 144 (2007)**  
 Director added as member of family policy council: HB 2090, SB 5975  
 General provisions, corrections: SB 5952  
 Incarcerated parents, programs and policies for children and families: \***E2SHB 1422, CH 384 (2007)**, SB 5643  
 Kindergarten, readiness assessment: 2SHB 2597  
 Roving early interventional specialist pilot program: 2SHB 3269, SB 6813  
 Transition plans, early learning to kindergarten: SB 5864

Washington head start program: **\*2SHB 3168, CH 164 (2008)**

### **ECOLOGY, DEPARTMENT**

Artificial vertical shoreline bank structures, removal encouraged: EHB 2734  
 Barley straw, application to state waters for clarification purposes: **\*SB 5113, CH 30 (2007)**  
 Beach management districts, counties authorized to create: SB 6035, SB 6508  
 Beach management districts, selection: **\*E2SHB 3186, CH 301 (2008) PV**  
 Building permit moratoriums for cities with unprocessed water right permit applications, phase out: SB 5073  
 Children's safe products, identification: **\*E2SHB 2647, CH 288 (2008) PV**  
 Climate change mitigation and comprehensive state assessment: **\*E2SHB 1303, CH 348 (2007) PV**  
 Climate-related research, work group: SB 6308  
 Construction storm water general permits: HB 2558, **\*SB 6504, CH 37 (2008)**  
 Development of national repository for mercury, study: SB 6502  
 Electric vehicles, analysis of and potential for vehicle electrification: **\*E2SHB 1303, CH 348 (2007) PV**  
 Federal coastal zone management act, administration: SB 5213  
 Floodway, definition in shoreline management act: **\*EHB 1413, CH 328 (2007)**, SB 5473  
 Freshwater lakes, management: SB 6229  
 Global emissions and permanent isolation of elemental mercury, participation in forums: SB 6502  
 Greenhouse gas emissions program: **\*E2SHB 2815, CH 14 (2008)**  
 Greenhouse gases emissions program: SB 6516  
 Greenhouse gases, rules for emission levels and reduction objectives: SB 6001  
 Groundwater monitoring and assessments: SB 6593  
 Hazardous wastes sites, cleanup settlement account: **\*SB 6722, CH 106 (2008)**  
 Hazardous wastes sites, ten-year financing report and partnerships with local communities: **\*SHB 1761, CH 446 (2007)**  
 Interwatershed water rights transfers, report: SB 6348  
 Lake water, authority to issue notices regarding lawn fertilization: SB 6228  
 Lead-containing products, department may adopt rules: E2SHB 2882  
 Light bulbs, efficiency and hazardous requirements and work group to make recommendations for recycling: E2SHB 2703  
 Marine habitat mitigation banks, pilot program: SB 6691  
 Model toxics control act, department opinions for portion of facility: **\*SHB 1039, CH 225 (2007)**  
 Motor vehicle emissions, California standards: SB 5109  
 Phosphate removal from on-site sewage disposal and wastewater treatment systems, report: 2SHB 3227  
 Polybrominated diphenyl ethers, phasing out procedures: **\*ESHB 1024, CH 65 (2007)**, SB 5034  
 Science on human caused climate change, report: **\*E2SHB 2815, CH 14 (2008)**, SB 6516  
 Waste reduction and hazardous substance use reduction consultation program: ESHB 2818  
 Waste reduction and sustainable production, office duties: ESHB 2818  
 Water resource inventory area 14 divided into 14a and 14b: SHB 1295, **\*SB 6204, CH 210 (2008)**  
 Water resource inventory area 29 divided into 29a and 29b: SB 5074  
 Water rights, changes in point of diversion regarding the Columbia and Snake rivers: ESHB 1453, SB 5519  
 Wood smoke, department of ecology report on reduction recommendations: SB 5745  
 Wood smoke, work group and update of state wood smoke control program: **\*SHB 2261, CH 339 (2007)**

### **ECONOMIC AND REVENUE FORECAST COUNCIL**

Near general fund definition and forecasts: SB 5691  
 Rainy day reserve fund: SB 5000

### **ECONOMIC DEVELOPMENT**

Asset building coalition: 2SHB 2256  
 Associate development organizations, contracts for services: 2SHB 1178, SB 5092  
 Certified capital companies: SB 5309, SB 5621  
 Community credit needs, microenterprise development needs: SB 5651  
 Community development fund, grants for local economic development and services: SHB 2325  
 Community revitalization partnership program: SB 5455  
 Economic climate council, benchmark mechanisms and consultation with economic development council: SB 5939  
 Entrepreneurial and small business development online curriculum: SB 5612

Entrepreneurial training opportunities, workforce training and education coordinating board: **\*SB 5613, CH 149 (2007)**  
 Family prosperity act, Washington asset building coalition: 2SHB 2256  
 Federal new markets tax credit program: **\*HB 1430, CH 230 (2007)**, SB 5630  
 Health sciences and services program: **\*E2SHB 1705, CH 251 (2007)**, SB 5616  
 Industry clusters, work group to support: SB 5399  
 Industry skill panels, grants: SB 5254  
 Infrastructure projects, funding: SB 6856  
 Infrastructure projects, local tax on public and private utilities as incentive for grants and loans: SB 6529  
 Innovation partnership zones to promote research based firms and industries: **\*SHB 1091, CH 227 (2007)**, SB 5090  
 International relations foundation, Washington: SB 5169  
 Job development fund program, termination: SHB 2338  
 Job skills program, economic clusters and quality management practices: SB 5743  
 Local infrastructure financing tools projects: **\*2SHB 1277, CH 229 (2007)**, HB 2485, SB 5115, **\*SB 6196, CH 209 (2008)**  
 Local sales and use tax, county economic development facilities: SB 5557  
 Major industrial developments, growth management provisions: SB 5684  
 Microenterprise development program: SB 5652  
 Offices, local retail taxes to finance: **\*HB 1543, CH 250 (2007)**, SB 5388  
 Public facilities loans and grants, dedicated funding: SB 5762  
 Public works, permit application process: **\*ESB 5508, CH 231 (2007)**  
 Rural counties, business and occupation tax credit for eligible projects: **\*SHB 1566, CH 485 (2007)**, SB 5573  
 Rural counties, definition: HB 2527, SB 6195  
 Skills-based economic growth planning program, workforce development councils: SHB 1880  
 State economic development programs, provisions revised: SB 6855  
 Strategic reserve account, business and occupation tax credit for contributions to: SB 5496  
 Technology commercialization process to promote economic development: SB 5387  
 Tourism, public-private partnerships and tourism commission: **\*SHB 1276, CH 228 (2007)**, SB 5116

#### **ECONOMIC DEVELOPMENT COMMISSION**

Membership and duties: SB 5995  
 Staffing and operational costs: SB 6528  
 State economic development programs, requirements for financial assistance: SB 6855

#### **EDUCATION, STATE BOARD**

Accountability, Washington state quality award system and/or Baldrige national quality programs: SB 6511  
 Executive director, authority: **\*HB 3097, CH 27 (2008)**, SB 6715  
 Membership, provisions: SB 5819  
 WASL, accountability plan and measures: SB 6023  
 WASL, end-of-course assessments in math and science: 2SHB 2327  
 WASL, independent mathematics review committee: SB 5528

#### **EDUCATIONAL SERVICE DISTRICTS (See also SCHOOLS AND SCHOOL DISTRICTS)**

Authority to provide cooperative and informational services to local school districts: SB 6285  
 Board members, election dates: **\*HB 2154, CH 460 (2007)**, SB 5812  
 Foster children, programs to improve educational outcomes: SB 6454  
 Performance audits, cost reimbursement: SB 6450  
 Puget Sound, grant program to improve educational outcomes for students in foster care: **\*SHB 2679, CH 297 (2008) PV**  
 Students at risk, best practices: SB 6536

#### **ELECTIONS (See also CAMPAIGNS; INITIATIVE AND REFERENDUM)**

Absentee ballots, canvassing: **\*SHB 1654, CH 373 (2007)**, SB 5629  
 Absentee ballots, general revisions: ESB 5738  
 Absentee ballots, prepaid return postage: SB 5771, SB 6199  
 Audits, postelection: SB 6180  
 Ballots, inactive voters: HB 2473, SB 6582  
 Ballots, presidential primary: **\*HB 1526, CH 385 (2007)**, SB 5602  
 Ballots, primaries: HB 1420, **\*SB 5408, CH 38 (2007)**

Ballots, prohibiting bar codes or other unique identifying marks: SB 6478  
 Ballots, rejecting ballots with voter identifying marks: SB 6312  
 Ballots, titles must indicate tax consequences of measures: SB 5418  
 Candidates, filing: SB 6201  
 Candidates, general revisions: SHB 1534, SB 5604  
 Canvassing board, county legislative authority employee appointment eligibility: SB 6181  
 Certification procedures: \***HB 2152, CH 374 (2007)**, SB 6873  
 Election cycle, dates modified: \***HB 1831, CH 180 (2007)**  
 Felony offenders, restoration of voting rights: SB 5530  
 Judicial candidate information, voters' pamphlets: 2SHB 2807  
 Judicial independence act: SB 5226  
 Local government, ranked choice voting: SB 6000  
 Mail voting, general revisions: ESB 5738  
 Mail voting, prepaid return postage: SB 5771  
 Nonpartisan, no primary required in races for which only two candidates file: SB 5196  
 Petitions, valid voter signatures: SB 6612  
 Presidential, conflicting residency requirement: SJR 8217, SJR 8223  
 Presidential, interstate agreement to elect by popular vote: SB 5628  
 Primaries, ballot revisions: HB 1420, \***SB 5408, CH 38 (2007)**  
 Primaries, blanket: SB 6048  
 Primaries, costs associated with partisan primaries: SB 5096  
 Primaries, none required in nonpartisan race for which only two candidates file: SB 5196  
 Primaries, nonpartisan: SB 5994  
 Primaries, presidential ballot: \***HB 1526, CH 385 (2007)**, SB 5602  
 Primaries, qualification for general election based on two candidates with the most votes: SB 6924  
 Primaries, regional presidential: SJM 8022  
 Primaries, voters' pamphlets: SB 5601  
 Regional transportation investment districts and regional transit authorities, single ballot proposition: \***SHB 1396, CH 509 (2007)**, SB 5282  
 Registration, allowed up to and on election day: SB 5561, SB 6778  
 Registration, availability at colleges and universities: SHB 2917, SB 6698  
 Registration, challenges: SB 5682  
 Registration, electronic: \***HB 1528, CH 157 (2007)**, SB 5663  
 Registration, general revisions: SB 5664  
 Registration, information privacy protection: SB 5566  
 Registration, proof of citizenship: SB 6862  
 Registration, provisions revised: SB 6474  
 Special, dates for county elections: SB 5271  
 Transportation replacement project ballot measures, reimbursement of election costs: SB 5249  
 Valid voter signatures: SB 6612  
 Voters' pamphlets, information: 2SHB 2807  
 Voters' pamphlets, primaries: SB 5601

## **ELECTRIC UTILITIES**

Net metering aggregation: \***SHB 1140, CH 323 (2007)**  
 Pole attachments, regulations: \***E2SHB 2533, CH 197 (2008)**, SB 5740, SB 6585  
 Power lines, rural county sale and use tax for conversion: SB 5660  
 Solar electric power, tax incentives: SB 6255  
 Systems benefit charge and sustainable energy trust, natural gas and electric utilities: SHB 1032

## **ELECTRICITY**

Anaerobic digestion power, clean streams grant program: E2SHB 1035  
 Dairies, purchase of carbon credits from methane-producing entities: SB 5237  
 Dairies, tax credit to light and power businesses for purchase of energy credits to reduce methane emissions: SB 5238  
 Electricians, licenses and certificates to be in possession while working: ESHB 1597  
 Geothermal resources, core holes: \***SHB 2129, CH 338 (2007) PV**

Lighting, energy efficiency requirements and hazardous substance regulations: E2SHB 2703  
 Methane emissions, purchase of carbon credits from dairies: SB 5237  
 Methane emissions, tax credit to light and power businesses for purchase of energy credits from dairies: SB 5238  
 Net metering aggregation: \***SHB 1140, CH 323 (2007)**  
 Power outage, availability of motor vehicle fuel: \***3SHB 2053, CH 223 (2008)**  
 Production, sales and use tax exemptions for machinery and equipment: SB 6733  
 Renewable energy: \***SHB 2639, CH 198 (2008)**, SB 6658  
 Service, availability of motor vehicle fuel: \***3SHB 2053, CH 223 (2008)**  
 State agencies, purchase of renewable energy: SB 5287  
 Tidal and wave energy, tax exemptions for generation of electricity: SB 6111

### **ELECTRONIC EQUIPMENT**

Data recorders in motor vehicles: SB 6341  
 Privacy protections regarding identification devices: \***ESHB 1031, CH 138 (2008)**  
 State-owned electronic devices, employee use: SB 6907

### **ELECTRONICS**

Electronic product recycling, Washington materials management and financing authority board: \***SB 6677, CH 79 (2008)**

### **ELEVATORS**

Contractors, licenses and certificates to be in possession while working: ESHB 1597

### **EMERGENCY MEDICAL TECHNICIANS**

Administration of glucagon, authority : SB 6223

### **EMERGENCY SERVICES**

911 enhanced emergency radio network, work group to study delivery of emergency information: ESHB 2225  
 Amateur radio repeater, leasehold excise tax exemption when used for emergency services: \***SHB 2335, CH 21 (2007)**  
 Backup power required for providers of fuel: E2SHB 2053  
 CBRNE response program: SB 5505  
 Emergency management, preparedness, and assistance account: SB 5296  
 Emergency medical care and services, increase in property tax levy limit: SB 6417  
 Emergency preparedness kits, standards: HB 2550, SB 6487  
 Fuel vendors, operation of loading racks using alternative generated power: SB 5334  
 Governor, limited waiver and suspension of statutory obligations: \***SB 6950, CH 181 (2008)**  
 Helicopter access, study: SB 6920  
 Missing persons, investigation procedures: SHB 1182, SB 5191  
 Public notices, languages other than English: SHB 1675  
 Service animals and pets, emergency preparedness planning for: SB 5106  
 Stationary emergency and police vehicles, rules for drivers when approaching vehicles: SB 5078  
 Television reception improvement districts, emergency radio communications systems: SHB 2337  
 Volunteer emergency workers, limited immunity: \***HB 1073, CH 292 (2007)**, SB 5054  
 Volunteers, public employee shared leave for volunteer services: HB 1759

### **EMINENT DOMAIN**

Compensation, lost income from existing leases: SB 6138  
 Information pamphlet, attorney general's office: HB 2920, SB 6594  
 Notice to property owners regarding acquisition for public purposes: \***SHB 1458, CH 68 (2007)**, SB 5444  
 Private property rights protection act: SB 5577  
 Replacement housing, payment: SB 6138  
 Repurchase of property, owner may retain right: 2ESHB 2016  
 Restrictions on the exercise of eminent domain, public use requirement: SB 5532, SB 6634  
 Restrictions on the exercise of eminent domain, solely for purpose of economic development: 2ESHB 2016  
 Unblighted private property, restrictions on condemnation: SB 5576  
 Watershed management partnerships, powers of forming governments: ESHB 1561, SB 5617

### **EMPLOYMENT (See also WAGES AND HOURS)**

Aero-space related tax incentives, neutrality towards unionization: SB 5700

Airline seats for employees, health and safety standards: SB 5300  
 Automatic food service charges, RCW 19.48.130 recodified in minimum wage act: **\*HB 2699, CH 199 (2008)**, SB 6749  
 Automatic service charges paid to servers, disclosure for customer: **\*SHB 1583, CH 390 (2007)**, SB 5650  
 Bereavement leave, employees of four-year institutions of higher education: SB 6639  
 Bullying and harassment, legal redress: SB 6622  
 Child labor, exemption for working with parents: SB 6197  
 Credit reports, procurement for job related purposes: SB 5827  
 Employ, definition: SB 6867  
 Family and medical leave insurance: SB 5659  
 Family leave insurance, implementation of joint legislative task force recommendations: SB 6280  
 Family military leave act: **\*SB 6447, CH 71 (2008)**  
 Haulers of logs, advisory rates of compensation: SB 6069  
 Industry skill panels, grants: SB 5254  
 Infant-friendly employers: SB 5153  
 Job development fund program, termination: SHB 2338  
 Job skills program, economic clusters and quality management practices: SB 5743  
 Juror compensation: SB 6779  
 Leave from employment for victims of domestic violence, sexual assault, or stalking: **\*SHB 2602, CH 286 (2008)**, SB 5900, SB 6500  
 Postretirement: SB 6687  
 Postsecondary opportunity programs, grants: **\*2SHB 1096, CH 277 (2007)**, SB 5410  
 Retirement, voluntary retirement accounts program: SB 6067  
 Self-employment: SB 6296  
 Self-employment assistance program: SB 5653  
 Shared leave in public employment, unused leave provisions: **\*HB 2281, CH 454 (2007)**  
 Telework enhancement funding board: SB 5162  
 Tips, business and occupation tax credit on payroll taxes paid by owners: SB 5947  
 Veterans' caregiver act: SB 6541  
 Washington state labor management relations act: SB 6835  
 Youth soccer referees, employment criteria: **\*HB 1457, CH 464 (2007)**, SB 5559

#### **EMPLOYMENT SECURITY DEPARTMENT**

Administration of Title 50 RCW, funding: **\*SHB 1407, CH 327 (2007)**, SB 5230  
 Family leave insurance, study: SB 6280  
 Green economy industries and jobs, research and analysis: **\*E2SHB 2815, CH 14 (2008)**  
 Qualified employers, delinquency tax rates: HB 2655, SB 6409  
 Self-employment assistance program: SB 5653  
 Waiting week for unemployed individuals, study of options for suspension in emergencies or disasters: ESHB 2626

#### **ENERGY**

Alternative fuels, clean energy initiatives and incentives: **\*E2SHB 1303, CH 348 (2007) PV**, SB 5586  
 Anaerobic digestion power, clean streams grant program: E2SHB 1035  
 Cellulosic ethanol production program: SB 5586  
 Clean energy initiatives and incentives: **\*E2SHB 1303, CH 348 (2007) PV**, SB 5586  
 Efficiency code, adding products: ESHB 2758  
 Efficient appliances and equipment, tax incentives: SB 6379  
 Efficient equipment, tax incentives for businesses: **\*HB 3362, CH 284 (2008)**  
 Energy efficient worker training program: SB 6605  
 Energy freedom program, transferred to department of community, trade, and economic development: **\*E2SHB 1303, CH 348 (2007) PV**  
 Geothermal resources, core holes: **\*SHB 2129, CH 338 (2007) PV**  
 Green highways promoted in energy freedom program, alternative fuel availability: **\*E2SHB 1303, CH 348 (2007) PV**, SB 5586, SB 5760  
 Growth management, comprehensive plan energy element: SB 5871  
 Hydrokinetic energy: E2SHB 3216  
 Hydropower, renewable energy source with regard to energy independence act: SB 6051

Lighting, energy efficiency requirements and hazardous substance regulations: E2SHB 2703  
 Nuclear energy, task force: SB 6568  
 Performance-based contracted energy equipment and services, tax exemptions: SB 6515  
 Renewable energy, hydropower: SB 6051  
 Renewable energy, procurement: \***SHB 2639, CH 198 (2008)**, SB 6658  
 Renewable fuel, grants for conversion: SB 6914  
 SEPA, renewable fuel standards: \***ESB 5669, CH 308 (2007)**  
 Smart grid energy technology, strategic plan and tax exemptions: SB 6112  
 Solar electric power, tax incentives: SB 6255  
 Solar hot water components, tax exemptions: ESHB 1211  
 Solar, investment cost recovery incentives for community-based solar energy projects: SB 5614  
 Special needs transportation services, light and power business tax credit for contributions: SB 5454  
 State agencies, purchase of renewable energy: SB 5287  
 Systems benefit charge and sustainable energy trust, natural gas and electric utilities: SHB 1032  
 Tidal and wave energy, tax exemptions for generation of electricity: SB 6111  
 Transmissions, regional compacts for siting lines: \***HB 1038, CH 326 (2007)**  
 Transmissions, site locations: \***SHB 1037, CH 325 (2007)**  
 Weatherization assistance program, tax exemptions for materials and services: \***ESHB 2847, CH 92 (2008)**, SB 6746  
 Wind power, energy freedom program and community action agencies: SB 5383

#### **ENERGY FACILITY SITE EVALUATION COUNCIL**

Pipeline utility corridor capacity, review: SB 6107  
 Transmissions, regional compacts for siting lines: \***HB 1038, CH 326 (2007)**  
 Transmissions, site locations: \***SHB 1037, CH 325 (2007)**

#### **ENGINEERS (See also SURVEYORS)**

Design professional, claim filed against: SB 5833  
 Significant structures, only structural engineers allowed to provide services: SB 5984

#### **ENVIRONMENT**

Biomonitoring program: SB 5695  
 Carbon dioxide mitigation, business and occupation tax credit: SB 5416  
 Children's environmental health and protection advisory board: SB 5279, SB 5379  
 City or town utilities, environmental mitigation: \***SHB 1929, CH 349 (2007)**, SB 6046  
 Cleaning of state facilities, products that minimize impacts to humans and the environment: ESHB 1464, EHB 2613  
 Construction storm water general permits: HB 2558, \***SB 6504, CH 37 (2008)**  
 Environmental mitigation in highway construction, department to public lands if possible: SB 6531  
 Environmental remediation services, business and occupation tax rate: SB 5386  
 Greenhouse gases, reporting study panel: SB 5359  
 Greenhouse gases, rules for emission levels and reduction objectives: SB 6001  
 Health and environmental laws, citizen may commence action against violator: SB 6104, SB 6833  
 Herbicide application permit conditions for irrigation drains or wasteways: SB 6017  
 Mercury release reduction: SB 6502  
 Off-road vehicles, impact of use: SB 6901  
 Pacific Northwest maritime national heritage area feasibility assessment act: SB 6144  
 Polybrominated diphenyl ethers, phasing out procedures: \***ESHB 1024, CH 65 (2007)**, SB 5034  
 Salmon and watershed planning integration work group: SB 5567  
 Schools, sustainable environment culminating project grant program: SB 6549  
 SEPA, renewable fuel standards: \***ESB 5669, CH 308 (2007)**  
 Uniform environmental covenants act: \***SB 5421, CH 104 (2007)**  
 Yukon to Yellowstone conservation initiative: SB 5318

#### **ESTATES (See also PROBATE)**

Distribution document, definition: \***ESHB 3012, CH 161 (2008)**  
 Division of lands created by testamentary provisions or laws of descent: SB 5141  
 Estate distribution documents, marketing by persons not authorized to practice law in this state: \***ESHB 1114, CH 67 (2007)**, SB 5229

Real estate excise tax exemption, documentation requirements for tax exemption at time of inheritance: SB 6851  
 Uniform simultaneous death act: \***HB 2236, CH 475 (2007)**, SB 5377

### ESTHETICS

Master estheticians, licensing requirements: SB 5906

### ETHICS IN GOVERNMENT

Board, limitation on penalties and costs: SB 6293  
 Efficiency hotline: \***ESB 5513, CH 41 (2007)**  
 Gifts, acceptance of gifts by municipal officers: SB 6507  
 Legislature, restrictions on mail to constituents: HB 1196, \***SB 6685, CH 39 (2008)**  
 Municipal officers, beneficial interest in contracts: \***SHB 1255, CH 298 (2007)**  
 Raffles, public employees: \***HB 1599, CH 452 (2007)**, SB 5693

### EVERGREEN STATE COLLEGE, THE

Governing board, modifications: SB 6390

### EVIDENCE

Admissibility in sex offense cases: SB 6363, SB 6933  
 Health care provider billing statements: SB 5725  
 Polygraph examinations, sexual assault victims: \***HB 1520, CH 202 (2007)**  
 Privileged communications, Christian Science practitioner: \***HB 1939, CH 472 (2007)**, SB 5357

### FAIRS AND EXHIBITIONS

State trade fair fund, provisions: SB 5170

### FAMILY AND CHILDREN'S OMBUDSMAN, OFFICE

Child abuse or neglect, duty to report: SB 6367  
 Volunteers, duty to report child abuse or neglect: SB 6367

### FAMILY LIFE

At-risk youth, public access to hearings: \***SHB 1565, CH 213 (2007)**  
 Child in need of services, public access to hearings: \***SHB 1565, CH 213 (2007)**  
 Civil marriage equality, gender neutrality: SB 5335  
 Dependency proceedings, reunification: SB 5452  
 Dependent children, visitation rights for relatives: SB 6306  
 Dissolution proceedings, provisions revised: SB 5470  
 Domestic partnership registry, protection by granting certain rights and benefits: SB 5336  
 Domestic partnerships, rights and responsibilities: \***2SHB 3104, CH 6 (2008)**, SB 6716  
 Family and children's services, department: SB 5506  
 Family and juvenile court improvement program: \***2SHB 2822, CH 279 (2008)**  
 Family leave insurance, implementation of joint legislative task force recommendations: SB 6280  
 Family military leave act: \***SB 6447, CH 71 (2008)**  
 Family planning services: SB 5585  
 Family preparation course: SB 5472  
 Infant-friendly employers: SB 5153  
 Veterans' caregiver act: SB 6541

### FARMS

Agricultural commodities, public utilities tax deduction for transportation: \***HB 1443, CH 330 (2007)**, SB 5431  
 Asparagus, exception to standards for fruits and vegetables: \***HB 1416, CH 237 (2007)**, SB 5397  
 Biodiesel fuel, sales and use tax exemption: SB 5009  
 Biofuel economic development program: SB 6170  
 Brassica seed production: \***HB 1888, CH 181 (2007)**, SB 5749  
 Business and occupation tax rate for custom farming services: SB 5059  
 Community agricultural worker safety grant program: 2ESB 5723  
 Conservation futures levy, farm and agricultural land: SB 5362  
 Conservation markets, preservation and environmental restoration: SB 6805

Dairies, exemption from shellfish protection district charges: SHB 2676, SB 6607  
 Dairies, purchase of carbon credits from methane-producing entities: SB 5237  
 Dairies, tax credit to light and power businesses for purchase energy credits to reduce methane emissions: SB 5238  
 Farmland preservation, office of: SB 5108  
 Growth management, agricultural activities and critical areas: ESHB 2212, SB 5248  
 Heritage barn preservation program: \***SHB 2115, CH 333 (2007)**, SB 5542  
 Local farms-healthy kids act: E2SHB 2798  
 Local farms-healthy kids and communities act: SB 6483  
 Machinery and equipment, sales and use tax exemptions: SB 6780  
 Machinery and equipment, sales and use tax exemptions for repairs: \***EHB 1902, CH 332 (2007)**, SB 5764, SB 5765  
 Methane emissions, purchase of carbon credits from dairies: SB 5237  
 Methane emissions, tax credit to light and power businesses for purchase of energy credits from dairies: SB 5238  
 Organic foods commission act: SB 5160  
 Overtime compensation exemption for agriculture, forestry, and fisheries: SB 6564  
 Propane fuel, sales and use tax exemption: SB 5077  
 Propane, sales and use tax exemption: HB 1376  
 Shellfish, aquaculture regulatory committee: \***2SHB 2220, CH 216 (2007)**, SB 5645  
 Small farm direct marketing assistance program, expiration date removed: \***HB 1311, CH 122 (2007)**, SB 5056  
 Tax exemptions for certain farming services: \***ESHB 2352, CH 334 (2007)**, SB 5595  
 Vegetation management services, taxation: SB 5761, SB 5781  
 Walla Walla sweet onion, state vegetable: \***HB 1556, CH 137 (2007)**

## FERRIES

Charge to ride ferry, reduction in: SB 5680  
 Fares, expiration of monetary value: SHB 2455  
 Fares, multiple drivers for multiple discounted trips: SB 6689  
 Fares, reasonable fares for frequent users: SHB 2718, SB 6688  
 New vessels, restrictions on carrying motor vehicles: SB 6794  
 Passenger-only, funding: SB 5862  
 Passenger-only, required date for operations to begin on service between Vashon and Seattle: HB 2353  
 Passenger-only, sales and use tax exemption for fuel purchased by public transportation benefit area: SB 5862  
 Port districts, grants for ferry service: \***HB 2730, CH 45 (2008)**  
 State, procurement of new vessels: \***SHB 2378, CH 481 (2007)**  
 State, survey and plan: \***ESHB 2358, CH 512 (2007)**, SB 6127  
 State, time periods for collective bargaining by employees: \***SHB 1693, CH 160 (2007)**, SB 5082  
 Vehicle idling in holding area, restrictions: SB 5739  
 Vehicles boarding ferries, traffic infractions for blocking driveways or moving in front of another vehicle: \***SB 5088, CH 423 (2007)**  
 Vessels and terminals, planning: SB 6932

## FERTILIZERS

Registration and administration: \***HB 2467, CH 292 (2008)**, SB 6194

## FINANCIAL INSTITUTIONS (See also BANKS AND BANKING; CREDIT UNIONS)

Community credit needs, microenterprise development needs: SB 5651  
 Credit cards, cap on transaction fees: SB 6825  
 Credit cards, information: HB 2620  
 Credit cards, interchange and associated fees: SB 5065  
 Credit cards, posting of time and date when paying in person: SB 6091  
 Debit cards, information: HB 2620  
 Electronically delivered financial information, sales and use tax exemptions: \***ESHB 1981, CH 182 (2007)**, SB 5768  
 Financial fraud and identity theft, pilot program of assistance for jurisdictions enforcing laws: SB 6103  
 Homeownership security, improving protections for residential mortgage loan consumers: \***SHB 2770, CH 108 (2008)**, SB 6728  
 Interchange fees, prohibited on state sales tax portion of transaction: SB 5885  
 Interchange fees, sales tax exemption for retailers: SB 5884

Interstate branching: **\*SHB 2286, CH 167 (2007)**, SB 6029  
 Manufactured/mobile home communities, tax credit for financial assistance: SB 6073  
 Microenterprise development program: SB 5652  
 Robbery in first degree, classification: SB 5705  
 Securities, safeguarding: **\*HB 3011, CH 234 (2008)**  
 Statutes, published code reviser's notes in financial institutions and insurance titles of the RCW: SB 6038

#### **FINANCIAL INSTITUTIONS, DEPARTMENT**

Exchange facilitators, director to issue and deliver licenses: SB 6845  
 Fees, adjustment: **\*EHB 3381, CH 285 (2008)**  
 Financial literacy, expansion through education and counseling to promote homeownership security: 2SHB 2829, **\*SB 6272, CH 3 (2008)**  
 Smart homeownership choices program: SB 6711  
 Tax refund anticipation loans, facilitators: SB 6697

#### **FINANCIAL MANAGEMENT, OFFICE**

Capital project requests, analysis and scoring: **\*ESHB 3329, CH 205 (2008)**  
 Chehalis river basin, flood hazard mitigation projects: **\*HB 3375, CH 180 (2008)**  
 Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: SB 5872  
 Homeless families services fund: **\*SB 6335, CH 2 (2008)**  
 Information technology, strategic plan for state projects: HB 1296  
 Joint legislative infrastructure oversight committee, created: SB 6613  
 Purchase of locally grown foods, tracking: SB 6483  
 Real estate procurement and management of state facilities, oversight: **\*SHB 2366, CH 506 (2007)**  
 Risk management division, report: SB 6696  
 School districts, education data center: 2SHB 1871, SB 5842  
 State expenditure information web site: **\*SB 6818, CH 326 (2008) PV**  
 Statewide infrastructure investment strategy: SB 6613  
 Wrongful injury or death of a child, risk management division report: E3SHB 1873

#### **FIRE PROTECTION**

Cigarette ignition propensity: SB 5642  
 Districts, clarifying annexation procedures with cities: ESHB 2938  
 Fire service training account, distribution and allocation: **\*SB 6119, CH 290 (2007)**  
 Forest fire, protection assessments: SB 5463  
 Forest fires, access to property during a fire: SB 5315  
 Groundwater withdrawal for fire prevention purposes: SB 6198  
 Hospitals, standards: SB 6710  
 Impact fees, facilities authorized to use: HB 2110  
 Volunteer fire departments, reimbursement for response to incidents on state highways: SB 5426

#### **FIRE PROTECTION DISTRICTS (See also SPECIAL DISTRICTS)**

Commercial vessels, recovery of costs when incident occurs: SB 6445  
 Commissioners, additional: SB 5432  
 Competitive bidding requirements, exemption for work performed by employees: SB 5433  
 Fire stations, threshold for construction projects without formal bidding : SB 5337

#### **FIRE PROTECTION SPRINKLER SYSTEMS**

Fitters, certification: **\*ESHB 1968, CH 435 (2007)**  
 Nightclubs, requirements: **\*2SHB 1811, CH 434 (2007) PV**, SB 5832  
 Residential, technical advisory group to research and review policies and procedures: ESHB 2292, **\*SHB 2575, CH 60 (2008)**

#### **FIREARMS**

Concealed pistol licenses, age requirement: SB 6861  
 Concealed pistol licenses, applicants who are active duty members of armed forces: SB 6686, SB 6864  
 Concealed pistol licenses, late renewal penalty provisions: HB 1126

Concealed pistol licenses, license holders from other states: SB 6864  
 Department of fish and wildlife lands, restrictions on use: SB 6859  
 Emergency or natural disaster, seizure or confiscation of unlawful firearms: SB 5516  
 Gun shows and events, sales regulations: SB 5197  
 Involuntary committed, possession of firearms by person who are: SB 6526  
 Nonimmigrant aliens, requirements and violations: ESHB 3148  
 Nonresidents' participation in hunting and shooting events: SB 5456  
 Restoration of right to possess: SB 5465  
 Schools, hunter and firearm safety courses as an elective: SB 5791  
 Schools, regulation of firearms on campus: ESHB 3131, SB 6304, SB 6841, SB 6860  
 Weapon, definition: SB 6322

### **FIREFIGHTERS**

Volunteer, state agency employees allowed to respond when called to duty: SB 5511  
 Occupational diseases, cardiovascular disease and cancer: \***ESHB 1833, CH 490 (2007) PV**, SB 5741  
 Relief and pensions, fireman changed to firefighter: HB 1824  
 Survivor benefits: HB 3020, SB 6650  
 Volunteer, paid leave from employment for state employees: SB 6887  
 Volunteer, sales and use tax exemption for equipment: SB 6089  
 Volunteer, vocational rehabilitation: \***SHB 2147, CH 57 (2007)**, SB 5752

### **FISCAL NOTES**

Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: SB 5872

### **FISH (See also SALMON; STEELHEAD)**

Aquatic invasive species control and enforcement: SB 5923  
 Food fish and shellfish, management authority: SB 6053  
 Geoduck aquaculture techniques and practices, scientific research studies: \***2SHB 2220, CH 216 (2007)**  
 Geoduck harvesters, workers' compensation coverage: \***HB 1949, CH 324 (2007)**  
 Geoduck harvesters, workers' compensation coverage revised: \***SHB 2885, CH 70 (2008)**  
 Geoduck, intertidal commercial aquaculture: SB 6509  
 Hydraulic project approval process, study to protect fish life: 2SHB 2530  
 Inspections and sampling of fish and wildlife, authority of fish and wildlife employees to inspect vessels and facilities:  
   \***SHB 1646, CH 337 (2007)**, SB 5131  
 Puget Sound commercial salmon fishery, management: SB 6337  
 Puget Sound, marine resources committees: \***SHB 2049, CH 344 (2007)**  
 Rockfish research and stock assessment program: 2SHB 1076, \***HB 1476, CH 442 (2007)**, SB 5127  
 Secondary commercial fish receiver's failure to account for harvest, recordkeeping requirements: SB 5128  
 Shellfish and food fish, management authority: SB 6053  
 Shellfish, aquaculture regulatory committee: \***2SHB 2220, CH 216 (2007)**, SB 5645  
 Shellfish, protection districts and program: E2SHB 1595, SHB 2676, \***SB 5778, CH 150 (2007)**  
 Willapa harbor oyster reserve: \***SHB 2823, CH 202 (2008)**

### **FISH AND WILDLIFE**

Small scale prospecting and mining, violations: SHB 2871  
 Title 77 RCW definitions, organization: \***SHB 2788, CH 277 (2008)**

### **FISH AND WILDLIFE COMMISSION**

Department of fish and wildlife lands, restrictions on use: SB 6859  
 Hunters and fishers with disabilities, authority to appoint advisory committee: \***HB 2540, CH 294 (2008)**  
 Membership and appointment: SB 5117, SB 5747, SB 5793

### **FISH AND WILDLIFE, DEPARTMENT**

Aquatic invasive species control and enforcement: SB 5923  
 Ballast water, program to address nonballast water ship vectors as a source of nonindigenous species: SB 5748  
 Ballast water, standards and exemptions for discharge: SB 5923  
 Director, appointment: SB 5364

Fisheries buy-back programs, purchase of vessels and licenses: SB 6419  
 Flood damage, mitigation: **\*SHB 2525, CH 272 (2008)**  
 Food fish and shellfish, management authority: SB 6053  
 Funding for programs, redirecting certain moneys: SB 5132  
 Geoduck aquaculture techniques and practices, scientific research studies: **\*2SHB 2220, CH 216 (2007)**  
 Governance structure, joint legislative audit and review committee study and review: SB 6043  
 Hunters and fishers with disabilities, advisory committee: **\*HB 2540, CH 294 (2008)**  
 Hydraulic project approval process, study: 2SHB 2530  
 Inspections and sampling, department employees authorized to partake in: **\*SHB 1646, CH 337 (2007)**, SB 5131  
 Lands, restrictions on use of firearms: SB 6859  
 Livestock predator control, matching funds for protection of calves from coyotes: SB 6007  
 Magnuson-Stevens fishery conservation and management reauthorization act, exemption from disclosure: **\*ESB 6821, CH 252 (2008)**  
 Marine protected areas, work group: SB 6231  
 Nonindigenous species, data collection and program: SB 5748  
 Officers, transfer of service credit: SB 6653  
 Orca whales, protection from vessel impact: **\*2SHB 2514, CH 225 (2008)**, SB 6395  
 Orcas, interagency recovery team for southern resident whales: SB 5488  
 Outdoor recreational opportunities for seriously ill children, authority to facilitate: SB 6260  
 Outer coast marine resources, administration of committee: SB 6227  
 Predator control, appropriation: SB 6709, SB 6725  
 Public lands, habitat and recreation lands coordinating group: SB 5236  
 Puget Sound commercial salmon fishery, management: SB 6337  
 Puget Sound Dungeness crab, catch record cards: **\*SB 6289, CH 244 (2008)**  
 Rockfish research and stock assessment program: 2SHB 1076, **\*HB 1476, CH 442 (2007)**, SB 5127  
 Sensitive fish and wildlife data, public disclosure exemption: **\*HB 1077, CH 293 (2007)**, SB 5126  
 Small scale mineral prospecting on coastal areas, pilot program to examine: SB 5704  
 Spawning beds, educational materials to provide protection of salmon and steelhead: SB 5876  
 State-owned housing, authority to approve private business activities: SB 6570  
 Watchable wildlife decals, authority to sell: SB 6230  
 Watchable wildlife raffle, pilot project: SB 6230  
 Wildlife account: HB 1229, HB 2799, SB 6136  
 Wildlife damage claims, commercial livestock valuation and appeals committee: 2ESHB 1147, SB 6592  
 Wildlife rehabilitation advisory committee: SHB 2452  
 Wildlife rehabilitation program: SB 5188  
 Yukon to Yellowstone conservation initiative: SB 5318

#### **FISHING, COMMERCIAL (See also SALMON)**

Buy-back programs, purchase of vessels and licenses: SB 6419  
 Charter licenses, albacore tuna not included as a nonsalmon license designation: **\*HB 1476, CH 442 (2007)**  
 Diesel fuel, sales and use tax exemption: SB 6086  
 Dungeness crab-coastal fishery, license buyback program: SB 5447  
 Overtime compensation exemption for agriculture, forestry, and fisheries: SB 6564  
 Secondary commercial fish receiver's failure to account for harvest, recordkeeping requirements: SB 5128

#### **FISHING, RECREATIONAL (See also SALMON)**

Fishing guides, Columbia river: SB 6139  
 Licenses, display of shellfish and seaweed license: **\*SHB 1082, CH 336 (2007)**  
 Licenses, merging fishing and hunting fees for certain veterans and persons with disabilities: **\*SHB 1079, CH 254 (2007)**, SB 5125  
 Military personnel, temporary license at resident rate: **\*SB 6465, CH 35 (2008)**

#### **FLOOD CONTROL**

Catastrophic flood relief, funding: SB 6823  
 Centralia-Chehalis project, general obligation bonds: SB 6460  
 Chehalis river basin, appropriation of funds for flood hazard mitigation projects: **\*HB 3375, CH 180 (2008)**

Flood damage, mitigation: **\*SHB 2525, CH 272 (2008)**

Flood mitigation and facilities for career and technical education, general obligation bonds: **\*SHB 3374, CH 179 (2008)**

Floodway, definition in shoreline management act: **\*EHB 1413, CH 328 (2007)**, SB 5473

Hydraulic project mitigation in response to flood event: SB 6906

Hydraulic project permit approval for projects intended to reduce or eliminate damage from floods: SB 5733

Upper Chehalis subbasin flood mitigation plan, work group: SB 6882

#### **FOOD AND FOOD PRODUCTS (See also MEAT)**

Alcohol content in food and confections: **\*ESHB 1047, CH 226 (2007)**

Apple commission, membership: **\*SB 6283, CH 11 (2008)**

Asparagus, exception to standards for fruits and vegetables: **\*HB 1416, CH 237 (2007)**, SB 5397

Automatic service charges paid to servers, disclosure for customer: **\*SHB 1583, CH 390 (2007)**, SB 5650

Chain food establishments required to provide nutrition labeling: SB 6505

Cloned animals, labeling on food from: SB 5161

Commercial food service establishment in Pritchard building, business enterprises program: SHB 2003

Dairy products, commission: **\*SB 6284, CH 12 (2008)**

Food lockers, regulations repealed: **\*HB 1305, CH 52 (2007)**, SB 5057

Fruit and vegetable processing and storage tax deferral, application deadlines: SB 6319

Fruit and vegetable processing and storage tax deferral, application process: **\*HB 2032, CH 243 (2007)**

Fruits and vegetables, disclosure exemption: **\*EHB 1688, CH 177 (2007)**

Huckleberries, specialized forest products permit: **\*SHB 2779, CH 191 (2008)**, SB 6232

Local farms-healthy kids act: E2SHB 2798

Local farms-healthy kids and communities act: SB 6483

Meat and poultry inspection, programs: SB 6954

Milk products, wholesale sales of unprocessed milk exempted from business and occupation tax: **\*HB 1549, CH 131 (2007)**, SB 5641

Organic foods commission act: SB 5160

Popcorn mixtures, sales and use tax exemption: SB 6351

Shellfish, aquaculture regulatory committee: **\*2SHB 2220, CH 216 (2007)**, SB 5645

Vending machines, sales tax repealed: SB 5689

Walla Walla sweet onion, state vegetable: **\*HB 1556, CH 137 (2007)**

#### **FOREST LAND (See also TIMBER AND TIMBER INDUSTRIES)**

Climate change, response preparation for consequences on state forests: SB 5966

Community and urban forests, department of natural resources: ESHB 2468, SB 6249

Conservation: SB 6251

Consulting foresters, board and licensing: SB 5834

Conversion of forest land to nonforestry uses: SB 5883

Designated forest lands and open space timber lands, statutes consolidated for ease of administration: SHB 1580, SB 5527

Fire protection assessments: SB 5463

Forage and mulches, program: SB 6676

Forest fires, access to property during a fire: SB 5315

Forest health, three tier technical assistance system and scientific advisory committee: SB 6028

Forest health, two tier technical assistance system and scientific advisory committee: SB 6025

Forest practices board, member who is small forest landowner: **\*SHB 2893, CH 46 (2008)**

Haulers of logs, advisory rates of compensation: SB 6069

Huckleberries, regulations: **\*SHB 1909, CH 392 (2007)**

Huckleberries, specialized forest products permit: **\*SHB 2779, CH 191 (2008)**, SB 6232

Management, information: SB 6259

Quinalt Indian Reservation, timber harvest excise taxation: **\*SHB 2008, CH 69 (2007)**, SB 5903

Specialized forest products, huckleberries: SB 5214

Specialized forest products, permitting process and theft protections: **\*SHB 1909, CH 392 (2007)**

Specialized forest products, work group created and bill of lading requirements revised: SB 5844

Urban forestry partnerships, evergreen cities recognition program: **\*E2SHB 2844, CH 299 (2008) PV**, SB 6469

Working forest land base, maintenance: SB 6233

Working forest land board, grants and loans to protect lands: SB 5216

**FOREST PRACTICES (See also TIMBER AND TIMBER INDUSTRIES)**

Climate change, response preparation for consequences on state forests: SB 5966  
 Community and urban forests, department of natural resources: ESHB 2468, SB 6249  
 Consulting foresters, board and licensing: SB 5834  
 Conversion of forest land to nonforestry uses: SB 5883  
 Conversion-related practices, jurisdiction transferred to local government: \***SHB 1409, CH 236 (2007)**  
 Forest health, contract harvesting for silvicultural treatments: SHB 1122, SB 5461  
 Forest health, three tier technical assistance system and scientific advisory committee: SB 6028  
 Forest health, two tier technical assistance system and scientific advisory committee: SB 6025  
 Forest practices board, composition: \***SHB 2893, CH 46 (2008)**, SB 6838  
 Huckleberries, regulations: \***SHB 1909, CH 392 (2007)**  
 Nuisance laws, protection from : \***EHB 1648, CH 331 (2007)**, SB 5076  
 Publicly beneficial activities, application: SB 6759  
 Small forest land owners, regulations: SHB 2219, SB 6501  
 Specialized forest products, huckleberries: SB 5214  
 Specialized forest products, permitting process and theft protections: \***SHB 1909, CH 392 (2007)**  
 Specialized forest products, work group and study extended: HB 2909  
 Specialized forest products, work group created and bill of lading requirements revised: SB 5844

**FOSTER CARE**

Educational outcomes for students in foster care, programs to improve: \***SHB 2679, CH 297 (2008) PV**, SB 6454  
 Federal financial structure, reform: SJM 8025  
 Foster parent license, change of residence: HB 2834, SB 6435  
 Foster parent license, tiered classification program: \***E2SHB 3145, CH 281 (2008)**  
 Foster youth community coordinator pilot program, youths reaching eighteen years of age: SB 5909  
 Licensing, tiered classifications: \***ESHB 1624, CH 413 (2007)**, SB 5777  
 Medicaid coverage for youth: \***2SHB 1201, CH 315 (2007)**, SB 5305  
 Passport to college promise pilot program: \***ESHB 1131, CH 314 (2007)**, SB 5155  
 Placement provisions, notices: \***SHB 1287, CH 409 (2007) PV**, SB 5245  
 Public assistance benefits, notice prior to denial or termination: SB 5776  
 Reactive child, department of social and health services requirements for disclosure: SB 5321  
 School placement continuity: 2SHB 1716  
 State park foster home pass: SB 5010

**FUELS (See also OIL AND GAS; TAXES - MOTOR VEHICLE FUEL TAX; TAXES - SPECIAL FUEL TAX)**

Alcohol fuel, definition: \***SHB 1029, CH 309 (2007)**, ESHB 1055  
 Alternative fuel, biofuel economic development grant program: SB 6170  
 Alternative fuel, clean energy initiatives and incentives: \***E2SHB 1303, CH 348 (2007) PV**, SB 5586  
 Alternative fuel, definition: \***SHB 1029, CH 309 (2007)**, ESHB 1055  
 Alternative fuel, green highways promoted in energy freedom program: SB 5586, SB 5760  
 Alternative fuel, information on the use of: EHB 1057  
 Alternative fuel, tax exemptions for fuel produced in Washington: SB 5671  
 Biofuel economic development program: SB 6170  
 Biofuels irrigation, allocating water from Columbia and Lower Snake rivers: SB 6758  
 Biofuels, University of Washington to analyze availability in state: \***E2SHB 1303, CH 348 (2007) PV**  
 Cellulosic ethanol production program: SB 5586  
 Distributors, business and occupation tax rates: SB 5799  
 E85 motor fuel, definition: \***SHB 1029, CH 309 (2007)**, ESHB 1055  
 E85 motor fuel, pilot program for providing fuel along interstate routes: SB 5586  
 Energy freedom program, transferred to department of community, trade, and economic development: \***E2SHB 1303, CH 348 (2007) PV**  
 Farms, biodiesel fuel sales and use tax exemption: SB 5009  
 Farms, propane fuel sales and use tax exemption: HB 1376, SB 5077  
 Gas stations, backup power required for emergency preparedness: E2SHB 2053  
 Gas stations, financial assistance to prevent release of petroleum products into environment: SB 5328  
 Methyl tertiary-ether, restrictions: \***SHB 2007, CH 310 (2007)**

Motor vehicle fuel, availability during electric power outage or interruption in electric service: **\*3SHB 2053, CH 223 (2008)**

Natural gas used in heat qualifying homes, sales and use tax exemption: SB 6558

Nonhazardous fuel, definition: **\*SHB 1029, CH 309 (2007)**

Nonhazardous motor fuel, definition: ESHB 1055

Oil and gas severance and conservation act, taxation of oil and gas production: SB 5158

Passenger vehicles, greenhouse gas excise taxation: SB 6923

Propane used in heat qualifying homes, sales and use tax exemption : SB 6558

Purchases, agencies performing the metropolitan transportation function: **\*SHB 2746, CH 126 (2008)**

Renewable fuel, grants for conversion: SB 6914

Retail sales of motor fuel, price at a fraction of one cent prohibited: SB 5991

SEPA, renewable fuel standards: **\*ESB 5669, CH 308 (2007)**

Solid fuel burning devices, burn bans: **\*SB 6753, CH 40 (2008)**

Sugar beets for production of biofuel, study: SB 6056

Vehicle electrification work group: SB 5586

Vendors, operation of loading racks using alternative generated power: SB 5334

## FUNERALS

Disorderly conduct, penalties: **\*HB 1168, CH 2 (2007)**

## GAMBLING (See also HORSES AND HORSE RACING; LOTTERY)

Class III gaming, internal control documents: **\*ESB 5927, CH 306 (2008)**

House-banked card games, limits on number of licenses issued: SB 5558

House-banked card games, relocation zoning ordinances: SB 5558

Indian gaming regulatory act, state consent for federal court jurisdiction: **\*HB 1706, CH 321 (2007)**, SB 5055

License fees, authority to increase: **\*EHB 3381, CH 285 (2008)**

Licensees, nondisclosure of certain information: **\*HB 1449, CH 470 (2007)**

Licenses, commission powers and duties: **\*HB 1218, CH 206 (2007)**, SB 5376

Minimum age, increase: SB 6597

Premises, exclusion of certain persons from gambling premises: SHB 1346, SB 5374

Raffle tickets, prices: HB 2489, SB 6829

Revolving fund, investment earnings: SB 6316

Underage gambling, penalties: HB 1345, SB 5375

## GAMBLING COMMISSION

Fee increases: SB 6441

License fees, authority to increase: **\*EHB 3381, CH 285 (2008)**

Licensees, nondisclosure of certain information: **\*HB 1449, CH 470 (2007)**

Licenses, commission powers and duties: **\*HB 1218, CH 206 (2007)**, SB 5376

## GENERAL ADMINISTRATION, DEPARTMENT

Alternative fuel requirements for vessels, vehicles, and construction equipment: **\*E2SHB 1303, CH 348 (2007) PV**

Cleaning of facilities, products that minimize impacts to humans and the environment: ESHB 1464, EHB 2613

Electric vehicles, purchase of power to recharge: **\*E2SHB 1303, CH 348 (2007) PV**

Electricity, purchase of renewable energy: SB 5287

Emergency preparedness kits, standards: HB 2550, SB 6487

Food procurement, authority to develop procedures and materials: E2SHB 2798, SB 6483

Methane emissions, purchase of carbon credits from dairies: SB 5237

## GEOLOGY AND GEOLOGISTS

Geothermal assessment committee: SB 6897

Geothermal resources, core holes: **\*SHB 2129, CH 338 (2007) PV**

Washington geological survey: SHB 2471, SB 6211

## GOVERNOR

Adult family home providers, governor as public employer for collective bargaining purposes: **\*ESHB 2111, CH 184 (2007)**, SB 5949

Boards and commissions, consolidation and elimination: SB 6021  
 Budget, 2007-09 biennium and 2005-07 supplemental: \***ESHB 1092, CH 520 (2007) PV**  
 Budget, amendments to 2005 capital: SB 5156  
 Budget, operating 2007-09: SB 5140  
 Budget, operating 2007-09 biennium and 2005-07 supplemental: \***SHB 1128, CH 522 (2007) PV**  
 Budget, operating supplemental 2005-07: SB 5139  
 Budget, transportation 2007-09: SB 5136  
 Budget, transportation supplemental 2005-07: SB 5138  
 Education ombudsman, monitoring and addressing achievement of students with disabilities: \***SHB 3212, CH 165 (2008)**  
 Emergencies, limited waiver and suspension of statutory obligations: \***SB 6950, CH 181 (2008)**  
 Ocean policy advisory council, coordinated management policies: SB 5213  
 Patient-centered primary care collaborative program, proposal: \***E2SHB 2549, CH 295 (2008)**  
 Salmon recovery office, statewide: SB 5224  
 Senate confirmation for certain commission and department appointments: SB 5703  
 State quality award, council responsibilities: SB 5901  
 Tax expenditure report, biennial budget documents: SB 6054  
 Transportation, 2007-09 biennium and 2005-07 supplemental: \***ESHB 1094, CH 518 (2007) PV**

#### **GRANDPARENTS**

Visitation rights: SB 5071

#### **GRAVEL**

Marine transportation of sand and gravel: SB 6109

#### **GREENHOUSE GASES**

Alternative fuels, clean energy initiatives and incentives: \***E2SHB 1303, CH 348 (2007) PV**  
 Carbon dioxide mitigation, business and occupation tax credit: SB 5416  
 City or town utilities, environmental mitigation: \***SHB 1929, CH 349 (2007)**, SB 6046  
 Emission levels and reduction objectives: \***E2SHB 2815, CH 14 (2008)**, SB 6516  
 Emission levels and reduction objectives, rules: SB 6001  
 Emission reduction of state's motor vehicle fleets: SB 5586  
 Emissions, county evaluation: SB 6580  
 Energy efficient equipment, tax incentives for businesses: \***HB 3362, CH 284 (2008)**  
 Forestry carbon offset program: SB 6679  
 Passenger vehicles, excise taxation: SB 6923  
 Reporting study panel: SB 5359  
 Tailpipe emissions, disclosure: SB 6309

#### **GROCERY STORES**

Alcohol content in food and confections: \***ESHB 1047, CH 226 (2007)**  
 Beer and wine warehousing and distribution: SB 6033  
 Distribution cooperatives, taxation: \***HB 3275, CH 49 (2008)**, SB 6844  
 Wine and beer tasting pilot project: \***ESB 5751, CH 305 (2008)**

#### **GROWTH MANAGEMENT (See also LAND USE PLANNING)**

Agricultural lands, agricultural activities and critical areas: ESHB 2212, SB 5248  
 Agricultural lands, conservation of: SB 5145  
 Aquifer conservation zones: \***SHB 1135, CH 159 (2007)**  
 Climate change impacts: SB 6580  
 Comprehensive plans, energy element: SB 5871  
 Comprehensive plans, population accommodation requirements: SB 5913  
 Comprehensive plans, sufficient land and density availability: ESHB 1727, SB 6727  
 Comprehensive plans, transportation concurrency and impact fees: SB 6566  
 Conservation easements: SB 5692  
 County-wide planning policies, performance and reasonable measures: SB 5914  
 Critical areas, nonregulatory measures and voluntary activities: SB 5301  
 Fair market property values, county assessor to consider growth management restrictions: SB 5863

Forest practices, jurisdiction of conversion-related practices transferred to local government: **\*SHB 1409, CH 236 (2007)**  
 Hood Canal, extension or development of sewer systems: SHB 1605  
 Industrial land banks, major industrial development within: **\*SHB 1965, CH 433 (2007)**  
 Industrial land banks, termination date: HB 1925  
 Legally existing uses, new regulations may not prohibit: SB 5734  
 Loans, program adopted for city costs associated with certain appeals: SB 6493  
 Major industrial developments, provisions: SB 5684  
 Manufactured housing communities, development in rural areas: SB 6171  
 Marine transportation of sand and gravel: SB 6109  
 Public facilities, joint task force on siting of essential: SB 5194  
 Reclaimed surface coal mine sites, industrial development: **\*SB 6014, CH 194 (2007)**  
 Regional transfer of development rights program: **\*2SHB 1636, CH 482 (2007)**, SB 5656  
 Rural villages in rural areas: SB 5852  
 Small cities, loans for certain appeals: SB 6493  
 Transportation concurrency, impact fees: SB 5683  
 Transportation concurrency, requirements: SB 5210  
 Urban forestry partnerships, evergreen cities recognition program: **\*E2SHB 2844, CH 299 (2008) PV**, SB 6469  
 Urban growth areas, cooperation regarding designation and modification: SB 6137  
 Vesting laws: SB 6784  
 Voluntary environmental management and incentive zone plans: SB 5449

#### **GUARDIANSHIP**

Domestic partnerships, rights and responsibilities: **\*2SHB 3104, CH 6 (2008)**, SB 6716  
 Fees and costs allocated to substantially prevailing party: SB 5017  
 Office of public guardianship: SB 5320  
 Professional guardians, petition limits: SB 5016  
 Professional guardians, serving as both guardian and attorney: SB 5018

#### **HANFORD**

Hazardous wastes sites, cleanup advisory boards: SB 5393  
 Hazardous wastes sites, ten-year financing report and partnerships with local communities: **\*SHB 1761, CH 446 (2007)**  
 Radioactive waste and other byproducts of weapons production and nuclear research, taxation on cleanup: SB 6071, SB 6336

#### **HARASSMENT (See also CRIMES)**

No-contact orders, violations and penalties: **\*SHB 1642, CH 173 (2007)**, SB 5697  
 Workplace bullying and harassment, legal redress: SB 6622

#### **HAZARDOUS MATERIALS**

Antifreeze, placement of averse agents: **\*ESHB 2996, CH 68 (2008)**  
 Biomonitoring program: SB 5695  
 Children's environmental health and protection advisory board: SB 5279, SB 5379  
 Environmental remediation services, business and occupation tax rate: SB 5386  
 Model toxics control act, department of ecology opinions for portion of facility: **\*SHB 1039, CH 225 (2007)**  
 Residential real property, sellers' disclosure requirements: SB 5895  
 Wildlife rescue coalition, abolished: SB 5124

#### **HAZARDOUS WASTE**

Cleanup for waste sites, advisory boards: SB 5393  
 Cleanup for waste sites, ten-year financing report and partnerships with local communities: **\*SHB 1761, CH 446 (2007)**  
 Cleanup settlement account: **\*SB 6722, CH 106 (2008)**  
 Environmental covenants act, uniform : **\*SB 5421, CH 104 (2007)**

#### **HEALTH CARE (See also DRUGS; HEALTH CARE AUTHORITY; LONG-TERM CARE; NURSING HOMES; PUBLIC ASSISTANCE)**

Administration of glucagon, authority of emergency medical technicians: SB 6223  
 Adverse health events and incident reporting system, disclosure provisions: SHB 2670, SB 6457

Citizens' work group: SB 6333  
 Clinics, transfer of newborns: ESB 5425  
 Colorectal cancer screening, insurance coverage: \***SHB 1337, CH 23 (2007)**, SB 5494  
 Complimentary and alternative health care practitioners and treatments: SB 6034, SB 6886  
 Complimentary and alternative health care practitioners, registration: SB 6118  
 Coronary interventions, adult nonemergent: SB 5606  
 Diabetes, delegation of nursing tasks : SB 6220  
 Dialysis stations, certificates of need: SB 6916  
 Employee health program and demonstration project, state: SB 5665  
 End-of-life health care directives: ESHB 2494  
 Evidence-based nurse staffing, process: \***E2SHB 3123, CH 47 (2008)**, SB 6734, SB 6945  
 Family and medical leave insurance: SB 5659  
 Family leave insurance, implementation of joint legislative task force recommendations: SB 6280  
 Genetic counselors, licensing: SB 6756  
 Guaranteed health benefit program: SB 6603  
 Health care quality data, internet-based: SB 6889  
 Health sciences and services program: \***E2SHB 1705, CH 251 (2007)**, SB 5616  
 Hospitality industry health insurance act: SB 6915  
 Information technology systems, tax credit: SB 5423  
 Information, disclosure requirements: SB 6191  
 Informed consent protections: SB 5619  
 Insurance, association health plans: SB 6365  
 Insurance, blue ribbon commission on health care costs and access: SB 5930  
 Insurance, coverage eligibility: \***SHB 2560, CH 144 (2008)**  
 Insurance, direct patient-provider primary care practices: SB 5958  
 Insurance, elemental formulas: SB 5874  
 Insurance, fixed payment : \***SHB 1233, CH 296 (2007)**, SB 5523  
 Insurance, health insurance partnership act: \***2SHB 2537, CH 143 (2008)**  
 Insurance, hospitality industry: SB 6915  
 Insurance, information for students: SB 5100  
 Insurance, medical coverage for city elected officials: SHB 1392, \***SB 5525, CH 42 (2007)**  
 Insurance, medicare only health insurance benefits for political subdivision employees: \***HB 2510, CH 142 (2008)**, SB 6446  
 Insurance, neurodevelopmental therapies: SB 5750  
 Insurance, options for young adults: SB 6030  
 Insurance, pharmacy services: SB 5605  
 Insurance, primary medical eye care: SB 6644  
 Insurance, public/private partnerships: SB 6574  
 Insurance, reinsurance program and account: SB 6130  
 Insurance, retainer health care practices: SB 5716  
 Insurance, small business reinsurance program: SB 5658  
 Insurance, small employer options: SB 5789  
 Insurance, state health pool: SB 5712  
 Insurance, study of requirements: SHB 1538  
 Insurance, taxpayer health care fairness act: SB 5977  
 Insurance, Washington health security trust: SB 5756  
 Insurance, Washington state health insurance connector and board: SB 6130  
 Insurance, Washington state health insurance exchange: SB 6574  
 Insurance, Washington state health insurance partnership: \***E2SHB 1569, CH 260 (2007) PV**  
 Insurance, Washington state health insurance pool: SB 6765  
 Language access services: SB 6684  
 Marijuana, medical use clarifications: SB 6032  
 Medical disciplinary act and medical board for safety and quality: SB 6506  
 Medical expenses, property tax exemption for senior citizens, veterans, and persons retired due to disability: SB 6880  
 Medical treatment preference form: ESHB 2494

Mercury-containing vaccines: SB 6300  
 Mobility enhancing equipment, tax exemptions: SB 5648  
 Newborn screening fees: ESHB 2023  
 Patient-centered primary care collaborative program: \***E2SHB 2549, CH 295 (2008)**  
 Patient-centered primary care, pilot projects: SB 6282  
 Primary care medical practice, work group: SB 6360  
 Private-public partnership: SB 6575  
 Reform, citizens' work group: SB 6333  
 Sickle cell disease, joint select committee: SB 6205  
 Transport of individuals who must be on a stretcher, guidelines and standards: \***SHB 1837, CH 305 (2007)**  
 Traumatic brain injury strategic partnership advisory council: \***2SHB 2055, CH 356 (2007)**  
 Vaccines, suspension of restrictions during outbreaks: \***SHB 1098, CH 268 (2007)**  
 Veterans, program of training and technical assistance for providers of primary care: SB 6116  
 Washington health partnership: SB 6221  
 Work group: SB 6575

### HEALTH CARE AUTHORITY

Administrator, administration of grants on behalf of health care authority: \***HB 1645, CH 274 (2007)**, SB 5564  
 Applications, data-sharing agreements with Oregon and Idaho to assure valid residence: \***SHB 1848, CH 60 (2007)**  
 Benefit plans, state and public employees to pay on a pretax basis: \***HB 2652, CH 229 (2008)**, SB 6303  
 Blue ribbon commission on health care costs and access: SB 5930  
 Dental care delivery, authority to develop with department of social and health services: SB 6359  
 Dependent care assistance program, transfer from department of retirement systems: \***HB 2652, CH 229 (2008)**, SB 6303  
 Domestic partnership registry, protection by granting certain rights and benefits: SB 5336  
 Employee health program and demonstration project, state: SB 5665  
 Health insurance connector and board: SB 6130  
 Health insurance partnership: \***E2SHB 1569, CH 260 (2007) PV**  
 Long-term care insurance plans, requirements: HB 1085  
 Patient-centered primary care collaborative program, expansion of assessment: \***E2SHB 2549, CH 295 (2008)**  
 Patient-centered primary care pilot projects: SB 6282  
 Prescription drug assistance foundation, board of directors: \***SB 6837, CH 87 (2008)**  
 Prescriptions, purchase of brand name drugs when cost-effective for all state programs: SB 5565  
 Public employees benefits board, administration of benefits: HB 3249, SB 6816  
 School retired and disabled employees, benefits: SB 6649  
 State patrol survivor benefits, reimbursement for payment of premium rates: \***SHB 1417, CH 488 (2007) PV**, SB 5499

### HEALTH CARE FACILITIES

Ambulatory surgical facilities, licensing and standards: \***ESHB 1414, CH 273 (2007)**  
 Certification and recertification costs, fees: \***SHB 2087, CH 279 (2007)**, SB 5941  
 Possession of firearms, release of information for determining eligibility: ESHB 3148

### HEALTH CARE PROFESSIONS

Advanced registered nurse practitioners, prescriptive authority: HB 2497, \***SB 6267, CH 154 (2008)**  
 Background checks: SB 5424  
 Complimentary and alternative health care practitioners and treatments: SB 6034, SB 6886  
 Complimentary and alternative health care practitioners and treatments, registration: SB 6118  
 Disciplinary provisions, burden of proof in actions: SB 5352, SB 5509  
 Disciplinary provisions, generally: E2SHB 1103, \***4SHB 1103, CH 134 (2008) PV**, SHB 1300, SB 5509, SB 5578, SB 6458  
 Disciplinary provisions, medical disciplinary act and medical board for safety and quality: SB 6506  
 Disciplinary provisions, unwarranted attacks: SB 5509  
 Disciplining authorities, powers and duties: E2SHB 1103, \***4SHB 1103, CH 134 (2008) PV**, SHB 1300, SB 5578  
 Fee, secretary of health to establish: SB 6952  
 Genetic counselors, licensing: SB 6756  
 Health care assistants, administration of vaccines and immunizations: \***SHB 2475, CH 58 (2008)**, SB 6334

Home visits by mental health professionals and crisis intervention workers, backup: \***SHB 1456, CH 360 (2007)**, SB 5563  
 Information technology systems, tax credit: SB 5423  
 Informed consent protections: SB 5619  
 Licensing fees: EHB 1667, \***EHB 3381, CH 285 (2008)**, SB 5757, SB 6869  
 Malpractice, notice requirement of intent to file: SB 5910  
 Medical malpractice, closed claim reporting requirements: SHB 1237, SB 5263  
 Pharmaceutical manufacturers, marketing activities and gift disclosures: SB 5917, SB 6302  
 Radiologist assistants, certification: SB 6439  
 Retired volunteer medical workers, licensing: EHB 2518  
 Services provided to government, taxation: SB 5922  
 Uniform sanctioning: SB 5504  
 Unprofessional conduct, professionals required to report conduct of other professionals: SB 5907

#### **HEALTH DEPARTMENTS, LOCAL**

Invasive methicillin resistant staphylococcus aureus, monitoring system: SB 6225  
 Local health financing account, funding for services: E2SHB 1825, SB 5729

#### **HEALTH DISTRICTS**

Nutritional information disclosure, moratorium: ESHB 3160

#### **HEALTH STUDIOS**

Physical fitness services, business and occupation tax rate: SB 6027  
 Tanning facilities to post cancer warning signs: SB 5580

#### **HEALTH, DEPARTMENT**

Adverse health events and incident reporting system, disclosure provisions: SHB 2670, SB 6457  
 Ambulatory surgical facilities, licensing and standards: \***ESHB 1414, CH 273 (2007)**  
 Anaphylactic policy, guidelines: SB 6556  
 Biomonitoring program: SB 5695  
 Blue ribbon commission on health care costs and access: SB 5930  
 Body piercing, requirements for standard universal precautions: EHB 1383  
 Children's safe products, identification: \***E2SHB 2647, CH 288 (2008) PV**  
 Cord blood banking: \***SHB 2431, CH 56 (2008)**, SB 6922  
 Coronary interventions, adult nonemergent: SB 5606  
 Counselors, issuance of credentials: \***2SHB 2674, CH 135 (2008)**  
 Dental access projects, senior citizens: SB 6222  
 Educational outreach program for water-efficient products, department to establish: SB 6810  
 End-of-life health care directives: ESHB 2494  
 Fall prevention program, senior citizens: \***E2SHB 2668, CH 146 (2008) PV**, SB 6222  
 Family planning services: SB 5585  
 Family preparation course: SB 5472  
 Genetic counselors, licensing: SB 6756  
 Health professions account, unappropriated funds: SB 5963  
 Health professions disciplinary authorities, powers and duties: E2SHB 1103, \***4SHB 1103, CH 134 (2008) PV**, SHB 1300, SB 5578, SB 6458  
 Health professions disciplinary authorities, unwarranted attacks: SB 5509  
 Health professions disciplinary provisions, burden of proof in actions: SB 5352  
 Health professions disciplinary provisions, medical disciplinary act and medical board for safety and quality: SB 6506  
 Health professions, licensing fees: EHB 1667, \***EHB 3381, CH 285 (2008)**, SB 5757, SB 6869  
 Human papillomavirus disease and vaccine, information: \***SHB 1802, CH 276 (2007)**  
 Infections, reporting requirements for health care-associated infections acquired in hospitals: \***2SHB 1106, CH 261 (2007)**  
 Integrated pest management: SB 6785  
 Invasive methicillin resistant staphylococcus aureus, monitoring system: SB 6225  
 Large on-site sewage systems, regulations and authority: SB 5894  
 Lead poisoning, prevention education and screening: SB 5981

Long-term care, expansion of programs: \***E2SHB 2668, CH 146 (2008) PV**, SB 6222  
 Medical treatment preference form: ESHB 2494  
 Newborn screening fees: ESHB 2023  
 Nonprofit hospital conversions, department to employ an independent expert for analysis: SB 6762  
 On-site sewage disposal systems, administration: SHB 2522, SB 6599  
 Parent and child health services, sexually transmitted diseases: SB 5585  
 Pharmaceutical manufacturers, marketing activities and gift disclosures: SB 5917, SB 6302  
 Phosphate removal from on-site sewage disposal and wastewater treatment systems, report: 2SHB 3227  
 Polybrominated diphenyl ethers, phasing out procedures: \***ESHB 1024, CH 65 (2007)**, SB 5034  
 Prescription drugs, information integrity program: SB 6241  
 Psychoactive substance control, commission: SB 6124  
 Radiologist assistants, certification: SB 6439  
 Retired volunteer medical workers, licensing: EHB 2518  
 Shellfish protection districts and program: E2SHB 1595, \***SB 5778, CH 150 (2007)**  
 Teen pregnancy, prevention: ESB 6305  
 Toxins in households or dwellings, disclosure: SB 6852  
 Transport of individuals who must be on a stretcher, guidelines and standards: \***SHB 1837, CH 305 (2007)**  
 Traumatic brain injury strategic partnership advisory council: \***2SHB 2055, CH 356 (2007)**  
 Umbilical cord blood collection, institution identification: 2SHB 2805  
 Umbilical cord blood collection, work group: 2SHB 2805  
 Veterans, program of training and technical assistance for providers of primary care: SB 6116  
 Washington state toxic mold and toxins, task force: SB 6852

#### **HEALTH, STATE BOARD**

Children's environmental health and protection advisory board: SB 5279, SB 5379  
 On-site sewage disposal systems, board to adopt rules for verification of biological remediation products: SB 6620

#### **HEARING AIDS**

Hearing instrument fitter/dispenser, qualifications of an applicant for licensure: \***EHB 1379, CH 271 (2007)**

#### **HEATING**

Heating oil used in heat qualifying homes, sales and use tax exemptions: SB 6558  
 Heating oil used in homes, sales and use tax exemptions: SB 6542  
 Heating oil used in schools, sales and use tax exemptions: SB 5569  
 Home heating oil tanks, design to prevent leakage: \***HB 1789, CH 240 (2007)**  
 HVAC/R and gas piping, trade coordination panel and review of laws: SHB 1876  
 HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: SB 5875  
 HVAC/R, joint legislative task force: SB 5831  
 Low-income energy assistance contributions, public facility district authority to disburse: \***HB 1676, CH 132 (2007)**  
 Solar hot water components, tax exemptions: ESHB 1211

#### **HERBICIDES (See also PESTICIDES)**

Application permit conditions for irrigation drains or wasteways: SB 6017

#### **HIGHER EDUCATION COORDINATING BOARD**

American Indian endowed scholarship program, administration of funds: SB 5025  
 Annuities and retirement income plans, authority to offer: HB 3025, SB 6647  
 Budget provisions: \***ESHB 1883, CH 458 (2007) PV**, SB 5855  
 Child care program for students with children, administration: SB 6730  
 Executive director, appointment: \***ESHB 1883, CH 458 (2007) PV**, SB 5855  
 High demand fields, committee on the education of students in: SB 5731  
 High demand, definition: SHB 2317  
 High-demand fields and degrees, marketing plan: SB 6392  
 Higher education capital facility financing study: \***ESHB 3329, CH 205 (2008)**, SB 6903  
 Higher education needs of Kitsap, Mason, Jefferson, and Clallam counties: SB 5978  
 Historically Black college fund pilot project: SB 5365  
 Performance agreements, pilot program: \***EHB 2641, CH 160 (2008)**

Polytechnic college, study: SB 6539

Statewide strategic master plan for higher education, provisions: \***ESHB 1883, CH 458 (2007) PV**

Student member, term start date: \***ESHB 1883, CH 458 (2007) PV**, SB 5855

Survivors' endowed scholarship program for families of veterans' who lost their lives in service, advisory committee: SB 5040

Transfer associate degree, work group: \***E2SHB 2783 (2008) V**

Washington investment in student excellence scholarship program: SB 6820

Washington learns, implementation: SB 5501, SB 5806

#### **HIGHER EDUCATION FACILITIES AUTHORITY**

Educational loans and student loan revenue bonds: EHB 1436, \***ESB 5385, CH 36 (2007)**

#### **HISTORIC PRESERVATION**

Graves and cemeteries, preservation of Indian and non-Indian sites: SB 5938

Heritage barn preservation program: \***SHB 2115, CH 333 (2007)**, SB 5542

Historic property leased to counties, property tax exemption: HB 1746

Leasehold tax exemption for property owned by United States government: \***SB 5607, CH 90 (2007)**

Pacific Northwest maritime national heritage area feasibility assessment act: SB 6144

Property tax exemption for organizations operated for art, scientific, or historic purposes: HB 2901, SB 6700

State park resources: SB 5209

Vancouver national historic reserve: HB 1049, SB 5032

#### **HISTORICAL SOCIETIES**

Nordic Museum, official: SB 5857

Thomas Burke memorial museum, funding from sale of logs and wood: SB 5218

Washington state heritage center, funding: SB 5882

#### **HOLIDAYS AND OBSERVANCES**

Juneteenth, day of remembrance: \***HB 1870, CH 61 (2007)**

Korean-American day: \***ESB 5166, CH 19 (2007)**

Lief Erickson day: SB 5962

Women's suffrage day: SB 5033

#### **HOME CARE QUALITY AUTHORITY**

Adult family home caregivers, centralized referral registry and account: SB 6350

Performance review: \***HB 2283, CH 140 (2008)**, SB 6041

#### **HOMELESS PERSONS**

Heritage and arts programs, reallocation of existing lodging taxes: SB 6935

Homeless families services fund: \***SB 6335, CH 2 (2008)**

Homeless housing and assistance, recodifying statutes relating to: SHB 1117

Programs for ending homelessness : E2SHB 1115

Transitional housing operating and rent program: SB 5959

#### **HOMEOWNER ASSOCIATIONS**

Declarations task force: ESB 6744

Provisions revised: ESB 6745

#### **HOMESTEADS**

Judgments, homestead exemption: \***SHB 1805, CH 429 (2007)**

#### **HOOD CANAL**

Puget Sound partnership, action agenda to achieve clean-up and restoration goals: SB 5372

Sewer systems, extension or development: SHB 1605

Shellfish, aquaculture regulatory committee: \***2SHB 2220, CH 216 (2007)**, SB 5645

Water quality, removal of nitrates and phosphates: 2SHB 3227

#### **HORSES AND HORSE RACING**

Advance deposit wagering: \***HB 1291, CH 209 (2007)**, SB 5270

Parimutuel system, computing breaks: **\*HB 2792, CH 24 (2008)**  
 Simulcast races, import: **\*SB 5389, CH 100 (2007)**

### **HOSPITAL BENEFIT ZONES**

Financing provisions: **\*SB 5512, CH 266 (2007)**

### **HOSPITALS (See also PUBLIC HOSPITAL DISTRICTS)**

Adverse health events and incident reporting system, disclosure provisions: SHB 2670, SB 6457  
 Ambulatory surgical facilities, licensing and standards: **\*ESHB 1414, CH 273 (2007)**  
 Cardiac care services, certificate of need for percutaneous coronary interventions: **\*SHB 2304, CH 440 (2007)**  
 Coronary interventions, adult nonemergent: SB 5606  
 Evidence-based nurse staffing, process: **\*E2SHB 3123, CH 47 (2008)**, SB 6734, SB 6945  
 Fire protection, standards: SB 6710  
 Health care-associated infections, reporting requirements: **\*2SHB 1106, CH 261 (2007)**  
 Information technology systems, tax credit: SB 5423  
 Long-term care residents, transfer from care facilities: SB 6807  
 Nonbeverage form of alcohol, allowing certain permit holders to obtain directly from suppliers: **\*HB 2825, CH 64 (2008)**, SB 6637  
 Nonprofit hospital conversions, community impact study: SB 6762  
 Nurses, patient safety act and staffing advisory committees: ESHB 1809, SB 5696  
 Specialty, licensing: HB 1378, **\*SB 5398, CH 102 (2007)**  
 State, institutions review commission: SB 6013  
 State, safety measures and staffing levels: SB 6057  
 Transport of individuals who must be on a stretcher, guidelines and standards: **\*SHB 1837, CH 305 (2007)**

### **HOTELS AND MOTELS (See also TAXES - LODGING TAX)**

Liquor licenses, hotel: SB 6078  
 Lodging business amenities, tax exemptions: SB 5610

### **HOUSING (See also MANUFACTURED HOUSING; MOBILE HOMES; REAL ESTATE AND REAL PROPERTY; RENT)**

Affordable housing and community facilities rapid response loan program: **\*EHB 3142, CH 112 (2008)**, SB 6712  
 Affordable housing developments, discrimination prohibited: **\*SHB 2279, CH 118 (2008)**  
 Affordable housing for all: **\*E2SHB 1359, CH 427 (2007)**  
 Affordable housing land acquisition revolving loan fund program: **\*2SHB 1401, CH 428 (2007)**  
 Affordable, surplus publicly owned land and buildings suitable for development of housing: E2SHB 1332  
 Affordable, tax incentives for multiple-unit dwellings in urban centers: **\*E2SHB 1910, CH 430 (2007) PV**, SB 5404  
 Affordable, use of bond proceeds: SB 6462  
 Assistance program, statutes recodified into new chapter: HB 1187  
 Community or neighborhood nonprofit organizations, property tax exemption for administration of low-income programs: SHB 2675  
 Community renewal law, modifications: SB 6595  
 Construction defects, duty to exercise reasonable care in construction of improvements: SB 6385  
 Construction industry, joint legislative task force on underground economy: **\*SB 5926, CH 288 (2007)**  
 Dependent children, independent youth housing program: **\*2SHB 1922, CH 316 (2007)**  
 Discrimination, lawful source of income: EHB 1956, SB 5823, SB 6533  
 Distressed home transactions: SB 6695  
 Financial literacy, expansion through education and counseling to promote homeownership security: 2SHB 2829, **\*SB 6272, CH 3 (2008)**  
 Heating oil used in heat qualifying homes, tax exemptions: SB 6558  
 Heating oil, tax exemptions: SB 6542  
 Home inspectors, licensing: SB 6606  
 Home inspectors, study: SB 5788  
 Homeless housing and assistance, recodifying statutes relating to: SHB 1117  
 Homeless housing and assistance, transitional housing operating and rent program: SB 5959  
 Homelessness, programs for ending: E2SHB 1115  
 Homeownership, plan to increase rate: HB 1116

Low-income homeowner deferral program, administration: SB 6949  
 Low-income, exemption of housing from taxation: **\*HB 1450, CH 301 (2007)**  
 Low-income, sustainable residential weatherization: HB 3141  
 Low-income, tax credits for persons who make financial contributions to assistance programs: SB 5200  
 Low-income, tax exemptions for sellers to promote affordable housing: SB 5154  
 Military, property and leasehold excise tax exemptions: SB 6389  
 Multiple-unit housing, campus facilities master plans: **\*ESHB 2164, CH 185 (2007)**  
 Multiple-unit housing, voluntary contribution program: SHB 2848  
 Natural gas used in heat qualifying homes, tax exemptions: SB 6558  
 Reform policies, efficiencies in housing investments: E2SHB 3180  
 Residential construction, duty to exercise reasonable care in construction of improvements: SB 6385  
 Residential contractors, sunrise review for licensing: 2SHB 3349  
 Underground economy in construction industry, joint legislative task force : SB 6732  
 Weatherization assistance program, tax exemptions for materials and services: **\*ESHB 2847, CH 92 (2008)**, SB 6746

#### **HOUSING FINANCE COMMISSION**

Debt limit, increase: **\*SB 6332, CH 111 (2008)**  
 Homeownership, plan to increase rate: HB 1116  
 Smart homeownership choices program: SB 6711

#### **HUMAN REMAINS**

Autopsy reports and records, advanced nurse practitioners allowed to obtain: **\*SHB 2209, CH 439 (2007)**  
 Discovery, duties of persons: **\*E2SHB 2624, CH 275 (2008)**, SB 6521  
 Graves and cemeteries, preservation of Indian and non-Indian sites: SB 5938  
 Missing persons, investigation procedures: SHB 1182, SB 5191

#### **HUMAN RIGHTS COMMISSION**

Community athletic programs, discrimination prohibited: SB 6547  
 Disability defined in regard to laws against discrimination: SHB 1322, SB 5340  
 Employer, definition: SB 5873  
 Lawful source of income, discrimination based upon: EHB 1956, SB 5823, SB 6533  
 Veterans and persons with military status, discrimination protection: **\*SB 5123, CH 187 (2007)**

#### **HUNTING**

Dog hunting cougar pilot program: **\*ESHB 2438, CH 8 (2008)**  
 Education training, one year deferral: **\*ESHB 1249, CH 163 (2007)**  
 Hound hunting cougar season pilot program: **\*ESHB 1756, CH 178 (2007)**  
 Licenses, merging fishing and hunting fees for certain veterans and persons with disabilities: **\*SHB 1079, CH 254 (2007)**, SB 5125  
 Licenses, surcharge to fund management of recreational access and habitat enhancement agreements: SB 5130  
 Nonresidents' participation in hunting and shooting events: SB 5456  
 Off-road vehicles, county legislative authority authorized to allow hunting from vehicles: SB 5185  
 Private lands, access to certain lands: SB 5130  
 Schools, hunter and firearm safety courses as an elective: SB 5791  
 Senior citizens, small game license fees: SB 6424  
 Unlawfully hunting upon the property of another, penalties: SB 5129

#### **HYDRAULIC PERMITS**

Aquatic reserves, project permits for activities: SB 6010  
 Flood damage, permit approval for projects to reduce or eliminate: SB 5733

#### **IMMIGRATION**

Sex offenders, immigration status and deportation: SHB 2439

#### **IMMUNITY**

Aerial search and rescue, liability: SB 6324  
 Asbestos-related liabilities: SB 5804  
 Corrections department, employee liability: SB 5997

District and municipal courts, probation and supervision services: **\*SHB 1669, CH 174 (2007)**  
 Metal theft, landowner not liable for unintentional injuries: SHB 1987, SB 6050  
 Off-road vehicles, public and private landowners not liable for unintentional injuries in unauthorized areas: SB 6901  
 Recreational access to private lands, landowner liability provisions: SB 5215  
 Social and health services department, employee liability: SB 5997  
 Volunteer emergency workers, limited immunity: **\*HB 1073, CH 292 (2007)**, SB 5054

### **IMPACT FEES (See also FEES)**

Fire protection facilities authorized to use fees: HB 2110  
 Growth management, transportation concurrency and impact fee provisions: SB 6566  
 School facilities, time limits: SB 6892

### **INDETERMINATE SENTENCE REVIEW BOARD**

Membership, appointment: **\*HB 1220, CH 362 (2007)**, SB 5222, SB 6925  
 Petition for earlier review, certificate of discharge and restoration of civil rights: **\*HB 1592, CH 363 (2007)**

### **INDIANS**

American Indian endowed scholarship program, administration of funds: SB 5025  
 Bureau of Indian affairs-funded schools, record checks for employees and applicants: HB 1326, **\*SB 5382, CH 35 (2007)**  
 Cigarette tax agreements, Shoalwater Bay Tribe: **\*SB 6216, CH 241 (2008)**  
 Cigarette tax agreements, Spokane Tribe: **\*HB 1674, CH 320 (2007)**, SB 5380  
 Cigarette tax agreements, Yakama Nation: **\*HB 2650, CH 228 (2008)**, SB 6414  
 Class III gaming, internal control documents: **\*ESB 5927, CH 306 (2008)**  
 Gaming, state consent for federal court jurisdiction in Indian gaming compact: **\*HB 1706, CH 321 (2007)**, SB 5055  
 Graves and cemeteries, preservation of Indian and non-Indian sites: SB 5938  
 Human remains, duties of persons who discover: **\*E2SHB 2624, CH 275 (2008)**, SB 6521  
 Law enforcement officers, authority to act as Washington peace officers: **\*EHB 2476, CH 224 (2008)**, SB 5867, SB 6524  
 Property tax, essential government services removed as a condition for exemption: SB 5500  
 Public employees' benefits board programs, tribal governments: **\*SB 5640, CH 114 (2007)**  
 Quinault Indian Reservation, timber harvest excise taxation: **\*SHB 2008, CH 69 (2007)**, SB 5903

### **INDIGENTS**

Defense grants, number of cities eligible: **\*HB 1793, CH 59 (2007)**  
 Public defense office, termination repealed and provisions modified: SB 6442

### **INDUSTRIAL SAFETY**

Crane safety: **\*ESHB 2171, CH 27 (2007)**, SB 5990  
 Labor regulations, technical changes to laws: SB 6433

### **INFORMATION SERVICES BOARD**

Information technology, strategic plan for state projects: HB 1296  
 Membership provisions: **\*HB 1054, CH 158 (2007)**

### **INFORMATION SERVICES, DEPARTMENT**

Information technology, strategic plan for state projects: HB 1296  
 Personally identifiable information collected by agencies, registry of information systems: SB 5869

### **INITIATIVE 601**

Expenditure limit: SB 6064

### **INITIATIVE AND REFERENDUM**

Constitutional provisions regarding: SJR 8205  
 Filing fee: SB 5392  
 Initiative 747, property tax levy limits: **\*HB 2416, CH 1 (2007)**, SB 5001, SB 6177, SB 6179  
 Signature gatherers, payment of: SB 5356  
 Signature gatherers, required to sign petition declarations: SB 5182  
 Signature gatherers, required to wear identification: SB 5181  
 Signature gatherers, sex offenders prohibited: SB 5636

Signature gatherers, valid voter signature protection act: SB 6085  
 Statewide process, citizen initiative review commission: SB 5598  
 Transportation replacement project ballot measures, reimbursement of election costs: SB 5249  
 Valid voter signature protection act: SB 6085

### **INSANITY, CRIMINAL**

Competency evaluation and restoration, procedures: SB 6311  
 Criminal procedure: SB 5533  
 Death penalty, offenders who are mentally retarded or have a severe mental disorder: SB 5787  
 References, correction: **\*SB 6310, CH 213 (2008) PV**

### **INSURANCE (See also HEALTH CARE AUTHORITY; MEDICARE; WORKERS' COMPENSATION)**

Adjusters, general revisions: SB 5715  
 Agents, general revisions: SB 5715  
 Association health plans, collection and analysis of data: SB 6365  
 Auto glass, third party administrators and claims processing procedures: SHB 3053, SB 5052  
 Automobile, arbitration for dispute resolution: SHB 1492  
 Automobile, assistance for low-income persons to obtain liability insurance: SB 6024  
 Automobile, premium reduction for older insureds completing an accident prevention course: **\*SHB 1953, CH 258 (2007)**  
 Automobile, proof of insurance for renewal of vehicle license: SB 5632  
 Automobile, surcharge on liability policies to fund emphasis patrols in high-accident corridors: SB 5147  
 Brokers, general revisions: SB 5715  
 Capital and surplus requirements necessary to transact insurance: **\*HB 1236, CH 127 (2007)**, SB 5262  
 Children, policies to cover dependents: SB 5223  
 Chiropractors, contract requirements: SB 5597  
 Chiropractors, discrimination: SB 5596  
 Colorectal cancer screening, insurance coverage: **\*SHB 1337, CH 23 (2007)**, SB 5494  
 Condominium liability insurance task force: SB 6724  
 Death benefits, payment of interest: SB 6317  
 Employee, definition: **\*SHB 2560, CH 144 (2008)**  
 Fair conduct act, actions for denial of claim or coverage: SB 5726  
 False or fraudulent refusal of claim, penalties: SB 5344  
 Family leave, implementation of joint legislative task force recommendations: SB 6280  
 Group life insurance policies, payment of interest upon failure to pay death benefits: SB 6317  
 Guaranteed health benefit program: SB 6603  
 Health care, blue ribbon commission on health care costs and access: SB 5930  
 Health care, collection and analysis of data concerning association plans: SB 6365  
 Health care, coverage eligibility: **\*SHB 2560, CH 144 (2008)**  
 Health care, direct patient-provider primary care practices: SB 5958  
 Health care, elemental formulas: SB 5874  
 Health care, fixed payment insurance: **\*SHB 1233, CH 296 (2007)**, SB 5523  
 Health care, hospitality industry: SB 6915  
 Health care, information for students: SB 5100  
 Health care, insurers to accept medical assistance payments and share information with department of social and health services: **\*SHB 1826, CH 179 (2007)**, SB 5699  
 Health care, long-term care standards: **\*SHB 2666, CH 145 (2008)**, SB 6364  
 Health care, medical coverage for city elected officials: SHB 1392, **\*SB 5525, CH 42 (2007)**  
 Health care, medicare only health insurance benefits for political subdivision employees: **\*HB 2510, CH 142 (2008)**, SB 6446  
 Health care, neurodevelopmental therapies: SB 5750  
 Health care, options for young adults: SB 6030  
 Health care, partnership act: **\*2SHB 2537, CH 143 (2008)**  
 Health care, pharmacy services: SB 5605  
 Health care, primary medical eye care: SB 6644  
 Health care, provider billing statements as evidence: SB 5725

Health care, public/private partnerships: SB 6574  
 Health care, reinsurance program and account: SB 6130  
 Health care, retainer health care practices: SB 5716  
 Health care, small business reinsurance program: SB 5658  
 Health care, small employer options: SB 5789  
 Health care, state pool: SB 5712  
 Health care, study of requirements: SHB 1538  
 Health care, taxpayer health care fairness act: SB 5977  
 Health care, Washington health partnership: SB 6221  
 Health care, Washington health security trust: SB 5756  
 Health care, Washington state health insurance exchange: SB 6574  
 Health care, Washington state health insurance partnership: **\*E2SHB 1569, CH 260 (2007) PV**  
 Health care, Washington state health insurance pool: SB 6765  
 Hospitality industry health insurance act: SB 6915  
 Individual plan benefit rates, commissioner authority to review: ESB 5261  
 Industrial, clarification of the terms workforce and economic development: EHB 2608, SB 6264  
 Industrial, exclusion of sports officials from employment services: SB 6858  
 Industrial, medical aid claims for travel expenses: SB 6246  
 Industrial, stays for orders on appeal: **\*E2SHB 3139, CH 280 (2008)**, SB 6750  
 Industrial, volunteer work for public agency: SB 6883  
 Insurance, Washington state health insurance connector and board: SB 6130  
 Insurers, capital and surplus requirements necessary to transact insurance: **\*HB 1236, CH 127 (2007)**, SB 5262  
 Insurers, general revisions: SB 5715  
 Language access services: SB 6684  
 Licensing for agents and brokers: SB 5715  
 Life settlements model act: SB 6631  
 Long-term care, federal partnership program: HB 1086  
 Long-term care, standards: **\*SHB 2666, CH 145 (2008)**, SB 6364  
 Market conduct oversight law: SB 5717  
 Medical malpractice, closed claim reporting requirements: SHB 1237, SB 5263  
 Mental health, parity requirements for individual and small group plans: **\*EHB 1460, CH 8 (2007)**, SB 5446  
 Neurodevelopmental therapies: SB 5750  
 Ocean marine and foreign trade insurance: **\*SB 5042, CH 80 (2007)**  
 Optometry, insurance provider discrimination: SB 5624  
 Pharmacy services, requirements: SB 5605  
 Premiums, tax purposes: HB 2593, SB 6318  
 Producers, regulations: **\*ESB 6591, CH 217 (2008)**  
 Qualified low-income community investment, limitations: SB 6752  
 Regulatory assessment fees: **\*HB 1293, CH 468 (2007)**, SB 5041  
 Retaliatory tax relief on premium taxes: SB 5919  
 Securities, safeguarding: **\*HB 3011, CH 234 (2008)**  
 Statutes, published code reviser's notes in financial institutions and insurance titles of the RCW: SB 6038  
 Vessels, mandatory liability insurance for certain motor-driven vessels: SB 5954

#### INSURANCE COMMISSIONER

Blue ribbon commission on health care costs and access: SB 5930  
 Confidentiality, financial analysis or market conduct desk audit: **\*HB 1235, CH 126 (2007)**  
 Examination reports, distribution: **\*HB 2594, CH 100 (2008)**, SB 6434  
 Health care, Washington state health insurance partnership: **\*E2SHB 1569, CH 260 (2007) PV**  
 Health insurance pool, provisions: SB 5712  
 Health insurance requirements, study: SHB 1538  
 Health care reinsurance program and account: SB 6130  
 Housing trust fund floating loan program, presentation of recommendations: E2SHB 3180  
 Individual health plan benefit rates, commissioner authority to review: ESB 5261  
 Insurance regulations, revisions: **\*SB 5042, CH 80 (2007)**  
 Language access problems, study: SB 6684

Long-term care, standards: \***SHB 2666, CH 145 (2008)**

Market conduct oversight law: SB 5717

Ocean marine and foreign trade insurance: \***SB 5042, CH 80 (2007)**

Qualified low-income community investments, authority to limit monetary amount: SB 6752

Real estate settlement services, commissioner to adopt rules: SB 6847

Regulatory assessment fees: \***HB 1293, CH 468 (2007)**, SB 5041

#### **INTERIOR DESIGNERS**

Licensing and registration, state board of interior design: SB 6707

#### **INTERLOCAL COOPERATION**

Municipal courts and counties: SHB 1590, SB 5353

Watershed management partnerships, powers of forming governments: ESHB 1561, SB 5617

#### **INTERNATIONAL RELATIONS**

Washington international relations foundation: SB 5169

#### **INTERNATIONAL TRADE**

Export assistance services, partnerships with local organizations: SB 5829

Export assistance services, rural manufacturer outreach program: SB 6087

State trade fair fund, provisions: SB 5170

Trade corps fellowship program: SB 5367

Washington international relations foundation: SB 5169

#### **INTERNET**

High-speed internet, statewide deployment and adoption: SB 6438

Publishing information intended to provide info to commit a pedophilic act, prohibited: SB 6301

Voice over internet protocol services, excise tax parity: SB 6884

#### **INTERSTATE COMPACTS**

Educational opportunity for military children: SB 6426

#### **INVESTMENTS (See also STATE INVESTMENT BOARD)**

Certified capital companies: SB 5621

Higher education permanent funds: \***SHB 1784, CH 215 (2007)**, \***SHJR 4215 (2007)**, SB 5766, SJR 8220

Statewide infrastructure investment strategy: SB 6613

#### **IRRIGATION**

Herbicide application permit conditions for irrigation drains or wasteways: SB 6017

#### **IRRIGATION DISTRICTS (See also SPECIAL DISTRICTS)**

Herbicide application permit conditions for irrigation drains or wasteways: SB 6017

Proceeds from foreclosure sales: \***HB 1972, CH 63 (2007)**

Tax exemptions for services provided by small water systems: SB 5232

#### **ISLAND COUNTY**

Camano island, Livingston bay renamed Floyd Jones Flyway: SB 6512

Higher education institution in Snohomish-Island-Skagit county region: SB 5322

#### **JAILS**

Alternative sentencing, earned release credit in county programs: SB 5796

Alternative to total confinement, treatment programs: SB 6702

Automated victim information and notification system, statewide: \***SB 5332, CH 204 (2007)**

Corrections officers, mandatory overtime: SB 6463

Corrections personnel training requirements: SB 5634

Counties and cities in adjacent states, contracts for services: SB 5625

Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: SB 5872

Employees of correctional facilities, stalking protection: \***SHB 1319, CH 201 (2007)**, HB 2170, SB 5307

Inmate postsecondary education, pilot program: SB 6790

State reimbursement for jail services: SB 6019

## JEFFERSON COUNTY

Higher education needs, assessment: SB 5978

## JOINT MEMORIALS

Clinton ferry terminal renamed "Jack Metcalf Ferry Terminal": SJM 8021  
 Credit card interchange fees: SJM 8020  
 Darfur conflict, peaceful resolution: SJM 8017  
 Election day to coincide with veterans day holiday: SJM 8002  
 Equal rights amendment acknowledged and affirmed: SJM 8027  
 Ethiopia, human rights obligations: HJM 4031  
 Federal election day, legal public holiday: SJM 8031  
 Filipino veterans, benefits: **\*SJM 8008 (2007)**  
 Foster care, reform of current federal financial structure: SJM 8025  
 Gray wolf depredation, management: SJM 8023  
 Impeachment investigation into actions by President Bush and Vice President Cheney: SJM 8016  
 Iraq, no escalation: SJM 8003  
 Kollin Nielsen memorial bridge: SJM 8030  
 Korean war veteran's blue star memorial highway, portions of highways 112 and 113: **\*HJM 4017 (2007)**  
 National guard, Washington air and army: HJM 4020, SJM 8012  
 Nisei veterans, postage stamp: SJM 8029  
 No child left behind act, funding levels: SJM 8011  
 Northwest straits marine conservation initiative: HJM 4029  
 Oliver "Punks" Smith interchange: HJM 4001, HJM 4030  
 Pack and saddle stock animals on public lands: **\*ESHJM 4011 (2007)**, SJM 8007  
 Philippines Consulate: SJM 8018  
 Pledge of Allegiance: SJM 8006  
 Pollution, funding to study atmospheric transport of global pollution source: SJM 8000  
 Prescription drugs, direct to consumer advertising: SJM 8019  
 REAL ID act: SJM 8005  
 Regional presidential primary: SJM 8022  
 Security and prosperity partnership: SJM 8004  
 Sports teams, federal income tax deductions for losses: SJM 8013  
 State children's health insurance program: **\*HJM 4016 (2007)**  
 Tacoma Narrows bridge, named Bob Oke bridge: SJM 8026  
 Timber harvests, uniform taxation: SJM 8001  
 TUFTA, Taiwan-U.S. free trade agreement: SJM 8010  
 United States air force, foreign-made tankers: SHJM 4034, SJM 8033  
 Veterans, erosion of benefits: SJM 8015  
 Vietnam war veterans' memorial highway, portions of highway 112: **\*SJM 8024 (2008)**  
 Vote-by-mail ballots, federal government to share costs of postage: SJM 8032  
 Wildlife impacts, adverse: SJM 8014  
 Women, discrimination against: SJM 8009  
 World health organization, Taiwan: **\*SJM 8028 (2008)**

## JOINT OPERATING AGENCIES

Check issuance, payment of claims: SB 5319

## JOINT RESOLUTIONS

Assessed valuation of real property, constitutional amendment to limit growth: SJR 8224  
 Bills and laws passed by the people, standards of review: SJR 8227  
 Budget stabilization account: SJR 8206  
 Emergency clauses, sixty percent vote: SJR 8225  
 Higher education permanent funds, investment: **\*SHJR 4215 (2007)**, SJR 8220  
 Income tax, state: SJR 8209  
 Initiatives and referendums, constitutional provisions regarding: SJR 8205

Inmate labor, limitations on the use of: \***SJR 8212 (2007)**  
 Judicial conduct commission, application of discovery rules: SJR 8221  
 Marriage, definition to be between male and female: SJR 8219  
 Presidential election, conflicting residency requirement: SJR 8217, SJR 8223  
 Property tax, assessed value limitations: SJR 8213, SJR 8216  
 Property tax, base years for valuation: SJR 8222  
 Property tax, homestead exemption: SJR 8210, SJR 8226  
 Property tax, relief on assessed valuation granted solely on age: SJR 8218  
 Property tax, valuation increases for state tax limited: SJR 8228  
 Rainy day reserve fund: SJR 8200  
 Revenue stabilization fund: SJR 8201  
 School levies and bonds, simple majority of voters voting: \***EHJR 4204 (2007)**, SJR 8202, SJR 8203, ESJR 8207  
 State parks, portion of state property tax levy to fund: SJR 8204  
 Supreme court vacancies filled according to statute: SJR 8214, SJR 8215  
 Toll facility or corridor revenue use: SJR 8208  
 Transportation projects, state indebtedness: SJR 8211

### JUDGES

Candidate information, voters' pamphlets: 2SHB 2807  
 Court commissioners, operations: \***2SHB 2557, CH 227 (2008)**  
 Court of appeals, travel reimbursement: \***SB 5351, CH 34 (2007)**  
 District court, positions for Cowlitz county: \***HB 2762, CH 63 (2008)**, SB 6252  
 Judicial district population, estimates: \***SB 6464, CH 13 (2008)**  
 Judicial independence act: SB 5226  
 Municipal court, appointment and election procedures: SB 5353  
 Nonpartisan commission for judicial nominees: SB 5326  
 Nonpartisan judicial commission: SB 5325  
 Retirement, benefit distribution upon separation: \***SB 5918, CH 108 (2007)**  
 Retirement, cost to purchase past service under an optional benefit: SB 5178  
 Retirement, increased benefit multiplier: \***ESHB 1649, CH 123 (2007)**, \***HB 2887, CH 300 (2008)**, SB 6145, SB 6571  
 Superior court, positions for San Juan and Island counties: HB 1269, \***SB 5247, CH 95 (2007)**

### JUDGMENTS

Collection, time period extension: SB 5310  
 Homestead exemption, increase: \***SHB 1805, CH 429 (2007)**, SB 5866  
 Judgments entered against offenders, accrual of interest: SB 5346  
 Jurisdiction, transferring municipal court judgment into district court: \***SHB 1144, CH 46 (2007)**  
 Personal property, judicial orders for distraint of property: SB 5405

### JUDICIAL CONDUCT COMMISSION

Public hearings and information disclosure: SB 5587

### JURIES

Juror compensation: SB 6330, SB 6779  
 Jury selection: SB 6329  
 Jury service, county election official to be notified when a person summoned does not meet qualifications: SB 6555  
 Jury service, exemption: SB 6680  
 Jury service, secretary of state to be notified when a person summoned does not meet qualifications: SB 6555

### JUVENILE COURT

At-risk youth, public access to hearings: \***SHB 1565, CH 213 (2007)**  
 Chemical dependency disposition alternative : SB 5974  
 Child in need of services, public access to hearings: \***SHB 1565, CH 213 (2007)**  
 Dependency hearings, child may petition: SB 6792  
 Dependency hearings, child may petition for reinstatement of terminated parental rights: \***ESHB 1624, CH 413 (2007)**  
 Dependency hearings, returning home provisions: \***SHB 1333, CH 410 (2007)**  
 Dependency hearings, Sirta's law: \***SHB 1333, CH 410 (2007)**

Dependency proceedings, documentation provided by petitioner : \***2SHB 1334, CH 411 (2007)**  
 Dependency proceedings, legal representation pilot program: SB 6896  
 Dependency proceedings, permanency plan hearings for termination of parental rights: \***E2SHB 3205, CH 152 (2008)**  
 Dependency proceedings, Raphael Gomez act: \***2SHB 1334, CH 411 (2007)**  
 Dependency proceedings, reunification: SB 5452  
 Dependent children, placement provisions: \***HB 1377, CH 412 (2007)**, SB 5246  
 Dependent children, review of services identified in federal safe adoption and safe families act: SB 5381  
 Diversion records, destruction of: \***SHB 1141, CH 221 (2008)**  
 Family and juvenile court improvement program: \***2SHB 2822, CH 279 (2008)**  
 Guardian ad litem, notification of child abuse or neglect allegations: SB 6207  
 Permanency plan hearings: \***ESHB 1624, CH 413 (2007)**  
 Racial disproportionality and disparity in child welfare and juvenile justice, advisory committee: \***SHB 1472, CH 465 (2007)**, SB 5971  
 Suspended disposition alternative, expansion of treatment programs: \***SHB 2551, CH 158 (2008)**, SB 6325  
 Truancy, notice of hearings: ESB 5983

### **JUVENILE OFFENDERS**

Chemical dependency disposition alternative: SB 5974  
 DNA identification system, broader collection of biological samples: \***2SHB 2713, CH 97 (2008)**, SB 5095, SB 6488  
 Family participation in offender programs, pilot program to increase: SB 6430  
 Group care facilities, siting: E2SHB 1733  
 Institutions review commission: SB 6013  
 Job skills training program: SB 5370  
 Notice to parents when taken into custody: SB 5266  
 Sex offenders, length of confinement for parole violations: SHB 1682, SB 5243

### **KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS**

Kindergarten, readiness assessment: 2SHB 2597  
 Kindergartens, voluntary all-day programs: SB 5841  
 Transition plans, early learning to kindergarten: SB 5864

### **KITSAP COUNTY**

Higher education needs, assessment: SB 5978

### **KOREAN-AMERICANS**

Korean-American day: \***ESB 5166, CH 19 (2007)**

### **LABOR (See also WAGES AND HOURS)**

Aero-space related tax incentives, neutrality towards unionization: SB 5700  
 Automatic service charges paid to servers, disclosure for customer: \***SHB 1583, CH 390 (2007)**, SB 5650  
 Bullying and harassment, legal redress: SB 6622  
 Campaign contributions, agency shop fees: \***HB 2079, CH 438 (2007)**, SB 5921  
 Child, exemption for working with parents: SB 6197  
 Disputes, unemployment compensation: SB 6327  
 Employ, definition: SB 6867  
 Family and medical leave insurance: SB 5659  
 Family military leave act: \***SB 6447, CH 71 (2008)**  
 Haulers of logs, advisory rates of compensation: SB 6069  
 Juror compensation: SB 6779  
 Mandatory overtime, limitations for corrections officers: SB 6463  
 Postretirement: SB 6687  
 Postsecondary opportunity programs, grants: \***2SHB 1096, CH 277 (2007)**, SB 5410  
 Regulations, technical changes to laws: SB 6433  
 Union organizations, use of funds intended for long-term care services: SB 5940  
 Veterans' caregiver act: SB 6541  
 Washington state labor management relations act: SB 6835  
 Youth soccer referees, employment criteria: \***HB 1457, CH 464 (2007)**, SB 5559

**LABOR AND INDUSTRIES, DEPARTMENT**

Airline seats for employees, health and safety standards: SB 5300  
 Construction trades, regulation: SB 6106  
 Crane safety: \***ESHB 2171, CH 27 (2007)**, SB 5990  
 Explosives licenses, director to adjust fees: HB 2941, SB 6692  
 Factory assembled structures laws, department to make changes: SB 6693  
 Family and medical leave insurance: SB 5659  
 Industrial insurance, stays for orders on appeal: \***E2SHB 3139, CH 280 (2008)**, SB 6750  
 Labor regulations, technical changes to laws: SB 6433  
 License fees, adjustment: \***EBH 3381, CH 285 (2008)**  
 Manufactured/mobile home installation, department powers and duties: \***SHB 2118, CH 432 (2007) PV**  
 Outcome of injured workers, study: SB 5908  
 Prevailing wages and certification of affidavits of wages, department to adjust fees: SB 6694  
 Public works projects, certified payroll records: ESHB 2864  
 Workers' compensation appeals, study: \***E2SHB 3139, CH 280 (2008)**  
 Workers' compensation coverage, work performed outside of Washington: SHB 3255, \***SB 6839, CH 88 (2008)**  
 Workers' compensation reform: SB 6827

**LABOR RELATIONS**

Washington state labor management relations act: SB 6835

**LAKE MANAGEMENT DISTRICTS**

Beach management districts, counties authorized to create: \***E2SHB 3186, CH 301 (2008) PV**, SB 6035, SB 6508  
 Renewal of district by resolution for same term of years: SB 6002

**LAKES AND RESERVOIRS**

Aquatic invasive species control and enforcement: SB 5923  
 Freshwater lakes, management: SB 6229

**LAND DEVELOPMENT**

Environmental covenants act, uniform: \***SB 5421, CH 104 (2007)**  
 Land use permit applications, vesting: SB 5507  
 Reclaimed surface coal mine sites, industrial development: \***SB 6014, CH 194 (2007)**  
 Regional transfer of development rights program: \***2SHB 1636, CH 482 (2007)**, SB 5656  
 Vesting laws: SB 6784

**LAND USE PLANNING (See also GROWTH MANAGEMENT; ZONING)**

Land use permit applications, vesting: SB 5507  
 Regional transfer of development rights program: \***2SHB 1636, CH 482 (2007)**, SB 5656  
 Vesting of rights in land use actions: SB 5355

**LANDLORD AND TENANT (See also RENT)**

Distressed property, unlawful detainer actions: SB 6383  
 Manufactured/mobile home communities, notice requirements for closures or conversions: 2ESHB 3133, SB 6801  
 Manufactured/mobile home communities, sale provisions: \***E2SHB 1621, CH 116 (2008)**  
 Manufactured/mobile home dispute resolution program: \***E2SHB 1461, CH 431 (2007) PV**, SB 5477  
 Nonpayment of rent, unlawful detainer proceedings: SB 6060  
 Personal property, storage not required upon execution of writ of restitution: \***ESHB 1865, CH 43 (2008) PV**, SB 5800  
 Rental late fees, limits: SB 5960  
 Toxins in households or dwellings, disclosure: SB 6852  
 Unlawful detainer, distressed property: SB 6383  
 Utility liens against rental property, limits: SB 5854

**LANDSCAPING**

Design professional, claim filed against: SB 5833  
 Landscape architect, licensing and regulations: SB 5746

**LATINO-AMERICANS**

Joint select committee on accessibility to higher education: SCR 8403

**LAUNDRY FACILITIES**

Self-service facilities excluded from definition of retail sale: SHB 1498, SB 5835

**LAW ENFORCEMENT (See also POLICE; SHERIFFS; STATE PATROL)**

Sex offender community notification, risk level classification: SB 5865

Agencies, disclosure of investigative records: SB 6076

Assistance, authorization to act for purposes of affirmative defenses: HB 2565, SB 6372

Child abuse or neglect, duty to report: SB 6367

Child abuse or neglect, mandatory reports: SB 6208, SB 6236

Child abuse or neglect, multiple reports: SB 6209

Financial fraud and identity theft, pilot program of assistance for jurisdictions enforcing laws: SB 6103

Guardian ad litem, notification of child abuse or neglect allegations: SB 6207

Human remains, duties of persons who discover: \***E2SHB 2624, CH 275 (2008)**, SB 6521

Identity theft, police incident report: HB 2636, \***SB 5878, CH 207 (2008)**, SB 6670

Missing persons, investigation procedures: SHB 1182, SB 5191

Stalking protection for employees and staff and volunteers of agencies: HB 2170

Vehicles, window tint exemption: \***HB 1344, CH 168 (2007)**, SB 5331

Vulnerable adults, addition of order for protection forms to criminal intelligence information system: SHB 2487

**LAW ENFORCEMENT OFFICERS (See also POLICE; SHERIFFS; STATE PATROL)**

Child abuse, law enforcement officer instruction on handling child abuse or neglect complaints: \***SHB 1333, CH 410 (2007)**, SB 5381

Core training requirements: SB 5633

Indian law enforcement officers, authority to act as Washington peace officers: \***EHB 2476, CH 224 (2008)**, SB 5867, SB 6524

Juveniles taken into custody, notice to parents: SB 5266

Polygraph tests, requirements: \***SB 5635, CH 14 (2007)**

Reserve officers, vocational rehabilitation: \***SHB 2147, CH 57 (2007)**, SB 5752

Spring blade knife, officer allowed to carry: SB 5202

Workers' compensation benefits for surviving spouses: HB 1545

**LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)**

Military service credit: SB 6645

Plan 2, additional revenues: SB 6573

Plan 2, basic salary definition: SB 6635

Plan 2, board membership: \***SHB 1679, CH 303 (2007)**, SB 5590

Plan 2, port district fire fighter membership: HB 2134

Plan 2, retiree medical: SB 5589

Plan 2, service credit for periods of temporary duty disability: \***SHB 1261, CH 49 (2007)**, SB 5172

Plan 2, transfer of service credit for emergency medical technicians: \***HB 1680, CH 304 (2007)**, SB 5591

Plan 2, transfer of service credit for fish and wildlife officers: SB 5588, SB 6653

**LEAD**

Biomonitoring program: SB 5695

Blood level assessments, requiring coverage: SHB 3059

Children's environmental health and protection advisory board: SB 5279, SB 5379

Lead-containing products, labeling: E2SHB 2882

Prevention education and screening: SB 5981

Wheel weights, alternatives: ESHB 2143

**LEGAL AID**

University of Washington law school loan repayment assistance program: SB 6039

**LEGAL NOTICES**

Broadcast requirements: SB 5720

Web site for notices: SB 6101

**LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT**

Federal safe adoption and safe families act, review of services identified in: SB 5381

Neighborhood organization grant program, evaluation: SB 6563

Reactive attachment disorder pilot program, study: SB 6479

**LEGISLATURE**

Agency reports, electronic filing: SB 5916

Bills, limits on number of bills a legislator may sponsor: SB 6142

Bills, returned to house of origin: \*HCR 4406 (2008), \*HCR 4409 (2008), \*SCR 8408 (2007)

Commission on the evaluation of the legislature: SCR 8402

Cutoff dates, 2007 regular session: \*HCR 4401 (2007)

Cutoff dates, 2008 regular session: \*SCR 8411 (2008)

Deceased former members, joint session to honor: \*HCR 4403 (2007)

Emergency clauses, sixty percent vote: SJR 8225

Green economy jobs growth initiative: \*E2SHB 2815, CH 14 (2008)

Information processing and communications practices overseen by joint systems committee, administration: \*SB 5957, CH 18 (2007)

International relations foundation, Washington : SB 5169

Joint rules: \*SCR 8400 (2007)

Joint sessions: \*HCR 4402 (2007), \*HCR 4407 (2008)

Legislative gift center: \*2SHB 1896, CH 453 (2007)

Legislative service committee, personnel and administrative provisions: \*SB 5957, CH 18 (2007)

Legislative youth advisory council: \*ESHB 1052, CH 291 (2007), SB 5102

Mail to constituents, restrictions: HB 1196, \*SB 6685, CH 39 (2008)

Oral history program transferred to legislature: ESHB 1741, \*3SHB 1741, CH 222 (2008) PV

Organized, governor notified: \*HCR 4400 (2007), \*HCR 4405 (2008)

Senate, confirmation for certain commission and department appointments: SB 5703

Sine Die, regular session: \*SCR 8409 (2007), \*SCR 8413 (2008)

Sine Die, special session: \*SCR 8410 (2007)

Tax information, disclosure to the legislature: SB 6440

Transportation committees, reporting of traffic conditions during session meetings: SB 6545

**LIBRARIES**

School library programs: SB 6380

Talking book and Braille library, administration: SB 5911

**LIBRARY DISTRICTS (See also SPECIAL DISTRICTS)**

Annexation of rural county library district, cities and towns: SB 5522

Intercounty districts, voting: SB 5785

Nonvoter approved rural district general obligation bonds, term increase: HB 1930

**LICENSE PLATES**

Autism awareness: SB 5886

Distinguished flying cross emblem: SB 5713

Fluorescent yellow license plates, issuance for persons convicted of certain DUI-related offenses: SB 6402

Horseless carriage plate: SB 5545

Mothers of United States armed forces members killed in combat: SB 6678

Park maintenance equipment, exemption from requirements: SHB 3183

Purple heart license plates: SB 6096

Special license plates, issuance for persons with disabilities: SB 6642

Special license plates, parents of United States armed forces members killed in combat: SHB 3289

**LICENSING, DEPARTMENT**

Alarm system companies, requirements: SB 6370  
 Boxing, mixed martial arts, and wrestling events: SHB 3297, SB 5583  
 Business and professions, uniform regulations: \***SHB 1574, CH 256 (2007)**, SB 5582  
 Canadian border crossing, enhanced drivers' licenses and identicards: \***ESHB 1289, CH 7 (2007)**  
 Driver improvement schools, regulations: SHB 3069  
 Driver training, grant program to provide financial assistance for low-income individuals: SB 6022  
 Driver training, mobility education pilot program: SHB 1588  
 Driver's licenses and identicards, confidentiality of personal information: SB 6250  
 Driver's licenses, examinations: SB 6344  
 Driving records, expansion of list of persons and entities that may acquire abstracts: \***SB 6885, CH 253 (2008)**  
 Filing fees, deposit to financial fraud and identity theft crimes investigation and prosecution account: SB 6850  
 Financial fraud and identity theft crimes investigation and prosecution, surcharge: \***2SHB 1273, CH 290 (2008)**  
 Fluorescent yellow license plates, issued to persons convicted of certain DUI-related offenses: SB 6402  
 Fuel taxes, administration: ESHB 1426, \***SB 5272, CH 515 (2007) PV**  
 Historic vessels, registration: SB 6218  
 Home inspectors, licensing: SB 6606  
 Interior design, department to establish board: SB 6707  
 License fees, adjustment: \***EHB 3381, CH 285 (2008)**  
 Manufactured/mobile home dispute resolution, registration of communities: \***E2SHB 1461, CH 431 (2007) PV**  
 National instant criminal background check system improvement amendments act, work group: SB 6763  
 Off-road vehicles, issuance of identification plates: SB 6901  
 Park maintenance equipment, exemption from vehicle license and license plate requirements: SHB 3183  
 Passenger vehicles, collection of excise tax on greenhouse gas emissions: SB 6923  
 Privacy, compliance with federal REAL ID Act of 2005: SB 5087  
 Process servers, requirements: SB 6824, SB 6943  
 Real estate, licensing: \***SHB 2778, CH 23 (2008)**, SB 6498  
 Residential contractors, sunrise review: 2SHB 3349  
 Restricted driver's license, department to adopt rules: SB 6579  
 Sunrise review process, public input: SB 5119  
 Temporary permits to operate vehicles, secure internet-based system to generate: \***SHB 3029, CH 51 (2008)**, SB 6836  
 Title of motor vehicles and vessels, notification: \***E2SHB 2817, CH 201 (2008)**

**LIENS**

Construction contractors: SB 6036

**LIEUTENANT GOVERNOR**

Council for children and families, authority to make appointments and serve: HB 2761, SB 6415

**LIMITATIONS OF ACTIONS**

Construction defects: SB 5044, SB 5048  
 Campaign financing and lobbying, citizens actions brought for violations: \***SHB 1832, CH 455 (2007)**  
 Public records act: HB 1446, SB 5436  
 Sex offenses, statute of limitations removed for certain offenses against minors: SB 5817

**LIMITED LIABILITY COMPANIES**

Campaign contributions, regulations: EHB 1189  
 Federal new markets tax credit program: \***HB 1430, CH 230 (2007)**, SB 5630  
 Private cemeteries, powers of business: HB 2740  
 Tax relief for certain limited purpose public corporations, commissions, and authorities: \***SB 5572, CH 381 (2007)**  
 Unemployment insurance, personal liability for failure to pay taxes: SB 5252

**LIQUOR CONTROL BOARD**

Craft distilleries: \***SHB 2959, CH 94 (2008)**, SB 6292, SB 6496  
 Emergencies, governor may waive requirement for permit: \***SB 6950, CH 181 (2008)**  
 Enforcement patrols, funding: SB 6931  
 Enforcement, investigation of records and authority to issue subpoenas: \***SB 5551, CH 221 (2007)**

Liquor licenses, application procedures: SB 5993  
 Liquor licenses, issuance objections by cities and counties: \***EHB 2113, CH 473 (2007)**  
 Liquor licenses, summary suspension: SB 5121  
 Nonappropriated expenses, designation of expenses from liquor revolving fund: \***HB 2949, CH 67 (2008)**  
 Off-premises microbrewery warehouses: SB 6572  
 Sports/entertainment facilities, financial arrangements regarding alcoholic beverages: SB 5721  
 Wine and beer tasting pilot project, grocery stores: \***ESB 5751, CH 305 (2008)**

#### LITERACY

Adult literacy education, study and media campaign: SHB 2899

#### LIVESTOCK

Ban on American beef, business and occupation tax relief expiration date extended: SB 6055  
 Animal health laws, inspection and enforcement: \***ESB 5204, CH 71 (2007)**  
 Animal identification system, livestock identification advisory committee: ESHB 1151  
 Animal identification system, state prohibited from establishing or participating in: SB 5753  
 Cattle identification program, advisory committee: SB 5811  
 Killing or harming livestock belonging to another, penalties: HB 1775  
 Labeling on meat, country of origin: SB 6338  
 Local agricultural products, working conference on enhancing marketing opportunities: SB 6956  
 Mobile livestock unit demonstration project: SB 6955  
 Predator control, matching funds for protection of calves from coyotes: SB 6007  
 Restrictive confinement of a calf or pig, penalties: SB 6062  
 Vegetation management services, taxation: SB 5761, SB 5781  
 Washington heritage livestock and poultry breed recognition program: SB 6256  
 Wildlife damage claims, commercial livestock valuation and appeals committee: 2ESHB 1147, SB 6592

#### LOANS

Check cashers and sellers, family prosperity act tax on small loans: 2SHB 2256  
 Check cashers and sellers, penalties for fraud and deception and unlicensed practices: \***SB 5199, CH 81 (2007)**  
 Duration period for loans made under the consumer loan act, restrictions: \***HB 1270, CH 208 (2007)**  
 Educational loans and student loan revenue bonds, higher education facilities authority: EHB 1436, \***ESB 5385, CH 36 (2007)**  
 Electronically delivered financial information, sales and use tax exemptions: \***ESHB 1981, CH 182 (2007)**, SB 5768  
 Regulations, consumer protection act: \***SB 6471, CH 78 (2008)**  
 Regulations, mortgage broker practices act: \***SB 6471, CH 78 (2008)**  
 Tax refund anticipation loans, facilitators: SB 6697

#### LOCAL GOVERNMENT (See also CITIES AND TOWNS; COUNTIES; SPECIAL DISTRICTS)

Access channels, development of policies to avoid preferential treatment of incumbent candidates in elections: SHB 2904  
 Affordable housing developments, discrimination prohibited: \***SHB 2279, CH 118 (2008)**  
 Alternative fuel requirements for vessels, vehicles, and construction equipment: \***E2SHB 1303, CH 348 (2007) PV**  
 Boundary review board decisions, expansion of objectives: SB 6934  
 Bridges, maintenance and replacement requirements: SB 6808  
 Building communities fund program: E2SHB 3125  
 Campaigns, use of public funds to finance campaigns for local office: EHB 1551, SB 5278  
 Community development fund, grants for local economic development and services: SHB 2325  
 Community empowerment zones, sales and use tax deferral program for eligible investment projects: SB 6626  
 Community preservation and development authorities: 2SHB 1992  
 Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: SB 5872  
 Criminal liability, community supervision of criminal offenders: SB 6401  
 Disposition of state lands, notice to local governments: \***HB 1940, CH 62 (2007)**  
 Driving records, abstracts may be acquired if authorized to self-insure: \***SB 6885, CH 253 (2008)**  
 Efficiency hotline: \***ESB 5513, CH 41 (2007)**  
 Elections, ranked choice voting: SB 6000  
 Emergency medical care and services, increase in property tax levy limit: SB 6417  
 Federal new markets tax credit program: \***HB 1430, CH 230 (2007)**, SB 5630

Forest practices, jurisdiction of conversion-related practices: \***SHB 1409, CH 236 (2007)**  
 Health sciences and services program: \***E2SHB 1705, CH 251 (2007)**  
 Homelessness, programs for ending: E2SHB 1115  
 License and tax, interaction of streamlined sales and use tax legislation: \***SHB 3126, CH 129 (2008)**, SB 6917  
 Local infrastructure financing tools projects: \***2SHB 1277, CH 229 (2007)**, HB 2485, SB 5115, \***SB 6196, CH 209 (2008)**  
 Local sales and use, credited against state tax and used to offset services to annexed areas: 2ESHB 1139, SB 5330  
 Military leave of absence, paid: SB 6815  
 Municipal officers, beneficial interest in contracts: \***SHB 1255, CH 298 (2007)**  
 Public facilities loans and grants, dedicated funding: SB 5762  
 Rail infrastructure, restrictions on removal: SB 6800  
 Shoreline master program, one year extension: \***HB 1412, CH 170 (2007)**, SB 5474  
 Special meetings, notification: SB 5457, SB 6704  
 State correctional institutions: SB 6349  
 Web sites, required information: SB 5420, SB 5672

### **LONG-TERM CARE (See also ADULT FAMILY HOMES; BOARDING HOMES; NURSING HOMES)**

Care providers, training and certification: ESHB 2693  
 Care providers, training and collective bargaining: \***E2SHB 2284, CH 361 (2007)**, SB 6066  
 Certificate of capital authorization, priority in processing and approving: SB 5905  
 Community options program, federal income tax payments excluded from resource eligibility requirements: SB 5970  
 Emergency response plans for facilities: EHB 1347  
 Facilities, discharge of residents: SB 6944  
 Guardianship, office of public: SB 5320  
 Home care agencies, hiring practices regulated: SB 6601  
 Home care quality authority, performance review: \***HB 2283, CH 140 (2008)**, SB 6041  
 Institutions review commission: SB 6013  
 Insurance partnership program, federal: HB 1086  
 Insurance plans offered through public benefits board, requirements: HB 1085  
 Insurance standards: \***SHB 2666, CH 145 (2008)**, SB 6364  
 Intermediate care facilities, individuals who are mentally retarded: SB 6617  
 Medical assistance, eligibility regarding exempted home equity: \***HB 1247, CH 161 (2007)**, SB 5284  
 Nursing facility medicaid payment system: SB 5727, SB 5736, SB 6567  
 Ombudsman, services provided to individuals in regional support networks: SB 5850  
 Programs, expansion: \***E2SHB 2668, CH 146 (2008) PV**, SB 6222  
 Residents' waivers of rights, prohibiting requests: SB 6624  
 Residents, discharge: SB 6807  
 Transport of individuals who must be on a stretcher, guidelines and standards: \***SHB 1837, CH 305 (2007)**  
 Union organizations, use of funds intended for long-term care services: SB 5940  
 Worker training: SB 6804

### **LOTTERY (See also GAMBLING)**

Advertisements, prohibited from targeting persons under the age of twenty-one years: SB 6597  
 Washington investment in student excellence scholarship program: SB 6820  
 WINaBRAIN raffle, scholarships as prizes: SB 6459

### **LOW-INCOME PERSONS**

Affordable housing for all: \***E2SHB 1359, CH 427 (2007)**  
 Asset building coalition: 2SHB 2256  
 Automobile insurance, assistance to obtain: SB 6024  
 Digital literacy and technology training, support of community technology programs: SB 6775  
 Driver training, grant program to provide financial assistance: SB 6022  
 Energy assistance contributions, public facility district authority to disburse: \***HB 1676, CH 132 (2007)**, SB 5686  
 Family prosperity act, Washington asset building coalition: 2SHB 2256  
 Homelessness, programs for ending: E2SHB 1115  
 Homeowner deferral program, administration: SB 6949

Homeowners, state assistance: SB 6477  
 Housing, tax credits for persons who make financial contributions to assistance programs: SB 5200  
 Housing, tax exemptions for sellers to promote affordable housing: SB 5154  
 Renewable fuel funds, office of state auditor to administer: SB 6914  
 Sales tax remittance for qualifying individuals: SB 6809  
 Students, sales tax refund: SB 5168  
 Sustainable residential weatherization: HB 3141

**MAIL**

Unsolicited direct mail marketing, do not mail registry and restrictions on mailing: SB 5719

**MALPRACTICE**

Medical, closed claim reporting requirements: SHB 1237, SB 5263  
 Medical, notice requirement of intent to file: SB 5910

**MANUFACTURED HOUSING (See also MOBILE HOMES)**

Communities, development in rural areas: SB 6171  
 Communities, landlord and tenant dispute resolution: \*E2SHB 1461, CH 431 (2007) PV, SB 5477  
 Communities, loans and grants for preservation of affordable housing: SB 6073  
 Communities, notice requirements for closures or conversions: 2ESHB 3133, SB 6801  
 Communities, sale provisions: \*E2SHB 1621, CH 116 (2008), SB 5780  
 Communities, siting new: SB 6633  
 Installation, authority of department of labor and industries: \*SHB 2118, CH 432 (2007) PV  
 Location restriction, cities and counties prohibited from enacting ordinances: SHB 1148  
 Parks or housing communities, city and county regulations: SB 5524

**MANUFACTURING**

Aerospace manufacturing, joint legislative task force and review: SCR 8406  
 Biological remediation technologies, exemption for use in on-site sewage disposal systems: SB 6620  
 Explosives, annual license fee: HB 2941, SB 6692  
 Export assistance services, rural manufacturer outreach program: SB 6087  
 ISO-9000 quality standards assistance program: SB 5744  
 Metal bullion, business and occupation tax provisions: SB 6266  
 Modernization services and assistance: SB 5618, SB 6173, SB 6510  
 Pharmaceutical, marketing activities and gift disclosure: SB 5917, SB 6302  
 Polysilicon, business and occupation tax credit: \*ESHB 3303, CH 283 (2008), SB 6866

**MARIJUANA**

Medical use clarifications: SB 6032

**MARKETING**

Pharmaceutical, marketing activities and gift disclosure: SB 5917, SB 6302

**MARRIAGE AND MARRIED PERSONS (See also DISSOLUTION OF MARRIAGE; DOMESTIC RELATIONS)**

Civil marriage equality, gender neutrality: SB 5335  
 Definition of marriage to be between male and female: SJR 8219  
 Domestic partnership registry, protection by granting certain rights and benefits: SB 5336  
 Family and children's services, department: SB 5506  
 Family planning services: SB 5585  
 Family preparation course: SB 5472  
 Supreme court and court of appeals commissioners to solemnize: \*SB 5079, CH 29 (2007)

**MASON COUNTY**

Higher education needs, assessment: SB 5978

**MASSAGE THERAPY**

Animal massage practitioners, certification: SB 5403  
 Intraoral endorsement, manipulation or pressure inside mouth or oral cavity: \*SHB 1397, CH 272 (2007)

Massage therapists, licensing requirements: **\*SHB 2859, CH 25 (2008)**  
 Regulations, limits on political subdivisions: **\*HB 1341, CH 165 (2007)**, SB 5536

**MEAT**

Ban on American beef, business and occupation tax relief expiration date extended: SB 6055  
 Cloned animals, labeling on food from: SB 5161  
 Labeling, country of origin: SB 6338  
 Meat and poultry inspection, programs: SB 6954

**MEDICAID**

Beneficiaries, alternative benefits package: SB 6793  
 Boarding homes, payments for contracted services: SB 5904  
 Boarding homes, requirements for participation withdrawal: SHB 3204  
 Foster care youth, coverage for youth: **\*2SHB 1201, CH 315 (2007)**, SB 5305  
 Nursing facility medicaid payment system, provisions revised: SB 6909

**MEDICAL QUALITY ASSURANCE COMMISSION**

Clinical competency examination pilot project: E2SHB 1103  
 Holistic medicine practitioner: SB 5203

**MEDICARE**

Health insurance benefits, political subdivision employees: **\*HB 2510, CH 142 (2008)**, SB 6446  
 Prescription drugs, part D copayment program: **\*2SHB 1095, CH 3 (2007)**

**MEDICINE AND MEDICAL DEVICES**

Biotechnology product and medical device tax deferral, application deadlines: SB 6319  
 Biotechnology product and medical devices, business and occupation tax rate: SB 5763  
 Mobility enhancing equipment, tax exemptions: SB 5648  
 Nonbeverage form of alcohol, allowing certain permit holders to obtain directly from suppliers: **\*HB 2825, CH 64 (2008)**, SB 6637

**MENTAL HEALTH**

Children, delivery of services: **\*2SHB 1088, CH 359 (2007)**  
 Clubhouse rehabilitation services: **\*EHB 1217, CH 414 (2007)**, SB 5644  
 Community-based behavioral health services, regional support networks: SB 6404  
 Competency evaluation and restoration, procedures: SB 6311  
 Consumer-directed care: **\*SHB 2654, CH 22 (2008)**  
 Criminal behavior, procedures for individuals with mental illness: SB 5533  
 Death penalty, offenders who are mentally retarded or have a severe mental disorder: SB 5787  
 Firearms, possession by person involuntarily committed: SB 6526  
 First aid course: SHB 2690  
 Heritage and arts programs, reallocation of existing lodging taxes: SB 6935  
 Home visits by mental health professionals and crisis intervention workers, backup: **\*SHB 1456, CH 360 (2007)**, SB 5563  
 Insurance, parity for individual and small group plans: **\*EHB 1460, CH 8 (2007)**, SB 5446  
 Involuntary treatment and crisis response, detention: **\*ESB 6018, CH 120 (2007)**  
 Medical assistance, facilitating continuity for institutions for mental diseases: SB 6584  
 Offenders, case management services for dangerous mentally ill: SB 5698  
 Ombudsman, services and assistance for rights violation or conditions: SB 5850  
 Possession of firearms, release of information for determining eligibility: ESHB 3148  
 Psychiatric advanced registered nurse practitioners, authority: **\*SB 6739, CH 156 (2008)**  
 Regional support networks, provisions revised: SB 6404  
 Regional support networks, services provided by long-term care ombudsman: SB 5850  
 Special commitment center, less restrictive alternatives: SB 6399  
 Special commitment center, telephone call logs: SHB 2756  
 Treatment at state hospitals, clarification of state's ability to recover costs from defendants: **\*SB 6628, CH 318 (2008)**  
 Treatment records, information required for billing and collection: HB 1852, **\*SB 5773, CH 191 (2007)**

**MERCURY**

Biomonitoring program: SB 5695  
 Release into the environment, reduction: SB 6502  
 Vaccines: SB 6300  
 Vaccines, suspension of restrictions during outbreaks: \***SHB 1098, CH 268 (2007)**

**METROPOLITAN MUNICIPAL CORPORATIONS**

High-capacity transportation corridor areas, provisions established: SB 6667  
 Metropolitan transportation function, purchase of fuel: \***SHB 2746, CH 126 (2008)**  
 Public transportation fares, schedule of fines and penalties for civil infractions: \***ESHB 2480, CH 123 (2008)**, SB 6353  
 Transit commission, nonvoting labor member: 2SHB 2216, SB 6495

**MILITARY (See also NATIONAL GUARD; VETERANS)**

Active duty personnel, tax relief for interest and penalties: \***SHB 3283, CH 184 (2008)**  
 Child custody, parents deployed: HB 2478  
 Child custody, temporary changes to parenting plans if based on the military service of a parent: SB 6331  
 Claims and expenses, military department active state service account: \***HB 2700, CH 44 (2008)**, SB 6342  
 Concealed pistol license requirements: SB 6686  
 Discrimination protection: \***SB 5123, CH 187 (2007)**  
 Drivers' licenses, renewal exemption for active foreign service members: SB 6150  
 Educational opportunity for military children, interstate compact: SB 6426  
 Emergency management, preparedness, and assistance account: SB 5296  
 Family military leave act: \***SB 6447, CH 71 (2008)**  
 Fishing licenses, temporary license at resident rate: \***SB 6465, CH 35 (2008)**  
 Funerals, military honors: SB 6125  
 High school diplomas for persons who left before graduation to serve in armed forces: \***EHB 1283, CH 185 (2008)**, SB 5255  
 Housing, property and leasehold excise tax exemptions: SB 6389  
 Improvement zone program: SB 6802  
 Leave of absence, paid: SB 6815  
 License plates: HB 2571, \***SB 6237, CH 183 (2008)**  
 License plates, distinguished flying cross emblem: SB 5713  
 License plates, mothers of United States armed forces members killed in combat: SB 6678  
 License plates, parents of United States armed forces members killed in combat: SHB 3289  
 Monuments to be located near bases: SB 6146  
 Paydates for participants who are state employees: \***SHB 2580, CH 186 (2008)**, SB 6814  
 Public employment, death benefits for employees who die while in service: \***SHB 1266, CH 487 (2007)**  
 Public employment, military leave: HB 1127  
 Public employment, military service credit in retirement systems: SB 6009, SB 6645  
 Public employment, uniformed service shared pool leave: \***SHB 1507, CH 25 (2007)**, SB 5430  
 Survivor benefits, employee service during a period of war: HB 3007, SB 6646  
 Tuition and fee waivers, families of veterans: SB 6371  
 Veterans' caregiver act: SB 6541  
 Veterans' scoring criteria, adjustment: HB 2755

**MINES AND MINING**

Geothermal resources, core holes: \***SHB 2129, CH 338 (2007) PV**  
 Marine transportation of sand and gravel: SB 6109  
 Metal bullion, business and occupation tax provisions: SB 6266  
 Metal property transactions: SB 6846  
 Mining without a permit, department of natural resources enforcement authority: SB 5972  
 Oil and gas exploration and development, regulatory cost-reimbursement: SB 5445  
 Private metal property: \***SHB 2858, CH 233 (2008)**  
 Reclaimed surface coal mine sites, industrial development: \***SB 6014, CH 194 (2007)**  
 Scrap metal business records, post office addresses: SB 6863  
 Small sale prospecting and mining, violations: SHB 2871

Small scale mineral prospecting on coastal areas, pilot program to examine: SB 5704  
 Small scale prospecting and mining: SB 6343

#### **MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

Office of minority and women's business enterprises, plan to improve effectiveness: SHB 2925

#### **MOBILE HOME PARKS**

Closures or conversions, notice requirements: 2ESHB 3133, SB 6801  
 Communities, siting new: SB 6633  
 Sole source aquifers, protection by providing for sewer utility service: ESB 6868

#### **MOBILE HOMES (See also MANUFACTURED HOUSING)**

Installation, authority of department of labor and industries: \*SHB 2118, CH 432 (2007) PV  
 Location restriction, cities and counties prohibited from enacting ordinances: SHB 1148  
 Parks, landlord and tenant dispute resolution: \*E2SHB 1461, CH 431 (2007) PV, SB 5477  
 Parks, loans and grants for preservation of affordable housing: SB 6073  
 Parks, relocation fund: SB 5540  
 Parks, sale provisions: \*E2SHB 1621, CH 116 (2008), SB 5780

#### **MODEL TOXICS CONTROL ACT**

Ecology department opinions for portion of facility: \*SHB 1039, CH 225 (2007)

#### **MONORAIL**

City transportation authority, dissolution provisions: SB 5690

#### **MOORAGE FACILITIES**

City aquatic lands, lease agreements to operate publicly owned marinas: SB 6532  
 Derelict vessels, provisions: SB 6044  
 Vessels, mandatory liability insurance for certain motor-driven vessels: SB 5954

#### **MORTGAGE BROKERS**

Borrower disclosures of yield spread premiums: SB 6452  
 Business and occupation tax rate: SB 5235  
 Fiduciary duties: \*SB 6381, CH 109 (2008)  
 Loans, regulations under mortgage broker practices act: \*SB 6471, CH 78 (2008)  
 Mortgage lending and homeownership: \*SHB 2770, CH 108 (2008), SB 6728  
 Real estate settlement services, commissioner to adopt rules: SB 6847

#### **MOSQUITO CONTROL**

Districts, assessments: SB 5360

#### **MOTION PICTURES**

Washington motion picture competitiveness program, tax credit and board revisions: SB 6423

#### **MOTOR VEHICLES (See also DRIVERS' LICENSES; DRIVING UNDER THE INFLUENCE; LICENSE PLATES; MOTORCYCLES; RECREATIONAL VEHICLES; TRAFFIC; TRUCKS AND TRUCKING)**

Additional traffic violations, sanctions for failure to satisfy the violation: SB 6562  
 Alternative fuel vehicles, sales and use tax exemption for purchase of new vehicles fueled by diesel: SB 6084  
 Antifreeze, placement of averse agents: \*ESHB 2996, CH 68 (2008)  
 Auto glass, interested third parties prohibited from processing insurance claims: SB 5052  
 Auto glass, third party administrators and claims processing procedures: SHB 3053  
 Auto theft, civil cause of action: \*HB 2034, CH 393 (2007)  
 Automated traffic safety cameras, state highway work zones: SB 5083  
 Car-sharing activities, rental car tax exclusion: SB 6484  
 Car-sharing activities, sales and use tax exemption: SB 6830  
 Cell phones, traffic infraction for text messaging while driving: \*EHB 1214, CH 416 (2007)  
 Cell phones, traffic infraction for use of cell phone while driving: SB 5037  
 Child car seats and seat belts, failure to use may be admissible as evidence of negligence: SB 5198  
 Children in motor vehicles, smoking prohibited: SB 6287

Collection and restoration, zoning ordinances: SB 6403  
 Commercial motor vehicle carriers, Tony Qamar and Daniel Johnson act: **\*SHB 1304, CH 419 (2007)**  
 Dealers, off-road vehicles and snowmobile dealer licensing requirements: SHB 1955, SB 5924  
 Dealers, transfer of title requirements: HB 2048  
 Diesel, sales and use tax exemption for purchase of new vehicles: SB 6084  
 Driver improvement schools, regulations: SHB 3069  
 Electric, analysis of and potential for vehicle electrification: **\*E2SHB 1303, CH 348 (2007) PV**, SB 5586  
 Electric, licensing and use of medium-speed electric vehicles: **\*HB 1820, CH 510 (2007)**  
 Electric, state purchase of power to recharge: **\*E2SHB 1303, CH 348 (2007) PV**  
 Electric, vehicle electrification demonstration grant program: **\*E2SHB 1303, CH 348 (2007) PV**  
 Electronic data recorders: SB 6341  
 Emissions, California standards: SB 5109  
 Emissions, disclosure of greenhouse gas tailpipe emissions: SB 6309  
 Emissions, reduction of emission in state's vehicle fleet: SB 5586  
 Engine displacement and emissions, fees: SB 6900  
 Environmental noise abatement, nonhighway vehicles: SB 6881  
 Excise tax, regional transit authority impositions of: SB 5146  
 Failure to satisfy the violation, sanctions: SB 6562  
 Fuel, availability during electric power outage or interruption in electric service: **\*3SHB 2053, CH 223 (2008)**  
 Grain transportation, tax exemption: SB 6482  
 Headlights, when wipers are in use: SB 5067  
 Hulk haulers and vehicle wreckers, exclusion from metal property transaction provisions: SB 6846  
 Impound, driving without specially endorsed license: **\*SB 5134, CH 86 (2007)**  
 Impound, vehicles with expired registration parked on public streets: **\*SHB 1892, CH 242 (2007)**  
 Insurance, premium reduction for older insureds completing an accident prevention course: **\*SHB 1953, CH 258 (2007)**  
 Insurance, proof of insurance for renewal of vehicle license: SB 5632  
 Insurance, surcharge on liability policies to fund emphasis patrols in high-accident corridors: SB 5147  
 Lead wheel weights, alternatives: ESHB 2143  
 Lemon law, collection of arbitration fee: **\*SHB 2902, CH 93 (2008)**  
 Lemon law, mileage tolling calculation: SB 5050  
 Lemon law, out-of-state consumers: **\*HB 2135, CH 425 (2007)**, SB 5968  
 Licensing and registration, donation to fund state parks: **\*SHB 2275, CH 340 (2007) PV**  
 Licensing and registration, failure to transfer title and registration: SB 6527  
 Licensing and registration, increase of certain fees to provide additional funding for state patrol highway account: **\*SB 6129, CH 155 (2007)**  
 Licensing and registration, physical examination of vehicle when declared as total loss: **\*HB 1343, CH 420 (2007)**, SB 5303  
 Licensing and registration, proof of insurance: SB 5632  
 Licensing and registration, release of financial institution's interest and registered owner's interest: SB 5250  
 Licensing and registration, salvage vehicles: SB 5840  
 Manufacturers' and dealers' franchise agreements, compensation for dealer warranty work: SB 5654  
 Methamphetamine contamination, restrictions: **\*E2SHB 2817, CH 201 (2008)**  
 Motorsports, public speedway authority: SB 6040  
 Off-road vehicles, environmental impact: SB 6901  
 Park maintenance equipment, exemption from vehicle license and license plate requirements: SHB 3183  
 Passenger vehicles, greenhouse gas excise taxation: SB 6923  
 Physical examination of vehicle for certificate of ownership when vehicle is declared as total loss: **\*HB 1343, CH 420 (2007)**, SB 5303  
 Renewable fuel, grants for conversion: SB 6914  
 Rental cars, parking and traffic infractions: **\*HB 1371, CH 372 (2007)**, SB 5338  
 Rental cars, tax exclusion: SB 6484  
 Sales of vehicles and services to nonresidents, sales and use taxation: **\*SHB 2158, CH 135 (2007)**, SB 5967  
 Salvage vehicles, temporary permits: SB 5840  
 Seat belts and child car seats, failure to use may be admissible as evidence of negligence: SB 5198  
 Securing loads on highways, new driver instruction: SB 5809

Securing loads on highways, public awareness campaign: SB 5808  
 Special safety corridor projects: SB 6876, SB 6878  
 Stationary emergency and police vehicles, rules for drivers when approaching vehicles: SB 5078  
 Taking without permission, penalties: SB 5061  
 Temporary permits, secure internet-based system to generate: \***SHB 3029, CH 51 (2008)**, SB 6836  
 Theft, auto theft prevention authority created and penalties revised: \***E3SHB 1001, CH 199 (2007)**, SB 5038  
 Theft, civil cause of action: \***HB 2034, CH 393 (2007)**  
 Theft, task force program created and penalties revised: SB 5413  
 Transportation benefit district fees and charges: \***ESHB 1858, CH 329 (2007)**, SB 5767  
 Transportation providers, regulations: \***SHB 1312, CH 234 (2007)**  
 Used vehicle purchases: SB 6768  
 Vehicle buyer's bill of rights act: SB 6768  
 Vehicle miles traveled, goals: SB 6822  
 Vehicle wreckers and hulk haulers, exclusion from metal property transaction provisions: SB 6846  
 Vehicular assault, penalties: SHB 2621  
 Vehicular homicide, penalties: SHB 2621  
 Vehicular loads, removal of six inch freeboard exception: SB 6274  
 Wireless communications device, definition: HB 3261

### **MOTORCYCLES**

Children as passengers, age restrictions: SB 5152  
 License endorsement, fees for education and safety : \***SB 5273, CH 97 (2007)**  
 License endorsement, verification before registration renewal: SB 5797  
 Operation between lanes of traffic or vehicles: SB 5985  
 Traffic signals, motorcyclist allowed to proceed if signal inoperative: SHB 1625, SB 5543, SB 6643

### **MUNICIPAL COURT**

Civil inspection warrants, authority to issue: SB 6105  
 Interlocal agreements with counties, jurisdiction: SHB 1590, SB 5353  
 Judges, appointment and election procedures: SB 5353  
 Judgments, transferring municipal court judgment into district court: \***SHB 1144, CH 46 (2007)**  
 Juror compensation: SB 6330, SB 6779  
 Operations: \***2SHB 2557, CH 227 (2008)**  
 Probation and supervision services, liability: \***SHB 1669, CH 174 (2007)**

### **MUSIC**

Sports/entertainment live events, admissions surcharge to fund school extracurricular activities: SB 6537  
 Truth in music advertising act: SB 6577

### **NATIONAL GUARD**

Concealed pistol license requirements: SB 6686  
 License plates: HB 2571, \***SB 6237, CH 183 (2008)**  
 Members who have been deployed to serve in an armed conflict, included in veterans' assistance programs: SHB 2595  
 Paydates for participants who are state employees: \***SHB 2580, CH 186 (2008)**, SB 6814  
 Presidential control: SJM 8012  
 Survivor benefits, employee service during a period of war: HB 3007, SB 6646  
 Tuition waivers, members and families: SB 6936  
 Tuition, waivers: SB 5002, SB 5442  
 Tuition, waivers for families of veterans: SB 6371

### **NATURAL RESOURCES, BOARD**

Fircrest school campus, exchange of land parcels: SB 6760  
 Public lands, deductions of proceeds from transactions: SHB 1045, SB 5462

### **NATURAL RESOURCES, DEPARTMENT**

Aquatic habitat improvement projects, authority to offer nominally valuable materials without going to auction: SHB 1879  
 Aquatic lands, department authority: HB 1123, HB 2470, SB 5460, SB 6214

Climate change, response preparation for consequences on state forests: SB 5966  
 Forest health, contract harvesting for silvicultural treatments: SHB 1122, SB 5461  
 Forests, improvement of community and urban forest conditions: ESHB 2468, SB 6249  
 Intertidal commercial geoduck aquaculture, authority to determine appropriate lease sites: SB 6509  
 Law enforcement officers, public employees retirement system: \***SHB 1124, CH 294 (2007)**, SB 5464  
 Mining without a permit, department enforcement authority: SB 5972  
 Oil and gas exploration and development, regulatory cost-reimbursement: SB 5445  
 Public lands, habitat and recreation lands coordinating group: SB 5236  
 Washington geological survey, responsibilities: SB 6211  
 Work group, improving recreation on state trust lands, aquatic lands, and other state-owned lands: \***SHB 2472, CH 195 (2008)**, SB 6212

#### **NATUROPATHY**

Worker's compensation, medical advisory committee: SB 5290

#### **NEWS MEDIA**

Newspaper-labeled supplements, tax: \***SHB 2585, CH 273 (2008)**, SB 6219  
 Privilege from compelled testimony for members of news media: \***HB 1366, CH 196 (2007)**, SB 5358

#### **NOISE**

Nonhighway and off-road vehicles, restrictions: SB 5544

#### **NONPROFIT CORPORATIONS (See also CORPORATIONS)**

Trail grooming services, tax exemption: HB 1404, SB 5608, \***SB 6375, CH 260 (2008)**

#### **NONPROFIT ORGANIZATIONS (See also CHARITABLE ORGANIZATIONS)**

Aquatic habitat improvement projects, nominally valuable materials from natural resources department: SHB 1879  
 Assistance, standards: SB 6854  
 Community or neighborhood organizations, property tax exemption for administration of low-income housing programs: SHB 2675  
 Small business incubator property tax exemption: ESHB 1796  
 Small startup businesses, property tax exemption: SB 5989  
 Tourism activities, use of lodging tax revenues for contracts with organizations: SB 5647  
 Unclaimed personal property, donations to nonprofit charitable organizations: SHB 1268, SB 5193  
 Zoological facilities, tax exemptions: EHB 1129, SB 5027

#### **NOXIOUS WEED CONTROL BOARD**

County boards: 2EHB 1743  
 Forest and mulches, program: SB 6676

#### **NUCLEAR POWER**

Hazardous wastes sites, cleanup advisory boards: SB 5393  
 Hazardous wastes sites, ten-year financing report and partnerships with local communities: \***SHB 1761, CH 446 (2007)**  
 Nuclear energy, task force: SB 6568  
 Nuclear plants, collective bargaining for employees working under a site certificate: HB 2203  
 Radioactive waste and other byproducts of weapons production and nuclear research, taxation on cleanup: SB 6071, SB 6336

#### **NUISANCES**

Agricultural and beekeeping activities and forest operations, protection from nuisance laws: \***EHB 1648, CH 331 (2007)**

#### **NURSES**

Advanced registered nurse practitioners, prescriptive authority: HB 2497, \***SB 6267, CH 154 (2008)**  
 Autopsy reports and records, advanced nurse practitioners allowed to obtain: \***SHB 2209, CH 439 (2007)**  
 Child abuse or neglect, duty to report: SB 6367  
 Developmental disabilities, training for medical services: SB 6470  
 Diabetes, delegation of tasks: SB 6220  
 Evidence-based nurse staffing, process: \***E2SHB 3123, CH 47 (2008)**, SB 6734, SB 6945

Overtime, prohibitions on mandatory overtime in public sector: SB 5848  
 Patient safety act, hospital staffing advisory committees: ESHB 1809, SB 5696  
 Psychiatric advanced registered nurse practitioners, authority: \***SB 6739, CH 156 (2008)**  
 School nurses, increase of: SB 6662  
 Workers' compensation claims, nurse practitioner authority to diagnose and treat: \***HB 1666, CH 275 (2007)**, SB 5951

#### **NURSING HOMES (See also LONG-TERM CARE)**

Care providers, training and collective bargaining: \***E2SHB 2284, CH 361 (2007)**, SB 6066  
 Certificate of capital authorization, priority in processing and approving: SB 5905  
 Certificate of need program, ratio calculation: HB 2204  
 Certificates of need, criteria for nursing home beds in boarding homes: SB 5144  
 Domestic partnerships, rights and responsibilities: \***2SHB 3104, CH 6 (2008)**, SB 6716  
 Emergency response plans for long-term care facilities: EHB 1347  
 Nursing facility medicaid payment system: SB 5727, SB 5736, SB 6567, \***ESB 6629, CH 263 (2008)**, SB 6909  
 Offender status of residents or those seeking admission, notification: SB 5980  
 Transport of individuals who must be on a stretcher, guidelines and standards: \***SHB 1837, CH 305 (2007)**  
 Union organizations, use of funds intended for long-term care services: SB 5940  
 Video equipment to protect vulnerable adults: SB 5520

#### **NUTRITION**

Chain food establishments required to provide nutrition labeling: SB 6505  
 Information, availability: SB 6659  
 Nutritional information disclosure, task force: ESHB 3160

#### **OCEAN RESOURCES**

Beach management districts, counties authorized to create: \***E2SHB 3186, CH 301 (2008) PV**, SB 6035, SB 6508  
 Marine protected areas, work group: SB 6231  
 Ocean policy advisory council, coordinated management policies: SB 5213  
 Outer coast marine resources, administration of committee: SB 6227  
 Pacific Northwest maritime national heritage area feasibility assessment act: SB 6144

#### **OIL AND GAS (See also FUELS)**

Energy freedom program, transferred to department of community, trade, and economic development: \***E2SHB 1303, CH 348 (2007) PV**  
 Exploration and development, regulatory cost-reimbursement: SB 5445  
 Gas and hazardous liquid pipelines, safety requirements and definitions revised: SHB 1314, SB 5225  
 Heating oil used in heat qualifying homes, sales and use tax exemption: SB 6558  
 Heating oil used in homes, sales and use tax exemption: SB 6542  
 Heating oil used in schools, sales and use tax exemption: SB 5569  
 Natural gas used in heat qualifying homes, sales and use tax exemption: SB 6558  
 Natural gas, system benefit charge and sustainable energy trust: SHB 1032  
 Natural or manufactured gas, business and occupation tax exemption for resale: \***SHB 1508, CH 58 (2007)**, SB 5575  
 Pipeline utility corridor capacity, review: SB 6107  
 Propane used in heat qualifying homes, sales and use tax exemption: SB 6558  
 Severance and conservation act, taxation of oil and gas production: SB 5158  
 Spill prevention and response, compensation and penalties: \***SB 5552, CH 347 (2007)**  
 Spill prevention and response, funding study: \***2SHB 1488, CH 346 (2007)**  
 Spill prevention and response, settlement agreements in lieu of appeal for violations: SHB 2107  
 Spill prevention and response, taxation to fund oil spill advisory council recommendations: SB 5553  
 Waste vegetable oil, tax exemption if used in the production of biodiesel for personal use: \***HB 3188, CH 237 (2008)**  
 Wildlife rescue coalition, abolished: SB 5124

#### **OPEN PUBLIC MEETINGS**

Civil penalty: SHB 2567  
 Information to be posted in government agency web sites: SB 5672  
 Model rules for public agencies: SB 6705  
 Special meetings, notification: SB 5457, SB 6704

**OPTOMETRY AND OPTOMETRISTS**

Health care insurance, primary medical eye care: SB 6644  
Insurance providers, discrimination: SB 5624

**OUTDOOR RECREATION**

Boating activities program: \***SHB 1651, CH 311 (2007)**, SB 6015  
Outdoor education and recreation grant program: \***2SHB 1677, CH 176 (2007)**, SB 5265  
Recreational access to private lands, landowner liability provisions: SB 5215  
Trail grooming services, tax exemption: HB 1404, SB 5608, \***SB 6375, CH 260 (2008)**

**OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR**

Public lands, habitat and recreation lands coordinating group: SB 5236  
Recreation and conservation funding board, committee name change: \***HB 1813, CH 241 (2007) PV**, SB 5257  
Statewide salmon recovery office: SB 5224

**PAPER**

Recycled paper, restoring preferential timber industry business and occupation tax rate: \***HB 2678, CH 296 (2008)**, SB 6326

**PARENTS AND PARENTING**

At-risk youth, public access to hearings: \***SHB 1565, CH 213 (2007)**  
Child abuse and neglect, home visitation services for improving parenting skills and outcomes for children: SB 5830  
Child in need of services, public access to hearings: \***SHB 1565, CH 213 (2007)**  
Children's personal information, action may be taken for publication of such information: ESB 6386  
Dependency hearings, child may petition: SB 6792  
Dependency proceedings, permanency plan hearings for termination of parental rights: \***E2SHB 3205, CH 152 (2008)**  
Dependency proceedings, reunification: SB 5452  
Dependent children, placement provisions: \***HB 1377, CH 412 (2007)**, SB 5246  
Dissolution proceedings, provisions revised: SB 5470  
Family and juvenile court improvement program: \***2SHB 2822, CH 279 (2008)**  
Newborn screening fees: ESHB 2023  
Newborns, additional transfer locations: ESB 5425  
Parenting plans, designation of residential time: SB 6747  
Parenting plans, shared parental responsibilities: SB 5234  
Parenting plans, temporary changes if based on the military service of a parent: SB 6331

**PARKING**

Commercial parking businesses: SB 6472  
Persons with disabilities, physician assistants allowed to determine eligibility for special parking privilege: \***HB 1505, CH 262 (2007)**, SB 5795  
Persons with disabilities, porphyria: \***HB 1000, CH 44 (2007) PV**  
Public parking facilities, sale, lease, or conveyance of municipal property in commercial areas: HB 2495  
Rental cars, parking and traffic infractions: \***HB 1371, CH 372 (2007)**, SB 5338

**PARKS (See also STATE PARKS)**

Capitol park, state: SB 5163  
City and county parks and recreational facilities, funding: SB 5531  
Funding, local real estate excise tax for operation and maintenance: SB 6074  
Historical parks and historic reserves, tax incentive program: SB 6268  
Local sales and use tax for parks and recreation, trails, and open spaces: SB 6598  
Vendors, collection of sales tax: SB 6397  
Washington park arboretum, natural resource collection: SB 6226

**PARKS AND RECREATION COMMISSION**

Centennial 2013 account: SB 5003  
Director, appointment: SHB 1192  
Northwest weather and avalanche center: SB 5219  
Outdoor education and recreation grant program: \***2SHB 1677, CH 176 (2007)**, SB 5265

Park passes, denial and revocation: \***SHB 1259, CH 441 (2007)**, SB 5260  
 Preservation of historical state park resources: SB 5209  
 Public lands, habitat and recreation lands coordinating group: SB 5236  
 Small scale mineral prospecting on coastal areas, pilot program to examine: SB 5704  
 State-owned housing, authority to approve private business activities: SB 6570  
 Unneeded park land, disposal: \***SB 5259, CH 145 (2007)**

#### **PAWNBROKERS AND SECOND-HAND DEALERS**

Fees, amounts: \***HB 1231, CH 125 (2007)**, SB 5469  
 Stolen metal property, standards for documentation and retention: SB 5312

#### **PEACE CORPS**

School employees, leaves of absence: SB 5324

#### **PERSONAL PROPERTY**

2007 floods, tax relief for damaged property: EHB 3137  
 Crimes against property, threshold values: SB 5343  
 Damage from 2007 floods, tax relief: EHB 3137  
 Deceased personality, rights: \***SHB 2727, CH 62 (2008)**  
 Excise taxation for sales of tangible property originating from or destined to foreign countries: \***SB 5434, CH 477 (2007)**  
 Florists, sourcing for sales and use tax: \***SB 6799, CH 324 (2008)**  
 Judicial orders for distraint of property: SB 5405  
 Overpayments received by courts: \***HB 1994, CH 183 (2007)**, SB 5847  
 State property, accountability when under the control of state employees: SB 6621  
 Unclaimed, donations to nonprofit charitable organizations: SHB 1268, SB 5193

#### **PERSONNEL, DEPARTMENT**

Authority of department and personnel resources board: HB 1672, SB 5539  
 Employee assistance program, confidentiality: SB 5538  
 Reclassifications, class studies, and salary adjustment provisions: \***HB 1671, CH 489 (2007)**, SB 5537

#### **PEST CONTROL**

Integrated pest management: SB 6785

#### **PESTICIDES (See also HERBICIDES)**

Children's environmental health and protection advisory board: SB 5379  
 Commission on integrated pest management, authority: HB 3106  
 Registration and licensing, fees: SB 6242  
 Schools, limits on the use of high hazard pesticides: E4SHB 1806  
 Schools, model child-friendly pest management policy: E4SHB 1806

#### **PHARMACIES AND PHARMACISTS**

Duty to facilitate delivery of lawfully prescribed drugs and devices: SB 6519  
 Pharmaceutical manufacturers, marketing activities and gift disclosures: SB 5917, SB 6302  
 Pharmacists, duty to report child abuse or neglect: SB 6367  
 Pharmacy owners, timely dispense of pharmaceuticals: SB 6189  
 Prescriber-identifiable prescription data, sale and use for commercial purposes: SB 6241  
 Prescription drug professional education program, evidence-based education act: SB 6200  
 Public assistance payments, technical assistance program: SB 5880  
 Religious beliefs and conscience: SB 6361  
 Wholesale distributor licensing: SB 5631

#### **PHYSICAL THERAPISTS**

Assistants, fees: \***EHB 3381, CH 285 (2008)**, SB 6952  
 Assistants, licensing: \***EHB 3381, CH 285 (2008)**, SB 5292  
 Fees, secretary of health to establish: SB 6952

**PHYSICIAN ASSISTANTS**

Authority to sign and attest to documents: \***HB 1966, CH 264 (2007)**

Disability for special parking privileges, physician assistants allowed to determine: \***HB 1505, CH 262 (2007)**, SB 5795

Osteopathic physician assistants, scope of practice: \***SHB 2475, CH 58 (2008)**

Scope of practice: \***SHB 2475, CH 58 (2008)**, SB 6334

Workers' compensation, authority to execute certain certificates: \***HB 1722, CH 263 (2007)**

**PHYSICIANS**

DUI conviction, notice and report: EHB 1967

Oncology prescription drugs, business and occupation tax deduction for certain medicare and medicaid payments: SB 5912

Prescriptions, business and occupation tax deduction for certain drugs: \***SHB 1891, CH 447 (2007)**

University of Washington library medical information, access: SB 6083

Worker's compensation, medical advisory committee: SB 5290

**PIERCE COUNTY**

Regional transportation investment district projects, prioritization upon funding: SB 6031

**PILOTAGE COMMISSIONERS, BOARD**

Pilotage act, modifications: SB 6602

**PLATS**

Land use permit applications, vesting: SB 5507

Testamentary provisions or laws of descent, division of lands created by: SB 5141

Vesting laws: SB 6784

Vesting of rights in land use actions: SB 5355

**PLUMBERS**

HVAC/R and gas piping, trade coordination panel and review of laws: SHB 1876

HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: SB 5875

HVAC/R, joint legislative task force: SB 5831

Licenses and certificates to be in possession while working: ESHB 1597

Registration requirements: SB 5491

**POET LAUREATE**

Poet laureate program: \***SHB 1279, CH 128 (2007)**, SB 5649

State poet laureate: SCR 8401

**POISONING PREVENTION**

Vaccines, suspension of restrictions during outbreaks: \***SHB 1098, CH 268 (2007)**

**POLICE (See also LAW ENFORCEMENT; LAW ENFORCEMENT OFFICERS)**

Identity theft, police incident report: HB 2636, \***SB 5878, CH 207 (2008)**, SB 6670

Spring blade knife, officer allowed to carry: SB 5202

Statewide notification web site, information about level I offenders who fail to maintain registration: SB 6489

Statewide registered drug offender web site: SB 6561

Vehicles, window tint exemption: \***HB 1344, CH 168 (2007)**, SB 5331

Workers' compensation benefits for surviving spouses: HB 1545

**POLITICAL PARTIES**

Advertising, mailed advertising must be filed with secretary of state to be archived: SB 5329

Candidates, filing when two or more candidates have same or similar names: SB 5562

Candidates, general revisions: SHB 1534, SB 5604

Primaries, costs associated with partisan primaries: SB 5096

**POLLUTION LIABILITY INSURANCE**

Gas stations, financial assistance to prevent release of petroleum products into environment: SB 5328

Home heating oil tanks, design to prevent leakage: \***HB 1789, CH 240 (2007)**

**PORT DISTRICTS (See also SPECIAL DISTRICTS)**

Contracts, personal service: \***2SHB 3274, CH 130 (2008)**  
 District fire fighters, retirement: HB 2134  
 Federal new markets tax credit program: \***HB 1430, CH 230 (2007)**, SB 5630  
 Ferry service, grants: \***HB 2730, CH 45 (2008)**  
 Financial support for nonprofit organizations who provide support services to commercial seafarers: SB 5730  
 Financing and operation, provisions revised: ESHB 3259  
 Industrial development levies, public notification: HB 3281, SB 6789  
 Less than countywide districts, formation: SB 5478  
 Powers and duties revised: SB 5240  
 Property tax, limitations: SB 6281  
 Property tax, phase out: SB 6290  
 Public contracting: \***2SHB 3274, CH 130 (2008)**  
 Public works, procurement: SB 6235  
 Rail infrastructure, restrictions on removal: SB 6800  
 Renewable fuel, grants for conversion: SB 6914  
 Tourism-related facilities, authority to acquire and operate: SB 5339  
 Washington port district finance and management, task force: ESHB 3259

**PREGNANCY**

Cord blood banking: \***SHB 2431, CH 56 (2008)**, SB 6922  
 Mercury-containing vaccines: SB 6300  
 Teen pregnancy, prevention: ESB 6305  
 Umbilical cord blood, collection: 2SHB 2805

**PRINTERS AND PRINTING**

Business and occupation tax classifications: SB 5574

**PRISONS AND PRISONERS**

Chaplains, state institutions: SB 5801  
 Children and families of incarcerated parents, programs and policies: \***E2SHB 1422, CH 384 (2007)**, SB 5643  
 Corrections personnel training requirements: SB 5634  
 Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: SB 5872  
 Employees of correctional facilities, stalking protection: \***SHB 1319, CH 201 (2007)**, HB 2170, SB 5307  
 Inmate labor, limitations on the use of: \***SJR 8212 (2007)**  
 Institutions review commission: SB 6013  
 Judgments, accrual of interest: SB 5346  
 Legal financial obligations, collection: SB 5190  
 Moneys received by an inmate, deductions: \***SB 5429, CH 365 (2007)**  
 Ombudsman, office of corrections: SB 5295

**PRIVACY (See also PRIVILEGED COMMUNICATIONS)**

Address confidentiality, victims of trafficking: SB 6339  
 Background checks, work group to review laws and rules regarding sharing of confidential information: SB 5275  
 Breaches of security that compromise personal information stored on computers, direct cause of action: SHB 2838, SB 6425  
 Breaches of security that compromise personal information stored on computers, disclosure violations and penalties: SB 5341  
 Cell phones, subscribers' consent to disclosure of phone numbers: \***2SHB 2479, CH 271 (2008)**, SB 6374  
 Children's personal information, publication prohibited: ESB 6386  
 Compliance with federal REAL ID Act of 2005, drivers' licenses and identicards: SB 5087  
 Confidential information of vulnerable adults: SB 6590  
 Credit reports, procurement for job related purposes: SB 5827  
 Criminal cases, access to records for legal process purposes: \***HB 2637, CH 21 (2008)**, SB 5870, SB 6671  
 Driver's licenses and identicards, confidentiality of personal information: \***SHB 2729, CH 200 (2008)**, SB 6250  
 Identification devices, privacy protections: \***ESHB 1031, CH 138 (2008)**  
 Prescriber-identifiable prescription data, sale and use for commercial purposes: SB 6241

Property owners' personal information, publication restrictions: SB 5515  
 Social security numbers, businesses must state that the request for a number is not mandatory: SB 5323  
 Telephone records, unauthorized transfer: SB 5350  
 Voter registration information, protection: SB 5566  
 Wireless communications providers, subscribers' consent to disclosure of phone numbers: \***2SHB 2479, CH 271 (2008)**, SB 6374

**PRIVILEGED COMMUNICATIONS (See also PRIVACY)**

Christian Science practitioner, sacred confidence privilege: \***HB 1939, CH 472 (2007)**, SB 5357  
 News media, privilege from compelled testimony: \***HB 1366, CH 196 (2007)**, SB 5358

**PROBATE (See also ESTATES; WILLS)**

Domestic partnerships, rights and responsibilities: \***2SHB 3104, CH 6 (2008)**, SB 6716  
 Guardians, requirements for appointments: SB 6632  
 Uniform simultaneous death act: \***HB 2236, CH 475 (2007)**, SB 5377

**PROBATION AND PAROLE**

District and municipal courts, liability for probation and supervision services: \***SHB 1669, CH 174 (2007)**  
 Juvenile probation officers, duty to report child abuse or neglect: SB 6367  
 Probation services task force: SB 5548  
 Sex offenses, length of confinement for juvenile offender parole violations: SHB 1682, SB 5243

**PROFESSIONAL EDUCATOR STANDARDS BOARD**

Autism awareness instruction: SB 6743  
 English language learner students, work group to develop recommendations: EHB 2607  
 Mathematics and science teachers, report: E2SHB 2809, SB 6781  
 Professional certification for teachers, standards and performance assessment: SB 5955, SB 6726

**PROSTITUTION**

Prevention and intervention services: SB 6683

**PSYCHOLOGISTS**

Child abuse or neglect, duty to report: SB 6367  
 Home visits by mental health professionals and crisis intervention workers, backup: \***SHB 1456, CH 360 (2007)**, SB 5563

**PUBLIC ASSISTANCE (See also MEDICAID)**

Applications, data-sharing agreements with Oregon and Idaho to assure valid residence: \***SHB 1848, CH 60 (2007)**  
 Area agencies for senior citizens, requirements revised: SB 6660  
 Child support, deficit reduction act implemented: SB 5244  
 Community options program, federal income tax payments excluded from resource eligibility requirements: SB 5970  
 Domestic partnerships, rights and responsibilities: \***2SHB 3104, CH 6 (2008)**, SB 6716  
 Foster care benefits, notice prior to denial or termination: SB 5776  
 Medical, blue ribbon commission on health care costs and access: SB 5930  
 Medical, correctional institutions: SB 6584  
 Medical, eligibility: SB 6583  
 Medical, eligibility for long-term care services regarding exempted home equity: \***HB 1247, CH 161 (2007)**, SB 5284  
 Medical, foster care youth: \***2SHB 1201, CH 315 (2007)**  
 Medical, institutions for mental diseases: SB 6584  
 Medical, insurers to accept medical assistance payments and share information with department: \***SHB 1826, CH 179 (2007)**, SB 5699  
 Medical, mental illness treatment information required for billing and collection: HB 1852, \***SB 5773, CH 191 (2007)**  
 Medical, newborn screening fees: ESHB 2023  
 Medical, personal needs allowance increase: SB 5517  
 Medical, pharmacy payment technical assistance program: SB 5880  
 Medical, services for children: SB 5093  
 Medical, smoking cessation programs: \***SB 6421, CH 245 (2008)**  
 Nursing facility medicaid payment system: SB 5727, SB 5736, SB 6567

Personal needs allowance, increase: SB 5517  
 Prescription drugs, part D copayment program: \***SHB 1095, CH 3 (2007)**, SB 5091  
 Senior citizens, requirements for area agencies: SB 6660  
 TANF, oversight committee: SHB 2312  
 Theft of benefits, penalties: SB 5897  
 WorkFirst, good cause reasons for failure to participate: SB 6016  
 WorkFirst, oversight committee: SHB 2312

#### **PUBLIC DEFENSE, OFFICE**

Director added as member of family policy council: SB 5975  
 Extraordinary prisoner medical expenses, administration of program for local jurisdiction assistance: SB 6788  
 Indigent defense grants, number of cities eligible: \***HB 1793, CH 59 (2007)**  
 Termination repealed and provisions modified: SB 6442

#### **PUBLIC DISCLOSURE (See also CAMPAIGNS)**

Attorney invoices: \***SHB 1897, CH 391 (2007)**  
 Breaches of security that compromise personal information stored on computers, direct cause of action: SHB 2838, SB 6425  
 Breaches of security that compromise personal information stored on computers, disclosure violations and penalties: SB 5341  
 Campaign contributions, agency shop fees: \***HB 2079, CH 438 (2007)**, SB 5921  
 Campaign contributions, persons authorized to make expenditures on behalf of candidate or committee: \***ESB 6128, CH 358 (2007)**  
 Campaign funding and disclosure laws recodified: SHB 1734, 2SHB 1734  
 Campaign funding, limitation of actions brought for violations: \***SHB 1832, CH 455 (2007)**  
 Campaign funding, time frame for preelection report: \***HB 2448, CH 73 (2008)**, SB 6186  
 Civil confinement facilities, disclosure exemption: SB 6492  
 Fruits and vegetables, disclosure exemption: \***EHB 1688, CH 177 (2007)**  
 Gambling commission licensees, nondisclosure of certain information: \***HB 1449, CH 470 (2007)**  
 Internal control documents, exemption: \***ESB 5927, CH 306 (2008)**  
 Law enforcement agencies, investigative records: SB 6076  
 Lobbying, limitation of actions brought for violations: \***SHB 1832, CH 455 (2007)**  
 Magnuson-Stevens fishery conservation and management reauthorization act, exemption: \***ESB 6821, CH 252 (2008)**  
 Sensitive fish and wildlife data, exemption: \***HB 1077, CH 293 (2007)**, SB 5126

#### **PUBLIC EMPLOYEES' BENEFITS BOARD**

Benefits, administration: HB 3249, SB 6816  
 Death benefit, index: SB 6664  
 Medical benefits administration account: \***HB 2163, CH 507 (2007)**, SB 5988  
 Schools and educational service districts, requirements for participation: HB 2651  
 Tribal governments authorized to participate in program: \***SB 5640, CH 114 (2007)**

#### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)**

Annual increase, age and retirement requirements for plan 1: \***SB 5175, CH 89 (2007)**  
 Benefit plans, state and public employees to pay on a pretax basis: \***HB 2652, CH 229 (2008)**, SB 6303  
 Gain-sharing provisions: SB 5668, SB 5779  
 Judges, cost to purchase past service under an optional benefit: SB 5178  
 Judges, increased benefit multiplier: \***ESHB 1649, CH 123 (2007)**, \***HB 2887, CH 300 (2008)**, SB 6145, SB 6571  
 Military service credit: SB 6009, SB 6645  
 Natural resources department, law enforcement officers: \***SHB 1124, CH 294 (2007)**, SB 5464  
 Plan 1, allowance limits: SB 6093  
 Plan 1, survivor annuity option for preretirement death: HB 3006, SB 6652  
 Plan 2, transfer of members to school employees' retirement system plan 2: HB 3005, SB 6655  
 Plan 2, transfer of service credit for fish and wildlife officers: SB 6653  
 Retirees, public employment: \***SHB 1262, CH 50 (2007)**, SB 5173  
 Separated employees, plan 2 members: HB 3027, SB 5427, SB 6648  
 Teachers' system, members of TRS plan 1 authorized to join PERS plan 1: SHB 1067, SB 5062

Vesting, after five years of service: SB 6651

Washington state center for childhood deafness and hearing loss, benefits to employees: HB 2629

#### **PUBLIC FACILITIES DISTRICTS (See also SPECIAL DISTRICTS)**

Board of directors, authority: EHB 3181, SB 6787

Carbon dioxide mitigation account: SB 5416

Commencement-of-construction date, sales and use tax extensions: **\*HB 3151, CH 48 (2008)**, SB 6905

Competitive solicitation requirements for personal service contracts: SB 6427

Districts located within two counties, state sales and use tax credit: SB 6795

New districts, creation: **\*EHB 2388, CH 486 (2007)**

Powers and duties: SB 5986

Regional centers, financing date extension: SB 6368

Regional centers, tax provisions: **\*EHB 2388, CH 486 (2007)**, SB 5184, SB 5390, SB 5440

Regional centers, tax revenues: SB 5986

Stadium and exhibition centers, sales and use tax provisions: SB 5986

Temporary medical housing by a health or social welfare organization, tax: **\*HB 2544, CH 137 (2008)**, SB 6623

#### **PUBLIC FUNDS AND ACCOUNTS**

Affordable housing for all account: **\*E2SHB 1359, CH 427 (2007)**

Affordable housing infrastructure account: E2SHB 3180

Ambulatory surgical facility account: **\*ESHB 1414, CH 273 (2007)**

American Indian endowed scholarship program, administration of funds: SB 5025

Auto theft prevention authority account: **\*E3SHB 1001, CH 199 (2007)**, SB 5038

Ballast water management account: SB 5923

Boating activities account: **\*SHB 1651, CH 311 (2007)**, SB 6015

Budget stabilization account: SB 5311, SJR 8206

Building communities fund account: E2SHB 3125

Caregiver payment account: SB 6350

Centennial 2013 account: SB 5003

Charitable organization education account: **\*SHB 1777, CH 471 (2007)**

City planning and growth account: ESHB 2331

City-county assistance account, funding increase: SB 6798

Clean energy incentive account: SB 5586

Clean streams and clear sky subaccount: E2SHB 1035

Cleanup settlement account: **\*SB 6722, CH 106 (2008)**

Columbia river water delivery account: SB 6874

Community development fund: SHB 2325

Community preservation and development authority account: 2SHB 1992

Community transition coordination network account: SB 5070, SB 6172

Connector premium assistance account: SB 6130

Corrections special reserve account, state: SB 5872

Debt-limit general fund bond retirement account: **\*SHB 3374, CH 179 (2008)**

Deferred compensation principal account: **\*HB 2652, CH 229 (2008)**, SB 6303

Economic development strategic reserve account, business and occupation tax credit for contributions to: SB 5496

Education legacy trust account, distributions to: SB 5012, SB 5428

Emergency management, preparedness, and assistance account: SB 5296

Evergreen cities support account: SB 6469

Excessive medical expenses subaccount: SB 6788

Exchange premium assistance account: SB 6574

Extraordinary criminal justice revolving fund: SB 5896

Family prosperity account: 2SHB 2256

Financial fraud and identity theft crimes investigation and prosecution account: **\*2SHB 1273, CH 290 (2008)**, SB 6850

Fire service training account, distribution and allocation: **\*SB 6119, CH 290 (2007)**

Food animal veterinarian conditional scholarship account: **\*SB 6187, CH 208 (2008)**

Freight congestion relief account: SB 5207

Geoduck aquaculture research account: **\*2SHB 2220, CH 216 (2007)**

GET ready for math and science scholarship account: \***E2SHB 1779, CH 214 (2007)**, SB 5555  
Green energy incentive account: \***E2SHB 1303, CH 348 (2007) PV**, SB 5586, SB 5760  
Growth management appeals legal assistance account: SB 6493  
Growth management infrastructure account: SB 6856  
Guaranteed benefit program reserve trust account: SB 6603  
Guaranteed benefit program trust account: SB 6603  
Health professions account, unappropriated funds: SB 5963  
Heritage barn preservation fund: \***SHB 2115, CH 333 (2007)**, SB 5542  
Heritage center account, Washington state: SB 5882  
Higher education permanent funds, investment: \***SHB 1784, CH 215 (2007)**, \***SHJR 4215 (2007)**, SB 5766, SJR 8220  
Historically Black college fund pilot project: SB 5365  
Homeownership security account: 2SHB 2829  
Hospital infection control grant account: \***2SHB 1106, CH 261 (2007)**  
Ignition interlock device revolving fund: \***E2SHB 3254, CH 282 (2008) PV**, SB 6546  
Legislative gift center account: \***2SHB 1896, CH 453 (2007)**  
Legislative oral history account: ESHB 1741, \***3SHB 1741, CH 222 (2008) PV**  
Local corrections special reserve account: SB 5872  
Local law enforcement officers' and firefighters' retirement system benefits improvement account: SB 6573  
Local public health financing account: E2SHB 1825, SB 5729  
Local public safety enhancement account: SB 6573  
Manufactured/mobile home dispute resolution program account: \***E2SHB 1461, CH 431 (2007) PV**, SB 5477  
Math/science high school scholar diploma scholarship account: SB 5581  
Military department active state service account: \***HB 2700, CH 44 (2008)**, SB 6342  
Military improvement zone account: SB 6802  
Mobile home park relocation fund: SB 5540  
Nondebt-limit reimbursable bond retirement account: \***SHB 3374, CH 179 (2008)**  
Nonprofit equity account: E2SHB 3180  
One highway account: SB 6953  
Outdoor education and recreation program account: \***2SHB 1677, CH 176 (2007)**, SB 5265  
Permanent common school fund, investment of moneys: \***HB 2396, CH 505 (2007)**  
Poet laureate account: \***SHB 1279, CH 128 (2007)**, SB 5649  
Prescription drug professional education program account: SB 6200  
Public employees' benefits board medical benefits administration account: \***HB 2163, CH 507 (2007)**, SB 5988  
Qualified professions conditional scholarship account: SB 5369  
Rainy day reserve fund: SB 5000, SJR 8200  
Real estate research account: \***SHB 2778, CH 23 (2008)**  
Real estate research account, revised: SB 6498  
Reinsurance account: SB 6130  
Revenue stabilization fund: SJR 8201  
School art program restoration account: SB 6065  
School arts programs account: SB 6314  
School districts, capital projects account provisions: \***HB 2357, CH 503 (2007)**  
Skill centers building account: \***SHB 3374, CH 179 (2008)**  
Smart homeownership choices program account: SB 6711  
Special safety corridor account: SB 6876, SB 6877, SB 6878  
State patrol highway account, motor vehicle fee increase to provide additional funding: \***SB 6129, CH 155 (2007)**  
State wildlife account: SB 6230  
Survivors' endowed scholarship trust fund: SB 5040  
Survivors' scholarship endowment fund: SB 5040  
Sustainable energy trust fund: SHB 1032  
Time certificate of deposit investment program, availability of funds increase: \***EHB 3360, CH 187 (2008)**  
Tourism enterprise account: \***SHB 1276, CH 228 (2007)**, SB 5116  
Trade fair fund, state: SB 5170  
Transitional housing operating and rent account: SB 5959  
Transportation-related accounts, proportionate share of earnings from surplus balance investments deposited in : SB 5085

Traumatic brain injury account: \***2SHB 2055, CH 356 (2007)**, SB 5024  
 University of Washington botanic gardens endowed curatorship account: SB 6226  
 Vancouver national historic reserve account: SB 5032  
 Veterans conservation corps account: SB 5164  
 Veterans stewardship account: HB 2571  
 Voluntary retirement accounts partnership program account: SB 6067  
 Washington health partnership trust fund: SB 6221  
 Washington investment in student excellence scholarship account: SB 6820  
 Washington state flag account: SB 6254  
 Washington State University building account provisions: SB 6432  
 Washington technology opportunity account: SB 6775  
 Water quality capital account: \***HB 1137, CH 233 (2007)**, SB 5110  
 Wildlife account: HB 1229, HB 2799, SB 6136  
 Wildlife rehabilitation account: SB 5188  
 Working forest land account: SB 6233  
 Working forest lands account: SB 5216

## **PUBLIC HEALTH**

Airline seats for employees, health and safety standards: SB 5300  
 Antifreeze, placement of averse agents: \***ESHB 2996, CH 68 (2008)**  
 Asbestos-related liabilities: SB 5804  
 Biomonitoring program: SB 5695  
 Burn bans, solid fuel burning devices: \***SB 6753, CH 40 (2008)**  
 Cardiac care services, certificate of need for percutaneous coronary interventions: \***SHB 2304, CH 440 (2007)**  
 Children's environmental health and protection advisory board: SB 5279, SB 5379  
 Children's product safety act: SB 6444  
 Children's safe products act: \***E2SHB 2647, CH 288 (2008) PV**, SB 6530  
 Cleaning of facilities, products that minimize impacts to humans and the environment: ESHB 1464, EHB 2613  
 Community public health and safety networks, creation in areas with disbanded networks: SB 6870  
 Cord blood banking: \***SHB 2431, CH 56 (2008)**, SB 6922  
 County coroners, duty to report child abuse or neglect: SB 6367  
 Day care, window blind cords prohibited: \***SHB 1256, CH 299 (2007)**  
 Dishwashing detergent, phosphorus content: \***HB 2263, CH 193 (2008)**  
 Emissions, disclosure of greenhouse gas tailpipe emissions: SB 6309  
 Explosives licenses, fees: HB 2941, SB 6692  
 Factory assembled structures, department of labor and industries to make changes: SB 6693  
 Health and environmental laws, citizen may commence action against violator: SB 6104, SB 6833  
 Health care quality data, work group: SB 6889  
 Health care, direct patient-provider primary care practices: SB 5958  
 Health sciences and services program: \***E2SHB 1705, CH 251 (2007)**, SB 5616  
 Human papillomavirus disease and vaccine, information: \***SHB 1802, CH 276 (2007)**  
 Human remains, duties of persons who discover: \***E2SHB 2624, CH 275 (2008)**, SB 6521  
 Infections, reporting requirements for health care-associated infections acquired in hospitals: \***2SHB 1106, CH 261 (2007)**  
 Intensive case management and integrated response pilot programs: SB 6665  
 Invasive methicillin resistant staphylococcus aureus, monitoring system: SB 6225  
 Lead poisoning, prevention education and screening: SB 5981  
 Lead wheel weights, alternatives: ESHB 2143  
 Lead-containing products, labeling: E2SHB 2882  
 Local health financing account, funding for services: E2SHB 1825, SB 5729  
 Mental health first aid course: SHB 2690  
 Mercury release reduction: SB 6502  
 Newborn screening fees: ESHB 2023  
 On-site sewage disposal systems, exemption for manufacturers of biological remediation technologies: SB 6620  
 On-site sewage grant program, authority for department of health to transfer funds: \***SHB 2823, CH 202 (2008)**  
 Outdoor burning, limitations: SB 6919

Polybrominated diphenyl ethers, phasing out procedures: \***ESHB 1024, CH 65 (2007)**, SB 5034  
 Psychoactive substance control, commission: SB 6124  
 Public notices, languages other than English: SHB 1675  
 Schools, health advisory council: SB 5415  
 Sexually transmitted diseases, parent child health services: SB 5585  
 Tanning facilities to post cancer warning signs: SB 5580  
 Umbilical cord blood, collection: 2SHB 2805  
 Vaccines, suspension of restrictions during outbreaks: \***SHB 1098, CH 268 (2007)**  
 Washington state toxic mold and toxins, task force: SB 6852  
 Waste reduction and sustainable production, department of ecology duties: ESHB 2818

**PUBLIC HOSPITAL DISTRICTS (See also SPECIAL DISTRICTS)**

Annexation of territory, publication in voters' pamphlet: SB 5419  
 Annexation, public hearings on a resolution: SB 6578  
 Autism spectrum disorder diagnostic clinics: SB 6812  
 Commissioners, compensation payment: \***SB 6271, CH 31 (2008)**  
 Joint withdrawal and annexation procedures: SB 5710  
 Special purpose district commissioners, compensation: HB 2619  
 Withdrawal from district, alternative method for smaller cities: SB 5818

**PUBLIC INSTRUCTION, SUPERINTENDENT**

Achievement of groups of students, report: \***SHB 3212, CH 165 (2008)**  
 African-American students, advisory committee to address achievement gap: \***2SHB 2722, CH 298 (2008)**  
 Allocations, urban school district: SB 5794  
 Anaphylactic policy, authority to develop guidelines: SB 6556  
 Autism awareness instruction: SB 6743  
 Buses, replacement incentive program: \***E2SHB 1303, CH 348 (2007) PV**, SB 5586  
 Career and technical education to prepare students for assessment system, advisory committee: SB 6486  
 Civic education travel grant program: SB 5969  
 College in high school program: SB 5105  
 Community schools act: SHB 3291, SB 6872  
 Data and data systems, requirements: SB 5843  
 Disabilities, early intervention services: SHB 2230  
 Districts, financial health and monitoring system and education data center: 2SHB 1871, SB 5842  
 Driver training, bicycle and pedestrian safety information: SHB 1588, \***HB 2564, CH 125 (2008)**, SB 6420  
 Driver training, parent taught: SB 5448, SB 6625  
 Driver training, students in home-based instruction: SB 5521  
 Driver training, uniform curriculum: SB 5333  
 Dropout prevention and intervention program: \***2SHB 1573, CH 408 (2007) PV**, SB 5497  
 Early learning to kindergarten transition plans: SB 5864  
 Entrepreneurial education and development, grants: SB 5368  
 Health, advisory council: SB 5415  
 Healthy student grant program, authority to allocate funds: SHB 2811  
 High demand fields, committee on the education of students in: SB 5731  
 High school plus programs, authority to allocate grants and submit report on program design and outcomes: 2SHB 2808  
 Impact fees for school facilities, superintendent to develop criteria: SB 6892  
 Improving core subject instruction for all students, pilot program: HB 2136, SB 6094  
 Incarcerated parents, programs and policies for children and families: \***E2SHB 1422, CH 384 (2007)**, SB 5643  
 Instruction assistants, superintendent to develop and offer training programs: \***2SHB 2870, CH 65 (2008)**, SB 6640  
 Kindergarten, readiness assessment: 2SHB 2597  
 Land acquisition for future school sites: SB 6088  
 Life science learning centers: SB 6148  
 Mathematics, online curriculum study: \***2SHB 2598, CH 274 (2008)**  
 Mathematics, standards: \***SB 6534, CH 172 (2008)**  
 Multistakeholder school threat assessment work group: ESHB 3131  
 Online learning programs, college credit for high school students: \***2SHB 3129, CH 95 (2008)**

Paraeducator certification requirements, authority to adopt rules: SB 6942  
 Pledge of allegiance, authority to adopt rules for annual teaching of meaning and history: SB 6908  
 Reading, adolescent reading program: SB 6538  
 Regional committees, membership: **\*2SHB 2635, CH 159 (2008)**  
 Secondary career and technical education, development: E2SHB 2826, SB 6377  
 Sexual equality laws, compliance: SB 5837  
 Skill centers, authority to adopt rules that set a local project contribution threshold: **\*SHB 3374, CH 179 (2008)**  
 Skills centers, regional career and technical education partnership: SHB 1977, SB 5790  
 Special education, safety net: SB 6115  
 Statewide director for math, science, and technology: **\*2SHB 1906, CH 396 (2007)**  
 Students in children's administration out-of-home care, report: **\*SHB 2679, CH 297 (2008) PV**  
 Students with autism, development of programs and guidelines: SB 6742  
 Technology, essential academic learning requirements for literacy and fluency in technology: **\*2SHB 1906, CH 396 (2007)**  
 Transportation for students, funding: SB 5114  
 Washington community learning center program, administration: **\*SB 6369, CH 169 (2008)**  
 Washington grown fresh fruit and vegetable grant program: E2SHB 2798  
 Washington learns, implementation: SB 5501, SB 5806  
 Washington state center for childhood deafness and hearing loss, authority to adopt rules: HB 2629  
 World language instruction: HB 1517  
 World language supervisor: 2SHB 2523

#### **PUBLIC LANDS**

Aquatic lands, authority of department of natural resources for certain aquatic lands: HB 1123, HB 2470, SB 5460, SB 6214  
 Aquatic lands, fees for easements and legislative review of granting of easements: **\*ESHB 1623, CH 55 (2008)**  
 Aquatic lands, intertidal commercial geoduck aquaculture: SB 6509  
 Aquatic lands, lease agreements to operate publicly owned marinas: SB 6532  
 Aquatic lands, log and wood sale proceeds to fund Thomas Burke memorial museum: SB 5218  
 Aquatic lands, Maury Island aquatic reserve: SB 6011, SB 6777  
 Aquatic lands, structures within waterways: HB 2469, SB 6213  
 Aquatic lands, work group for improving recreation: **\*SHB 2472, CH 195 (2008)**, SB 6212  
 Aquatic reserve system: SB 6307  
 Disposition of state lands, notice to local governments: **\*HB 1940, CH 62 (2007)**  
 Forest health, contract harvesting for silvicultural treatments: SHB 1122, SB 5461  
 Habitat and recreation lands coordinating group: SB 5236  
 Huckleberries, regulations: **\*SHB 1909, CH 392 (2007)**  
 Intertidal commercial geoduck aquaculture: SB 6509  
 Leases to public agencies: **\*HB 2395, CH 504 (2007) PV**  
 Maury Island aquatic reserve: SB 6011  
 Natural resources board, deductions of proceeds from transactions: SHB 1045, SB 5462  
 Off-road vehicle recreation facilities, administration of recreation and conservation funding board: SB 6901  
 Pack and saddle stock animals: **\*ESHJM 4011 (2007)**, SJM 8007  
 Schools, land acquisition for future school sites: SB 6088  
 Small scale prospecting and mining: SB 6343  
 Specialized forest products, huckleberries: SB 5214  
 Specialized forest products, permitting process and theft protections : **\*SHB 1909, CH 392 (2007)**  
 Specialized forest products, work group and study extended: HB 2909  
 Specialized forest products, work group created and bill of lading requirements revised: SB 5844  
 State trust lands, leases: **\*HB 2395, CH 504 (2007) PV**  
 State trust lands, management: SB 6088  
 State trust lands, work group for improving recreation: **\*SHB 2472, CH 195 (2008)**, SB 6212  
 Survey, Washington geological : SHB 2471, SB 6211  
 Urban forestry partnerships, commissioner to appoint advisory committee: **\*E2SHB 2844, CH 299 (2008) PV**  
 Work group, improving recreation on state trust lands, aquatic lands, and other state-owned lands: **\*SHB 2472, CH 195 (2008)**, SB 6212

Working forest land base, maintenance: SB 6233

Working forest land board, grants and loans to protect lands: SB 5216

### **PUBLIC OFFICERS AND EMPLOYEES (See also CAMPAIGNS; HEALTH CARE AUTHORITY)**

Candidates for public office, false and defamatory statements: SB 6202

Cleaning of facilities, products that minimize impacts to humans and the environment: ESHB 1464, EHB 2613

Collective bargaining, certification of employee organizations: SB 5772

Criminal liability, community supervision of criminal offenders: SB 6401

Domestic partners, retirement benefits: SB 5069, SB 5724

Domestic partnerships, rights and responsibilities: \***2SHB 3104, CH 6 (2008)**, SB 6716

Efficiency hotline: \***ESB 5513, CH 41 (2007)**

Employee assistance program, confidentiality: SB 5538

Executive state officers, boards of trustees of technical colleges: \***SB 5759, CH 15 (2007)**

Gifts, acceptance of gifts by municipal officers: SB 6507

Health care, employee health program and demonstration project: SB 5665

Insurance, medicare only health insurance benefits for political subdivision employees: \***HB 2510, CH 142 (2008)**, SB 6446

Military leave: HB 1127

Military leave, uniformed service shared pool leave: \***SHB 1507, CH 25 (2007)**, SB 5430

Military service, death benefits for employees who die while in service: \***SHB 1266, CH 487 (2007)**

Municipal officers, beneficial interest in contracts: \***SHB 1255, CH 298 (2007)**

Oath of office, Declaration of Independence: SB 5529

Payroll deductions, retiree organization dues: HB 2033, \***SB 5879, CH 99 (2007)**

Prescriptions, purchase of brand name drugs when cost-effective for all state programs: SB 5565

Raffles, public employees: \***HB 1599, CH 452 (2007)**, SB 5693

Retirement, domestic partners: SB 5069, SB 5724

Senate confirmation for certain commission and department appointments: SB 5703

Sexual harassment, policies and training programs: SB 5118

Shared leave, unused leave: \***HB 2281, CH 454 (2007)**

Shared leave, volunteer services for declared emergencies: HB 1759

State-owned electronic devices, limited personal use: SB 6907

Volunteer firefighters, agency employees allowed to respond when called to duty: SB 5511

Whistleblower protection: SB 5406, SB 6776

### **PUBLIC POLICY, INSTITUTE**

Adult literacy education media campaign, report: SHB 2899

Compulsory school attendance and truancy, analysis: SB 6429

Homelessness, study on costs: E2SHB 1115

Inmate postsecondary education pilot program, evaluation: SB 6790

Intensive case management and integrated response pilot programs, evaluation: SB 6665

Underground economy in construction industry, advisory committee: 2SHB 3121, SB 6732

Washington's fiscal resources, committee to evaluate and present to committees of the legislature: SB 6911

### **PUBLIC SAFETY**

Additional revenues: SB 6573

Community public health and safety networks, creation in areas with disbanded networks: SB 6870

Emergencies, governor may waive or suspend operations: \***SB 6950, CH 181 (2008)**

Factory assembled structures, department of labor and industries to make changes: SB 6693

Retirement of employees, military service credit: SB 6645

### **PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM**

Service credit for periods of temporary duty disability: \***SHB 1261, CH 49 (2007)**, SB 5172

### **PUBLIC TRANSIT (See also BUSES)**

Car-sharing activities, sales and use tax exemption: SB 6830

Communication systems, exclusion from definition of wireless communications device: HB 3261

Commuter rail service between Everett and Leavenworth, feasibility study: SB 6068

Commuter rail service, feasibility study: **\*SHB 3224, CH 127 (2008)**  
 Fares, schedule of fines and penalties for civil infractions: **\*ESHB 2480, CH 123 (2008)**, SB 6353  
 High-capacity transportation corridor areas, provisions established: SB 6667  
 Personal rapid and magnetic levitation transit systems: SB 5159  
 Providers, accommodation at park and ride lots: SB 6277  
 Rail transit safety plans, updates to comply with federal regulations: **\*SB 5084, CH 422 (2007)**  
 Regional transit authorities and regional transportation investment districts, single ballot proposition: **\*SHB 1396, CH 509 (2007)**, SB 5282  
 Regional transit authorities, acquisition of insurance by bid or negotiation: **\*HB 1747, CH 166 (2007)**, SB 5283  
 Regional transit authorities, development activity defined: **\*HB 1493, CH 42 (2008)**, SB 5148  
 Regional transit authorities, funding for state route number 520 and Alaskan Way Viaduct: SB 6169  
 Regional transit authorities, general obligation bonds: SB 6072  
 Regional transit authorities, motor vehicle excise tax: SB 5146  
 Regional transit authorities, special fuel tax exemption: SB 5304  
 Regional transportation authority: SB 6772  
 Regional transportation commissions: SB 5803  
 Regional transportation investment districts, elimination: SB 6771  
 Special needs transportation services, light and power business tax credit for contributions: SB 5454  
 Special needs transportation, agency council on coordinated transportation: **\*SHB 1694, CH 421 (2007)**  
 Transportation benefit areas, nonvoting labor member: 2SHB 2216, SB 6495  
 Transportation benefit areas, schedule of fines and penalties for civil infractions: **\*ESHB 2480, CH 123 (2008)**, SB 6353  
 Vehicle stops, unmarked stop zones: SB 6569

#### **PUBLIC UTILITY DISTRICTS (See also SPECIAL DISTRICTS)**

Telecommunications services: SB 6102  
 Alternative bid procedure: SB 6345  
 Bid limits: SB 6719  
 Check issuance, payment of claims: SB 5319  
 Commissioner, salaries: HB 2606, **\*SB 6717, CH 218 (2008)**  
 Contracts: SB 6560  
 Environmental mitigation, authority to engage in: **\*SHB 1929, CH 349 (2007)**, SB 6046  
 Low-income energy assistance contributions, disbursal: **\*HB 1676, CH 132 (2007)**, SB 5686  
 Mercury release reduction, authority to recover costs from ratepayers: SB 6502  
 Pole attachments, regulations: **\*E2SHB 2533, CH 197 (2008)**, SB 5740, SB 6585  
 Renewable energy, procurement: **\*SHB 2639, CH 198 (2008)**, SB 6658  
 Rural districts, special needs transportation services: SB 5454  
 Tax exemptions for services provided by small water systems: SB 5232  
 Thermal electric generating facilities, distribution of tax proceeds: ESB 5599  
 Urban forestry partnerships, evergreen cities recognition program: **\*E2SHB 2844, CH 299 (2008) PV**  
 Utility management, materials utilized for work: SB 6346  
 Water-efficient products, application for grants: SB 6810

#### **PUBLIC WATER SUPPLY SYSTEMS (See also WATER COMPANIES)**

Water power license fees: SB 5881  
 Water system acquisition and rehabilitation program: SB 6340

#### **PUBLIC WORKS**

Alternative, contracting procedures and project review committee: **\*2SHB 1506, CH 494 (2007)**, HB 2780, SB 5489  
 Bid limits: SB 6738  
 Bidders, responsibility criteria: **\*SHB 2010, CH 133 (2007)**, SB 5856  
 Certified payroll records on projects: ESHB 2864  
 Construction, application of chapter 39.12 RCW for certain projects: SB 6938  
 Fire stations, threshold for construction projects without formal bidding : SB 5337  
 Higher education construction projects, threshold for bid requirements: SB 5646, SB 5770  
 Infrastructure projects, qualifications for grants: SB 6856

Local infrastructure financing tool program, definitions regarding demonstration projects: **HB 2485, \*SB 6196, CH 209 (2008)**

Local public works assistance funds: **EHB 2985**

Materials, bid limits: **SB 6738**

Nonconstruction loan limits, increase for projects financed through board: **HB 1068, SB 5005**

Performance-based contracted energy equipment and services, tax exemptions: **SB 6515**

Performance-based contracting conservation of water, wastewater, or solid waste: **SB 5481**

Permits, application process: **\*ESB 5508, CH 231 (2007)**

Prevailing wages, exemption: **\*HB 1370, CH 169 (2007)**, **SB 5291**

Procurement: **SB 6235**

Projects, authorization: **\*HB 1025, CH 4 (2007)**, **\*HB 2437, CH 5 (2008)**, **SB 5006, SB 6182**

Projects, funding pursuant to capital budget: **SB 6853**

Schools districts, apprenticeship utilization: **\*EHB 1898, CH 437 (2007)**

Small works roster contracting procedures: **\*SHB 1328, CH 210 (2007)**, **SB 5546**

Transportation projects, design-build construction: **\*SB 5798, CH 152 (2007)**

Trench excavations, requirements: **HB 2009**

## **PUBLIC WORKS BOARD**

Nonconstruction loan limits, increase for projects financed through board: **HB 1068, SB 5005**

Projects, authorization: **\*HB 1025, CH 4 (2007)**, **\*HB 2437, CH 5 (2008)**, **SB 5006, SB 6182**

Projects, funding pursuant to capital budget: **SB 6853**

## **PUGET SOUND**

Commercial salmon fishery: **SB 6337**

Geoduck aquaculture techniques and practices, scientific research studies: **\*2SHB 2220, CH 216 (2007)**

Hazardous wastes sites, ten-year financing report and partnerships with local communities: **\*SHB 1761, CH 446 (2007)**

Institution of higher education, siting: **SB 6352**

Islands, shoreline master program provisions: **SB 6012**

Marine managed areas plan: **SB 6307**

Marine resource committees: **\*SHB 2049, CH 344 (2007)**

Pacific Northwest maritime national heritage area feasibility assessment act: **SB 6144**

Puget Sound partnership, action agenda to achieve clean-up and restoration goals: **E2SHB 1374, SB 5372**

Regional council, membership in state route number 520 tolling implementation committee: **\*ESHB 3096, CH 270 (2008)**, **SB 6754**

Regional transportation commissions: **SB 5803**

Scientific research account: **\*2SHB 1656, CH 345 (2007) PV**

Scientific research account expenditures, peer review of program: **HB 2850**

Shellfish protection districts and program: **E2SHB 1595, \*SB 5778, CH 150 (2007)**

Shellfish, aquaculture regulatory committee: **\*2SHB 2220, CH 216 (2007)**, **SB 5645**

Tolling authority, central Puget Sound: **SB 6543**

Water quality cleanup, funding provisions: **SB 5286**

## **PUGET SOUND ACTION TEAM**

Scientific research account: **\*2SHB 1656, CH 345 (2007) PV**

## **RADIO (See also NEWS MEDIA)**

Amateur radio repeater, leasehold excise tax exemption when used for emergency services: **\*SHB 2335, CH 21 (2007)**

Television reception improvement districts, emergency radio communications systems: **SHB 2337**

## **RAILROADS**

Commuter rail service between Everett and Leavenworth, feasibility study: **SB 6068**

Commuter rail service, feasibility study: **\*SHB 3224, CH 127 (2008)**

Rail and crossing material, reuse: **SB 5851**

Rail corridors, preservation measures and real estate seller's disclosure requirements: **2SHB 2344**

Rail infrastructure and transportation system, improvement and preservation: **SB 6120, SB 6800**

Rail transit safety plans, updates to comply with federal regulations: **\*SB 5084, CH 422 (2007)**

Shippers, transportation department authority to intervene on behalf of: **HB 1313, SB 5299**

**REAL ESTATE AND REAL PROPERTY (See also BUILDING CODES/PERMITS; EMINENT DOMAIN; HOUSING; TAXES - EXCISE TAX; TAXES - PROPERTY TAX)**

2007 floods, tax relief for damaged property: EHB 3137  
 Annual revaluations, tax provisions: SHB 2611, SB 6706  
 Community renewal law, modifications: SB 6595  
 Conservation easements: SB 5692  
 Construction contractors, licenses and certificates to be in possession while working: ESHB 1597  
 Construction contractors, liens: SB 6036  
 Construction defects, duty to exercise reasonable care in construction of improvements: SB 6385  
 Construction defects, statute of limitations: SB 5044, SB 5048  
 Construction industry, joint legislative task force on underground economy: **\*SB 5926, CH 288 (2007)**  
 Crimes against property, threshold values: SB 5343  
 Damage from 2007 floods, tax relief: EHB 3137  
 Deeds of trust, generally: SB 5378  
 Discrimination, lawful source of income: EHB 1956, SB 5823, SB 6533  
 Distressed home transactions: SB 6695  
 Distressed property conveyances: **\*HB 2791, CH 278 (2008)**, SB 6431  
 E-recording standards commission, uniform real property electronic recording act: HB 2104, **\*EHB 2459, CH 57 (2008)**, SB 5948  
 Environmental covenants act, uniform: **\*SB 5421, CH 104 (2007)**  
 Forest fires, access to property during a fire: SB 5315  
 Forest land, management information: SB 6259  
 Home inspectors, licensing: SB 6606  
 Home inspectors, study: SB 5788  
 Homeownership security, improving protections for residential mortgage loan consumers: **\*SHB 2770, CH 108 (2008)**, SB 6728  
 Homestead exemption, increase: **\*SHB 1805, CH 429 (2007)**, SB 5866, SJR 8226  
 Levy lid lift ballot propositions: SHB 2554  
 Mortgage brokers, borrower disclosures of yield spread premiums: SB 6452  
 Multiple-unit housing, voluntary contribution program: SHB 2848  
 New home construction or sale, warranty requirements: SB 5550  
 New home warranties: SB 5049  
 Parcel numbers, real property to be identified by: SB 6514  
 Property management companies, business and occupation tax exemption for on-site property managers: SB 5982, SB 6265  
 Property owners' personal information, publication restrictions: SB 5515  
 Real estate licensure, provisions revised: **\*SHB 2778, CH 23 (2008)**, SB 6498  
 Real estate settlement services, regulation: SB 6847  
 Residential construction, cause of action for defects: SB 5046  
 Residential construction, committee: SB 5890  
 Residential construction, duty to exercise reasonable care in construction of improvements: SB 6385  
 Residential contractors, sunrise review for licensing: 2SHB 3349  
 Revaluation plans, use of digital image technology: SHB 2609  
 Sellers' disclosure, rail corridors: 2SHB 2344  
 Sellers' disclosure, requirements: SB 5895  
 Sellers' disclosure, wood burning devices: HB 2894  
 Smart homeownership choices program: SB 6711  
 Timber, tax on sale of standing timber when timber sold separately from underlying land: **\*SHB 1513, CH 48 (2007)**, SB 5493  
 Valuation, burden of proof regarding corrections made by public officials: SB 6517  
 Valuation, constitutional amendment to limit growth: SJR 8224  
 Valuation, increases limited: SB 6899

**RECORDS**

Address confidentiality, victims of trafficking: SB 6339

Breaches of security that compromise personal information stored on computers, direct cause of action: SHB 2838, SB 6425

Breaches of security that compromise personal information stored on computers, disclosure violations and penalties: SB 5341

Criminal cases, access to records for legal process purposes: \***HB 2637, CH 21 (2008)**, SB 5870, SB 6671

Criminal history information, agency access: \***HB 2955, CH 74 (2008)**, SB 6513

Diversions records, destruction of: \***SHB 1141, CH 221 (2008)**

Driving records, expansion of list of persons and entities that may acquire abstracts: \***SB 6885, CH 253 (2008)**

E-recording standards commission, uniform real property electronic recording act: HB 2104, \***EHB 2459, CH 57 (2008)**, SB 5948

Exchange facilitators, information exempt from disclosure: SB 6845

Personal information, confidentiality regarding driver's licenses and identicards: \***SHB 2729, CH 200 (2008)**, SB 6250

Proprietary information, disclosure exemption: SB 6921

Public records, division of archives and records management: SB 5603

Public records, adjustments to recodification of public records act: \***SHB 1445, CH 197 (2007)**, SB 5437

Public records, attorney invoices: \***SHB 1897, CH 391 (2007)**

Public records, compensation for denials by agencies: SB 6294

Public records, disclosure of law enforcement agencies' investigative records: SB 6076

Public records, exemptions accountability committee: SB 5435

Public records, health care information disclosure: SB 6191

Public records, preservation and destruction provisions: SB 5603

Public records, statute of limitations: HB 1446, SB 5436

Telephone records, unauthorized transfer: SB 5350

#### **RECREATIONAL VEHICLES**

Dealers, licensing requirements: SHB 1955, SB 5924

Noise, restrictions for nonhighway and off-road vehicles: SB 5544

#### **RECYCLING**

Electronic product recycling, Washington materials management and financing authority board: \***SB 6677, CH 79 (2008)**

Light bulbs, work group to make recommendations for recycling: E2SHB 2703

Metal property, theft prevention and recovery measures regarding theft: ESHB 1251, SB 6098

Paper, restoring preferential timber industry business and occupation tax rate for manufacture of certain material: \***HB 2678, CH 296 (2008)**

Paper, timber industry business and occupation tax rate for manufacture of certain material: SB 6326

Receptacles required at official gatherings and sports facilities: \***SHB 2056, CH 244 (2007)**

Recycled material, business and occupation tax incentives for businesses using: SB 6811

Waste reduction and recycling awards program, participation by private schools: \***SB 6941, CH 178 (2008)**

#### **REFRIGERATION AND AIR CONDITIONING**

Energy efficient equipment, tax incentives for businesses: \***HB 3362, CH 284 (2008)**

Food lockers, regulations repealed: \***HB 1305, CH 52 (2007)**, SB 5057

HVAC/R and gas piping, trade coordination panel and review of laws: SHB 1876

HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: SB 5875

HVAC/R, joint legislative task force: SB 5831

#### **REGIONAL TRANSPORTATION INVESTMENT DISTRICTS**

Elimination: SB 6771

Pierce county, project prioritization upon funding: SB 6031

#### **REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS**

Executive board, membership: \***HB 2004, CH 511 (2007)**, SB 6143

#### **REGULATORY ASSISTANCE, OFFICE**

Local project review, assistance to local jurisdictions: \***ESB 5508, CH 231 (2007)**

Provisions revised: E2SHB 2631, SB 6690

Regulatory assistance program, preservation of current program with cost reimbursement changes: SB 5122

Reports, requirements: SB 5099

### **REGULATORY REFORM**

Small businesses, agency rule economic impact statement requirements: \***EHB 1525, CH 239 (2007)**

### **RELIGION**

Beliefs and conscience in pharmacy practice: SB 6361

Chaplains, state institutions: SB 5801

### **RENT (See also LANDLORD AND TENANT)**

Rental late fees, limits: SB 5960

Utility liens against rental property, limits: SB 5854

### **RESEARCH AND DEVELOPMENT**

Biotechnology product and medical devices, business and occupation tax rate: SB 5763

Geoduck aquaculture techniques and practices, scientific research studies: \***2SHB 2220, CH 216 (2007)**

High technology business and occupation tax credit: SB 5685

Innovation partnership zones to promote research based firms and industries: \***SHB 1091, CH 227 (2007)**, SB 5090

Life sciences research, commercialization: SB 5996

Puget Sound scientific research account: \***2SHB 1656, CH 345 (2007) PV**

Radioactive waste and other byproducts of weapons production and nuclear research, taxation on cleanup: SB 6071, SB 6336

Rockfish research and stock assessment program: 2SHB 1076, \***HB 1476, CH 442 (2007)**, SB 5127

### **RESTAURANTS**

Automatic food service charges, RCW 19.48.130 recodified in minimum wage act: \***HB 2699, CH 199 (2008)**, SB 6749

Automatic service charges paid to servers, disclosure for customer: \***SHB 1583, CH 390 (2007)**, SB 5650

Chain food establishments required to provide nutrition labeling: SB 6505

Commercial food service establishment in Pritchard building, business enterprises program: SHB 2003

Liquor licenses, catering endorsement holder may store liquor on premises of another: SHB 1975, SB 5838

Menu labeling, task force: SB 6786

Tips, business and occupation tax credit on payroll taxes paid by owners: SB 5947

### **RETIREMENT AND PENSIONS (See also LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM; PUBLIC EMPLOYEES' RETIREMENT SYSTEM; STATE PATROL; TEACHERS)**

Contribution rates, process for adopting: \***SB 5014, CH 280 (2007)**

Death benefits, public employees: \***SHB 1266, CH 487 (2007)**, SB 5177

Death benefits, public employees who die while in military service: \***SHB 1266, CH 487 (2007)**

Domestic partners, retirement benefits: SB 5069, SB 5724

Gain-sharing provisions, alternate pension benefits: \***EHB 2391, CH 491 (2007)**, SB 5668, SB 5779

Judges, benefit distribution upon separation: \***SB 5918, CH 108 (2007)**

Mortality improvements, state actuary's recommendations: SB 5946

Payroll deductions, retiree organization dues: HB 2033, \***SB 5879, CH 99 (2007)**

Portability of public retirement benefits: \***SHB 1264, CH 207 (2007)**, SB 5176

Postretirement employment: SB 6687

Public systems, corrections to statutes: SB 5174

Survivor benefits, employee service in national guard or military reserves during a period of war: HB 3007, SB 6646

Voluntary retirement accounts program: SB 6067

### **RETIREMENT SYSTEMS, DEPARTMENT**

Department organization: SB 5157

Dependent care assistance program, transfer to health care authority: \***HB 2652, CH 229 (2008)**, SB 6303

Director's authority to determine interest in certain public retirement systems: \***SB 6167, CH 493 (2007)**

Divisions and assistant directors, limitations: SB 5518

### **REVENUE, DEPARTMENT**

Annual revaluations, grant program: SHB 2611

Environmentally certified residential and commercial construction, sales and use tax exemptions report: SB 6773

New market development, tax credits: SB 6752  
 State route number 520 bridge replacement, department to accept applications for funding: **\*ESHB 3096, CH 270 (2008)**, SB 6754  
 Streamlined sales and use tax agreements: SB 5089  
 Tax expenditure report, biennial budget documents: SB 6054  
 Tax laws and programs, technical changes: **\*SHB 1381, CH 54 (2007)**, SB 5560  
 Tax programs, administration: HB 1480, **\*SB 5468, CH 111 (2007)**, **\*ESB 6663, CH 86 (2008)**  
 University stadium renovation projects, issuance of sales and use tax deferral certificate: SB 6848

### REVISED CODE OF WASHINGTON

Automatic food service charges, RCW 19.48.130 recodified in chapter 49.46: **\*HB 2699, CH 199 (2008)**, SB 6749  
 Basic education program recodified: HB 1285  
 Campaign funding and disclosure laws recodified: SHB 1734, 2SHB 1734  
 Designated forest lands and open space timber lands, statutes consolidated for ease of administration: SHB 1580, SB 5527  
 Firefighters' relief and pensions, fireman changed to firefighter: HB 1824  
 Gender references: **\*ESB 5063, CH 218 (2007)**, SB 6413  
 Homeless housing and assistance, recodifying statutes relating to: SHB 1117  
 Housing assistance program, statutes recodified into new chapter: HB 1187  
 Labor regulations, technical changes to laws: SB 6433  
 Materialpersons, gender reference revisions: HB 1327, SB 5945  
 Obsolete provisions, removal: SB 6769  
 Public records act, adjustments to recodification: **\*SHB 1445, CH 197 (2007)**, SB 5437  
 Public retirement systems, corrections: SB 5174  
 Published code reviser's notes in financial institutions and insurance titles of the RCW: SB 6038  
 Tax laws and programs, technical changes: **\*SHB 1381, CH 54 (2007)**, SB 5560  
 Terminology, consistency: SB 6819  
 Washington clean air act, nonsubstantive changes: SB 6902

### RIVERS

Columbia river, additional releases of water from Lake Roosevelt: SB 6874  
 Columbia, allocating water for biofuels irrigation and organic crop irrigation: SB 6758  
 Snake, allocating water for biofuels irrigation and organic crop irrigation: SB 6758

### ROADS AND HIGHWAYS (See also TRAFFIC; TRAFFIC OFFENSES)

Automated traffic safety cameras, state highway work zones: SB 5083  
 Cell phones use while driving, traffic infraction: SB 5037  
 Cell phones use while driving, traffic infraction for text messaging: **\*EHB 1214, CH 416 (2007)**  
 City hardship assistance program, funds for street maintenance: SHB 1482, SB 5483  
 City planning and growth program and account: ESHB 2331  
 City streets as part of state highways, population threshold for state highway maintenance responsibility: **\*SB 5086, CH 84 (2007)**  
 Day labor project requirements, small county exemption: SB 6347  
 Economic development infrastructure projects, local tax on public and private utilities as incentive for grants and loans: SB 6529  
 Electronic traffic flagging devices, pilot project: SB 6576  
 Emergency projects, department requirements: SB 6188  
 Emphasis patrols in high-accident corridors, automobile insurance surcharge on liability policies to fund : SB 5147  
 Environmental mitigation in highway construction, department to public lands if possible: SB 6531  
 Flood waters, liability of persons rescued: SB 6405  
 Freight congestion relief account, study to evaluate fees on processing shipping containers: SB 5207  
 Green highways, alternative fuel availability: **\*E2SHB 1303, CH 348 (2007) PV**, SB 5586, SB 5760  
 Gross weight limit, exception for farm implements: SB 6273  
 Heavy haul industrial corridor, portion of state route number 97: SB 6857  
 High accident corridors, additional patrols: SB 5937  
 Highway improvements, funding priority for category C projects: SB 6134  
 Highway improvements, general obligation bonds: **\*SHB 2394, CH 519 (2007)**, SB 5081, SB 5107

Highways of statewide significance, route 164: HB 1230  
 Highways of statewide significance, route 527: HB 2017  
 Highways, structures within waterways: HB 2469, SB 6213  
 Innovative partnership program, modifications: SB 5979  
 Jurisdictional route transfers, responsibilities: SB 6321  
 Korean war veteran's blue star memorial highway, portions of highways 112 and 113: \***HJM 4017 (2007)**  
 Local option motor vehicle taxes to fund highway construction projects: SB 5414  
 Motorcycles, operation between lanes of traffic or vehicles: SB 5985  
 Naming or renaming facilities, transportation commission authority: \***SB 5264, CH 33 (2007)**  
 Oliver "Punks" Smith interchange: HJM 4001, HJM 4030  
 One highway account, tax revenue for highway purposes: SB 6953  
 Park maintenance equipment, exemption from vehicle license and license plate requirements: SHB 3183  
 Policy goals, state transportation system: SB 6176  
 Regional transportation commissions: SB 5803  
 Securing loads on highways, new driver instruction: SB 5809  
 Securing loads on highways, public awareness campaign: SB 5808  
 Special safety corridor projects: SB 6876, SB 6877, SB 6878  
 State route number 16, funding: ESHB 3051  
 State route number 520 and Alaskan Way Viaduct funding: SB 6169  
 State route number 520, funding: \***ESHB 3096, CH 270 (2008)**, SB 6754  
 State route number 520, mediator to assist in developing expansion plan: SB 6099  
 State route number 97, heavy haul industrial corridor: SB 6857  
 Stationary emergency and police vehicles, rules for drivers when approaching vehicles: SB 5078  
 Telework enhancement funding board: SB 5162  
 Tolling, authority and provisions: \***E2SHB 1773, CH 122 (2008)**  
 Tolling, central Puget Sound authority: SB 6543  
 Tolling, charges and revenue: SB 6396  
 Tolling, facility or corridor revenue use: SJR 8208  
 Tolling, imposition: SB 6355  
 Tolling, transfer of sales and use tax: HB 2146, SB 5681  
 Traffic safety cameras, speeding violations on highways: SB 5363  
 Transportation agencies, goals and objectives of certain state agencies: SB 5412  
 Transportation benefit district highway projects, funding: SB 6288, SB 6748  
 Unmarked stop zones, vehicle stops: SB 6569  
 Urban corridor program, requirements for project approval: ESHB 2331  
 Vehicular loads, removal of six inch freeboard exception: SB 6274  
 Vietnam war veterans' memorial highway, portions of highway 112: \***SJM 8024 (2008)**  
 Volunteer fire departments, reimbursement for response to incidents on state highways: SB 5426

#### **RURAL DEVELOPMENT**

Business and occupation tax credit for eligible projects in rural counties: \***SHB 1566, CH 485 (2007)**, SB 5573  
 Community revitalization partnership program: SB 5455  
 County sales and use tax, public facilities: SB 5094  
 Manufactured housing communities, growth management provisions: SB 6171  
 Rural counties, definition: HB 2527, SB 6195  
 Water rights transfers, rural community protection: SB 6348

#### **SALES**

Radio frequency identification tag, notice to consumers: SB 6020  
 Retailers, business and occupation tax surcharge and credit: SB 6147  
 Retailers, interchange fees prohibited on state sales tax portion of transaction: SB 5885  
 Retailers, sales tax exemption for interchange fees: SB 5884

#### **SALMON (See also FISH AND WILDLIFE, DEPARTMENT; FISHING, COMMERCIAL; FISHING, RECREATIONAL)**

Fishing guides, Columbia river: SB 6139

Puget Sound partnership, action agenda to achieve clean-up and restoration goals: E2SHB 1374, SB 5372  
 Recovery funding board, grant and loan conditions: \***HB 1598, CH 257 (2007)**  
 Recovery, salmon and watershed planning integration work group: SB 5567  
 Spawning beds, educational materials to provide protection: SB 5876  
 Statewide salmon recovery office: SB 5224

### SCHOLARSHIPS

American Indian endowed scholarship program, administration of funds: SB 5025  
 Endowment funds, state investment board administration of: SB 5039  
 Food animal veterinarian conditional scholarship program: \***SB 6187, CH 208 (2008)**  
 Foster care youth, passport to college promise pilot program: \***ESHB 1131, CH 314 (2007)**, SB 5155  
 Future teachers' conditional scholarships: E2SHB 2826, SB 6377  
 GET ready for math and science scholarship program: \***E2SHB 1779, CH 214 (2007)**, SB 5555  
 Guaranteed opportunities scholarship: SB 5098  
 Math/science scholar high school diploma designation and scholarship: SB 5581  
 Qualified professions conditional scholarship for math, science, and engineering: SB 5369  
 Survivors' endowed scholarship program for families of veterans' who lost their lives in service: SB 5040  
 Washington investment in student excellence scholarship program: SB 6820  
 WINaBRAIN, lottery commission to implement raffle that awards scholarships as prizes: SB 6459

### SCHOOLS AND SCHOOL DISTRICTS (See also EDUCATIONAL SERVICE DISTRICTS; KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS; TEACHERS)

Accountability, Washington state quality award system and/or Baldrige national quality programs: SB 6511  
 African-American students, advisory committee to address achievement gap: \***2SHB 2722, CH 298 (2008)**  
 After-school care, community learning center program: SB 5438  
 Allocations, high poverty districts: SB 5943  
 Allocations, urban school district: SB 5794  
 Anaphylactic policy, guidelines: SB 6556  
 Armed forces, diplomas for persons who left before graduation to serve: \***EHB 1283, CH 185 (2008)**, SB 5255  
 Art programs, funding: SB 6065, SB 6314  
 Autism awareness instruction: SB 6743  
 Basic education allocation, certified instructional staff: SB 6376  
 Basic education funding, formula revisions: SB 5670  
 Basic education funding, joint task force to review and develop options: SB 5627, SB 6879  
 Basic education program recodified: HB 1285  
 Bilingual instructional staff, salary bonus: SB 5942  
 Bureau of Indian affairs-funded schools, record checks for employees and applicants: HB 1326, \***SB 5382, CH 35 (2007)**  
 Buses, driver safety enhancements: 2EHB 2373  
 Buses, replacement incentive program: \***E2SHB 1303, CH 348 (2007) PV**, SB 5586  
 Buses, seat belt requirement: SB 5103  
 Cancelled school days due to unforeseen natural causes or mechanical failures: SB 5395  
 Capital projects account, revenue transfer: \***HB 2357, CH 503 (2007)**  
 Child abuse or neglect, duty to report: SB 6367  
 Chinese and Spanish language instruction: SB 5714  
 Civic education travel grant program: SB 5969  
 Cleaning of facilities, products that minimize impacts to humans and the environment: ESHB 1464, EHB 2613  
 College credit, online learning programs for high school students: \***2SHB 3129, CH 95 (2008)**  
 College in high school program: SB 5105  
 Community learning center program: SB 5438, \***SB 6369, CH 169 (2008)**  
 Community schools act: SHB 3291, SB 6872  
 Compulsory school attendance and truancy, analysis: SB 6429  
 Cost-of-living salary supplements, property tax levy: SB 5570  
 Counselors, purpose and role: \***HB 1670, CH 175 (2007)**  
 Cyberbullying, harassment prevention policies: SB 5288  
 Data and data systems, requirements: SB 5843  
 Disabilities, early intervention services: SHB 2230

Disabilities, monitoring and addressing achievement of students: \***SHB 3212, CH 165 (2008)**  
 Disability history month: \***SB 6313, CH 167 (2008)**  
 Discipline of students, policies and limits on restraint of students: ESHB 2884, SB 6418  
 District board of directors, performance audit: SB 5535  
 District board of directors, training: SB 5626  
 District treasurer, authority to invest school funds: SB 6674  
 Districts, authority to designate district treasurer: SB 6674  
 Districts, boundaries and organization: \***2SHB 2635, CH 159 (2008)**  
 Districts, dissolution of first-class districts: \***SB 6183, CH 9 (2008)**  
 Districts, financial health and monitoring system and education data center: 2SHB 1871, SB 5842  
 Driver training, students in home-based instruction: SB 5521  
 Dropout prevention and intervention program: \***2SHB 1573, CH 408 (2007) PV**, SB 5497  
 Education legacy trust account, distributions to: SB 5012, SB 5428  
 Education records of students in juvenile justice system, release to social and health services department: SB 6453  
 Educational service districts, authority to designate district treasurer: SB 6674  
 Educational service districts, authority to provide cooperative and informational services: SB 6285  
 Educational service districts, pilot programs for learning disabilities: SB 6388  
 Educational staff associates, salary schedules: SB 5728  
 Educational staff associates, years of service: \***E2SHB 1432, CH 403 (2007)**  
 Employees' children with disabilities allowed to enroll in programs in district where employee is assigned: \***HB 2137, CH 192 (2008)**  
 Employees' health benefits, retired or disabled employees: SB 6649  
 Employees' retirement, gain-sharing provisions: SB 5668, SB 5779  
 Employees' retirement, military service credit: SB 6009  
 Employees' retirement, partial year service credit: \***HB 3019, CH 204 (2008)**, SB 6654  
 Employees' retirement, plan 2 separated employees: HB 3027, SB 5427, SB 6648  
 Employees' retirement, service credit for periods of temporary duty disability: \***SHB 1261, CH 49 (2007)**, SB 5172  
 Employees' retirement, transfer of members from public employees' retirement system plan 2: HB 3005, SB 6655  
 Employees' retirement, vesting after five years of service: SB 6651  
 Employees, cost-of-living salary supplements: SB 5570  
 Employees, dismissal or certificate revocation: SHB 3103  
 Employees, transfer of accumulated leave between common school and higher education systems: \***SB 6588, CH 174 (2008)**  
 English as a second language, demonstration projects: SB 5841  
 English language learner students, resources and assistance: SHB 2810, SB 6673  
 Entrepreneurial education and development, grants: SB 5368  
 Extended learning opportunities program: SB 6673  
 Extracurricular activities, funding through surcharge to sporting and entertainment events: SB 6537  
 Field of dreams program, college tuition GET units for students working in agricultural jobs: E2SHB 2082  
 Financial literacy, public-private partnership provisions: \***2SHB 1980, CH 459 (2007)**, SB 5965  
 Firearms, hunter and firearm safety courses as an elective: SB 5791  
 First peoples' language, culture, and oral tribal traditions teacher certification: ESHB 1226, SB 5269  
 Foods of minimal nutritional value, access: SB 5825  
 Foster children, programs to improve educational outcomes: \***SHB 2679, CH 297 (2008) PV**, SB 6454  
 Foster children, school placement continuity: 2SHB 1716  
 Freedom of press and speech for high school and college students: ESHB 1307  
 Freedom of student press and speech: SB 6449  
 Fruit and vegetable grants: E2SHB 2798, SB 6483  
 GET ready for math and science scholarship program: \***E2SHB 1779, CH 214 (2007)**, SB 5555, SB 5806  
 Graduation ceremonies, Kevin's law: \***ESHB 1050, CH 318 (2007)**, SB 5450  
 Graduation ceremonies, students with disabilities: \***ESHB 1050, CH 318 (2007)**, SB 5450  
 Graduation requirements, certificate of academic achievement not required: SB 6037  
 Graduation requirements, multiple measures high school assessment system: SB 6494  
 Graduation requirements, opportunities to assist students: 2SHB 2808  
 Health, advisory committees: SB 5093

Health, advisory council: SB 5415  
 Health, insurance information for students: SB 5100  
 Health-related career academies grant program: SB 5841  
 Healthy student grant program: SHB 2811  
 Heating oil, sales and use tax exemptions: SB 5569  
 High demand fields, committee on the education of students in: SB 5731  
 High school completion programs, community and technical colleges: **\*HB 1051, CH 355 (2007) PV**  
 High school students, enhanced counseling and learning opportunities: 2SHB 2808  
 Human papillomavirus disease and vaccine, information: **\*SHB 1802, CH 276 (2007)**  
 Hunting, hunter and firearm safety courses as an elective: SB 5791  
 Impact fees for school facilities, time limits: SB 6892  
 Improving core subject instruction for all students, pilot program: HB 2136, SB 6094  
 In-demand scholars program, workforce training and education coordinating board to administer: E2SHB 2826  
 Instructional assistants, professional development: **\*2SHB 2870, CH 65 (2008)**, SB 6640  
 Instructional staff, bonuses if certified by the national board for professional teaching standards: SHB 2775  
 Interim pay for certificated employees during probable cause hearings: SB 5212  
 Juvenile offenders, job skills training programs: SB 5370  
 K-12 public schools, state funding: EHB 3117  
 K-3 foundations program, demonstration projects: SB 5841  
 Kindergarten, readiness assessment : 2SHB 2597  
 Kindergartens, voluntary all-day programs: SB 5841  
 Land acquisition for future school sites: SB 6088  
 Leadership academy: SB 5955  
 Learning disabilities, resources and assistance for students: SB 6673  
 Legislative youth advisory council: **\*ESHB 1052, CH 291 (2007)**, SB 5102  
 Levies and bonds, boundaries for excess property tax levies: HB 2492  
 Levies and bonds, maximum levy percentage increase: SB 5008  
 Levies and bonds, simple majority of voters voting: **\*EHJR 4204 (2007)**, SB 5028, SJR 8202, SJR 8203, ESJR 8207  
 Library programs: SB 6380  
 Life science learning centers: SB 6148  
 Limited English proficient students, resources and assistance: SHB 2810  
 Local control to public schools, common school code repealed: SB 6929  
 Local effort assistance, state funding increase: SB 6080  
 Locally grown food, price preference: E2SHB 2709  
 Low-income students, resources and assistance: SB 6673  
 Low-income students, sales tax refund: SB 5168  
 Mathematics and science teachers: E2SHB 2809, SB 6781  
 Mathematics, advisory panel: **\*2SHB 1906, CH 396 (2007)**  
 Mathematics, after-school math support program: **\*2SHB 1906, CH 396 (2007)**, SB 5813  
 Mathematics, GET ready for math and science scholarship program: **\*E2SHB 1779, CH 214 (2007)**, SB 5555  
 Mathematics, grants to recruit teachers: SB 5396  
 Mathematics, instructional coach demonstration project: SB 5813  
 Mathematics, instructional coach program: **\*2SHB 1906, CH 396 (2007)**  
 Mathematics, math/science scholar high school diploma designation and scholarship: SB 5581  
 Mathematics, online curriculum: **\*2SHB 2598, CH 274 (2008)**  
 Mathematics, placement and common college readiness tests: **\*2SHB 1906, CH 396 (2007)**  
 Mathematics, professional development for teachers: SB 5955  
 Mathematics, qualified professions conditional scholarship for math, science, and engineering: SB 5369  
 Mathematics, review of WASL requirements: SB 5528  
 Mathematics, salary bonus for teaching: SB 5623  
 Mathematics, science, and technology opportunities: SB 5814  
 Mathematics, segmented alternative assessment: SB 5239, SB 6503  
 Mathematics, standards: **\*2SHB 1906, CH 396 (2007)**, **\*SB 6534, CH 172 (2008)**  
 Mathematics, statewide director for math and science and technology: **\*2SHB 1906, CH 396 (2007)**  
 Mathematics, students not passing WASL allowed to graduate: 2SHB 2327, SB 5165

Mathematics, timelines and process for approving standards and curriculum: EHB 3317  
Mentoring program, partnership program between higher education institutions and students in grades eight through twelve: SB 5476  
Multiple measures high school assessment system: SB 6494  
Nurses, increase of: SB 6662  
Online learning programs, college credit for high school students: **\*2SHB 3129, CH 95 (2008)**  
Outdoor education and recreation grant program: **\*2SHB 1677, CH 176 (2007)**, SB 5265  
Paraeducators, pipeline for paraeducators conditional scholarship program: **\*2SHB 1906, CH 396 (2007)**, SB 5813  
Paraeducators, professional development and compensation: SB 6942  
Peace corps volunteers, leaves of absence: SB 5324  
Performance audits, cost reimbursement: SB 6450, SB 6451  
Permanent common school fund, investment of moneys: **\*HB 2396, CH 505 (2007)**  
Pesticides, limits on the use of high hazard pesticides: E4SHB 1806  
Pesticides, model child-friendly pest management policy: E4SHB 1806  
Pledge of allegiance, annual teaching of meaning and history: SB 6908  
Principals, bonuses if nationally certified teachers prior to appointment: 2SHB 2869, SB 6610  
Principals, qualifications: SB 6581  
Public employees' benefits board programs, district requirements for participation: HB 2651  
Public schools, common school code repealed: SB 6929  
Public works projects, apprenticeship utilization: **\*EHB 1898, CH 437 (2007)**  
Qualified professions conditional scholarship for math, science, and engineering: SB 5369  
Reading, adolescent reading program: SB 6538  
Recess period for elementary students: SB 6042  
Record checks for employees, exemption for certain contractors: SB 5371  
Recruiter access to students and student records, requirements: HB 2026  
Remedial postsecondary education, districts must provide or pay for costs: SB 5755  
Report card for education, statewide goals for improvement of academic achievement: SB 6121  
Restraint of students, policies and limits: ESHB 2884, SB 6418  
Safe school plans, requirements: SB 5097  
Safety advisory committee: SB 6720  
Salary allocations, process to equalize: SB 5135  
Salary bonuses, earnable compensation for individuals certified by national board for professional teaching: **\*SB 6657, CH 175 (2008)**  
Scholar's designation for high school transcripts: SB 5051  
Scholarships, GET ready for math and science scholarship program: **\*E2SHB 1779, CH 214 (2007)**, SB 5555  
Scholarships, guaranteed opportunities scholarship: SB 5098  
Scholarships, math/science scholar high school diploma designation and scholarship: SB 5581  
Scholarships, qualified professions conditional scholarship for math, science, and engineering: SB 5369  
School safety: ESHB 3131  
School year, required number of days: SB 5976  
Science, advisory panel: **\*2SHB 1906, CH 396 (2007)**  
Science, GET ready for math and science scholarship program: **\*E2SHB 1779, CH 214 (2007)**, SB 5555  
Science, instructional coach demonstration project: SB 5813  
Science, instructional coach program: **\*2SHB 1906, CH 396 (2007)**  
Science, math, and technology opportunities: SB 5814  
Science, math/science scholar high school diploma designation and scholarship: SB 5581  
Science, professional development for teachers: SB 5955  
Science, qualified professions conditional scholarship for math, science, and engineering: SB 5369  
Science, salary bonus for teaching: SB 5623  
Science, standards and curriculum: **\*2SHB 1906, CH 396 (2007)**  
Science, statewide director for math and science and technology: **\*2SHB 1906, CH 396 (2007)**  
Scoliosis screening: EHB 2516, SB 6135  
Secondary career and technical education: E2SHB 2826, SB 6377  
Secondary integrated basic education and skills training pilot project: E2SHB 2826, SB 6377, SB 6673  
Sex education, medically and scientifically accurate: SB 5297

Sex offenses committed by education employees, disciplinary actions: SB 6443  
Sexual equality laws, compliance: SB 5837  
Skill centers, agreement with community or technical colleges: E2SHB 2826, SB 6377  
Skills centers, regional career and technical education partnership: SHB 1977, SB 5790  
Spanish and Chinese language instruction: SB 5714  
Special education, grants to recruit teachers: SB 5396  
Special education, provisions: **\*SB 5775, CH 115 (2007)**  
Special education, safety net: SB 6115  
Staff to student ratio: SB 5479  
State assessment system and WASL: **\*ESHB 3166, CH 163 (2008)**  
State history and government course requirement: **\*HB 2781, CH 190 (2008)**, SB 6611  
Student enrollment, property suitable for development of affordable housing: E2SHB 1332  
Students at risk, best practices: SB 6536  
Students with autism, development of programs and guidelines: SB 6742  
Students with disabilities, monitoring and addressing achievement: **\*SHB 3212, CH 165 (2008)**  
Students, accountability for students missing school: SB 6286  
Students, certificate of individual achievement for students covered by 504 of federal rehabilitation act: SB 5451  
Students, collection and submission of identifier data: SB 6890  
Students, privacy regarding directory information: SB 6047  
Superintendent of public instruction, world language supervisor: 2SHB 2523  
Sustainable environment culminating project grant program: SB 6549  
Teachers, autism awareness instruction: SB 6743  
Teachers, bilingual instructional staff salary bonus: SB 5942  
Teachers, certification services: **\*SB 6740, CH 107 (2008)**  
Teachers, collection and submission of identifier data: SB 6890  
Teachers, educator tuition reimbursement program: SB 5956  
Teachers, funding for national board standards assessment fees: SB 5889  
Teachers, mathematics and science teacher professional development: SB 5955, SB 6781  
Teachers, preparation programs for teachers of visually impaired and blind public school students: HB 2813, SB 6535  
Teachers, preparation to teach English language learner students: EHB 2607  
Teachers, professional certification standards and performance assessment: SB 5955  
Teachers, retooling to teach math and science conditional scholarship program: **\*2SHB 1906, CH 396 (2007)**, SB 5813  
Teachers, salary bonus for maintaining national board standards certification: **\*2SHB 2262, CH 398 (2007)**  
Teachers, salary bonus for teachers who become principals or superintendents: SB 6930  
Teachers, salary bonus for teaching math or science: SB 5623  
Teachers, tuition waivers for teachers and certified instructional staff to meet continuing education requirements: SB 5101  
Technology, essential academic learning requirements for literacy and fluency in technology: **\*2SHB 1906, CH 396 (2007)**  
Technology, math, and science opportunities: SB 5814  
Technology, statewide director for math and science and technology: **\*2SHB 1906, CH 396 (2007)**  
Technology, use of capital projects funds: **\*2SHB 1280, CH 129 (2007)**, SB 5267  
Transportation for students, funding: SB 5114  
Truancy and compulsory school attendance, analysis: SB 6429  
Truancy court actions, fines levied: **\*SB 6398, CH 171 (2008)**  
Truancy, civil contempt proceedings: SB 6600  
Truancy, notice of hearings: ESB 5983  
Vice principals, qualifications: SB 6581  
Vocational certified instructors, salary schedules: SB 5728  
Washington learns, implementation: SB 5501, SB 5806  
Washington state center for childhood deafness and hearing loss: HB 2629  
WASL and state assessment system: **\*ESHB 3166, CH 163 (2008)**  
WASL, accountability plan and measures: SB 6023  
WASL, certificate of academic achievement not required for graduation: SB 6037  
WASL, coursework as alternative when standards not successfully met: SB 6023  
WASL, delay of reading and writing content areas for graduation: SB 6540

WASL, end-of-course assessments in math and science: 2SHB 2327  
 WASL, math and science advisory panels: \***2SHB 1906, CH 396 (2007)**  
 WASL, math and science assessment review: \***2SHB 1906, CH 396 (2007)**, SB 5813  
 WASL, math questions: SB 6485  
 WASL, math requirement review: SB 5528  
 WASL, process to appeal elementary or middle school assessment score: SB 6108  
 WASL, reporting requirements: SB 6257  
 WASL, reviews and revisions: SB 5268  
 WASL, segmented math alternative assessment: SB 5239  
 WASL, short answer or multiple choice questions for math portion: SB 6485  
 WASL, students covered by section 504 of federal rehabilitation act: SB 5451  
 WASL, students not passing math assessment allowed to graduate: 2SHB 2327, SB 5165  
 Waste reduction and recycling awards program, participation by private schools: \***SB 6941, CH 178 (2008)**  
 Weapons, possession of dangerous weapons on school facilities: ESHB 2268  
 World language instruction: HB 1517  
 World language programs, task force: SB 6466  
 World language supervisor: 2SHB 2523

### SCIENCE

Applied baccalaureate degree pilot projects for degrees in applied science and technology: SB 5104  
 Geoduck aquaculture techniques and practices, scientific research studies: \***2SHB 2220, CH 216 (2007)**  
 GET ready for math and science scholarship program: \***E2SHB 1779, CH 214 (2007)**, SB 5555  
 Health sciences and services program: \***E2SHB 1705, CH 251 (2007)**, SB 5616  
 Life science learning centers: SB 6148  
 Life sciences research, commercialization: SB 5996  
 Math and science technology student employees, tax credits for employers: SB 5486  
 Property tax exemption for organizations operated for art, scientific, or historic purposes: HB 2901, SB 6700  
 Puget Sound partnership, action agenda to achieve clean-up and restoration goals: E2SHB 1374, SB 5372  
 Puget Sound scientific research account: \***2SHB 1656, CH 345 (2007) PV**  
 Qualified professions conditional scholarship for math, science, and engineering: SB 5369  
 Scholarships, math/science scholar high school diploma designation and scholarship: SB 5581

### SEARCH AND SEIZURE

Offenders, standards in department of corrections field offices: SB 6826

### SECRETARY OF STATE

Address confidentiality program: HB 1421, \***SHB 1421, CH 18 (2008)**, SB 5409  
 Archives and records management, division: SB 5603  
 Certificates of discharge: \***HB 1431, CH 171 (2007)**, SB 5407  
 Charitable organizations, advisory council and education program regarding solicitations: \***SHB 1777, CH 471 (2007)**, SB 5662  
 Domestic partnership registry, protection by granting certain rights and benefits: SB 5336  
 E-recording standards commission, uniform real property electronic recording act: HB 2104, \***EBH 2459, CH 57 (2008)**, SB 5948  
 Jury service, notification when a person summoned does not meet juror qualifications: SB 6555  
 Oral history program transferred to legislature: ESHB 1741, \***3SHB 1741, CH 222 (2008) PV**  
 Political advertising, mailed advertising must be filed with secretary of state to be archived: SB 5329  
 Washington state flag, account: SB 6254  
 Washington state heritage center, funding: SB 5882

### SECURITY GUARDS AND FIRMS

Bouncers, exempt from security guard regulations: SB 5541  
 Crowd management and guest services, exemption from security guard regulations: \***SB 6090, CH 154 (2007)**  
 Training requirements: \***SHB 1988, CH 306 (2007)**, SB 5845

### SELF-SERVICE STORAGE FACILITIES

Late fees to be reasonable and stated in contract: \***SHB 2661, CH 61 (2008)**, SB 6729

Lien on and sale of personal property: SB 5554

### SENIOR CITIZENS

Area agencies, requirements revised: SB 6660

Automobile insurance, premium reduction for older insureds completing an accident prevention course: **\*SHB 1953, CH 258 (2007)**

Dental access projects: SB 6222

Drivers' license renewal, age restrictions: SB 5802

Fall prevention program: **\*E2SHB 2668, CH 146 (2008) PV**, SB 6222

Hunting, small game license fees: SB 6424

Long-term care, expansion of programs: **\*E2SHB 2668, CH 146 (2008) PV**, SB 6222

Property tax exemption: SB 6473

Property tax exemption, exclusion of medical expenses: SB 6880

Property tax exemption, repairs to property required because of acts of nature: SB 6320

Property tax relief: SB 5201, SB 5707, SB 5708, SB 5737, SB 6026, SB 6557, SB 6912, SJR 8218

### SENTENCING (See also CRIMINAL PROCEDURE)

Accurate sentencing provisions: **\*HB 2719, CH 231 (2008)**

Alternative sentencing, earned release credit in county programs: SB 5796

Amber alert, false or misleading statement: HB 1537, **\*HB 2774, CH 91 (2008)**, SB 5929

Animal abandonment, penalties: SB 5227

Arson offenders, registration requirements: SB 6052

Auto theft, civil cause of action: **\*HB 2034, CH 393 (2007)**

Auto theft, prevention authority created and penalties revised: **\*E3SHB 1001, CH 199 (2007)**

Auto theft, task force program created and penalties revised: SB 5413

Civil disorder, definition: **\*SB 5868, CH 206 (2008)**

Commercial sexual abuse of minor, penalties: SB 5718

Community custody, clarification and uniformity: SB 6842

Community custody, court discretion: SB 6243

Community supervision, converting existing facilities to house offenders: SB 6244

Controlled substances, marketing to minors: SB 6741

Criminal mistreatment, sentencing range increased: SB 6544

Death penalty, task force created to review statutes: SB 5786

Disorderly conduct, penalties: **\*HB 1168, CH 2 (2007)**

Drug offender sentencing alternative, adjustment to standard range: HB 2763, SB 6525

Drug offense, penalties: SB 6561

DUI, penalties to pay for chemical dependency and treatment prevention programs: SB 5615

DUI, offender scoring: **\*SB 5711, CH 116 (2007)**

Eluding a police vehicle, Guillermo "Bobby" Aguilar and Edgar F. Trevino-Mendoza act: **\*ESHB 1030, CH 219 (2008)**

Eluding a police vehicle, penalties: **\*ESHB 1030, CH 219 (2008)**, SB 5060

Exceptional sentence, notice of possibility: SB 5347

Exceptional sentences, superior court authority to impanel a jury: **\*EHB 2070, CH 205 (2007)**, SB 6004

Failure to register, sex offenders: **\*2SHB 2714, CH 230 (2008)**

Felony, provisions revised: SB 6898

Gambling, underage: HB 1345, SB 5375

Gang-related offenses, penalties: SB 5987

Homicide by abuse of child, penalties: SB 5584

Hunting, unlawfully hunting upon the property of another: SB 5129

Identification devices, privacy protections and violations: **\*ESHB 1031, CH 138 (2008)**

Identity theft, penalties revised: SB 6672

Information describing the locations where minors may be found, penalties: ESB 6386

Legal financial obligations, collection: SB 5190

Livestock, killing or harming livestock belonging to another: HB 1775

Luring of a child with developmental disabilities, crimes included within each seriousness level: SB 6079

Mail, crimes related to: SB 6467

Malicious mischief, revocation of driving privilege: SB 5422

Metal theft, penalties for private metal property: \***SHB 2858, CH 233 (2008)**  
 Metal theft, protection and recovery of metal property: ESHB 1251, SB 6098  
 Most serious offenses, out-of-state conviction for felony offense with sexual motivation: SB 5502, SB 6184  
 Most serious offenses, robbery 2 removed from list: SB 5349  
 Motor vehicle theft, prevention authority created and penalties revised: \***E3SHB 1001, CH 199 (2007)**, SB 5038  
 Motor vehicle theft, task force program created and penalties revised: SB 5413  
 Motor vehicles, penalties for convicted offenders chemical dependency and treatment prevention programs: SB 5615  
 Motor vehicles, taking without permission: SB 5061  
 Murder, aggravated first degree when victim fourteen or younger: SB 5706  
 No-contact orders, violations and penalties: \***SHB 1642, CH 173 (2007)**, SB 5697  
 Offender accountability act: SB 6842  
 Persistent offenders, assault 2 and robbery 2 excluded: SB 5964  
 Possession of dangerous weapons on school facilities, penalties: ESHB 2268  
 Predatory perpetrators, definition revised: SB 6358  
 Property, threshold values for crimes against: SB 5343  
 Public benefits, theft: SB 5897  
 Publishing personal information of a minor, penalties: ESB 6386  
 Robbery in first degree, financial institutions: SB 5705  
 Sentencing guidelines commission, appointment of director: SB 5694  
 Sex offenders, failure to register: \***2SHB 2714, CH 230 (2008)**  
 Sex offenses, sentencing guidelines commission review of statutes of limitation: SB 6362  
 Special sentencing alternative, establishing eligibility: SB 6551  
 Special sex offender sentencing alternative, elimination: SB 6550  
 Stalking, protection for employees of correctional facilities: \***SHB 1319, CH 201 (2007)**, HB 2170, SB 5307  
 Statutes of limitation, sex offenses: SB 6362  
 Strangulation, penalties: HB 2119, \***SB 5953, CH 79 (2007)**  
 Theft, damages to victim greatly exceed value of stolen property: SB 6049  
 Theft, public benefits: SB 5897  
 Transporting vulnerable adults and persons with developmental disabilities, crimes committed while: \***SHB 1097, CH 20 (2007)**, SB 5439  
 Vehicular assault, penalties: SHB 2621  
 Vehicular homicide, penalties: SHB 2621  
 Viewing depictions of minors engaged in sexually explicit conduct, penalties: SB 6373  
 Work release time, increase: SB 5306

#### **SEPTIC SYSTEMS, ON-SITE**

Large systems, regulations and authority: SB 5894

#### **SEWAGE (See also SEPTIC SYSTEMS, ON-SITE; WATER-SEWER DISTRICTS)**

Hood Canal, extension or development of sewer systems: SHB 1605  
 Hood Canal, removal of nitrates and phosphates from sewer systems and treatment plants: 2SHB 3227  
 On-site sewage disposal systems, civil penalty provisions: SHB 2522, SB 6599  
 On-site sewage disposal systems, exemption for manufacturers of biological remediation technologies: SB 6620  
 On-site sewage grant program, department of health to transfer funds: \***SHB 2823, CH 202 (2008)**

#### **SEX OFFENSES AND OFFENDERS (See also JUVENILE OFFENDERS)**

Child protective services investigations, sexual abuse involving a child: SB 6367  
 Commercial sexual abuse of minor, penalties: SB 5718  
 Community custody, court discretion: SB 6243  
 Community notification, law enforcement use of risk level classification: SB 5865  
 Community supervision, converting existing facilities to house offenders: SB 6244  
 Community supervision, criminal liability: SB 6401  
 Computer access prohibited for offenders in special commitment center or less restrictive alternatives: SB 6548  
 Defenses, affirmative when assisting and acting at discretion of law enforcement officers: HB 2565, SB 6372  
 DNA identification system, broader collection of biological samples: \***2SHB 2713, CH 97 (2008)**, SB 5095, SB 6488  
 E-mail addresses and web sites, offenders required to submit information regarding: SHB 2444

E-mail addresses or other internet communication names or identities, registration: SB 6210  
 Education employee, disciplinary actions for offenses committed by: SB 6443  
 Electronic monitoring, costs: HB 3161  
 Evidence, admissibility: SB 6363, SB 6933  
 Extraordinary prisoner medical expenses, local government assistance: SB 6788  
 Immigration status and deportation: SHB 2439  
 Incarcerated persons, moral guidance: SB 6400  
 Indecent exposure with sexual motivation, sex offender registration requirements: HB 2728  
 Inmate postsecondary education, pilot program: SB 6790  
 Juvenile offenders, length of confinement for parole violations: SHB 1682, SB 5243  
 Leave from employment for victims of domestic violence, sexual assault, or stalking: **\*SHB 2602, CH 286 (2008)**, SB 5900, SB 6500  
 Level I offenders, failure to maintain registration: **\*HB 2786, CH 98 (2008)**, SB 6489  
 Most serious offenses, out-of-state conviction for felony offense with sexual motivation: SB 5502, SB 6184  
 Nursing and boarding homes, notification of offender status of residents or those seeking admission: SB 5980  
 Offender education: SB 6406  
 Pedophilic acts, preventing conduct: SB 6301  
 Polygraph examinations, sexual assault victims: **\*HB 1520, CH 202 (2007)**  
 Public records, compensation for denials by agencies: SB 6294  
 Registration, penalty increased for failure to register: **\*2SHB 2714, CH 230 (2008)**  
 Registration, subsequent offense that is not a sex or kidnapping offense: HB 1836  
 Search and seizure, standards in department of corrections field offices: SB 6826  
 Sex offender policy board: SB 6596  
 Sexual abuse involving a child, child protective services investigations: SB 6367  
 Sexual assault protection orders, fees for petitioners: **\*HB 1437, CH 55 (2007)**, SB 5637  
 Sexual assault protection orders, victims who do not qualify for domestic violence protection orders: **\*SHB 1555, CH 212 (2007)**  
 Signature gathering for imitative or referendum measures, sex offenders prohibited: SB 5636  
 Special commitment center, computer access prohibited: SB 6548  
 Special commitment center, telephone call logs: SHB 2756  
 Special sentencing alternative, elimination: SB 6550  
 Special sentencing alternative, establishing eligibility: SB 6551  
 Statute of limitations removed for certain offenses against minors: SB 5817  
 Statutes of limitation, sentencing guidelines commission review: SB 6362  
 Treatment at state hospitals, clarification of state's ability to recover costs from defendants: **\*SB 6628, CH 318 (2008)**  
 Viewing depictions of minors engaged in sexually explicit conduct, penalties: SB 6373

### **SEXUAL HARASSMENT**

State employees, policies and training programs: SB 5118

### **SEXUAL ORIENTATION**

Civil marriage equality, gender neutrality: SB 5335  
 Domestic partners, retirement benefits: SB 5069, SB 5724  
 Domestic partnership registry, protection by granting certain rights and benefits: SB 5336

### **SHERIFFS**

Arson offenders, registration requirements: SB 6052  
 Drug offenders, registration requirements: SB 6561  
 Offices, authority of civil service commissions: **\*SB 5620, CH 12 (2007)**  
 Offices, five member civil service commissions: HB 2738, SB 5742  
 Spring blade knife, officer allowed to carry: SB 5202  
 Statewide notification web site, information about level I offenders who fail to maintain registration: SB 6489  
 Statewide registered drug offender web site: SB 6561  
 Vehicles, window tint exemption: **\*HB 1344, CH 168 (2007)**, SB 5331  
 Workers' compensation benefits for surviving spouses: HB 1545

**SHERIFFS AND POLICE CHIEFS, ASSOCIATION OF**

Auto theft, prevention authority created and penalties revised: \***E3SHB 1001, CH 199 (2007)**  
 Automated victim information and notification system, statewide: \***SB 5332, CH 204 (2007)**  
 Forest fires, access to property during a fire: SB 5315  
 Gang-related offenses, pilot projects and programs to prevent: \***E2SHB 2712, CH 276 (2008)**, SB 6608  
 Identity theft, analysis center: SB 6523  
 Mapping institutions of higher education, study: \***2SHB 2507, CH 293 (2008)**  
 Missing persons, investigation procedures: SHB 1182, SB 5191

**SHORELINES AND SHORELINE MANAGEMENT**

Artificial vertical shoreline bank structures, removal encouraged: EHB 2734  
 Floodway, definition: \***EHB 1413, CH 328 (2007)**, SB 5473  
 Islands in Puget Sound, shoreline master program provisions: SB 6012  
 Joint use dock appeals: SB 6475  
 Local governments, one year extension to complete master program or amendment: \***HB 1412, CH 170 (2007)**, SB 5474  
 Noncommercial dock construction, exemption: SB 6559  
 Permits, public notification and hearing requirements for issuance: EHB 3230  
 Private dock construction, exemption: SB 6559

**SHORELINES HEARINGS BOARD**

Joint use dock appeals: SB 6475

**SKAGIT COUNTY**

Higher education institution in Snohomish-Island-Skagit county region: SB 5322

**SMOKING**

Medical assistance coverage for smoking cessation programs: \***SB 6421, CH 245 (2008)**  
 Smoking prohibited in motor vehicles containing children: SB 6287

**SNOHOMISH COUNTY**

Higher education institution in Snohomish-Island-Skagit county region: SB 5322

**SNOWMOBILES**

Dealers, licensing requirements: SHB 1955, SB 5924  
 Registration requirements: HB 1403, SB 5179

**SOCIAL AND HEALTH SERVICES, DEPARTMENT (See also PUBLIC ASSISTANCE)**

Access to quality child care workforce act: E2SHB 2449  
 Adult family homes, program to improve quality care and recruitment and retention of caregivers: SB 6123  
 Adult family homes, voluntary certification program: 2SHB 1242, SB 5480  
 Applications for health services, data-sharing agreements with Oregon and Idaho to assure valid residence: \***SHB 1848, CH 60 (2007)**  
 Area agency on aging, secretary may designate: SB 6660  
 Background checks for employees and service providers: SB 5774  
 Background checks for home care agencies: SB 6682  
 Basic health plan, taxpayer health care fairness act: SB 5977  
 Blue ribbon commission on health care costs and access: SB 5930  
 Boarding homes, temporary management upon license suspension: \***HB 1447, CH 162 (2007)**  
 Child abuse or neglect, duty to report: SB 6367  
 Child abuse or neglect, mandatory reports: SB 6208, SB 6236  
 Child abuse or neglect, multiple reports: SB 6209  
 Child care center directors and workers, collective bargaining agreements: E2SHB 2449  
 Child fatality and near fatality, reviews: SB 6206  
 Child protective services, training pilot program: SB 5807  
 Child support, deficit reduction act implemented: SB 5244  
 Children's administration office, accreditation: SB 6766  
 Children's administration, social worker standards: SB 6891  
 Children's administration, use of information services: SB 6928

Civil confinement facilities, exemption from public disclosure requirements: SB 6492  
 Clubhouse rehabilitation services: \***EHB 1217, CH 414 (2007)**, SB 5644  
 Community options program, federal income tax payments excluded from resource eligibility requirements: SB 5970  
 Community service agencies, authority to adopt rules for medicaid certification: \***SHB 2654, CH 22 (2008)**  
 Dental care delivery, authority to develop with health care authority: SB 6359  
 Dependent children, contracting for services: SB 6871  
 Dependent children, placement provisions: \***HB 1377, CH 412 (2007)**, SB 5246  
 Developmental disabilities, contracts with counties for early intervention services: SB 6713  
 Developmental disabilities, enforcement standards for residential support services: SHB 1246, SB 5285  
 Developmental disabilities, individual and family services program: SB 5467  
 Developmental disabilities, intensive behavior support services: SB 6448  
 Developmental disabilities, lifelong services program: SB 6736  
 Developmental disabilities, office of the ombudsman for persons with: SB 5547  
 Developmental disabilities, vendor rates for supported living providers: SB 6192  
 District-based foster care recruitment pilots, funding: \***SHB 2679, CH 297 (2008) PV**  
 Domestic violence, advocate pilot program: SB 6276  
 Education records of students in juvenile justice system, release to department: SB 6453  
 Emergency response plans for long-term care facilities: EHB 1347  
 Family and children's services, department: SB 5506  
 Family policy council, director of department of early learning added as member: HB 2090  
 Family policy council, directors of department of early learning and office of public defense added as members: SB 5975  
 Family prosperity act, Washington asset building coalition: 2SHB 2256  
 Family, children, and youth administration created within department: SB 5754  
 Fircrest school campus, exchange of land parcels: SB 6760  
 Foster care, notice prior to denial or termination of benefits: SB 5776  
 Foster care, placement provisions: \***SHB 1287, CH 409 (2007) PV**  
 Foster care, tiered classifications for licensing: \***ESHB 1624, CH 413 (2007)**, \***E2SHB 3145, CH 281 (2008)**, SB 5777  
 Foster care, youth community coordinator pilot program for youths reaching eighteen years of age: SB 5909  
 Group care facilities, siting: E2SHB 1733  
 Guaranteed health benefit program, authority to seek waivers or amendments: SB 6603  
 Guardian ad litem, notification of child abuse or neglect allegations: SB 6207  
 Home care agencies, department to provide background checks: SB 6682  
 Home care agencies, hiring practices regulated: SB 6601  
 HOPE centers, eligibility requirements for youth placement: SB 6843  
 Incarcerated parents, programs and policies for children and families: \***E2SHB 1422, CH 384 (2007)**, SB 5643  
 Intensive case management, secretary to select and contract with counties: SB 6665  
 Juvenile offender programs, pilot program to increase family participation: SB 6430  
 Lead blood level assessments, department to provide coverage for eligible children: SHB 3059  
 Liability for selecting alternative course of action, individual of department or representative of state: SB 5997  
 Living skills program, eligibility requirements for youth placement: SB 6843  
 Long-term care workers, training and certification: ESHB 2693  
 Medicaid state plan amendment, department to submit: SB 6793  
 Mental health first aid course: SHB 2690  
 Mental health, delivery of services for children: \***2SHB 1088, CH 359 (2007)**  
 Mental illness treatment information required for billing and collection: HB 1852, \***SB 5773, CH 191 (2007)**  
 Newborns, additional transfer locations: ESB 5425  
 Nursing facility medicaid payment system: \***ESB 6629, CH 263 (2008)**, SB 6909  
 Nursing facility medicaid payment system, proposal for simplified system: SB 6567  
 Patient-centered primary care collaborative program, expansion of assessment: \***E2SHB 2549, CH 295 (2008)**  
 Pharmacies, payment technical assistance program: SB 5880  
 Possession of firearms, release of information for determining eligibility: ESHB 3148  
 Prescription drugs, part D copayment program: \***2SHB 1095, CH 3 (2007)**  
 Racial disproportionality and disparity in child welfare and juvenile justice, advisory committee: \***SHB 1472, CH 465 (2007)**, SB 5971  
 Reactive attachment disorder pilot program: SB 6479

Self-directed option for supported living program, department to work with advisory council: SB 6669  
 Special commitment center, authority to log telephone calls: SHB 2756  
 Special commitment center, less restrictive alternatives: SB 6399  
 TANF, oversight committee: SHB 2312  
 Traumatic brain injury strategic partnership advisory council: \***2SHB 2055, CH 356 (2007)**  
 Vendor overpayments: ESHB 2592, SB 6224  
 Vulnerable adult fatality review: \***E2SHB 2668, CH 146 (2008) PV**, SB 6491  
 Vulnerable adults, confidential information: SB 6590  
 Welfare services, disclosure of reactive child: SB 5321  
 Welfare services, out-of-home placement information requirements: SB 5321  
 WorkFirst, oversight committee: SHB 2312

### **SOCIAL SECURITY**

Insurance, medicare only health insurance benefits for political subdivision employees: \***HB 2510, CH 142 (2008)**, SB 6446  
 Numbers, businesses must state that the request for a number is not mandatory: SB 5323

### **SOLID WASTE**

Discarded tires, beneficial use: SB 5186  
 Outdoor burning, limitations: SB 6919  
 Public works performance-based contracting conservation of water, wastewater, or solid waste: SB 5481

### **SPECIAL DISTRICTS (See also LOCAL GOVERNMENT)**

Drainage district commissioners, authority: \***SB 6275, CH 77 (2008)**

### **SPECIAL PURPOSE DISTRICTS**

Commissioner per diem compensation: \***ESHB 1368, CH 469 (2007)**, SB 5233  
 Rail infrastructure, restrictions on removal: SB 6800  
 Web sites, required information: SB 5420, SB 5672

### **SPORTS**

Adult and youth-oriented sports activities, financing regional special events centers: SB 6767  
 Athletic trainers, fees: SB 6952  
 Athletic trainers, licensing requirements and advisory committee: SB 5503  
 Boxing, mixed martial arts, kickboxing, and wrestling events: SHB 3297, SB 5583  
 Commercial youth athletic coaches, registration: SB 5151  
 Discrimination prohibited in community athletic programs: SB 6547  
 Motorsports, public speedway authority: SB 6040  
 Officials, exclusion from employment services: SB 6858  
 Physical fitness services, business and occupation tax rate: SB 6027  
 Professional athletes, income tax: SB 5891  
 Sports/entertainment facilities, financial arrangements regarding alcoholic beverages: SB 5721  
 Sports/entertainment facilities, recycling receptacles required: \***SHB 2056, CH 244 (2007)**  
 Sports/entertainment live events, admissions surcharge to fund school extracurricular activities: SB 6537  
 Student athletes' bill of rights, higher education: SB 5571  
 Youth soccer referees, employment criteria: \***HB 1457, CH 464 (2007)**, SB 5559

### **STATE ACTUARY**

Mortality improvements, recommendations for retirement systems: SB 5946

### **STATE AGENCIES AND DEPARTMENTS (See also STATE GOVERNMENT)**

Actions, scope of actions under administrative procedure act: SB 5354  
 Alternative fuel requirements for vessels, vehicles, and construction equipment: \***E2SHB 1303, CH 348 (2007) PV**  
 Alternative fuel, information on the use of: EHB 1057  
 Boards and commissions, consolidation and elimination: SB 6021  
 Branch offices, siting: SB 5792  
 Breaches of security that compromise personal information stored on computers, disclosure violations and penalties: SB 5341

Cleaning of facilities, products that minimize impacts to humans and the environment: ESHB 1464, EHB 2613  
 Collective bargaining, master agreements: SB 6589  
 Criminal history information, agency access: \***HB 2955, CH 74 (2008)**, SB 6513  
 Criminal liability, community supervision of criminal offenders: SB 6401  
 Driving records, abstracts may be acquired if for employment and risk management purposes: \***SB 6885, CH 253 (2008)**  
 Efficiency hotline: \***ESB 5513, CH 41 (2007)**  
 Electricity, purchase of renewable energy: SB 5287  
 Employee whistleblower protection: SB 6776  
 Employees, use of state-owned resources: SB 6907  
 Health care, employee health program and demonstration project: SB 5665  
 High demand, definition: SHB 2317  
 Land dispositions, notice to local governments: \***HB 1940, CH 62 (2007)**  
 Leave from employment for victims of domestic violence, sexual assault, or stalking: SB 6500  
 Military leave of absence, paid: SB 6815  
 Open public meetings, civil penalty: SHB 2567  
 Payroll deductions, retiree organization dues: HB 2033, \***SB 5879, CH 99 (2007)**  
 Personally identifiable information collected by agencies, registry of information systems: SB 5869  
 Prescriptions, purchase of brand name drugs when cost-effective for all state programs: SB 5565  
 Public notices, languages other than English: SHB 1675  
 Public works, prevailing wage exemption: \***HB 1370, CH 169 (2007)**, SB 5291  
 Purchase of locally grown foods, exception for bidding: E2SHB 2798, SB 6483  
 Quality award, council responsibilities: SB 5901  
 Real estate procurement and management, oversight: \***SHB 2366, CH 506 (2007)**  
 Register, electronic filing: \***HB 1859, CH 456 (2007)**, SB 5638  
 Reports to legislature, electronic filing: SB 5916  
 Rules, small business economic impact statement criteria: \***EHB 1525, CH 239 (2007)**  
 Senate confirmation for certain commission and department appointments: SB 5703  
 Special meetings, notification: SB 5457, SB 6704  
 Telework enhancement funding board: SB 5162  
 Volunteer firefighters, agency employees allowed to respond when called to duty: SB 5511  
 Volunteer firefighters, paid leave from employment for employees: SB 6887  
 Volunteer work, industrial insurance disability pensions: SB 6883  
 Web sites, required information: SB 5420, SB 5672

#### **STATE AUDITOR (See also AUDITORS AND AUDITING)**

Efficiency hotline: \***ESB 5513, CH 41 (2007)**  
 Guaranteed health benefit program, authority to examine records: SB 6603  
 Inventory records of state property: SB 6621  
 Performance audits, repealing chapter 385, laws of 2005: SB 6718  
 Renewable fuel, administration of funds for low-income residents: SB 6914

#### **STATE BUILDINGS**

Cleaning products that minimize impacts to humans and the environment: ESHB 1464, EHB 2613  
 Specialty agricultural structures, exemption from building code requirements: SB 6609  
 Specialty agricultural structures, limitation on allowable permit charges: ESHB 2767  
 Vesting laws: SB 6784

#### **STATE GOVERNMENT (See also LEGISLATURE; STATE AGENCIES AND DEPARTMENTS)**

Amphibian, Pacific chorus frog designated as state amphibian: \***HB 1069, CH 224 (2007)**  
 Boards and commissions, consolidation and elimination: SB 6021  
 Camano island, Livingston bay renamed Floyd Jones Flyway: SB 6512  
 Capitol park, state: SB 5163  
 Cougar, state mammal: SB 6918  
 Domestic partnership registry, protection by granting certain rights and benefits: SB 5336  
 Economic development programs, provisions revised: SB 6855  
 Efficiency hotline: \***ESB 5513, CH 41 (2007)**

Emission reduction of state's motor vehicle fleets: SB 5586  
 Employees, use of state-owned resources: SB 6907  
 Expenditure information web site: **\*SB 6818, CH 326 (2008) PV**  
 Expenditure limit: SB 6064  
 Garry Oak, state oak tree: SB 5064  
 Health care, Washington health security trust: SB 5756  
 High demand, definition: SHB 2317  
 High-speed internet deployment and adoption initiative: SB 6438  
 Income tax, state: SB 5150, SB 5887, SJR 8209  
 Institutions review commission: SB 6013  
 Lady Washington, state ship: **\*HB 1084, CH 351 (2007)**  
 Legislative gift center: **\*2SHB 1896, CH 453 (2007)**  
 Lief Erickson day: SB 5962  
 Mammal, Olympic marmot designated as state indigenous mammal: SB 6957  
 Nordic Museum, official: SB 5857  
 Oath of office, Declaration of Independence: SB 5529  
 Office of regulatory assistance, provisions revised: E2SHB 2631, SB 6690  
 Ornithologist, state: SB 5015  
 Poet laureate program: **\*SHB 1279, CH 128 (2007)**, SB 5649  
 Poet laureate, state: SCR 8401  
 Public four-year institutions, prioritization of capital project requests: **\*ESHB 3329, CH 205 (2008)**, SB 6903  
 Real estate procurement and management of state facilities, oversight: **\*SHB 2366, CH 506 (2007)**  
 Small business incubators: E2SHB 3115  
 Special meetings, notification: SB 5457, SB 6704  
 State expenditure limit committee, membership: HB 3177  
 Transportation-related accounts, proportionate share of earnings from surplus balance investments deposited in : SB 5085  
 Vehicle electrification work group: SB 5586  
 Walla Walla sweet onion, state vegetable: **\*HB 1556, CH 137 (2007)**  
 Washington state climatologist, office: SB 6308  
 Web sites, required information: SB 5420, SB 5672

#### **STATE INVESTMENT BOARD**

American Indian endowed scholarship program, administration of funds: SB 5025  
 Higher education permanent funds: **\*SHB 1784, CH 215 (2007)**, **\*SHJR 4215 (2007)**, SB 5766  
 Permanent common school fund, investment of moneys: **\*HB 2396, CH 505 (2007)**  
 Personnel, compensation: **\*SHB 3149, CH 236 (2008)**, SB 6755  
 Rainy day reserve fund: SB 5000  
 Scholarship endowment funds, administration of: SB 5039

#### **STATE PARKS (See also PARKS)**

Disposal of unneeded park land: **\*SB 5259, CH 145 (2007)**  
 Foster home pass: SB 5010  
 Funding, motor vehicle license donation: **\*SHB 2275, CH 340 (2007) PV**  
 Funding, state property tax levy: SB 5043, SJR 8204  
 Horse park, city may own land: EHB 3276  
 Metal detectors allowed in parks, exceptions: SB 5205, SB 6253  
 Passes, denial and revocation: **\*SHB 1259, CH 441 (2007)**, SB 5260  
 Preservation of historical resources: SB 5209  
 Saint Edward seminary building future uses assessment committee: SB 6366  
 Saint Edward state park, evaluation of seminary building: SB 6366  
 State parks and recreation commission, authority to disseminate information on orca whales: **\*2SHB 2514, CH 225 (2008)**  
 Vendors, collection of sales tax: SB 6397

#### **STATE PATROL**

CBRNE response program: SB 5505

Collective bargaining, applying arbitration: **\*SHB 3002, CH 149 (2008)**, SB 6618  
 DNA identification system, broader collection of biological samples: **\*2SHB 2713, CH 97 (2008)**, SB 5095, SB 6488  
 Fire service training account, distribution and allocation: **\*SB 6119, CH 290 (2007)**  
 Gang-related offenses, pilot projects and programs to prevent: **\*E2SHB 2712, CH 276 (2008)**, SB 6608  
 High accident corridors, additional patrols: SB 5937  
 Highway account, motor vehicle fee increase to provide additional funding: **\*SB 6129, CH 155 (2007)**  
 Longevity bonuses: SB 5459  
 Missing persons, investigation procedures: SHB 1182, SB 5191  
 National crime prevention and privacy compact, implementation: SB 6714  
 National instant criminal background check system improvement amendments act, work group: SB 6763  
 Retirement, age provisions: **\*SB 5313, CH 87 (2007) PV**  
 Retirement, board of directors to adopt actuarial standards: SB 6455  
 Retirement, contribution rates: **\*ESHB 1260, CH 300 (2007)**, SB 5171  
 Retirement, military service credit: SB 6645  
 Sex offender e-mail addresses or other internet communication names or identities, maintaining info: SB 6210  
 Spring blade knife, officer allowed to carry: SB 5202  
 Survivor benefits, reimbursement for payment of premium rates to health care authority: **\*SHB 1417, CH 488 (2007) PV**, SB 5499  
 Unclaimed personal property, donations to nonprofit charitable organizations: SHB 1268, SB 5193  
 Vehicles, window tint exemption: **\*HB 1344, CH 168 (2007)**, SB 5331  
 Workers' compensation benefits for surviving spouses: HB 1545

#### STATE TREASURER

City-county assistance account, transfer from state general fund: SB 6798  
 Extraordinary prisoner medical expenses, local government assistance: SB 6788  
 Linked deposit program, funding: **\*ESHB 1512, CH 500 (2007)**, SB 5666  
 Nonpartisan office, state treasurer as: SB 5556  
 Time certificate of deposit investment program, availability of funds increase: **\*EHB 3360, CH 187 (2008)**

#### STATUTE LAW COMMITTEE

Publication authority, electronic filing for state register: **\*HB 1859, CH 456 (2007)**, SB 5638

#### STEELHEAD (See also FISHING, RECREATIONAL)

Spawning beds, educational materials to provide protection: SB 5876

#### STUDIES

911 enhanced emergency radio network, work group to study delivery of emergency information: ESHB 2225  
 Adult literacy education, study: SHB 2899  
 Aerospace manufacturing, joint legislative task force and review: SCR 8406  
 Airports, international airport expedited security screening task force and report: SB 5068  
 Basic education funding, joint task force: SB 5627  
 Broadband technologies, survey on the deployment among households: SB 5120  
 Columbia river crossing project, study: SCR 8405  
 Commuter rail service between Everett and Leavenworth, feasibility study: SB 6068  
 Commuter rail service, feasibility study: **\*SHB 3224, CH 127 (2008)**  
 Compulsory school attendance and truancy, analysis: SB 6429  
 Consumer protection web site and information line, study: **\*SHB 3144, CH 151 (2008)**  
 Early learning programs and services, state board for community and technical colleges: **\*HB 2319, CH 395 (2007)**  
 Environmentally certified residential and commercial construction tax incentives, study: **\*SHB 3120, CH 235 (2008)**  
 Farm-based conservation markets, study: SB 6805  
 Fish and wildlife, review of departments governance structure: SB 6043  
 Geoduck aquaculture techniques and practices, scientific research studies: **\*2SHB 2220, CH 216 (2007)**  
 Greenhouse gas, study panel: SB 5359  
 Health care insurance, study of requirements: SHB 1538, **\*E2SHB 1569, CH 260 (2007) PV**  
 Helicopter access for emergencies, study: SB 6920  
 Homelessness costs, study: E2SHB 1115  
 Homeowners' association dispute resolution processes, study: ESB 6744

Hydraulic project approval process, study: 2SHB 2530  
 Language access problems: SB 6684  
 Mapping institutions of higher education, study: \*2SHB 2507, CH 293 (2008)  
 Mathematics, online curriculum study: \*2SHB 2598, CH 274 (2008)  
 Nonprofit hospital conversions, community impact study: SB 6762  
 Oil spill prevention and response, funding study: \*2SHB 1488, CH 346 (2007)  
 Outcome of injured workers, study: SB 5908  
 Polytechnic college, study: SB 6539  
 Shipping containers, study to evaluate fees on processing: SB 5207  
 Small scale mineral prospecting on coastal areas, pilot program to examine: SB 5704  
 Specialized forest products, work group and study extended: HB 2909  
 Sugar beets for production of biofuel: SB 6056  
 Veterans, access to services: SB 5441  
 Waiting week for unemployed individuals, study of options for suspension in emergencies or disasters: ESHB 2626  
 Workers' compensation appeals, study: \*E2SHB 3139, CH 280 (2008)  
 Workers' compensation, permanent disability: SB 5678

### **SUBDIVISIONS**

Land use permit applications, vesting: SB 5507  
 Testamentary provisions or laws of descent, division of lands created by: SB 5141  
 Vesting of rights in land use actions: SB 5355

### **SUNSET REVIEW**

Intermediate drivers' license program, sunset application repealed: \*SB 5036, CH 28 (2007)  
 Public defense office, termination repealed and provisions modified: SB 6442

### **SUPERIOR COURT**

Civil inspection warrants, authority to issue: SB 6105  
 Exceptional sentences, superior court authority to impanel a jury: \*EHB 2070, CH 205 (2007), SB 6004  
 Judges, positions for San Juan and Island counties: HB 1269, \*SB 5247, CH 95 (2007)

### **SUPREME COURT**

Evidence, admissibility in sex offense cases: SB 6363  
 Marriages, supreme court and court of appeals commissioners to solemnize: \*SB 5079, CH 29 (2007)  
 Nonpartisan commission for judicial nominees: SB 5326  
 Nonpartisan judicial commission: SB 5325  
 Vacancies filled according to statute: SJR 8214, SJR 8215

### **SURPLUS PROPERTY**

Affordable housing, publicly owned land and buildings suitable for development: E2SHB 1332

### **SURVEYORS**

Design professional, claim filed against: SB 5833  
 Washington geological survey: SHB 2471

### **TATTOOS AND TATTOOERS**

Registration and regulations: SB 5180  
 Standards and regulations: SB 5821

### **TAXES - AIRCRAFT FUEL TAX**

Emergencies, waiver or suspension of filing taxes: \*SB 6950, CH 181 (2008)

### **TAXES - BUSINESS AND OCCUPATION TAX**

Additional significant investments, tax rates: SB 6946  
 Aerospace industry, tax provisions revised: SB 6828  
 Aerospace product development businesses, tax relief: SB 6168  
 Alternative power generation devices and labor, tax credit: \*3SHB 2053, CH 223 (2008)  
 Ban on American beef, tax relief expiration date extended: SB 6055

Beekeepers, tax exemption: SB 6299  
 Biofuel economic development program, tax credit: SB 6170  
 Biotechnology and medical devices, tax rate: SB 5763  
 Carbon dioxide mitigation, tax credit: SB 5416  
 Categories and rates, specific reductions: SB 6518  
 Custom farming services, tax rate: SB 5059  
 Customer location, defined for purposes of municipal taxes: SB 6894  
 Economic development strategic reserve account, business and occupation tax credit for contributions to: SB 5496  
 Educational opportunities for children with disabilities, tax credit: SB 6764  
 Energy efficient equipment, tax incentives for businesses: **\*HB 3362, CH 284 (2008)**  
 Environmental remediation services, tax rate: SB 5386  
 Farming services, tax exemption: **\*ESHB 2352, CH 334 (2007)**, SB 5595  
 Fuel distributors, tax rate: SB 5799  
 Grocery distribution cooperatives, taxation: **\*HB 3275, CH 49 (2008)**, SB 6844  
 Health care services provided to government, taxation: SB 5922  
 Health information technology systems, tax credit: SB 5423  
 High technology business and occupation tax credit: SB 5685  
 Historical parks and historic reserves, tax incentive program: SB 6268  
 Honey beekeepers, tax exemption: SB 6468  
 International services, tax credit: SB 6627  
 Limited purpose public corporations, commissions and authorities tax exemption: SHB 1323, **\*SB 5572, CH 381 (2007)**  
 Low-income housing, tax credits for persons who make financial contributions to assistance programs: SB 5200  
 Manufactured/mobile home communities, tax credit for financial institutions providing assistance: SB 6073  
 Math and science technology student employees, tax credits for employers: SB 5486  
 Metal bullion, tax provisions: SB 6266  
 Milk products, wholesale sales of unprocessed milk exemption: **\*HB 1549, CH 131 (2007)**, SB 5641  
 Mortgage brokers, tax rate: SB 5235  
 Motion picture competitiveness program, tax credit increase: SB 6423  
 Municipal tax, definition of customer location: SB 6894  
 Natural or manufactured gas, exemption for resale: **\*SHB 1508, CH 58 (2007)**, SB 5575  
 Newspaper-labeled supplements, tax: **\*SHB 2585, CH 273 (2008)**, SB 6219  
 Nightclubs, tax credit for installation of automatic fire protection sprinkler system: SB 5832  
 Oncology prescription drugs, physician tax deduction for certain medicare and medicaid payments: SB 5912  
 Paper and paper products, taxation: **\*SHB 1513, CH 48 (2007)**  
 Physical fitness services, tax rate: SB 6027  
 Polysilicon manufacturing, tax credit: **\*ESHB 3303, CH 283 (2008)**, SB 6866  
 Prescription drugs, deduction for certain drugs: **\*SHB 1891, CH 447 (2007)**  
 Printing and publishing business, tax classifications: SB 5574  
 Property management companies, exemption for on-site property managers: SB 5982, SB 6265  
 Qualified research and development for phase I and II clinical trials, extending tax incentives: SB 6630  
 Recycled material, tax incentives for businesses using: SB 6811  
 Rural counties, tax credit for eligible projects: **\*SHB 1566, CH 485 (2007)**, SB 5573  
 Sales, surcharge and credit for retail businesses: SB 6147  
 Self-service laundry facilities excluded from definition of retail sale: SHB 1498, SB 5835  
 Small businesses, credit against tax due: SB 5667  
 Small businesses, credit increase: SB 6407  
 Small water supply systems, exemption for services: SB 5232  
 Tangible personal property, originating from or destined to foreign countries: **\*SB 5434, CH 477 (2007)**  
 Telecommunications companies, tax credit: SB 6775  
 Temporary medical housing by a health or social welfare organization, tax exemption: **\*HB 2544, CH 137 (2008)**, SB 6623  
 Temporary staffing services, taxation: SB 5758  
 Threshold levels for reporting and filing requirements: SB 5004  
 Timber, tax on sale of standing timber when timber sold separately from underlying land: **\*SHB 1513, CH 48 (2007)**

Timber, tax rate for manufacture of environmentally responsible surface material from recycled paper: **\*HB 2678, CH 296 (2008)**, SB 6326

Tips, credit on payroll taxes paid by owners: SB 5947

Vegetation management services, tax rate: SB 5761, SB 5781

Zoological facilities, tax exemptions: EHB 1129, SB 5027

#### **TAXES - CIGARETTE TAX**

Stamped and unstamped cigarettes, enforcement of taxes: **\*HB 2542, CH 226 (2008)**, SB 6270

Tax agreements, Shoalwater Bay Tribe: **\*SB 6216, CH 241 (2008)**

Tax agreements, Spokane Tribe: **\*HB 1674, CH 320 (2007)**, SB 5380

Tax agreements, Yakama Nation: **\*HB 2650, CH 228 (2008)**, SB 6414

#### **TAXES - DEFERRALS FOR FRUIT AND VEGETABLE BUSINESSES**

Application deadlines: SB 6319

Application process: **\*HB 2032, CH 243 (2007)**

#### **TAXES - ESTATE TAX**

Applicable exclusion amount increased: SB 5487

Family-owned businesses, deduction: SB 6095

#### **TAXES - EXCISE TAX**

Active duty military personnel, tax relief for interest and penalties: **\*SHB 3283, CH 184 (2008)**

Aerospace industry, tax provisions revised: SB 6828

Economic and revenue forecasts, near general fund definition and forecasts: SB 5691

Historic vessels: SB 6218

Leasehold, amateur radio repeater exemption when used for emergency services: **\*SHB 2335, CH 21 (2007)**

Leasehold, amphitheater property exemption: **\*HB 2460, CH 194 (2008)**

Leasehold, collections from telecommunications company to be deposited into account: SB 6775

Leasehold, exemption for anaerobic digesters: SB 6806

Leasehold, exemption for nonprofit folk, ethnic, and traditional arts festivals: SB 6356

Leasehold, exemption for property owned by United States government: **\*SB 5607, CH 90 (2007)**

Leasehold, military housing exemption: SB 6389

Leasehold, regional transportation authority exemption: SB 6772

Manufactured/mobile home communities, real estate tax exemption: **\*E2SHB 1621, CH 116 (2008)**, SB 5780

Motor vehicle excise tax, regional transit authority impositions of: SB 5146

Oil and gas severance and conservation act, taxation of oil and gas production: SB 5158

Passenger vehicles, greenhouse gas taxation: SB 6923

Port terminal facilities, local government tax incentives: SB 6616

Real estate, city and county parks and recreational facilities funding: SB 5531

Real estate, documentation requirements for tax exemption at time of inheritance: SB 6851

Real estate, exemption for manufactured/mobile home communities: **\*E2SHB 1621, CH 116 (2008)**, SB 5780

Real estate, local tax for park operation and maintenance: SB 6074

Real estate, tax on sale of standing timber when timber sold separately from underlying land: **\*SHB 1513, CH 48 (2007)**, SB 5493

Small domestic wineries, tax collections: SB 6831

Special safety corridor projects, taxation: SB 6877

Timber, small harvester provisions: **\*SHB 1513, CH 48 (2007)**

Timber, tax on sale of standing timber when timber sold separately from underlying land: **\*SHB 1513, CH 48 (2007)**, SB 5493

Washington health partnership: SB 6221

Waste vegetable oil, tax exemption: **\*HB 3188, CH 237 (2008)**

Water quality projects, local sales and use tax: SB 6203

#### **TAXES - GENERAL**

Aerospace industry, tax provisions revised: SB 6828

Disclosure of tax information to the legislature: SB 6440

Domestic partnerships, rights and responsibilities: **\*2SHB 3104, CH 6 (2008)**, SB 6716

Emergencies, waiver or suspension of filing taxes: **\*SB 6950, CH 181 (2008)**  
 Low-income housing, tax credits for persons who make financial contributions to assistance programs: SB 5200  
 Low-income housing, tax exemptions for sellers to promote affordable housing: SB 5154  
 Military improvement zones, administration: SB 6802  
 New market development, tax credits: SB 6752  
 Tax laws and programs, technical changes: **\*SHB 1381, CH 54 (2007)**, SB 5560  
 Tax programs, administration: HB 1480, **\*SB 5468, CH 111 (2007)**, **\*ESB 6663, CH 86 (2008)**  
 Tolling, transfer of sales and use tax: HB 2146, SB 5681  
 Voice over internet protocol services, tax provisions: SB 6884

#### **TAXES - INCOME TAX**

Professional athletes, taxation: SB 5891  
 State income tax: SB 5150, SB 5887, SJR 8209

#### **TAXES - LOCAL OPTION TRANSPORTATION TAXES**

Regional transportation authority: SB 6772  
 Regional transportation investment districts, elimination: SB 6771

#### **TAXES - LODGING TAX**

Agricultural promotion, tax to fund facilities: SB 5568  
 Annual economic impact report, requirements: **\*SHB 3206, CH 28 (2008)**, SB 6796  
 Heritage and arts programs, reallocations: **\*SB 6638, CH 264 (2008)**, SB 6935  
 Nature-based, tax revenue to fund: SB 5220  
 Temporary medical housing by a health or social welfare organization, tax exemption: **\*HB 2544, CH 137 (2008)**, SB 6623  
 Tourism, tax proceeds for public safety activities in certain tourism areas: SB 5846

#### **TAXES - MOTOR VEHICLE EXCISE TAX**

Tax on snowmobile fuel, fuel tax rate to determine distributions for nonhighway expenditures: SB 5023

#### **TAXES - MOTOR VEHICLE FUEL TAX**

Administration of taxes: ESHB 1426, **\*SB 5272, CH 515 (2007) PV**  
 Emergencies, waiver or suspension of filing taxes: **\*SB 6950, CH 181 (2008)**  
 Local option taxes to fund highway construction projects: SB 5414

#### **TAXES - OIL SPILL RESPONSE TAX**

Risk-based oil spill prevention and response service transfer tax: SB 5553

#### **TAXES - PROPERTY TAX**

2007 floods, tax relief for damaged property: EHB 3137  
 Accrual of revenues, cities and towns: SHB 2031, SB 5836  
 Advanced payments for binding site plans, elimination of: **\*HB 1149, CH 17 (2008)**  
 Affordable housing, tax incentives for multiple-unit dwellings in urban centers: **\*E2SHB 1910, CH 430 (2007) PV**, SB 5404  
 Anaerobic digesters, tax exemption: SB 6806  
 Annual revaluations: SHB 2611, SB 6706  
 Assessed value, additional information on statements and notices: SB 6520  
 Assessed value, limitations: SB 5302, SJR 8213, SJR 8216  
 Assessed value, relief granted solely on age: SB 5707, SB 5708, SJR 8218  
 Banked property tax levy capacity, elimination: SB 6248, SB 6552  
 Banked property tax levy capacity, voter approval: SB 6247, SB 6553  
 Boundaries, school district boundaries for excess property tax levies: HB 2492  
 Collection and assessment provisions: SHB 2986, SB 6587  
 Community or neighborhood nonprofit organizations, tax exemption for administration of low-income housing programs: SHB 2675  
 Conservation futures levy, farm and agricultural land: SB 5362  
 County treasurers, restrictions on receipting current year taxes: **\*SB 5732, CH 105 (2007)**  
 Current use classification, interest rate calculation on property removed from: SB 5281

Damage from 2007 floods, tax relief: EHB 3137  
 Deferral program for households with incomes of less than fifty-seven thousand: SB 6178  
 Designated forest lands and open space timber lands, statutes consolidated for ease of administration: SHB 1580, SB 5527  
 Emergency medical care and services, increase in tax levy limit: SB 6417  
 Fraternal organizations, personal property tax exemption: SB 5072  
 Historic property leased to counties, exemption: HB 1746  
 Homestead exemption: SB 5187, SB 6565, SJR 8210, SJR 8226  
 Indian tribes, essential government services removed as a condition for exemption: SB 5500  
 Initiative 747, property tax levy limits: **\*HB 2416, CH 1 (2007)**, SB 5001, SB 6177, SB 6179  
 Levies for schools, cost-of-living salary supplements: SB 5570  
 Levies for schools, maximum levy percentage increase: SB 5008  
 Levies for schools, simple majority of voters voting: **\*EHJR 4204 (2007)**, SB 5028, SJR 8202, SJR 8203, ESJR 8207  
 Levies, state levy dedicated to parks: SB 5043, SJR 8204  
 Levies, annual increases for voter-approved regular levies: **\*ESB 5498, CH 380 (2007)**  
 Levies, county conservation futures program funding increase: SB 5217  
 Levies, elimination of banked property tax levy capacity: SB 6248, SB 6552  
 Levies, emergency medical care and services: SB 6417  
 Levies, initiative 747 levy limits: **\*HB 2416, CH 1 (2007)**, SB 5001, SB 6177, SB 6179  
 Levies, limits on regular property taxes: SB 6175  
 Levies, port districts: ESHB 3259, SB 6281, SB 6290  
 Levies, state levy reduced: SB 5893, SB 5998  
 Levies, voter approval for banked property tax levy capacity: SB 6247, SB 6553  
 Levies, voter-approved increases for a multiyear period: **\*ESB 6641, CH 319 (2008)**  
 Levy lid lift ballot propositions: SHB 2554  
 Low-income homeowner deferral program, administration: SB 6949  
 Low-income homeowners, state assistance: SB 6477  
 Low-income households, exemption of housing from taxation: **\*HB 1450, CH 301 (2007)**  
 Military housing, exemption: SB 6389  
 Multiple-unit housing, campus facilities master plans: **\*ESHB 2164, CH 185 (2007)**  
 Multiple-unit housing, voluntary contribution program: SHB 2848  
 Natural disasters, tax relief for damaged property: SB 6904  
 Nightclubs, tax exemption for installation of automatic fire protection sprinkler system: **\*2SHB 1811, CH 434 (2007) PV**  
 Nonprofit organizations operated for art, science, or historic purposes, tax exemption: HB 2901, SB 6700  
 Nonprofit organizations, exemption criteria: SB 6063  
 Nonprofit organizations, small business incubator exemption: ESHB 1796  
 Oil and gas reserve and leases, tax exemption: SB 5158  
 Open space program, agricultural land use for housing: SB 5143  
 Open space program, wildlife habitat: SB 5810  
 Payment schedule, treasurer authorized to establish: SB 6185  
 Payment, electronic funds transfer: SB 6234  
 Persons retired due to disability, exclusion of medical expenses: SB 6880  
 Port districts, levies phased out: SB 6290  
 Port districts, levy capacity: ESHB 3259  
 Port districts, limitations: SB 6281  
 Public assembly halls, tax exempt criteria: SB 6006  
 Quinault Indian Reservation, timber harvest excise taxation: **\*SHB 2008, CH 69 (2007)**, SB 5903  
 Revaluation plans, use of digital image technology: SHB 2609  
 Revaluations and physical inspections, schedule: SB 5709  
 Senior citizens and persons retired due to physical disability, tax relief: SB 5201, SB 5737, SB 6026, SB 6557, SB 6912  
 Senior citizens and veterans with service-connected disabilities, exclusion of medical expenses: SB 6880  
 Senior citizens and veterans with service-connected disabilities, tax exemption: SB 6473  
 Senior citizens, exemption for repairs to property required because of acts of nature: SB 6320  
 Small startup businesses, exemption: SB 5989  
 Solar electric power, exemption: SB 6255  
 Timber purchases, reporting requirements: **\*HB 1185, CH 47 (2007)**, SB 5035

Valuation and notice, requirements: SB 6480  
 Valuation, base years: SB 6586, SJR 8222  
 Valuation, burden of proof regarding corrections made by public officials: SB 6517  
 Valuation, constitutional amendment to limit growth: SJR 8224  
 Valuation, increases for state tax limited: SB 6586, SB 6899, SJR 8228  
 Value changes, government intervention: SB 6263  
 Veterans, benefits excluded from income calculation for retired persons tax relief: SB 5256, SB 5458  
 Veterans, tax exemptions for disabilities related to performance of military duties: SHB 1102  
 Veterans, tax relief: SB 5737, SB 6026

#### TAXES - PUBLIC UTILITY TAX

Agricultural commodities, tax deduction for transportation: \***HB 1443, CH 330 (2007)**, SB 5431  
 Farming services, tax exemption: \***ESHB 2352, CH 334 (2007)**, SB 5595  
 Grain transportation by motor vehicle, tax exemption: SB 6482  
 Historical parks and historic reserves, tax incentive program: SB 6268  
 Infrastructure projects, tax provisions revised: SB 6856  
 Low-income housing, tax credits for persons who make financial contributions to assistance programs: SB 5200  
 Math and science technology student employees, tax credits for employers: SB 5486  
 Methane emissions, tax credit to light and power businesses for purchase of energy credits from dairies: SB 5238  
 Small water supply systems, exemption for services: SB 5232  
 Solar energy, investment cost recovery incentives for community-based projects: SB 5614  
 Special needs transportation services, light and power business tax credit for contributions: SB 5454  
 Tidal and wave energy, deduction for generation of electricity: SB 6111

#### TAXES - SALES TAX

Aerospace product development businesses, exemption: SB 6168  
 Alternative fuel vehicles, exemption for purchase of new vehicles fueled by diesel: SB 6084  
 Alternative fuels, exemption for fuel produced in Washington: SB 5671  
 Bees, tax exemption: SB 6299  
 Boats, exemption for certain vessels purchased by nonresidents: \***SHB 1002, CH 22 (2007)**, SB 5007  
 Car-sharing activities, tax exemption: SB 6830  
 College course materials, exemption: SB 5784  
 Community empowerment zones, tax deferral for eligible investment projects: SB 6626  
 Computer server equipment, partial tax exemption: SB 6666  
 Diesel fuel for commercial fishing, exemption: SB 6086  
 Diesel, exemption for purchase of new vehicles: SB 6084  
 Electricity machinery and equipment, exemption: SB 6733  
 Electronically delivered financial information, exemption: \***ESHB 1981, CH 182 (2007)**, SB 5768  
 Energy efficient appliances and equipment, tax incentives: SB 6379  
 Energy equipment and services, tax exemption for performance-based contracted: SB 6515  
 Environmentally certified residential and commercial construction, exemption: SB 6773  
 Farm machinery and equipment, exemption: SB 6780  
 Farm machinery and equipment, tax exemption for repairs: \***EHB 1902, CH 332 (2007)**, SB 5764, SB 5765  
 Farms, biodiesel fuel exemption: SB 5009  
 Farms, propane fuel exemption: HB 1376, SB 5077  
 Federal earned income tax credit, tax exemption: SB 6809  
 Grain elevators, taxation: SB 5805  
 Heating oil used in heat qualifying homes, exemption: SB 6558  
 Heating oil used in homes, exemption: SB 6542  
 Honey bees, tax exemption: SB 6468  
 Horticultural plants, exemption: SB 6245  
 Interchange fees, prohibited on state sales tax portion of transaction: SB 5885  
 Interchange fees, sales tax exemption for retailers: SB 5884  
 Limited purpose public corporations, commissions and authorities tax exemption: SHB 1323, \***SB 5572, CH 381 (2007)**  
 Local sales and use, chemical dependency or mental health treatment programs and services: SB 6791  
 Local sales and use, conversion of power lines: SB 5660

Local sales and use, county economic development facilities: SB 5557  
 Local sales and use, county viaduct and bridge projects: SB 5022  
 Local sales and use, credited against state tax and used to offset services to annexed areas: 2ESHB 1139, SB 5330  
 Local sales and use, economic development offices: \***HB 1543, CH 250 (2007)**, SB 5388  
 Local sales and use, elimination of regional transportation investment districts: SB 6771  
 Local sales and use, parks and recreation and trails: SB 6598  
 Local sales and use, public facilities in counties: SB 5094, SB 6797  
 Local sales and use, public facilities in rural counties: SB 5925, SB 6476  
 Local sales and use, regional centers in cities: SB 6767  
 Local sales and use, regional transportation authority: SB 6772  
 Local sales and use, state route number 520 bridge replacement and HOV project: \***ESHB 3096, CH 270 (2008)**  
 Local sales and use, university stadium renovation projects: SB 6848  
 Local sales and use, voice over internet protocol services: SB 6884  
 Lodging business amenities, tax exemption: SB 5610  
 Low-income housing, exemptions for sellers to promote affordable housing: SB 5154  
 Low-income students, tax refund: SB 5168  
 Mobility enhancing equipment, tax exemptions: SB 5648  
 Motor vehicles and services sold to nonresidents, taxation: \***SHB 2158, CH 135 (2007)**, SB 5967  
 Natural gas used in heat qualifying homes, exemption: SB 6558  
 Nonresidents, exemptions and remittances: SB 5600  
 Park vendors, collection: SB 6397  
 Popcorn mixtures, tax exemption: SB 6351  
 Propone used in heat qualifying homes, exemption: SB 6558  
 Public facilities districts, tax credit: SB 6795  
 Public facilities districts, tax extension in national disaster area counties: \***HB 3151, CH 48 (2008)**, SB 6905  
 Recovered wood waste boiler equipment, tax exemption: SB 5026  
 Regional centers, financing: SB 6497  
 Schools, heating oil exemption: SB 5569  
 Smart grid energy technology, exemption: SB 6112  
 Solar hot water components, tax exemption: ESHB 1211  
 Special safety corridor projects, taxation: SB 6877  
 State correctional institutions, sales tax: SB 6349  
 Streamlined sales and use tax agreements: SB 5089  
 Streamlined sales and use tax agreements, taxpayer relief: SHB 2380  
 Tangible personal property of florists, sourcing of sales: \***SB 6799, CH 324 (2008)**  
 Tangible personal property, originating from or destined to foreign countries: \***SB 5434, CH 477 (2007)**  
 Temporary medical housing by a health or social welfare organization, tax exemption: \***HB 2544, CH 137 (2008)**, SB 6623  
 Temporary staffing services, taxation: SB 5758  
 Tidal and wave energy, exemption for generation of electricity: SB 6111  
 Tolling, tax transfer: HB 2146, SB 5681  
 Trail grooming services, tax exemption: HB 1404, SB 5608, \***SB 6375, CH 260 (2008)**  
 Transportation benefit district highway projects, taxation: SB 6288, SB 6748  
 Transportation projects: ESHB 3051  
 Value of rebates, tax exclusion: SB 6481  
 Vending machines, tax repealed: SB 5689  
 Volunteer firefighters, exemption for equipment: SB 6089  
 Water quality projects, local sales tax: SB 6203  
 Weatherization assistance program, tax exemptions for materials and services: \***ESHB 2847, CH 92 (2008)**, SB 6746  
 Zoological facilities, tax exemptions: SB 5027

#### TAXES - SPECIAL FUEL TAX

Administration of taxes: ESHB 1426, \***SB 5272, CH 515 (2007) PV**  
 Alternative fuels, exemption for fuel produced in Washington: SB 5671  
 Emergencies, waiver or suspension of filing taxes: \***SB 6950, CH 181 (2008)**  
 Regional transit authorities, tax exemption: SB 5304

Waste vegetable oil, exclusion from tax: SB 6554

### TAXES - TOBACCO PRODUCTS TAX

Moist snuff, taxation: SB 6092, SB 6951

### TAXES - USE TAX

Aerospace industry, tax provisions revised: SB 6828

Aerospace product development businesses, exemption: SB 6168

Alternative fuel vehicles, exemption for purchase of new vehicles fueled by diesel: SB 6084

Alternative fuels, exemption for fuel produced in Washington: SB 5671

Art donations, tax credit: SB 6008

Bees, tax exemption: SB 6299

Boats, exemption for certain vessels purchased by nonresidents: \***SHB 1002, CH 22 (2007)**, SB 5007

Car-sharing activities, tax exemption: SB 6830

College course materials, exemption: SB 5784

Community empowerment zones, tax deferral for eligible investment projects: SB 6626

Computer server equipment, partial tax exemption: SB 6666

Diesel fuel for commercial fishing, exemption: SB 6086

Diesel, exemption for purchase of new vehicles: SB 6084

Electricity machinery and equipment, exemption: SB 6733

Electronically delivered financial information, exemption: \***ESHB 1981, CH 182 (2007)**, SB 5768

Energy efficient appliances and equipment, tax incentives: SB 6379

Energy equipment and services, tax exemption for performance-based contracted: SB 6515

Environmentally certified residential and commercial construction, exemption: SB 6773

Farm machinery and equipment, tax exemption: SB 6780

Farm machinery and equipment, tax exemption for repairs: \***EHB 1902, CH 332 (2007)**, SB 5764, SB 5765

Farms, biodiesel fuel exemption: SB 5009

Farms, propane fuel exemption: HB 1376, SB 5077

Grain elevators, taxation: SB 5805

Heating oil used in heat qualifying homes, exemption: SB 6558

Heating oil used in homes, exemption: SB 6542

Honey bees, tax exemption: SB 6468

Horticultural plants, exemption: SB 6245

Limited purpose public corporations, commissions and authorities tax exemption: SHB 1323, \***SB 5572, CH 381 (2007)**

Local sales and use tax, economic development offices: \***HB 1543, CH 250 (2007)**, SB 5388

Local sales and use tax, public facilities in counties: SB 5094, SB 6797

Local sales and use, chemical dependency or mental health treatment programs and services: SB 6791

Local sales and use, conversion of power lines: SB 5660

Local sales and use, county economic development facilities: SB 5557

Local sales and use, county viaduct and bridge projects: SB 5022

Local sales and use, credited against state tax and used to offset services to annexed areas: 2ESHB 1139, SB 5330

Local sales and use, elimination of regional transportation investment districts: SB 6771

Local sales and use, parks and recreation and trails: SB 6598

Local sales and use, public facilities in rural counties: SB 5925, SB 6476

Local sales and use, regional centers in cities: SB 6767

Local sales and use, regional transportation authority: SB 6772

Local sales and use, state route number 520 bridge replacement and HOV project: \***ESHB 3096, CH 270 (2008)**

Local sales and use, university stadium renovation projects: SB 6848

Lodging business amenities, tax exemption: SB 5610

Low-income housing, exemptions for sellers to promote affordable housing: SB 5154

Mobility enhancing equipment, tax exemptions: SB 5648

Motor vehicles and services sold to nonresidents, taxation: \***SHB 2158, CH 135 (2007)**, SB 5967

Motor vehicles used solely in this state for commuting to and from employment located in a contiguous state, exemption: SB 6097

Natural gas used in heat qualifying homes, exemption: SB 6558

Popcorn mixtures, tax exemption: SB 6351

Propone used in heat qualifying homes, exemption: SB 6558  
 Public facilities districts, tax credit: SB 6795  
 Public facilities districts, tax extension in national disaster area counties: \***HB 3151, CH 48 (2008)**, SB 6905  
 Recovered wood waste boiler equipment, tax exemption: SB 5026  
 Regional centers, financing: SB 6497  
 Rental cars, tax exclusion: SB 6484  
 Schools, heating oil exemption: SB 5569  
 Smart grid energy technology, exemption: SB 6112  
 Solar hot water components, tax exemption: ESHB 1211  
 State correctional institutions, use tax: SB 6349  
 Streamlined sales and use tax agreements: SB 5089  
 Tangible personal property of florists, sourcing of sales: \***SB 6799, CH 324 (2008)**  
 Tidal and wave energy, exemption for generation of electricity: SB 6111  
 Tolling, tax transfer: HB 2146, SB 5681  
 Transportation benefit district highway projects, taxation: SB 6288, SB 6748  
 Transportation projects: ESHB 3051  
 Value of rebates, tax exclusion: SB 6481  
 Volunteer firefighters, exemption for equipment: SB 6089  
 Water quality projects, local use tax: SB 6203  
 Weatherization assistance program, tax exemptions for materials and services: \***ESHB 2847, CH 92 (2008)**, SB 6746  
 Zoological facilities, tax exemptions: SB 5027

#### **TEACHERS (See also SCHOOLS AND SCHOOL DISTRICTS)**

Autism awareness instruction: SB 6743  
 Bilingual instructional staff, salary bonus: SB 5942  
 Certification services: \***SB 6740, CH 107 (2008)**  
 Educator tuition reimbursement program: SB 5956  
 First peoples' language, culture, and history teacher certification: ESHB 1226, SB 5269  
 Future teachers' conditional scholarships: E2SHB 2826, SB 6377  
 Identifier data, collection and submission: SB 6890  
 Mathematics and science teacher professional development: E2SHB 2809, SB 5955, SB 6781  
 Mathematics, grants to recruit teachers: SB 5396  
 Mathematics, salary bonus for teaching: SB 5623  
 National board standards, funding for assessment fees: SB 5889  
 National board standards, salary bonus for maintaining certification: \***2SHB 2262, CH 398 (2007)**, SB 5955  
 National certification, bonuses for teachers who become principals or superintendents: SB 6930  
 Preparation programs, teachers of visually impaired and blind public school students: HB 2813, SB 6535  
 Professional certification, standards and performance assessment: SB 5955, SB 6726  
 Retirement, annual increase age and retirement requirements for plan 1: \***SB 5175, CH 89 (2007)**  
 Retirement, gain-sharing provisions: SB 5668, SB 5779  
 Retirement, increased benefit multiplier for judges: \***ESHB 1649, CH 123 (2007)**, SB 6145, SB 6571  
 Retirement, members of TRS plan 1 authorized to join PERS plan 1: SHB 1067, SB 5062  
 Retirement, military service credit: SB 6009, SB 6131, SB 6645  
 Retirement, partial year service credit: \***HB 3019, CH 204 (2008)**, SB 6654  
 Retirement, plan 1 allowance limits: SB 6093  
 Retirement, plan 2 separated employees: HB 3027, SB 5427, SB 6648  
 Retirement, public employment of retirees: \***SHB 1262, CH 50 (2007)**, SB 5173  
 Retirement, service credit for periods of temporary duty disability: \***SHB 1261, CH 49 (2007)**, SB 5172  
 Retirement, service credit purchase for experience in another state or federal government: SHB 1200, \***HB 3024, CH 101 (2008)**, SB 6656  
 Retirement, vesting after five years of service: SB 6651  
 Retooling to teach math and science conditional scholarship program: \***2SHB 1906, CH 396 (2007)**, SB 5813  
 Science, salary bonus for teaching: SB 5623  
 Special education, grants to recruit teachers: SB 5396  
 Tuitions waivers for teachers and certified instructional staff to meet continuing education requirements: SB 5101

**TECHNOLOGY (See also BIOTECHNOLOGY)**

Applied baccalaureate degree pilot projects for degrees in applied science and technology: SB 5104  
 Broadband technologies, survey on the deployment among households: SB 5120  
 Commercialization process to promote economic development: SB 5387  
 Community technology programs, digital literacy and technology training: SB 6775  
 Electronic data recorders in motor vehicles: SB 6341  
 Health sciences and services program: \***E2SHB 1705, CH 251 (2007)**, SB 5616  
 High technology business and occupation tax credit: SB 5685  
 High technology business tax deferral, application deadlines: SB 6319  
 Information technology, strategic plan for state projects: HB 1296  
 ISO-9000 quality standards assistance program: SB 5744  
 Math and science technology student employees, tax credits for employers: SB 5486  
 Polytechnic college, study: SB 6539  
 Qualified research and development for phase I and II clinical trials, extending tax incentives: SB 6630

**TELECOMMUNICATIONS (See also TELEPHONES)**

Automatic dialing and announcing devices, restrictions and penalties: SB 5276  
 Broadband technologies, survey on the deployment among households: SB 5120  
 Cable and video services, state-issued authorization for competitive providers: SB 6003  
 Competitive telecommunications services, criteria: \***SHB 2103, CH 26 (2007)**, SB 5888  
 High-speed internet, statewide deployment and adoption: SB 6438  
 Identification devices, privacy protections: \***ESHB 1031, CH 138 (2008)**  
 Noncompetitive telecommunications companies, bundles of services subject to minimal regulation: \***SHB 2103, CH 26 (2007)**  
 Public utility districts, services: SB 6102  
 Regulations, modernization: SB 5592  
 Utility pole attachments, regulations: \***E2SHB 2533, CH 197 (2008)**, SB 5740, SB 6585  
 Wireless communications device, definition: HB 3261  
 Wireless communications providers, subscribers' consent to disclosure of phone numbers: \***2SHB 2479, CH 271 (2008)**

**TELEPHONES (See also CELL PHONES; TELECOMMUNICATIONS)**

Automatic dialing and announcing devices, restrictions and penalties: SB 5276  
 Records, unauthorized transfer: SB 5350

**TELEVISION (See also NEWS MEDIA)**

Cable and video services, state-issued authorization for competitive providers: SB 6003  
 Public funded television, city and county incumbents prohibited from appearing during elections: SHB 2904  
 Television reception improvement districts, emergency radio communications systems: SHB 2337

**THEATERS**

Leasehold excise tax exemption for certain amphitheater property: \***HB 2460, CH 194 (2008)**  
 Sports/entertainment live events, admissions surcharge to fund school extracurricular activities: SB 6537

**TIMBER AND TIMBER INDUSTRIES (See also FOREST PRACTICES)**

Christmas trees, licensing for growers: \***ESB 5401, CH 335 (2007)**  
 Climate change, response preparation for consequences on state forests: SB 5966  
 Consulting foresters, board and licensing: SB 5834  
 Conversion of forest land to nonforestry uses: SB 5883  
 Designated forest lands and open space timber lands, statutes consolidated for ease of administration: SHB 1580, SB 5527  
 Forest health, three tier technical assistance system and scientific advisory committee: SB 6028  
 Forest health, two tier technical assistance system and scientific advisory committee: SB 6025  
 Forest land, management information: SB 6259  
 Forest lands, conservation: SB 6251  
 Forest practices board, addition of representative from timber industry labor organization: SB 6838  
 Forest practices board, member who is a representative of a timber products union: \***SHB 2893, CH 46 (2008)**  
 Harvests, uniform taxation: SJM 8001  
 Haulers of logs, advisory rates of compensation: SB 6069

Horticultural plants, exemption for sales and use tax: SB 6245  
 Huckleberries, regulations: \***SHB 1909, CH 392 (2007)**  
 Nuisance laws, protection from : \***EBH 1648, CH 331 (2007)**, SB 5076  
 Publicly beneficial activities, application of forest practices act: SB 6759  
 Quinault Indian Reservation, timber harvest excise taxation: \***SHB 2008, CH 69 (2007)**, SB 5903  
 Specialized forest products, permitting process and theft protections : \***SHB 1909, CH 392 (2007)**  
 Specialized forest products, work group and study extended: HB 2909  
 Specialized forest products, work group created and bill of lading requirements revised: SB 5844  
 Tax payments on timber purchases, reporting requirements: \***HB 1185, CH 47 (2007)**, SB 5035  
 Taxation, manufacture of environmentally responsible surface material from recycled paper: \***HB 2678, CH 296 (2008)**, SB 6326  
 Taxation, sale of standing timber when timber sold separately from underlying land: \***SHB 1513, CH 48 (2007)**, SB 5493  
 Working forest land base, maintenance: SB 6233  
 Working forest land board, grants and loans to protect lands: SB 5216

### **TIRES**

Discarded tires, beneficial use: SB 5186  
 Lead wheel weights, alternatives: ESHB 2143  
 Studded, permit requirement: SB 5824  
 Studded, retractable studs: \***SB 5206, CH 140 (2007)**  
 Waste tire removal fees: SB 5080

### **TITLE COMPANIES**

Real estate settlement services, regulating title insurers and title insurance agents: SB 6847

### **TITLE ONLY**

Authorizing bonds for transportation funding act of 2007: SB 5935  
 Criminal justice act of 2008: SB 6947  
 Ferries act of 2007: SB 5934  
 Fiscal matters act of 2007: SB 6151, SB 6152  
 Forest health: SB 6141  
 Higher education act of 2007: SB 6163, SB 6164  
 Human services act of 2007: SB 6157, SB 6158  
 Human services act of 2008: SB 6948  
 K-12 education act of 2007: SB 6161, SB 6162  
 Natural resources act of 2007: SB 6159, SB 6160  
 Retirement act of 2007: SB 6165, SB 6166  
 Revenue act of 2007: SB 6153, SB 6154  
 State government act of 2007: SB 6155, SB 6156  
 Tolling act: SB 5931  
 Transportation financing act of 2007: SB 5932  
 Transportation funding and appropriations act of 2007: SB 5933  
 Transportation funding in central Puget Sound region act of 2007: SB 5936

### **TOBACCO (See also CIGARETTES)**

Enforcement, liquor control board investigation of records and authority to issue subpoenas: \***SB 5551, CH 221 (2007)**  
 Moist snuff, taxation: SB 6092, SB 6951

### **TOURISM**

Lodging tax revenues, contracts with nonprofit organizations and public entities for tourism activities: SB 5647  
 Nature-based, lodging tax revenue to fund: SB 5220  
 Port districts, authority to acquire and operate tourism-related facilities: SB 5339  
 Public safety activities in certain tourism areas, hotel and motel tax proceeds: SB 5846  
 Public-private partnerships and tourism commission: \***SHB 1276, CH 228 (2007)**, SB 5116  
 Raffles, tourism promoting activities: HB 3220

**TOW TRUCKS**

- Application for transporter's license, requirements: **\*HB 1923, CH 19 (2008)**
- Ignition interlock devices, impound of vehicle when in violation of requirements: SB 5944
- Impound, driving without specially endorsed license: **\*SB 5134, CH 86 (2007)**
- Impound, vehicles with expired registration parked on public streets: **\*SHB 1892, CH 242 (2007)**

**TOXICOLOGIST**

- Forensic investigations council, powers and duties: **\*HB 1181, CH 200 (2007)**, SB 5192
- Missing persons, investigation procedures: SHB 1182, SB 5191

**TRAFFIC**

- Additional violations, sanctions for failure to satisfy the violation: SB 6562
- Automated traffic safety cameras, state highway work zones: SB 5083
- Electronic traffic flagging devices, pilot project: SB 6576
- Emphasis patrols in high-accident corridors, automobile insurance surcharge on liability policies to fund : SB 5147
- Failure to satisfy the violation, sanctions: SB 6562
- Freight congestion relief account, study to evaluate fees on processing shipping containers: SB 5207
- High accident corridors, additional patrols: SB 5937
- Infraction, smoking in motor vehicles containing children: SB 6287
- Legislative transportation committees, reporting of traffic conditions during session meetings: SB 6545
- Motorcycles, allowed to proceed if signal inoperative: SHB 1625, SB 5543
- Regional transportation commissions: SB 5803
- Safety camera images, use and storage: SB 6619
- Stationary emergency and police vehicles, rules for drivers when approaching vehicles: SB 5078
- Unmarked stop zones, vehicle stops: SB 6569

**TRAFFIC OFFENSES (See also DRIVING UNDER THE INFLUENCE)**

- Cell phones, text messaging while driving: **\*EHB 1214, CH 416 (2007)**
- Cell phones, use of while driving: SB 5037
- Photo enforcement systems, provisions: SB 5391
- Rental cars, parking and traffic infractions: **\*HB 1371, CH 372 (2007)**, SB 5338
- Safety cameras, speeding violations on highways: SB 5363
- Vehicles boarding ferries, traffic infractions for blocking driveways or moving in front of another vehicle: **\*SB 5088, CH 423 (2007)**

**TRANSPORTATION (See also FERRIES; PUBLIC TRANSIT; RAILROADS)**

- Accounts, proportionate share of earnings from surplus balance investments deposited in : SB 5085
- Airline passengers, rights: SB 6269
- Ballot measures, reimbursement of election costs for transportation replacement projects: SB 5249
- Budget, 2007-09: SB 5136
- Budget, supplemental 2005-07: SB 5138
- Budget, supplemental 2008: **\*ESHB 2878, CH 121 (2008) PV**, SB 6298
- Car-sharing activities, sales and use tax exemption: SB 6830
- City planning and growth program and account: ESHB 2331
- Commuter rail service, report by regional transit authority: **\*SHB 3224, CH 127 (2008)**
- District highway projects, funding: SB 6288, SB 6748
- Economic development infrastructure projects, local tax on public and private utilities as incentive for grants and loans: SB 6529
- Emergencies, governor may waive or suspend operations: **\*SB 6950, CH 181 (2008)**
- Environmental noise abatement, nonhighway vehicles: SB 6881
- Ferry vessels and terminals, planning: SB 6932
- Goals and objectives of certain state transportation agencies: SB 5412
- Growth management, transportation concurrency and impact fees: SB 6566
- Helicopters, study on access for emergencies: SB 6920
- High-capacity transportation corridor areas, provisions established: SB 6667
- Jurisdictional route transfers, responsibilities: SB 6321
- Monorail transportation authority, dissolution provisions: SB 5690

Policy goals, state transportation system: SB 6176  
 Projects, sales and use tax: ESHB 3051  
 Providers of transportation, regulations: \***SHB 1312, CH 234 (2007)**, SB 5298  
 Regional transit authorities and regional transportation investment districts, single ballot proposition: \***SHB 1396, CH 509 (2007)**, SB 5282  
 Regional transit authority, report on commuter rail service: \***SHB 3224, CH 127 (2008)**  
 Regional transportation authority: SB 6772  
 Regional transportation commissions: SB 5803  
 Regional transportation investment districts, elimination: SB 6771  
 Regulations, provisions regarding: SB 6045  
 Special needs transportation, agency council on coordinated transportation: \***SHB 1694, CH 421 (2007)**  
 State indebtedness for projects: SJR 8211  
 State route number 520 and Alaskan Way Viaduct funding: SB 6169  
 Tolls, charges and revenue: SB 6396  
 Tolls, imposition: SB 6355  
 Transportation, 2007-09 biennium and 2005-07 supplemental: \***ESHB 1094, CH 518 (2007) PV**  
 Urban corridor program, requirements for project approval: ESHB 2331

#### **TRANSPORTATION BENEFIT DISTRICTS**

Construction, imposition of sales tax: ESHB 3051  
 Fees and charges, imposition: \***ESHB 1858, CH 329 (2007)**, SB 5767  
 Vehicle tolls, authority: SB 6355

#### **TRANSPORTATION COMMISSION**

Ferries, survey and plan: \***ESHB 2358, CH 512 (2007)**, SB 6127  
 Goals and objectives of certain state transportation agencies: SB 5412  
 Innovative partnership program, modifications: SB 5979  
 Naming or renaming facilities, commission authority: \***SB 5264, CH 33 (2007)**  
 Policy goals, state transportation system: SB 6176  
 Rail infrastructure and transportation system, improvement and preservation: SB 6120, SB 6800  
 Regulations, provisions regarding: SB 6045  
 State route number 520 tolling implementation committee, membership: \***ESHB 3096, CH 270 (2008)**, SB 6754  
 Tolling authority: SB 6355  
 Tolling, authority and provisions: \***E2SHB 1773, CH 122 (2008)**

#### **TRANSPORTATION, DEPARTMENT**

Aerial search and rescue, liability immunity: SB 6324  
 Commuter rail service between Everett and Leavenworth, feasibility study: SB 6068  
 Commuter rail service, feasibility study: \***SHB 3224, CH 127 (2008)**  
 Design-build construction for certain projects: \***SB 5798, CH 152 (2007)**  
 Environmental mitigation in highway construction, department to public lands if possible: SB 6531  
 Ferries, procurement of new vessels: \***SHB 2378, CH 481 (2007)**, SB 6794  
 Ferries, survey and plan: \***ESHB 2358, CH 512 (2007)**, SB 6127  
 Fuel purchases, implementation of strategies designed to reduce costs: \***SHB 2746, CH 126 (2008)**  
 Goals and objectives of certain state transportation agencies: SB 5412  
 Heavy haul industrial corridor, portion of state route number 97: SB 6857  
 Helicopter access, committee: SB 6920  
 Highway emergency projects, department requirements: SB 6188  
 Highway improvements, bond amounts for certain construction contracts: ESB 5208  
 Highway improvements, funding priority for category C projects: SB 6134  
 Highway improvements, general obligation bonds: \***SHB 2394, CH 519 (2007)**, SB 5081, SB 5107  
 Innovative partnership program, modifications: SB 5979  
 Rail and crossing material, reuse: SB 5851  
 Rail corridors, preservation measures and real estate seller's disclosure requirements: 2SHB 2344  
 Rail infrastructure and transportation system, improvement and preservation: SB 6120, SB 6800  
 Railroad shippers, authority to intervene on behalf of: HB 1313, SB 5299

Regulations, provisions regarding: SB 6045  
 State route number 520 tolling implementation committee, membership: \***ESHB 3096, CH 270 (2008)**, SB 6754  
 State route number 520, mediator to assist in developing expansion plan: SB 6099  
 State route number 97, heavy haul industrial corridor: SB 6857  
 Telework enhancement funding board: SB 5162  
 Tolling, authority and provisions: \***E2SHB 1773, CH 122 (2008)**  
 Tolls, full charge of the planning and construction of all toll bridges and facilities: SB 6355  
 Vehicle miles traveled, department to adopt goals: SB 6822  
 Wounded combat veterans, internship program: SB 5242

#### **TRUCKS AND TRUCKING (See also MOTOR VEHICLES; TOW TRUCKS)**

Commercial motor vehicle carriers, Tony Qamar and Daniel Johnson act: \***SHB 1304, CH 419 (2007)**  
 Freight congestion relief account, study to evaluate fees on processing shipping containers: SB 5207  
 Overtime compensation exemption for transport of agricultural commodities: SB 6564  
 Securing loads on highways, new driver instruction: SB 5809  
 Securing loads on highways, public awareness campaign: SB 5808  
 Transportation providers, regulations: \***SHB 1312, CH 234 (2007)**, SB 5298

#### **TRUSTS AND TRUSTEES**

Division of lands created by testamentary provisions or laws of descent: SB 5141  
 Domestic partnerships, rights and responsibilities: \***2SHB 3104, CH 6 (2008)**, SB 6716  
 Estate distribution document, definition: \***ESHB 3012, CH 161 (2008)**  
 Estate distribution documents, marketing by persons not authorized to practice law in this state: \***ESHB 1114, CH 67 (2007)**, SB 5229  
 Guardians, requirements for appointments: SB 6632  
 Real estate excise tax exemption, documentation requirements for tax exemption at time of inheritance: SB 6851  
 Uniform simultaneous death act: \***HB 2236, CH 475 (2007)**, SB 5377

#### **UNCLAIMED PROPERTY**

Donations to nonprofit charitable organizations, unclaimed personal property: SB 5193  
 Overpayments received by courts: \***HB 1994, CH 183 (2007)**

#### **UNDERGROUND STORAGE TANKS**

Gas stations, financial assistance to prevent release of petroleum products into environment: SB 5328  
 General revisions and compliance with federal act of 2005: SB 5475  
 Home heating oil tanks, design to prevent leakage: \***HB 1789, CH 240 (2007)**

#### **UNEMPLOYMENT COMPENSATION**

Administration of Title 50 RCW, funding: \***SHB 1407, CH 327 (2007)**, SB 5230  
 Apprentices, benefits for individuals who left work to enter certain apprentice programs: SB 6751  
 Claim of exemption, notice to certain employees: SB 5702  
 Contribution rates, modifications: \***SHB 1278, CH 51 (2007)**, SB 5137, SB 5999  
 Contribution rates, statutory references in the calculation of predecessor and successor rates: HB 2656, SB 6410  
 Contributions, late: SB 6817  
 Disqualifications for leaving work voluntarily, revisions to correct unexpected gender impact of previous changes: SB 6082  
 Failure to pay taxes, personal liability for corporations and limited liability companies: SB 5252  
 Independent contractor status: \***ESHB 3122, CH 102 (2008)**, SB 6731  
 Labor disputes: SB 6327  
 Master application, information to be provided to employers upon initial filing : SB 5915  
 Performing arts, exemption for small industries: SB 5534  
 Reporting requirements for third party payers and other employers providing employment services: SB 5195  
 Reporting, penalty, and corporate officer provisions: SB 5373  
 Reporting, requirements: SB 6817  
 Self-employment assistance program: SB 5653  
 Waiting week for unemployed individuals, authority for governor to suspend in emergencies or disasters: ESHB 2626

**UNIFORM ACTS**

Anatomical gift act, revised: \***ESHB 1637, CH 139 (2008)**, ESB 5657  
 Environmental covenants act: \***SB 5421, CH 104 (2007)**  
 Real property electronic recording act: HB 2104, \***EBH 2459, CH 57 (2008)**, SB 5948  
 Simultaneous death act, probate and trust laws: \***HB 2236, CH 475 (2007)**, SB 5377

**UNITED STATES**

Election of president by popular vote, interstate agreement: SB 5628  
 Leasehold tax exemption for property owned by United States government: \***SB 5607, CH 90 (2007)**

**UNIVERSITY OF WASHINGTON**

Biofuels, analysis of availability in state: \***E2SHB 1303, CH 348 (2007) PV**  
 Building fees: SB 5327  
 Climate change, comprehensive state assessment and mitigation framework: \***E2SHB 1303, CH 348 (2007) PV**  
 Climate change, response preparation for consequences on state forests: SB 5966  
 Developmental disabilities, medical research and training to improve services to persons with disabilities: ESHB 1394  
 Everett, branch campus: SB 6391  
 Faculty, medical services training to treat patients with developmental disabilities: SB 6470  
 Geoduck aquaculture techniques and practices, scientific research studies: \***2SHB 2220, CH 216 (2007)**  
 Governing board, modifications: SB 6390  
 International trade, trade corps fellowship program: SB 5367  
 Lake Stevens, branch campus: SB 6490  
 Law school loan repayment assistance program: SB 6039  
 Local borrowing authority, bonds: \***SHB 1398, CH 24 (2007)**, SB 5384  
 Medical information, physician access to library: SB 6083  
 Medical students, medical services training to treat patients with developmental disabilities: SB 6470  
 Multiple-unit housing, campus facilities master plans: \***ESHB 2164, CH 185 (2007)**  
 North Sound campus: SB 6490  
 Science on human caused climate change, report: \***E2SHB 2815, CH 14 (2008)**  
 Washington park arboretum, natural resource collection: SB 6226  
 Washington technology center, technology commercialization process to promote economic development: SB 5387

**UTILITIES (See also ELECTRIC UTILITIES; TELECOMMUNICATIONS)**

Emergencies, governor may waive or suspend operations: \***SB 6950, CH 181 (2008)**  
 Greenhouse gases emission performance standard for utility procurement of baseload generation: SB 6585  
 Hydrokinetic energy: E2SHB 3216  
 Mercury release reduction, authority for private utilities to recover costs from ratepayers: SB 6502  
 Pole attachments, regulations: \***E2SHB 2533, CH 197 (2008)**, SB 5740, SB 6585  
 Power lines, rural county sale and use tax for conversion: SB 5660  
 Rental property, liens against: SB 5854  
 Sewer utilities, protection for sole source aquifers: ESB 6868  
 Systems benefit charge and sustainable energy trust, natural gas and electric utilities: SHB 1032

**UTILITIES AND TRANSPORTATION COMMISSION**

Haulers of logs, advisory rates of compensation: SB 6069  
 Natural gas and electric utilities, systems benefit charge and sustainable energy trust: SHB 1032  
 Pole attachments, regulations: \***E2SHB 2533, CH 197 (2008)**, SB 5740, SB 6585  
 Telecommunications, modernization of regulations: SB 5592  
 Transportation providers, regulations: \***SHB 1312, CH 234 (2007)**, SB 5298  
 Transportation regulations, provisions regarding: SB 6045

**VANCOUVER**

National historic reserve: HB 1049, SB 5032

**VETERANS**

Access to services, study to improve efficiency: SB 5441  
 Almshouses, restrictions on sending veterans or families to: \***HB 1064, CH 448 (2007)**, SB 5030

Businesses, list of veteran-owned businesses: HB 2210, \***SB 5253, CH 11 (2007)**, SB 5289  
 Caregiver act: SB 6541  
 Combat bonuses: SB 6895  
 Conservation corps program: SB 5164  
 Definition, revised to include current members of the national guard who have been deployed: SHB 2595  
 Discrimination protection: \***SB 5123, CH 187 (2007)**  
 Domestic partnerships, rights and responsibilities: \***2SHB 3104, CH 6 (2008)**, SB 6716  
 Eastern Washington state veterans' cemetery: \***HB 1292, CH 43 (2007)**, SB 5058  
 Filipino, benefits: \***SJM 8008 (2007)**  
 Funerals, military honors: SB 6125  
 Health care, program of training and technical assistance for providers of primary care: SB 6116  
 High school diplomas for persons who left before graduation to serve in armed forces: \***EHB 1283, CH 185 (2008)**, SB 5255  
 Hunting and fishing license fees merged for certain veterans and persons with disabilities: \***SHB 1079, CH 254 (2007)**, SB 5125  
 Korean war veteran's blue star memorial highway, portions of highways 112 and 113: \***HJM 4017 (2007)**  
 License plates: HB 2571, \***SB 6237, CH 183 (2008)**  
 License plates, distinguished flying cross emblem: SB 5713  
 License plates, purple heart: SB 6096  
 Personal needs allowances, cost of living adjustments: SB 6940  
 Property tax exemption, exclusion of medical expenses: SB 6880  
 Property tax exemptions, disabilities related to performance of military duties: SHB 1102  
 Property tax exemptions, medical expenses excluded from income calculation: SB 6026  
 Property tax exemptions, value increase limit: SB 5737  
 Property tax exemptions, veterans benefits excluded from income calculation for retired persons tax relief: SB 5256, SB 5458  
 Public employment, scoring criteria in competitive examinations: \***HB 1065, CH 449 (2007)**, SB 5029  
 Scoring criteria, adjustment: HB 2755  
 Taps, live performance at funerals: SB 5361  
 Time certificate of deposit investment program: \***EHB 3360, CH 187 (2008)**  
 Tuition and fee waivers, families of veterans: SB 6371  
 Tuition, dollars for military scholars program to fund secondary education: SB 5280  
 Tuition, survivors' endowed scholarship program for families of veterans' who lost their lives in service: SB 5040  
 Tuition, waivers: SB 5002, SB 5442  
 Wounded combat veterans, transportation department internship program: SB 5242

#### **VETERANS AFFAIRS, DEPARTMENT**

Service bonuses, department to pay combat veterans: SB 6895

#### **VETERINARIANS**

Food animal veterinarian conditional scholarship program: \***SB 6187, CH 208 (2008)**

Technicians, licensing: \***HB 1331, CH 235 (2007)**, SB 5485

#### **VICTIMS OF CRIMES**

Address confidentiality program: HB 1421, \***SHB 1421, CH 18 (2008)**, SB 5409

Auto theft, civil cause of action: \***HB 2034, CH 393 (2007)**

Automated victim information and notification system, statewide: \***SB 5332, CH 204 (2007)**

Crime victims' compensation program: SB 5394

Criminal act, definition: SB 5526

Domestic partnerships, rights and responsibilities: \***2SHB 3104, CH 6 (2008)**, SB 6716

Domestic violence court order violation, eligible for notification by the department of corrections: HB 2764, SB 6422

Identity crimes, no police report for credit freeze when notified of a security breach: SB 5853

Identity crimes, police incident report: HB 2636, \***SB 5878, CH 207 (2008)**, SB 6670

Leave from employment for victims of domestic violence, sexual assault, or stalking: \***SHB 2602, CH 286 (2008)**, SB 5900, SB 6500

Public records, penalties awarded to crime victims' compensation program: SB 6294

Sexual assault protection orders, fees for petitioners: \***HB 1437, CH 55 (2007)**, SB 5637

Sexual assault protection orders, victims who do not qualify for domestic violence protection orders: \***SHB 1555, CH 212 (2007)**

Sexual assault victims, polygraph examinations: \***HB 1520, CH 202 (2007)**

Trafficking, address confidentiality: SB 6339

Work release, crime victims to submit input: HB 2436

#### **VIDEO AND VIDEO GAMES**

Cable and video services, state-issued authorization for competitive providers: SB 6003

#### **VOCATIONAL EDUCATION**

Electronic learning, work group: E2SHB 3306

General obligation bonds, flood mitigation and facilities: \***SHB 3374, CH 179 (2008)**

Industry skill panels, grants: SB 5254

Job skills program, economic clusters and quality management practices: SB 5743

Private schools, regulations: \***SB 5402, CH 462 (2007)**

Secondary career and technical education: E2SHB 2826, SB 6377

Skills-based economic growth planning program, workforce development councils: SHB 1880

Work and learning programs, adult youth: \***SB 6261, CH 212 (2008)**

Workplace-based electronically distributed learning: SB 6295

#### **VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' RELIEF AND PENSIONS**

State board, membership: \***HB 1475, CH 56 (2007)**, SB 5593

#### **VOLUNTEERS**

Emergency workers, limited immunity: \***HB 1073, CH 292 (2007)**, SB 5054

Emergency workers, public employee shared leave: HB 1759

Fire departments, reimbursement for response to incidents on state highways: SB 5426

Firefighters and reserve officers, vocational rehabilitation: \***SHB 2147, CH 57 (2007)**, SB 5752

Firefighters, sales and use tax exemption for equipment: SB 6089

Firefighters, state agency employees allowed to respond when called to duty: SB 5511

Peace corps, leaves of absence for school employees: SB 5324

#### **VULNERABLE ADULTS**

Confidential information: SB 6590

Fatality review, department of social and health services to conduct review and adopt rules: \***E2SHB 2668, CH 146 (2008) PV**, SB 6491

Heritage and arts programs, reallocation of existing lodging taxes: SB 6935

Nursing homes, video equipment to protect vulnerable adults: SB 5520

Protection, standard petition and order protection forms: SHB 2487

Protection, standard petition and order protection forms and court staff instruction handbook: \***ESHB 1008, CH 312 (2007)**

Protections, crimes committed by persons providing transportation: \***SHB 1097, CH 20 (2007)**, SB 5439

Transport of individuals who must be on a stretcher, guidelines and standards: \***SHB 1837, CH 305 (2007)**

#### **WAGES AND HOURS (See also EMPLOYMENT)**

Automatic food service charges, RCW 19.48.130 recodified in minimum wage act: \***HB 2699, CH 199 (2008)**, SB 6749

Corrections officers, limits on mandatory overtime: SB 6463

Employ, definition: SB 6867

Juror compensation: SB 6779

Overtime compensation exemption for agriculture, forestry, and fisheries: SB 6564

Prevailing wages and certification of affidavits of wages, department of labor and industries to adjust fees: SB 6694

Public works projects, certified payroll records: ESHB 2864

Public works, prevailing wage exemption : \***HB 1370, CH 169 (2007)**, SB 5291

#### **WAREHOUSES**

Microbreweries, off-premises: SB 6572

Wine, handling of bottled wine: SB 6770

**WARRANTIES**

- Motor vehicle lemon law, mileage tolling calculation: SB 5050
- Motor vehicle lemon law, out-of-state consumers: \***HB 2135, CH 425 (2007)**, SB 5968
- Motor vehicle manufacturers' and dealers' franchise agreements, compensation for dealer warranty work: SB 5654
- New home construction or sale, warranty requirements: SB 5550
- New home warranties: SB 5049

**WARRANTS**

- Civil inspection warrants, authority to issue: SB 6105

**WASHINGTON STATE UNIVERSITY**

- Building account provisions: SB 6432
- Collective bargaining for employees enrolled as students: \***SHB 2963, CH 203 (2008)**, SB 6737
- Food animal veterinarian conditional scholarship program: \***SB 6187, CH 208 (2008)**
- Governing board, modifications: SB 6390
- Local agricultural products, working conference on enhancing marketing opportunities: SB 6956
- Local borrowing authority, bonds: \***SHB 1398, CH 24 (2007)**, SB 5384
- Mobile livestock unit demonstration project, authority to develop: SB 6955
- Satellite offices: SB 6296
- Sugar beets for production of biofuel, study: SB 6056
- Technology opportunity program, administration: SB 6775

**WASTEWATER**

- Public works performance-based contracting conservation of water, wastewater, or solid waste: SB 5481
- Reclaimed water, nonpotable and potable uses: SB 6117

**WATER (See also PUBLIC WATER SUPPLY SYSTEMS)**

- Aquatic invasive species control and enforcement: SB 5923
- Aquifer conservation zones: \***SHB 1135, CH 159 (2007)**
- Ballast water, program to address nonballast water ship vectors as a source of nonindigenous species: SB 5748
- Ballast water, standards and exemptions for discharge: SB 5923
- Barley straw, application to state waters for clarification purposes: \***SB 5113, CH 30 (2007)**
- Districts, grants for renewable fuel conversions: SB 6914
- Flood damage, mitigation: \***SHB 2525, CH 272 (2008)**
- Flood waters on roadways, liability of persons rescued: SB 6405
- Groundwater monitoring and assessments, department of ecology: SB 6593
- Nonindigenous species, data collection and program: SB 5748
- Public works performance-based contracting conservation of water, wastewater, or solid waste: SB 5481
- Small scale prospecting and mining: SB 6343
- Solar hot water components, tax exemptions: ESHB 1211
- Upper Chehalis subbasin flood mitigation plan, work group: SB 6882
- Water resource inventory area 14 divided into 14a and 14b: SHB 1295, \***SB 6204, CH 210 (2008)**
- Water resource inventory area 29 divided into 29a and 29b: SB 5074
- Water-efficient products, programs: SB 6810
- Watershed management partnerships, powers of forming governments: ESHB 1561, SB 5617, SB 6615
- Watersheds, salmon and watershed planning integration work group: SB 5567

**WATER COMPANIES (See also PUBLIC WATER SUPPLY SYSTEMS)**

- Building permit moratoriums for cities with unprocessed permit applications, phase out: SB 5073
- Reclaimed water, nonpotable and potable uses: SB 6117
- Small water supply systems, tax exemptions for services: SB 5232
- Water power license fees: SB 5881

**WATER POLLUTION (See also STORM WATER MANAGEMENT AND CONTROL)**

- Barley straw, application to state waters for clarification purposes: \***SB 5113, CH 30 (2007)**
- Dishwashing detergent, phosphorus content: \***HB 2263, CH 193 (2008)**
- Herbicide application permit conditions for irrigation drains or wasteways: SB 6017

Oil spill prevention and response, compensation and penalties: **\*SB 5552, CH 347 (2007)**  
Violations, settlement agreements in lieu of appeal: SHB 2107

### **WATER QUALITY**

Aquatic invasive species control and enforcement: SB 5923  
Ballast water, program to address nonballast water ship vectors as a source of nonindigenous species: SB 5748  
Ballast water, standards and exemptions for discharge: SB 5923  
Capital account, water quality: **\*HB 1137, CH 233 (2007)**, SB 5110  
Lake water, reducing phosphorus from lawn fertilizers: SB 6228  
Nonindigenous species, data collection and program: SB 5748  
Puget Sound cleanup, funding provisions: SB 5286  
Puget Sound partnership, action agenda to achieve clean-up and restoration goals: E2SHB 1374, SB 5372  
Puget Sound, marine managed areas plan: SB 6307  
Puget Sound, marine resources committees: **\*SHB 2049, CH 344 (2007)**  
Water quality projects, local sales and use tax: SB 6203

### **WATER RIGHTS**

Aquatic rehabilitation zones, protection of Hood Canal by removing nitrates and phosphates: 2SHB 3227  
Building permit moratoriums for cities with unprocessed permit applications, phase out: SB 5073  
Columbia river, additional releases of water from Lake Roosevelt: SB 6874  
Groundwater, withdrawal for fire prevention purposes: SB 6198  
Lake water, reducing phosphorus from lawn fertilizers: SB 6228  
Marine habitat mitigation banks, pilot program: SB 6691  
Point of diversion, changes regarding the Columbia and Snake rivers: ESHB 1453, SB 5519  
Reclaimed water, nonpotable and potable uses: SB 6117  
Relinquishment, clarification regarding when a right is relinquished: SB 5877  
Relinquishment, partial: SB 5849, SB 6708  
Resource management, allocating water from Columbia and Lower Snake rivers for irrigation: SB 6758  
Transfers, rural community protection: SB 6348  
Water power license fees: SB 5881

### **WATER-SEWER DISTRICTS**

Annexation of city territory: SHB 1238, SB 5231  
Commissioners, compensation payment: **\*SB 6271, CH 31 (2008)**  
Commissioners, eligibility requirements: SB 5674  
Materials and work, estimated cost minimums: SB 6636  
Special purpose district commissioners, compensation: HB 2619  
Tax exemptions for services provided by small water systems: SB 5232  
Water-efficient products, application for grants: SB 6810

### **WEEDS**

Aquatic invasive species control and enforcement: SB 5923  
Vegetation management services, taxation: SB 5761, SB 5781

### **WELLS**

Geothermal resources, core holes: **\*SHB 2129, CH 338 (2007) PV**  
Residential, operator's license: SB 6126

### **WESTERN WASHINGTON UNIVERSITY**

Honorary doctoral degrees, authorization to confer: SB 6910  
Mentoring program, partnership program between higher education institutions and students in grades eight through twelve: SB 5476

### **WETLANDS**

Mitigation banks, service areas: SB 6761

### **WHISTLEBLOWERS**

State employees, protection: SB 5406, SB 6776

**WILDLIFE**

Agriculture, farm tag for hunting deer causing crop damage: SB 5992  
 Agriculture, wildlife damage claims: SB 5673  
 Body-gripping traps, definition: SB 5722  
 Dangerous wild animals, keeping of: **\*HB 1418, CH 238 (2007)**, SB 5379  
 Dog hunting cougar pilot program: **\*ESHB 2438, CH 8 (2008)**  
 Exotic animals, regulations for keeping: SB 6132  
 Hound hunting cougar season pilot program: **\*ESHB 1756, CH 178 (2007)**  
 Inspections and sampling of fish and wildlife, authority of fish and wildlife employees to inspect vessels and facilities:  
   **\*SHB 1646, CH 337 (2007)**, SB 5131  
 Livestock damage claims, commercial livestock valuation and appeals committee: 2ESHB 1147, SB 6592  
 Livestock predator control, matching funds for protection of calves from coyotes: SB 6007  
 Open space property tax program, wildlife habitat: SB 5810  
 Orca whales, protection from vessel impact: **\*2SHB 2514, CH 225 (2008)**, SB 6395  
 Orcas, interagency recovery team for southern resident whales: SB 5488  
 Ornithologist, state: SB 5015  
 Pacific chorus frog designated as state amphibian: **\*HB 1069, CH 224 (2007)**  
 Rehabilitation advisory committee: SHB 2452  
 Rehabilitation program: SB 5188  
 Rescue coalition, abolished: SB 5124  
 State wildlife account: HB 1229, HB 2799, SB 6136  
 Watchable wildlife: SB 6230  
 Yukon to Yellowstone conservation initiative: SB 5318

**WILLS (See also ESTATES; PROBATE)**

Division of lands created by testamentary provisions or laws of descent: SB 5141  
 Estate distribution document, definition: **\*ESHB 3012, CH 161 (2008)**  
 Estate distribution documents, marketing by persons not authorized to practice law in this state: **\*ESHB 1114, CH 67 (2007)**, SB 5229  
 Uniform simultaneous death act: **\*HB 2236, CH 475 (2007)**, SB 5377

**WOMEN**

Cord blood banking, public awareness and education: **\*SHB 2431, CH 56 (2008)**, SB 6922  
 Discrimination against, treaty: SJM 8009  
 Infant-friendly employers: SB 5153  
 Materialpersons, RCW gender reference revisions: HB 1327, SB 5945  
 Suffrage day: SB 5033

**WOMEN AND MINORITY BUSINESSES**

Linked deposit program, funding: **\*ESHB 1512, CH 500 (2007)**, SB 5666

**WOOD BURNING STOVES**

Residential real property disclosure statement, requirements: HB 2894

**WORKERS' COMPENSATION**

Application for claim, notice to employers: SB 5492  
 Benefits on appeal, stays: **\*E2SHB 3139, CH 280 (2008)**, SB 6750  
 Chiropractic advisory committee: SB 5290  
 Claimants' written notices, orders, or warrants may be forwarded to designated representative: SB 5688  
 Claims, responsibility for making: SB 5308  
 Disability, adjustments to total disability compensation reductions: **\*HB 1501, CH 255 (2007)**, SB 5677  
 Disability, permanent partial : **\*SHB 1500, CH 172 (2007)**, SB 5687  
 Disability, study of total: SB 5678  
 Disability, temporary total: SB 5676  
 Disability, volunteer work for public agency: SB 6883  
 Final settlement agreements: SB 5679  
 Firefighters, cardiovascular disease and cancer: **\*ESHB 1833, CH 490 (2007) PV**, SB 5741

Geoduck harvesters, coverage: \***HB 1949, CH 324 (2007)**, \***SHB 2885, CH 70 (2008)**  
 Independent contractor status: \***ESHB 3122, CH 102 (2008)**, SB 6731  
 Intractable pain, compensation for medical or surgical treatment: SB 5928  
 Master application, information to be provided to employers upon initial filing : SB 5915  
 Medical advisory committee: SB 5290  
 Medical aid, claims for travel expenses: SB 6246  
 Minimum benefits increased: \***ESB 5675, CH 284 (2007)**  
 Nurse practitioners, authority to diagnose and treat: \***HB 1666, CH 275 (2007)**, SB 5951  
 Ombudsman for workers of industrial insurance self-insured employers, office of: SB 5053  
 Other states, coverage for work performed outside of Washington: SHB 3255, \***SB 6839, CH 88 (2008)**  
 Outcome of injured workers, study: SB 5908  
 Physician assistants, authority to execute certain certificates: \***HB 1722, CH 263 (2007)**  
 Prescription drugs, payment for initial visits: \***EHB 2105, CH 134 (2007)**  
 Reform: SB 6827  
 Suppression of claims, penalties: SB 5443  
 Surviving spouses of law enforcement officers, benefits: HB 1545  
 Travel expenses, medical aid claims: SB 6246  
 Vocational rehabilitation services, pilot program: ESHB 2073, SB 5920  
 Wages, definition: \***SHB 1244, CH 297 (2007)**, SB 5241

#### **WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

Adult youth work and learning programs, authority to research and evaluate: \***SB 6261, CH 212 (2008)**  
 Career and technical education to prepare students for assessment system, advisory committee: SB 6486  
 Director appointed ex officio nonvoting member of economic development commission: SB 5400  
 Entrepreneurial education and development, grants: SB 5368  
 Entrepreneurial training opportunities: \***SB 5613, CH 149 (2007)**  
 Green economy industries and jobs, research and analysis: \***E2SHB 2815, CH 14 (2008)**  
 High demand fields, committee on the education of students in: SB 5731  
 In-demand scholars program, administration: E2SHB 2826  
 Industry clusters, work group to support: SB 5399  
 Industry skill panels, grants: SB 5254  
 Skills-based economic growth planning program, workforce development councils: SHB 1880  
 State comprehensive plan, 2006 updates: HCR 4404, \***SCR 8404 (2007)**  
 State comprehensive plan, 2008 updates: HB 3210  
 State economic development programs, requirements for financial assistance: SB 6855  
 Training systems, definition: SB 5167  
 Workplace-based electronically distributed learning: SB 6295

#### **WRECKERS AND WRECKING YARDS**

Metal property, theft prevention and recovery measures regarding theft: ESHB 1251, SB 6098  
 Salvage vehicles, temporary permits: SB 5840

#### **YAKIMA COUNTY**

County facilities for agricultural promotion, lodging tax provisions: SB 5568

#### **ZONING (See also LAND USE PLANNING)**

House-banked card games, relocation zoning ordinances: SB 5558  
 Ordinances, motor vehicle collection and restoration: SB 6403

#### **ZOOS AND AQUARIUMS**

Zoological facilities, tax exemptions: EHB 1129, SB 5027